

**CALENDAR ITEM
C10**

A 11

06/19/14
PRC 7912.1
V. Caldwell

S 3

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Michel Smanio and Teresa Smanio

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Sutter Slough, adjacent to 12080 Sutter Island Road, near Courtland, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, four pilings, gangway, and deck previously authorized by the Commission; and use and maintenance of an existing partially-covered deck with balustrade, hoist, gangway, electrical utility outlet, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 19, 2014.

CONSIDERATION:

Floating Boat Dock, Four Pilings, Two Gangways, Partially-Covered Deck with Balustrade, Hoist, 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.

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.

CALENDAR ITEM NO. C10 (CONT'D)

2. On October 28, 1996, the Commission authorized a 10-year Recreational Pier Lease to Randall L. Chadock for a floating boat dock, gangway, and hoist. That lease expired on June 30, 2006. On May 9, 1997, ownership of the upland transferred to Michel Smanio and Teresa Smanio. Applicants are now applying for a General Lease – Recreational and Protective Structure Use.
3. The partially-covered deck with balustrade, hoist, electrical utility outlet, and bank protection has existed at the site since before the Applicants purchased the property. In early 2000, an additional gangway was constructed for access to the old “Chart Room” barge, which has since been relocated. Staff recommends including these facilities in the proposed lease.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of Sutter Slough will have additional protection from wave action provided at no cost to the public.
5. 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.
6. 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

CALENDAR ITEM NO. **C10** (CONT'D)

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).

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:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Michel Smanio and Teresa Smanio beginning June 19, 2014, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, four pilings, gangway, and deck previously authorized by the Commission; and use and maintenance of an existing partially covered deck with balustrade, hoist, gangway, electrical utility outlet, and bank protection 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 floating boat dock, uncovered and covered deck with balustrade and hoist, four pilings, two gangways, 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 7912.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of Sutter Slough lying adjacent to Yolo County Swamp and Overflow Survey 385, patented November 13, 1866, Sacramento County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing covered deck, uncovered floating boat dock, two (2) gangways, one (1) hoist and four (4) pilings, lying adjacent to that parcel as described in that Grant Deed recorded May 9, 1997, Document Number 199705090092 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 lying adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of Sutter Slough.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared May 9, 2014 by the California State Lands Commission Boundary Unit.



