

**CALENDAR ITEM  
C09**

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06/19/14

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PRC 3289.1

V. Caldwell

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Marion M. R. Brooding, as Trustee of the Marion M.R. Brooding 1994 Living Trust, and Larry D. Brooding

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

Sovereign land located in Georgiana Slough, adjacent to 17241 Terminous Road, near the city of Isleton, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating dock with cabin, L-shaped dock, eight wood pilings, and gangway previously authorized by the Commission, and use and maintenance of an existing portable float, electrical and water utility outlets, slide, diving board, and boat lift not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning June 19, 2014.

**CONSIDERATION:**

\$1,309 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Special provisions pertaining to the removal of the Cabin no later than the end of the lease or upon prior termination or transfer of the lease.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.

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2. The uncovered floating boat dock, cabin, pilings and gangway have existed at this location since the 1960s and have been previously authorized by the Commission.
3. In the 1970s, the prior owner installed the slide and diving board and, in 1990, the Applicants installed a boat lift, electrical and water utility outlets, and a portable float without Commission approval. Because these facilities are not inconsistent with the Public Trust, staff recommends including these facilities as authorized improvements under the lease.
4. On March 27, 1990, the Commission authorized a Recreational Permit to Marion Brooding for the addition of the L-shaped dock. That permit expired on March 26, 2000. On January 31, 2002, 50 percent ownership of the upland was transferred to Larry D. Brooding and 50 percent to Marion Brooding. On April 23, 2012, Marion Brooding transferred her interest to Marion M. R. Brooding, as Trustee of the Marion M.R. Brooding 1994 Living Trust. The Applicants are now applying for a General Lease – Recreational Use.
5. The Commission authorized the State Reclamation Board to place and maintain bank protection at this location under Lease No. PRC 7203.9.
6. 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.

7. 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

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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).

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to Marion M. R. Brooding, as Trustee of the Marion M.R. Brooding 1994 Living Trust, and Larry D. Brooding beginning June 19, 2014, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating dock with cabin, L-shaped dock, eight wood pilings, and gangway previously authorized by the Commission, and use and maintenance of an existing portable float, electrical and water utility outlets, slide, diving board, and 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; annual rent in the amount of \$1,309, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 3289.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of Georgiana Slough, lying adjacent to Swamp and Overflowed Survey 849 patented April 12, 1873 County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating dock, "L-shaped" dock, gangway, float, landing, boat lift, and recreational cabin lying adjacent to the west bank of said slough and being adjacent to Parcels 1, 2, and 3, as described in "Exhibit A" of Grant Deed recorded in Book 20120423 Page 1389 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

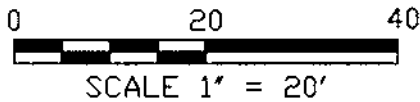
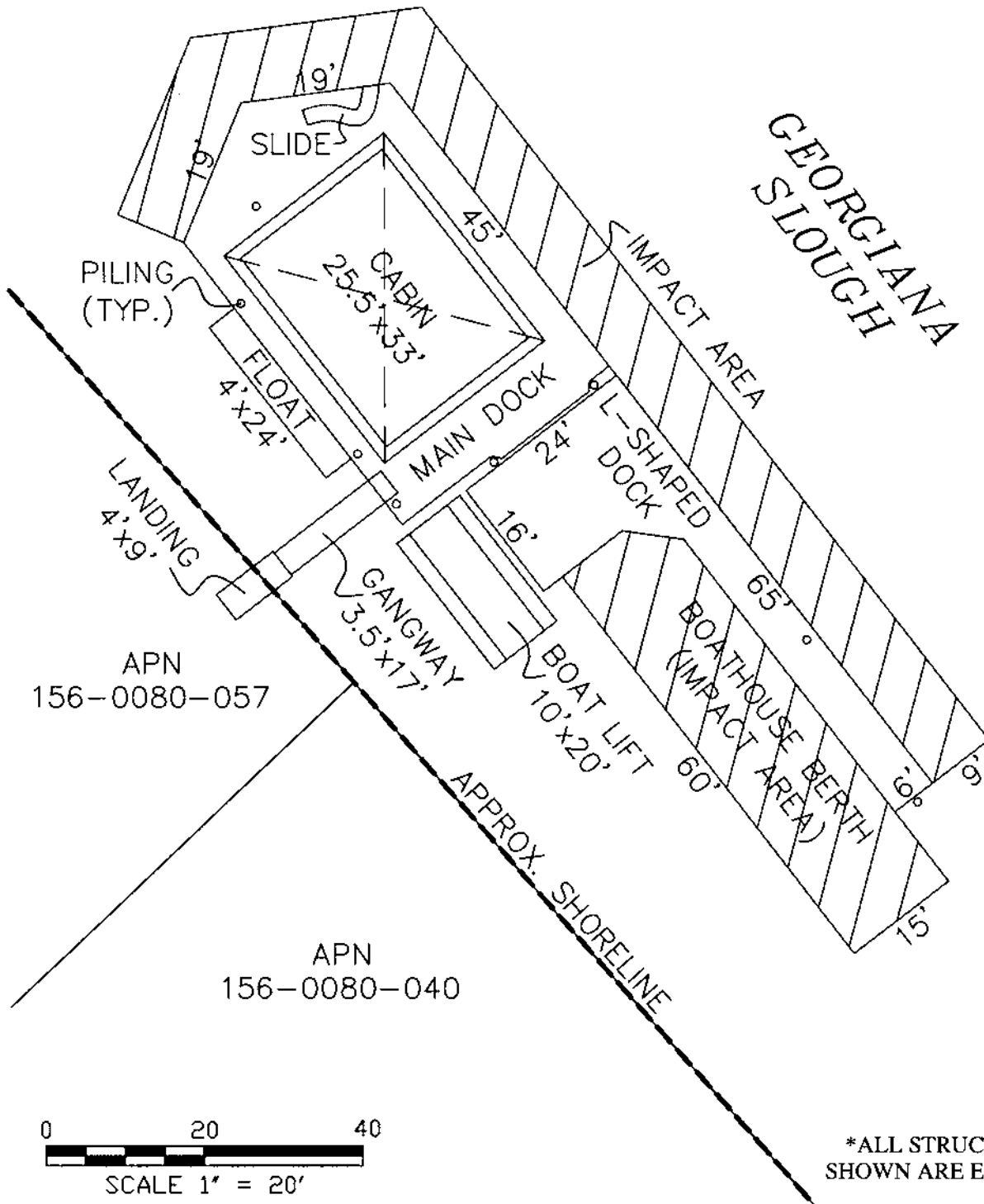
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the west bank of said slough.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

