

**CALENDAR ITEM  
C21**

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04/23/14

S 3

PRC 5349.1

J. Sampson

**GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Barry Agri\Tech

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Georgiana Slough, adjacent to 14260 River Road, Walnut Grove, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing covered double-berth floating boat dock, gangway, three pilings, and bank protection.

**LEASE TERM:**

10 years, beginning March 23, 2014.

**CONSIDERATION:**

Double-berth floating boat dock, gangway, and three pilings: \$189 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: 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.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On August 8, 2005, the Commission authorized a General Lease – Recreational and Protective Structure Use to Barry Agri\Tech, Inc. for the expansion of a single-berth boat dock to a double-berth boat dock and continued use of an existing gangway, pilings, and bank protection. That

CALENDAR ITEM NO. **C21** (CONT'D)

lease expired March 22, 2014. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.

3. The bank protection mutually benefits both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

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).

CALENDAR ITEM NO. **C21** (CONT'D)

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Barry Agri\Tech beginning March 23, 2014, for a term of 10 years, for the continued use and maintenance of an existing covered double-berth floating boat dock, gangway, three pilings, and bank protection 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 double-berth floating boat dock, gangway, and three pilings: annual rent in the amount of \$189, 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 5349.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land in the bed of the Georgiana Slough lying adjacent to, fractional Section 35, Township 5 North, Range 4 East, MDB Sacramento County, State of California, more particularly described as follows:

**PARCEL 1 – DOCK**

All those lands underlying an existing floating double-berth boat dock, gangway, and three (3) pilings, lying adjacent to that parcel as described in that Grant Deed recorded May 25, 2004, in Book 20040525, Page 1666 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**

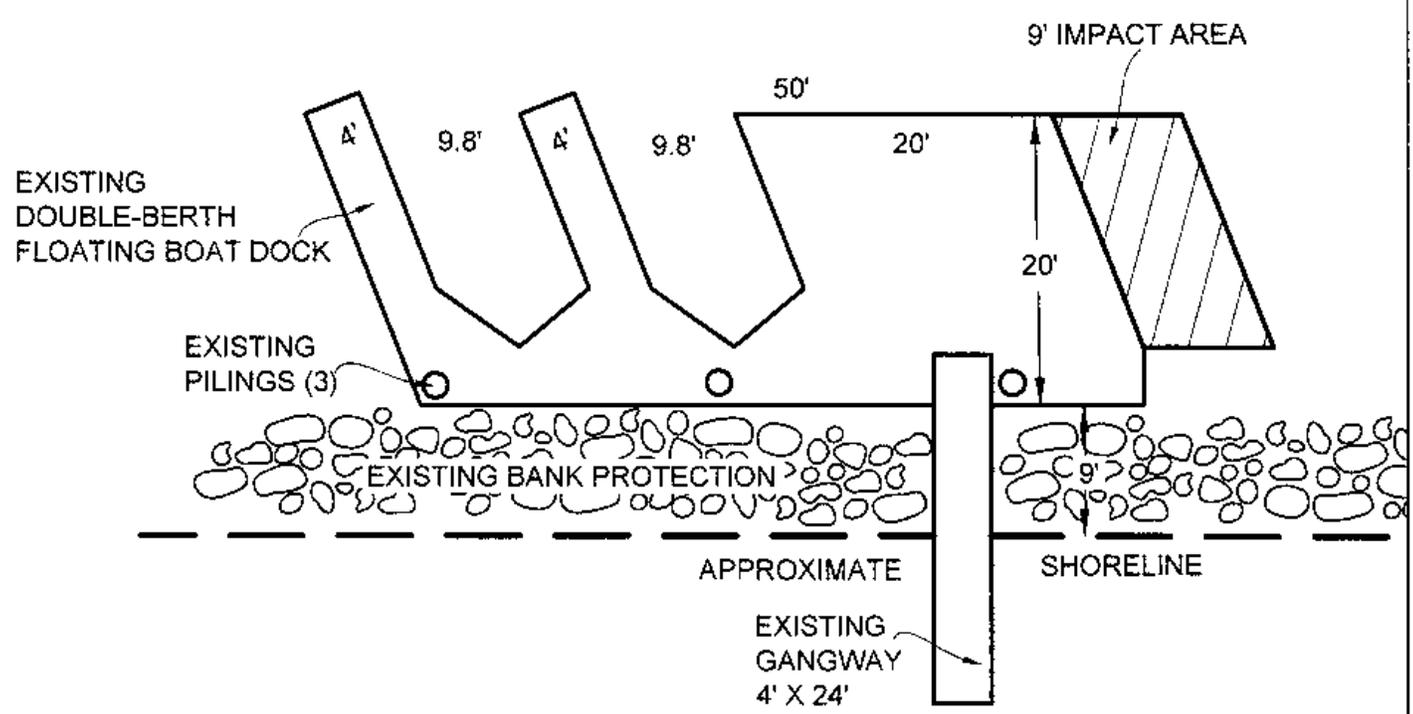
Prepared February 4, 2014 by the California State Lands Commission Boundary Unit.





