

**CALENDAR ITEM
C07**

A 6
S 7

02/21/14
PRC 7795.1
V. Caldwell

**AUTHORIZE ACCEPTANCE OF A QUITCLAIM DEED AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

LESSEES: Walter R. Hurlbut and Linda H. Hurlbut

APPLICANTS:

Walter R. Hurlbut and Linda H. Hurlbut, Trustees of the Hurlbut Family Revocable Trust U/V/D June 21, 2006

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 7095 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of existing bank protection previously authorized by the Commission; and use and maintenance of an existing uncovered single-berth floating boat dock with boat lift, steel dolphin, two steel pilings with steel stabilizer bar, gangway, and electrical utility outlet not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 21, 2014.

CONSIDERATION:

Uncovered Single-Berth Floating Boat Dock with Boat Lift, Steel Dolphin, and Two Steel Pilings with Steel Stabilizer Bar, Gangway, and Electrical Utility Outlet: \$288 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

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SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On October 6, 2004, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to Walter R. Hurlbut and Linda H. Hurlbut, for an uncovered floating boat dock with galvanized cables and deadman, stairway, gangway, and bank protection. The lease will expire on August 31, 2014. On July 11, 2006, the upland was deeded to Walter R. Hurlbut and Linda H. Hurlbut, Trustees of the Hurlbut Family Revocable Trust U/V/D June 21, 2006. The Hurlbuts have executed a lease quitclaim deed and are now applying for a new a General Lease – Recreational and Protective Structure Use.
3. In 2006, the Applicants constructed a new uncovered single-berth floating boat dock with boat lift, steel dolphin, two steel pilings with steel stabilizer bar, gangway, and electrical utility outlet without Commission approval. The Applicants are in the process of obtaining after-the-fact permits from the U.S. Army Corps of Engineers and Central Valley Flood Protection Board. Staff recommends the acceptance of the quitclaim deed and issuance of a new lease.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. **Acceptance of Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of a New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1 Existing

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Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of Quitclaim Deed: Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of a New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

CALENDAR ITEM NO. **C07** (CONT'D)

AUTHORIZATION:

1. Authorize acceptance of a lease quitclaim deed for Lease No. PRC 7795.9, a General Lease – Recreational and Protective Structure Use issued to Walter R. Hurlbut and Linda H. Hurlbut, effective February 20, 2014.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Walter R. Hurlbut and Linda H. Hurlbut, Trustees of the Hurlbut Family Revocable Trust U/V/D June 21, 2006, beginning February 21, 2014, for a term of 10 years, for the continued use and maintenance of existing bank protection previously authorized by the Commission, and use and maintenance of an existing uncovered single-berth floating boat dock with boat lift, steel dolphin, two steel pilings with steel stabilizer bar, gangway, and electrical utility outlet not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the existing uncovered single-berth floating boat dock with boat lift, steel dolphin, two steel pilings with steel stabilizer bar, gangway, and electrical utility outlet: \$288 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7795.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 924, patented August 24, 1870, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered single-berth floating boat dock with boat lift, gangway, steel dolphin, two steel pilings with steel stabilizer bar and electric utility outlet lying adjacent to that parcel described in Grant Deed, recorded July 11, 2006 in Book 20060711 at Page 0964 in Official Records of said County.

TOGETHER WITH a 9 foot impact area.

ALSO TOGETHER WITH that land lying immediately beneath any Bank Protection Structure adjacent to that parcel described in said Deed.

