MINUTE ITEM
This Calendar Item No. C05
was approved as Minute Item
No. 05 by the State Lands
Commission by a vote of 3
to Ø at its 11/7/97
meeting.

CALENDAR ITEM
C05

A 2

S 4

PRC7184

11/07/97
WP 7184.9
L. Burks

LEASE RENEWAL

LESSEE:

Stephen L. Simard
10275 Garden Highway
Sacramento, California 95837

AREA, LAND TYPE, AND LOCATION:

0.18 acres, more or less, of tide and submerged lands in the Sacramento River (APN 35-352-004), near the town of Nicolaus, Sutter County.

AUTHORIZED USE:

6 foot x 60 foot floating dock with ramp; approximately 200 cubic yards of quarry rock placed for bank protection.

PREVIOUS LEASE TERM(S):

Ten years, beginning August 2, 1987.

PROPOSED LEASE TERM:

Ten years, beginning August 2, 1997.

CONSIDERATION:

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; Recreational Pier - no monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than $500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. On April 12, 1988, the Commission issued to Stephen Simard a General Lease - Recreational and Protective Structure Use (PRC 7184.1) for operation of a floating dock, bank protection and two speed buoys in consideration of $132 per year for the two speed buoys. On May 5, 1992, the Commission approved a rent adjustment to $150 per year for the two speed buoys. On January 1, 1992, due to high waters, the two speed buoys were removed and have not been replaced; therefore eliminating the basis for charging rent. During the period of August 2, 1992, through August 1, 1997, there was one payment in the amount of $150 that was received for the period of August 2, 1995 through August 1, 1996.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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. Site Plan
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a) (2).

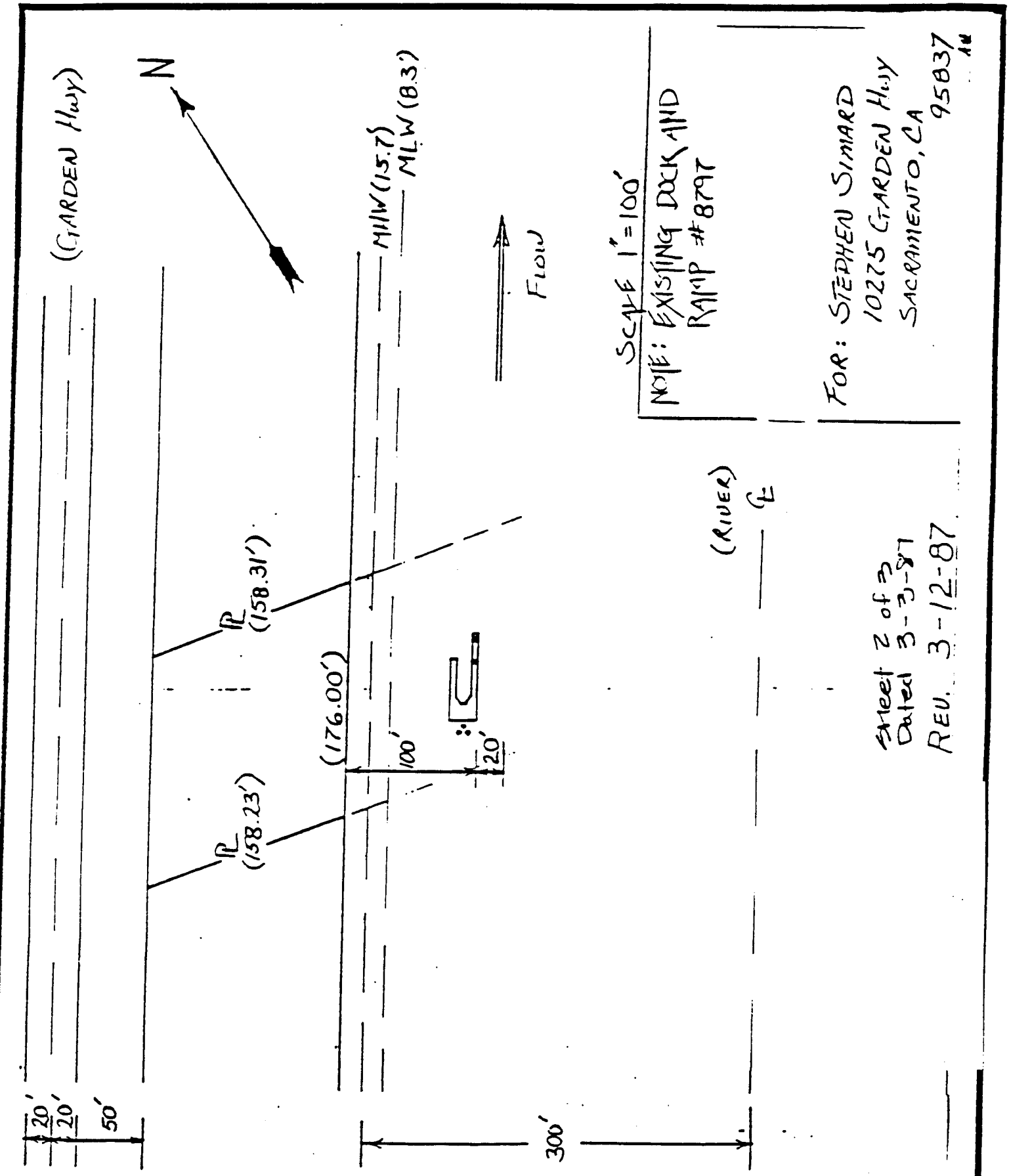
SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE ISSUANCE TO STEPHEN L. SIMARD OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 2, 1997, FOR A TERM OF TEN YEARS, FOR OPERATION OF A FLOATING DOCK, RAMP AND BANK PROTECTION ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; 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; RECREATIONAL PIER - NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES SECTION 6503.5; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $500,000.

