

**CALENDAR ITEM
C14**

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04/23/14
PRC 8732.1
N. Lavoie

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEES:

Paul A. Coad and Gerica L. Coad

APPLICANT:

Daniel Baker

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 6735 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, gangway, three pilings, and bank protection previously authorized by the Commission, and use and maintenance of an existing boat lift not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 12, 2012.

CONSIDERATION:

Uncovered Floating Boat Dock with Boat Lift, Gangway, and Three Pilings: \$180 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.

SPECIFIC LEASE PROVISIONS:

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

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OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 14, 2006, the Commission authorized a General Lease - Recreational and Protective Structure Use with Paul A. Coad and Gerica L. Coad. The Commission authorized an amendment of the lease on March 25, 2008, to revise the rent and replace the Site Map with a new Site and Location Map. That lease will expire on December 13, 2016.
3. On December 12, 2012, the upland was deeded to Daniel Baker. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use. Because staff has been unable to locate the Lessees to execute a quitclaim deed, staff recommends termination of the existing lease and issuance of a new lease to the Applicant.
4. The boat lift has existed for many years but was not previously authorized by the Commission. Staff recommends bringing the boat lift under lease.
5. **Lease Termination:** The staff recommends the Commission find that the subject lease termination 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 Lease:** The staff recommends that the Commission find that the subject lease issuance is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing 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

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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:

Lease Termination: Find that the subject lease termination 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 Lease: Find that the subject lease issuance 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.

AUTHORIZATION:

1. Authorize termination, effective December 11, 2012, of Lease No. PRC 8732.9, a General Lease – Recreational and Protective Structure Use, issued to Paul A. Coad and Gerica L. Coad.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Daniel Baker, beginning December 12, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, gangway, three pilings, and bank protection previously authorized by the Commission, and use and maintenance of an existing boat lift 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

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the uncovered floating boat dock with boat lift, gangway, and three pilings: \$180 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 8732.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 922, patented July 16, 1898, Sacramento County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing uncovered floating boat dock with boat lift, gangway, and three (3) steel pilings lying adjacent to that parcel as described in that Grant Deed recorded December 12, 2012 in Book 20121212, Page 1684 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