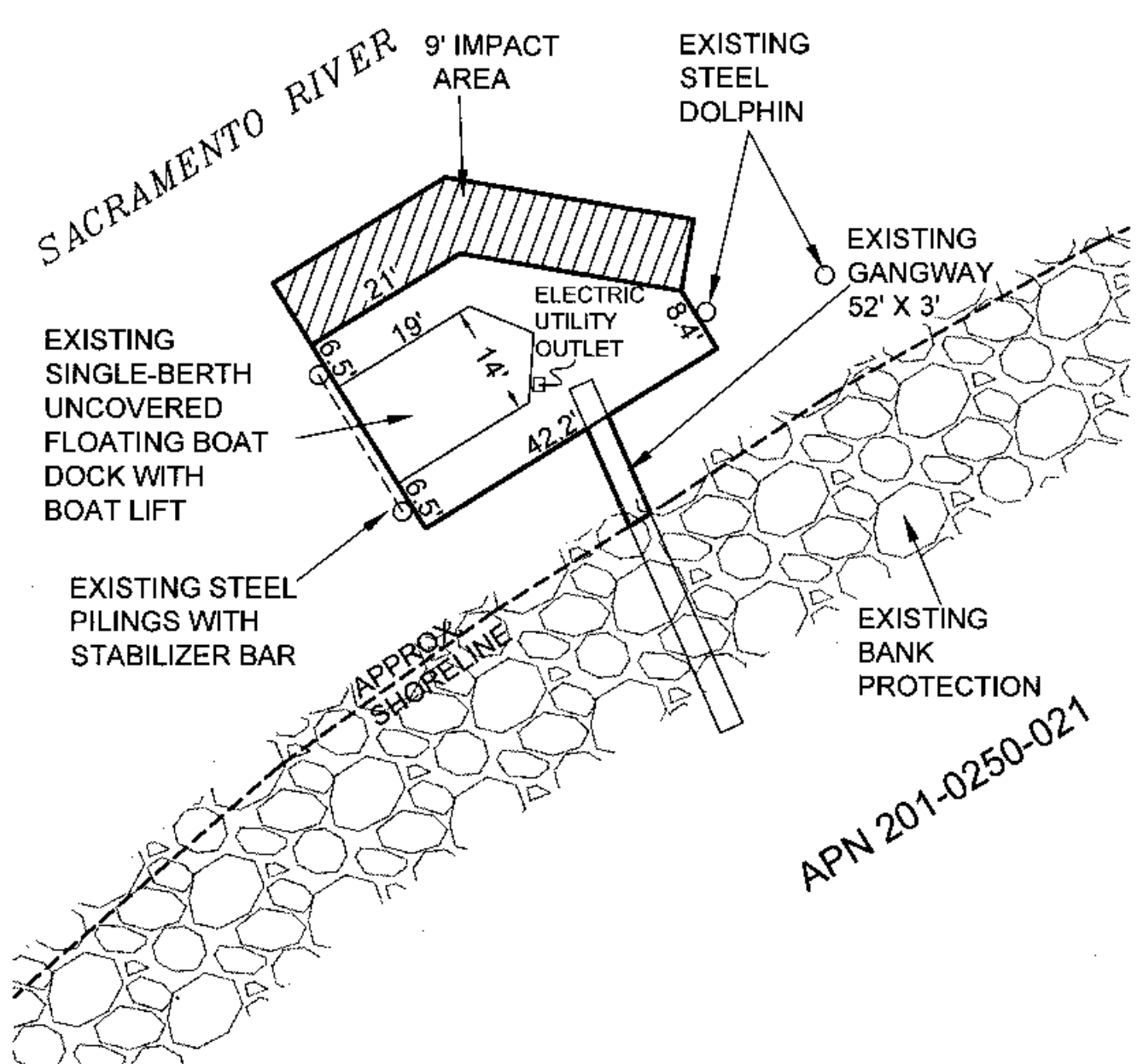
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/15/2014 by the California State Lands Commission Boundary Unit





APN 201-0250-021

EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 7795.1, HURLBUT TRUSTEES
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

SACRAMENTO RIVER

9' IMPACT AREA

EXISTING STEEL DOLPHIN

EXISTING GANGWAY 52' X 3'

EXISTING SINGLE-BERTH UNCOVERED FLOATING BOAT DOCK WITH BOAT LIFT

ELECTRIC UTILITY OUTLET

EXISTING STEEL PILINGS WITH STABILIZER BAR

EXISTING BANK PROTECTION

APPROX SHORELINE

APN 201-0250-021

7095 GARDEN HIGHWAY, NEAR SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7795.1
 HURLBUT
 APN 201-0250-021
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.