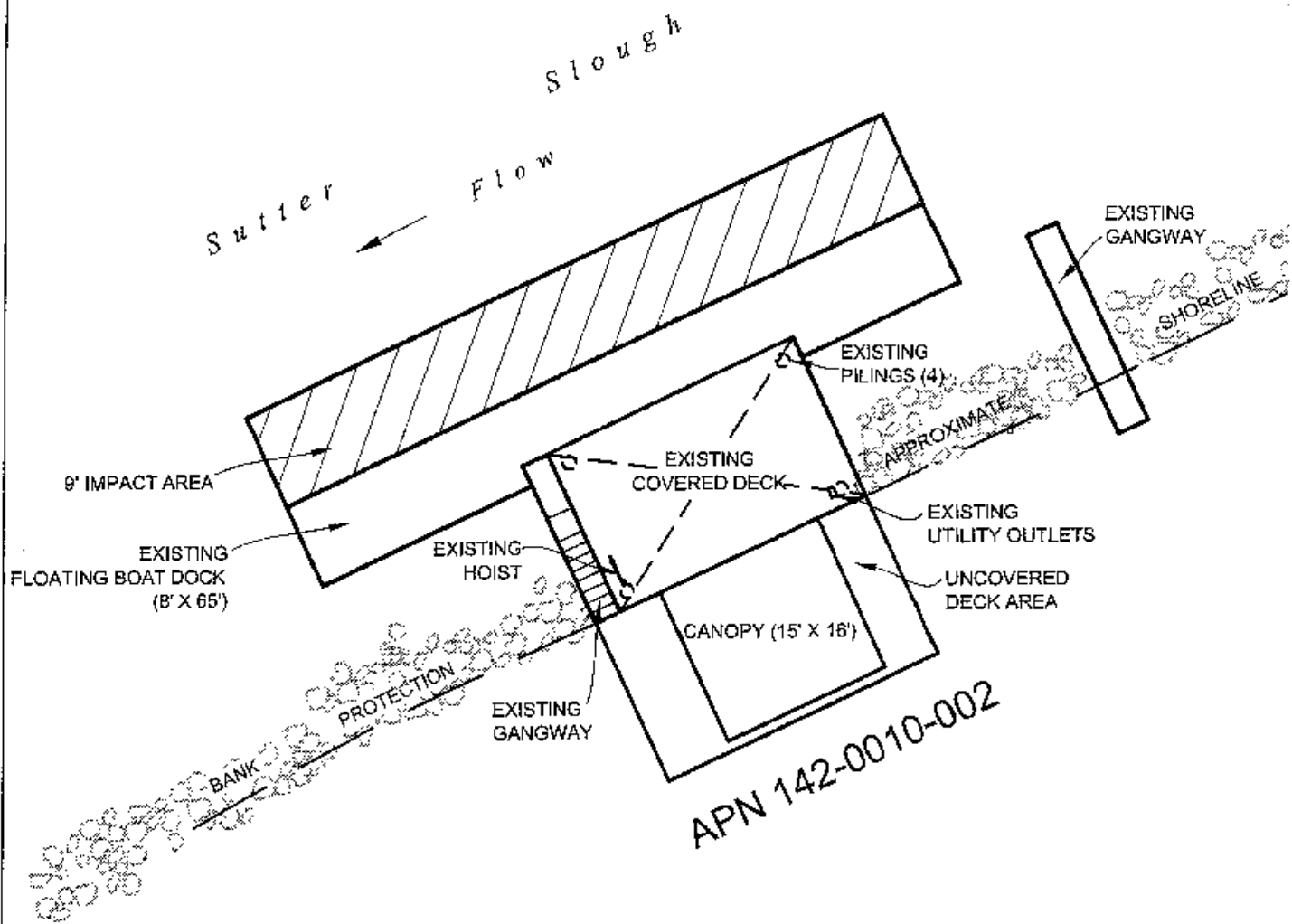


EXHIBIT A

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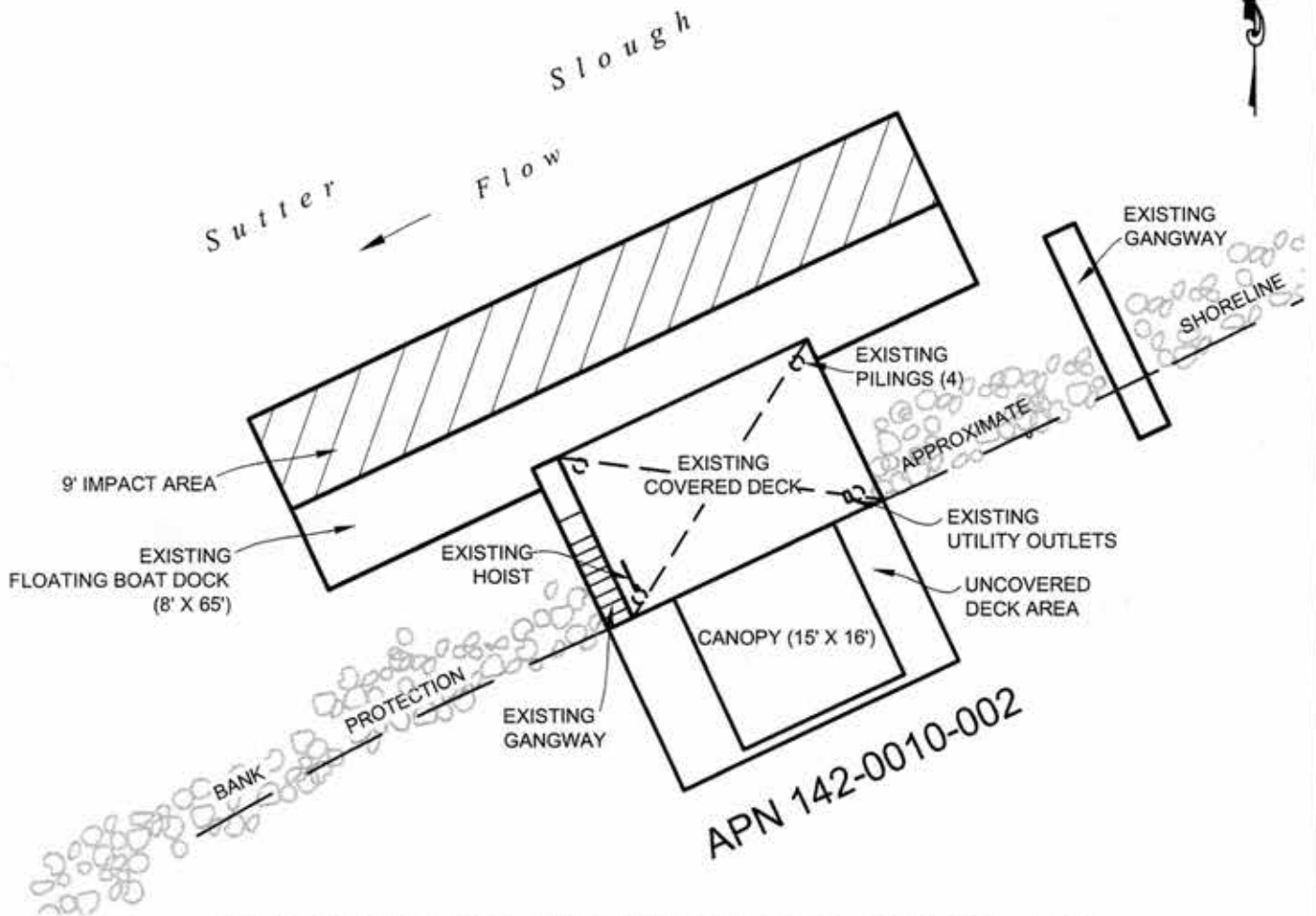
LAND DESCRIPTION PLAT
PRC 7912.1, SMANIO
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

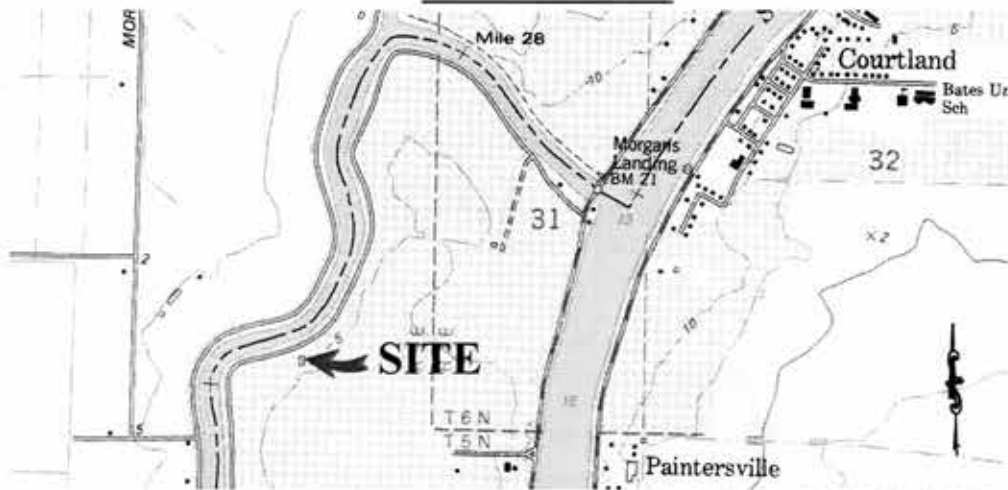
SITE



12080 SUTTER ISLAND ROAD, NEAR COURTLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7912.1
 SMANIO
 APN 142-0010-002
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SACRAMENTO COUNTY



MJJ 04/15/2014

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.