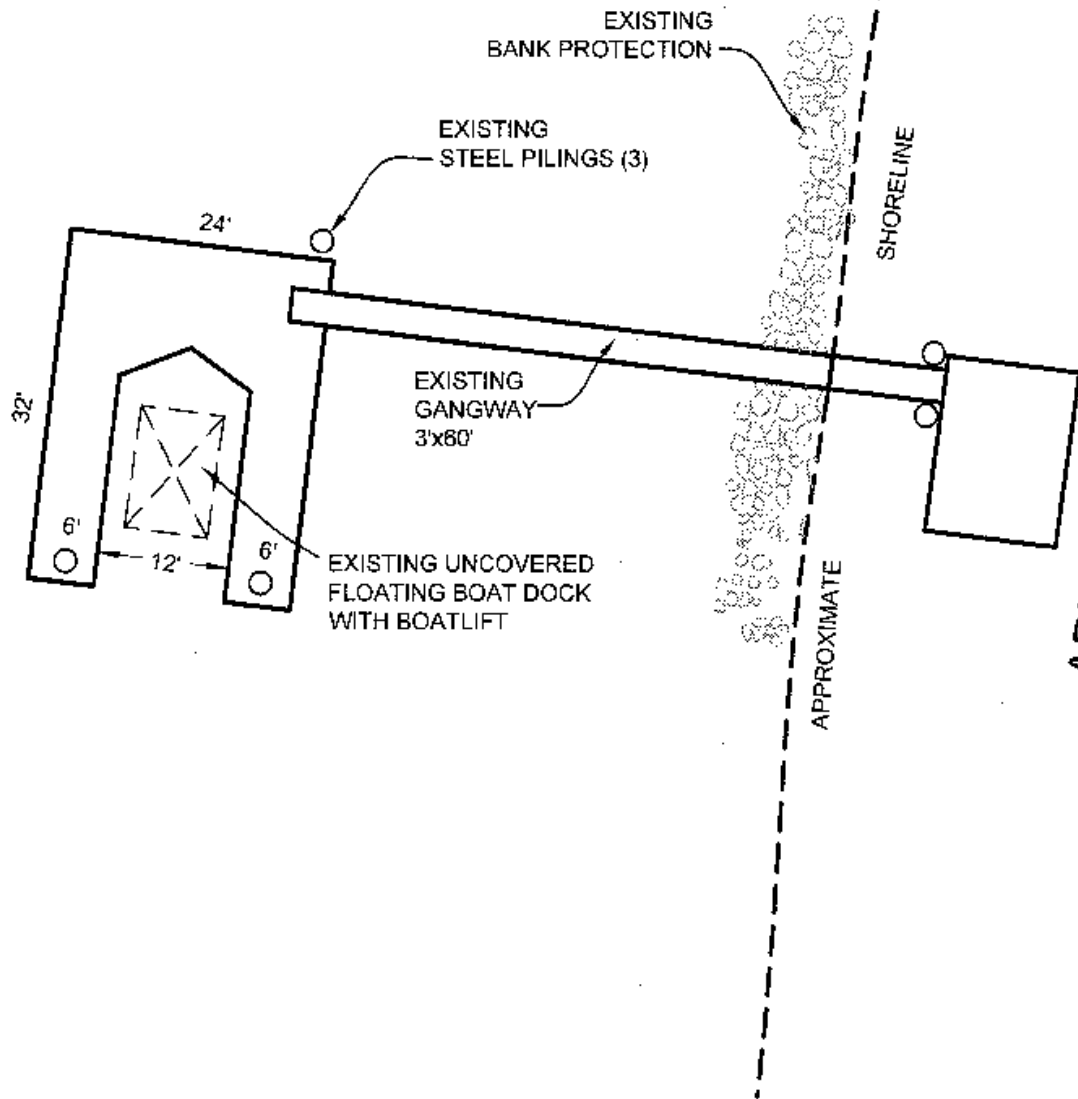
END OF DESCRIPTION

Prepared February 11, 2014 by the California State Lands Commission Boundary Unit.





Flow
Sacramento River



APN 201-0270-044

EXHIBIT A

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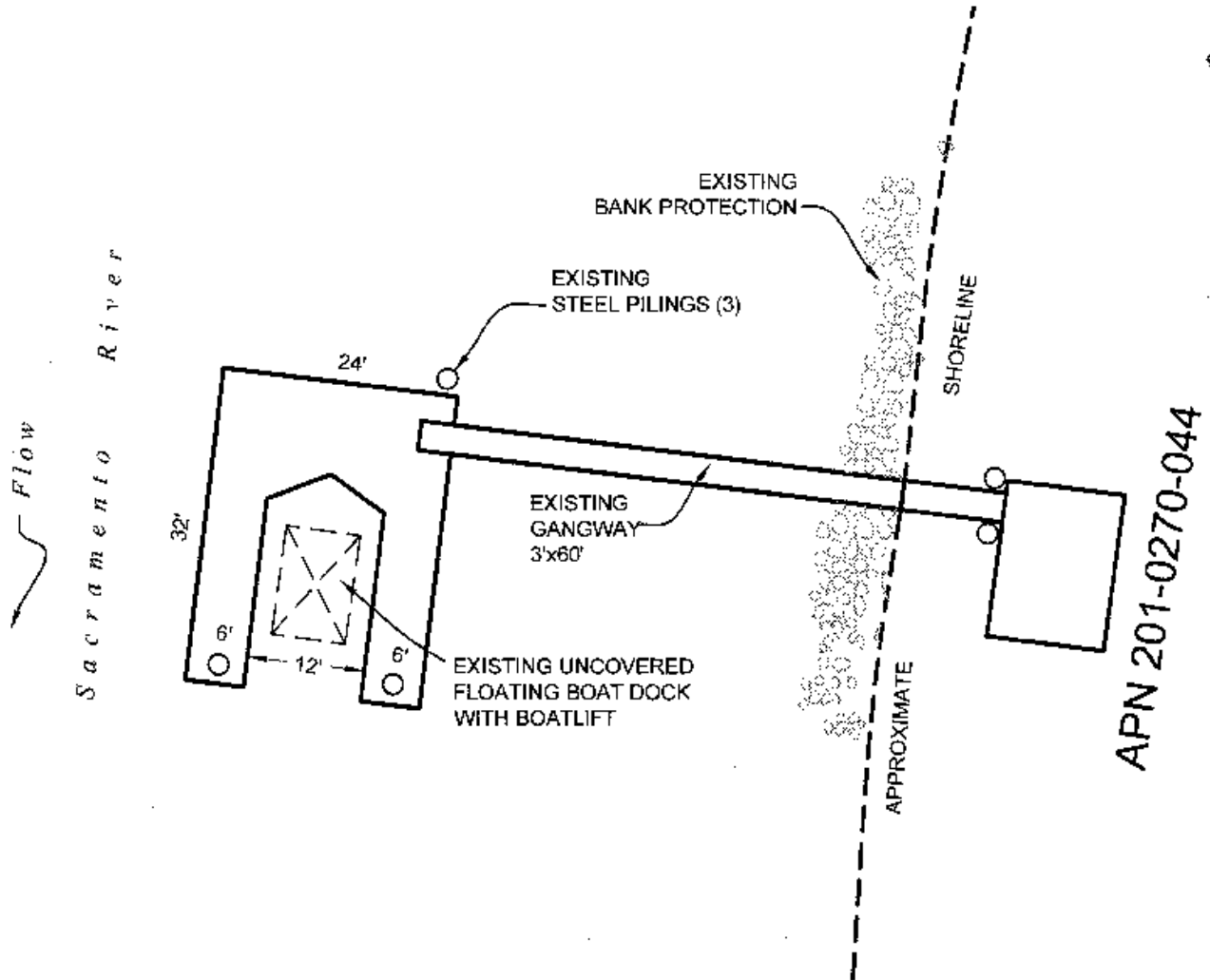
LAND DESCRIPTION PLAT
PRC 8732.1, BAKER
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



6735 GARDEN HWY., NEAR SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 8732.1

BAKER

APN 201-0270-044

GENERAL LEASE -

RECREATIONAL &

PROTECTIVE STRUCTURE USE

SACRAMENTO COUNTY



MEJ 02/11/14