PREPARED 4/08/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





\*ALL STRUCTURES SHOWN ARE EXISTING

### EXHIBIT A

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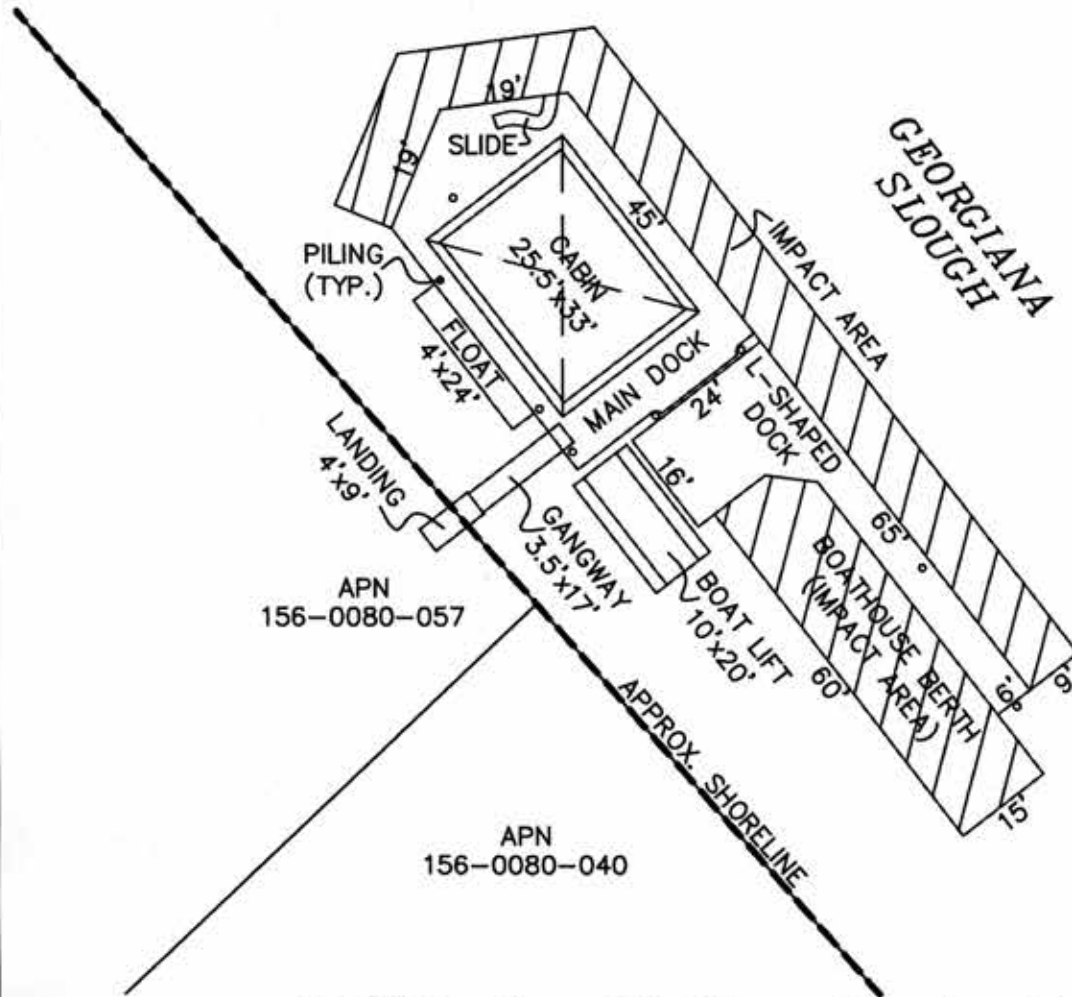
LAND DESCRIPTION PLAT  
PRC 3289.1 - BROODING  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE



\*ALL STRUCTURES SHOWN ARE EXISTING

17241 Terminous Rd. , Isleton - Georgiana Slough

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 3289.1

BROODING

APN 158-0080-040, 057

GENERAL LEASE -

RECREATIONAL USE

SACRAMENTO COUNTY



MJF 04/08/14

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.