2. AUTHORIZE ACCEPTANCE OF THE ONE PAYMENT OF $150 RECEIVED FOR THE PERIOD AUGUST 2, 1995, THROUGH AUGUST 1, 1996, AS TOTAL PAYMENT OF RENT DUE FOR THE PERIOD OF AUGUST 2, 1992, THROUGH AUGUST 1, 1997, BECAUSE THE TWO SPEED BUOYS HAVE BEEN REMOVED FROM THE LEASE PREMISES.



This exhibit is solely for purposes of generally defining the lease premises, 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.

CALENDAR PAGE	Exhibit A 20
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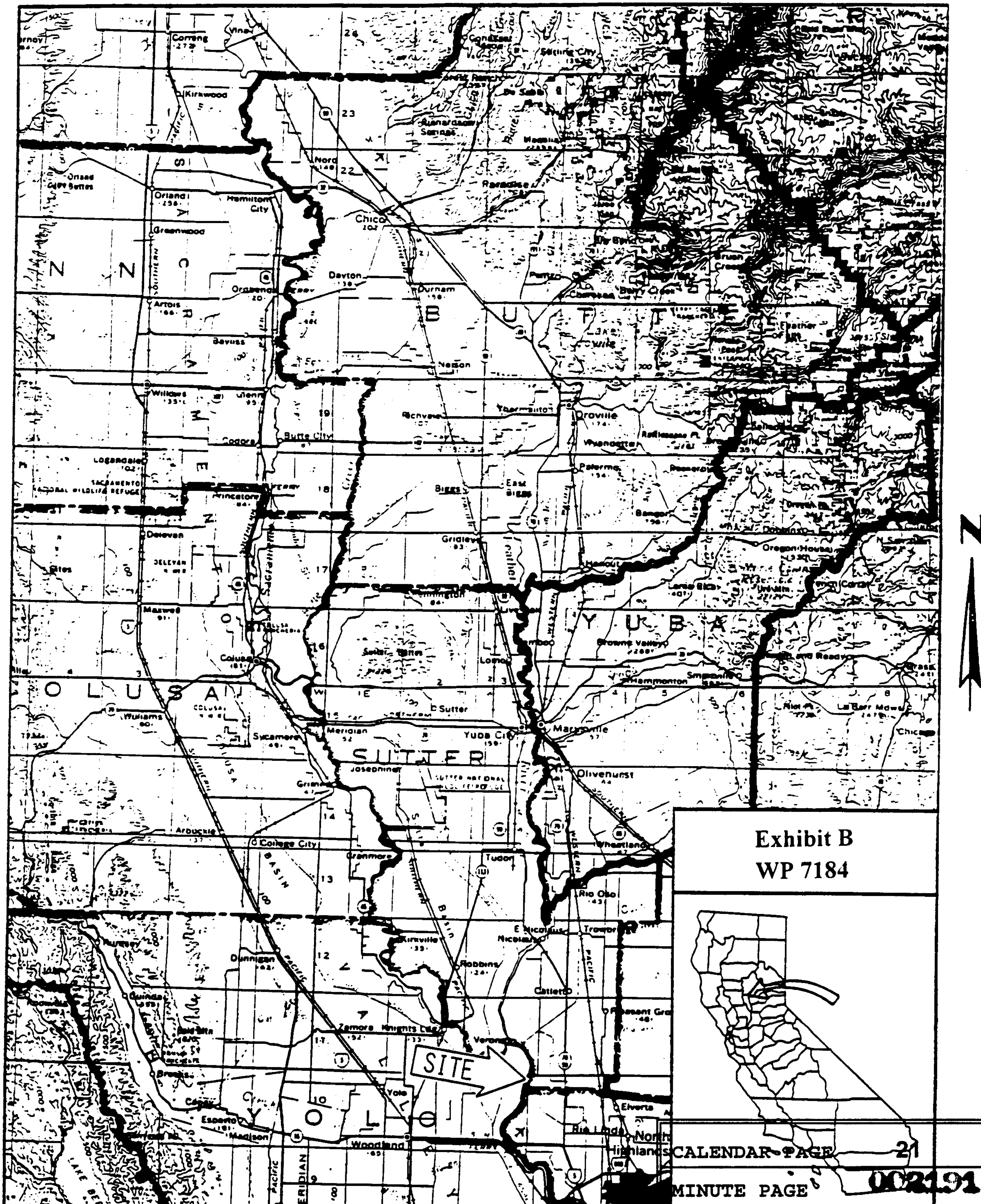

Exhibit B
WP 7184

CALENDAR PAGE 21

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