← flow

Georgiana Slough



# EXHIBIT A

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MJJ 02/04/14

LAND DESCRIPTION PLAT  
 PRC 5349.1, BARRY AGRI-TECH, INC.  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION

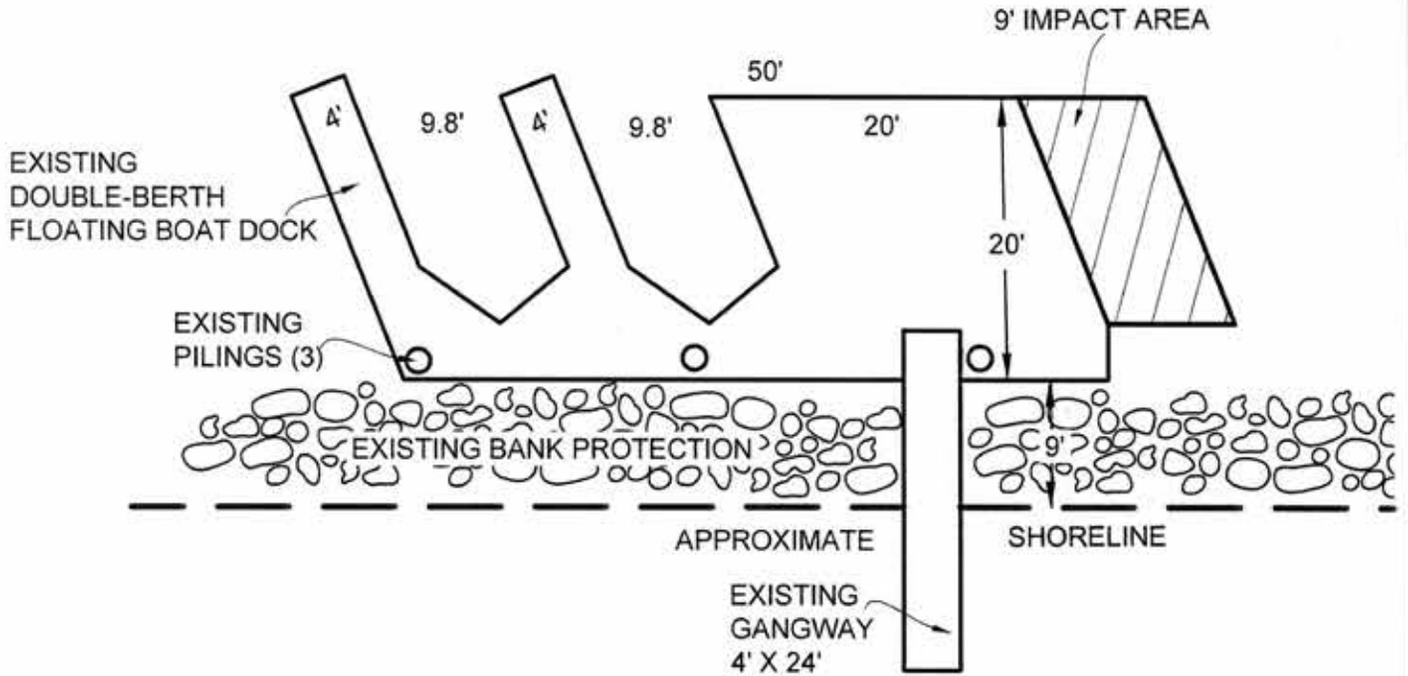


NO SCALE

# SITE

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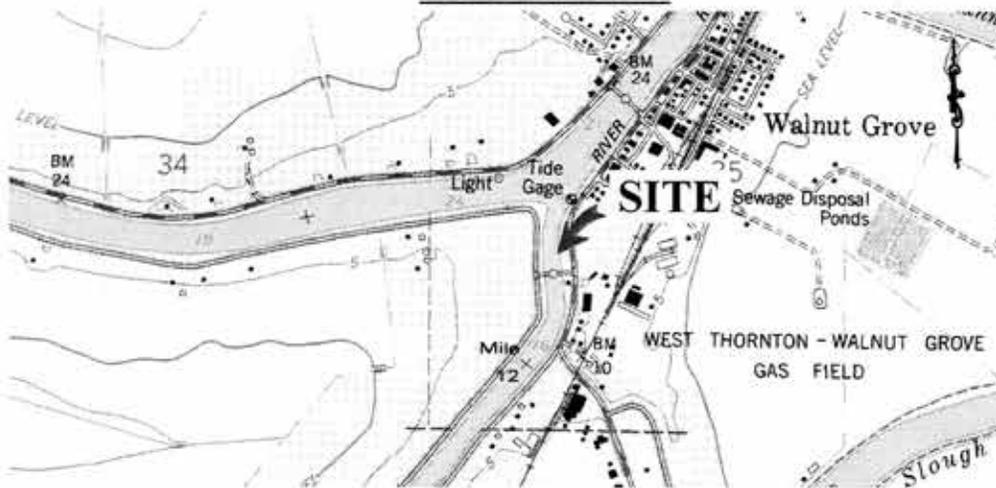
Georgiana Slough



14260 RIVER ROAD, NEAR WALNUT GROVE

NO SCALE

# LOCATION



# Exhibit B

PRC 5349.1  
 BARRY AGRI-TECH, INC.  
 APN 146-0180-067  
 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.