MINUTE ITEM
This Calendar Item No. C03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 3 to Ø at its 4-9-02 meeting.

CALENDAR ITEM
C03

A 8

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04/09/02
PRC 8229.1
L. Burks

AMENDMENT OF LEASE

LESSEE:

Willow Berm Nexgen, LLC
169 Brannan Island Road
Isleton, California 95641

AREA, LAND TYPE, AND LOCATION:

20.97 acres, more or less, of tide and submerged lands in the Mokelumne River, Andrus Island, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing marina.

LEASE TERM:

30 years, beginning May 8, 2001.

CONSIDERATION:

$50,400 Minimum Annual Rent to be paid in twelve monthly installments, against five percent (5%) of gross income derived from berthing plus one and one-half cents per gallon of fuel sales up to 100,000 gallons, and two cents per gallon of fuel sales over 100,000 gallons, and ten percent (10%) of all other income. The Minimum Annual Rent and the Monthly Payments are to be adjusted each lease year.

PROPOSED AMENDMENT:

Revise due dates for rent payments and due dates for submittal of Reports of Gross Income. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.

2. The original lease provided that the effective date of the lease was the close of escrow, but no later than June 5, 2001. May 8, 2001, was the date the escrow closed and thus is the new effective date. Since the Minimum Annual Rental is to be paid in monthly payments, it is necessary to revise the due dates for the annual rental adjustment payment and for the submittal of the Reports of Gross Income. The adjusted monthly payments will be due the 8th of each month; the quarterly reports will be due June 15th of each year.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

   Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

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 NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

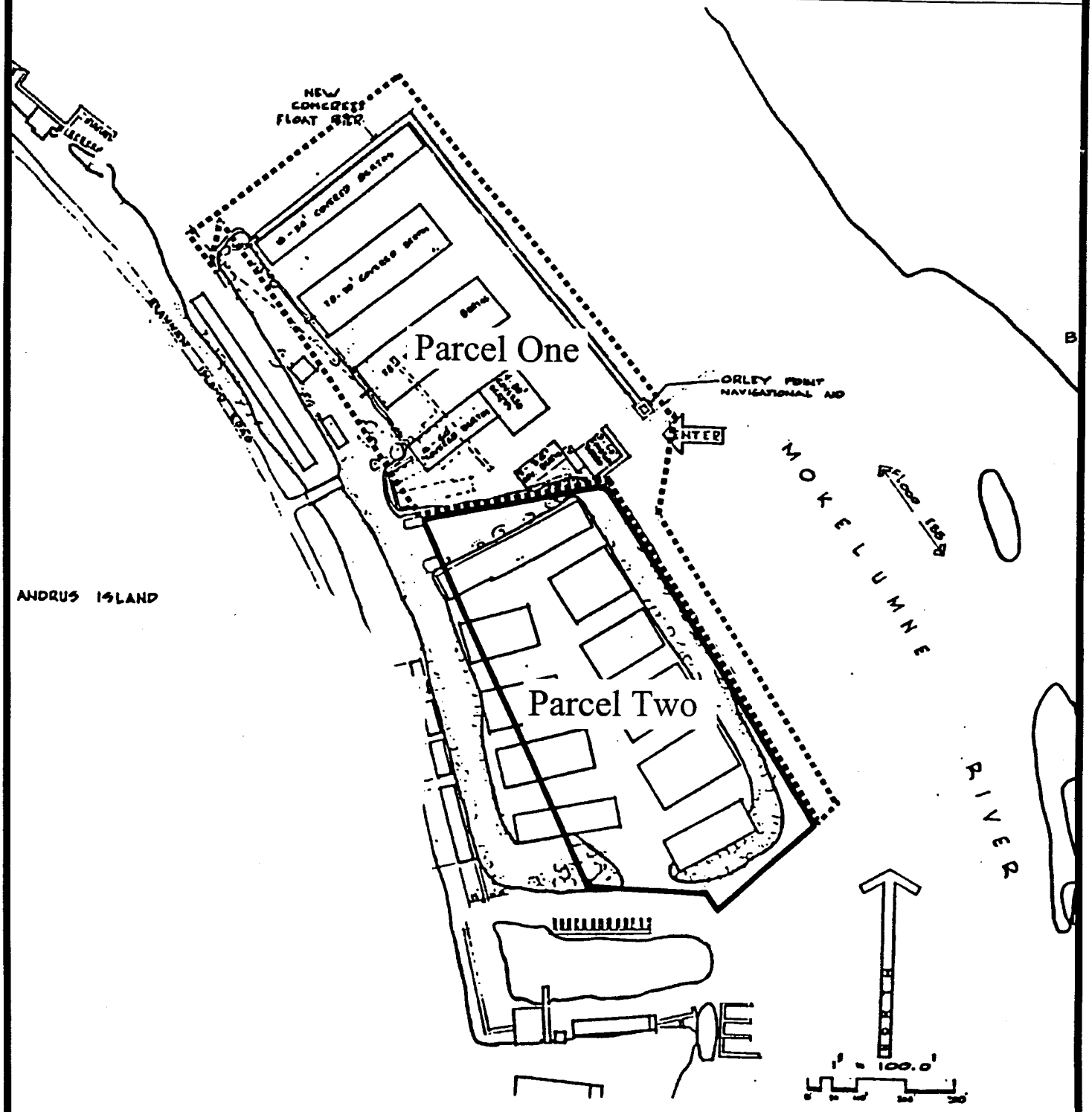
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8229.1, A GENERAL LEASE - COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, SAID AMENDMENT BEING EFFECTIVE MARCH 1, 2002, TO REVISE DUE DATES FOR ANNUAL RENTAL ADJUSTMENT PAYMENT WHICH WILL BE DUE THE 8TH OF EACH MONTH, AND REVISE THE DUE DATES FOR SUBMITTAL OF REPORTS OF GROSS INCOME WHICH WILL BE DUE ON JUNE 15TH OF EACH YEAR; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

EXHIBIT A
SITE MAP

NO SCALE



PRC 8229.1
Willow Beach Ltd.
Mokelumne River
Andrus Island
SACRAMENTO COUNTY

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.

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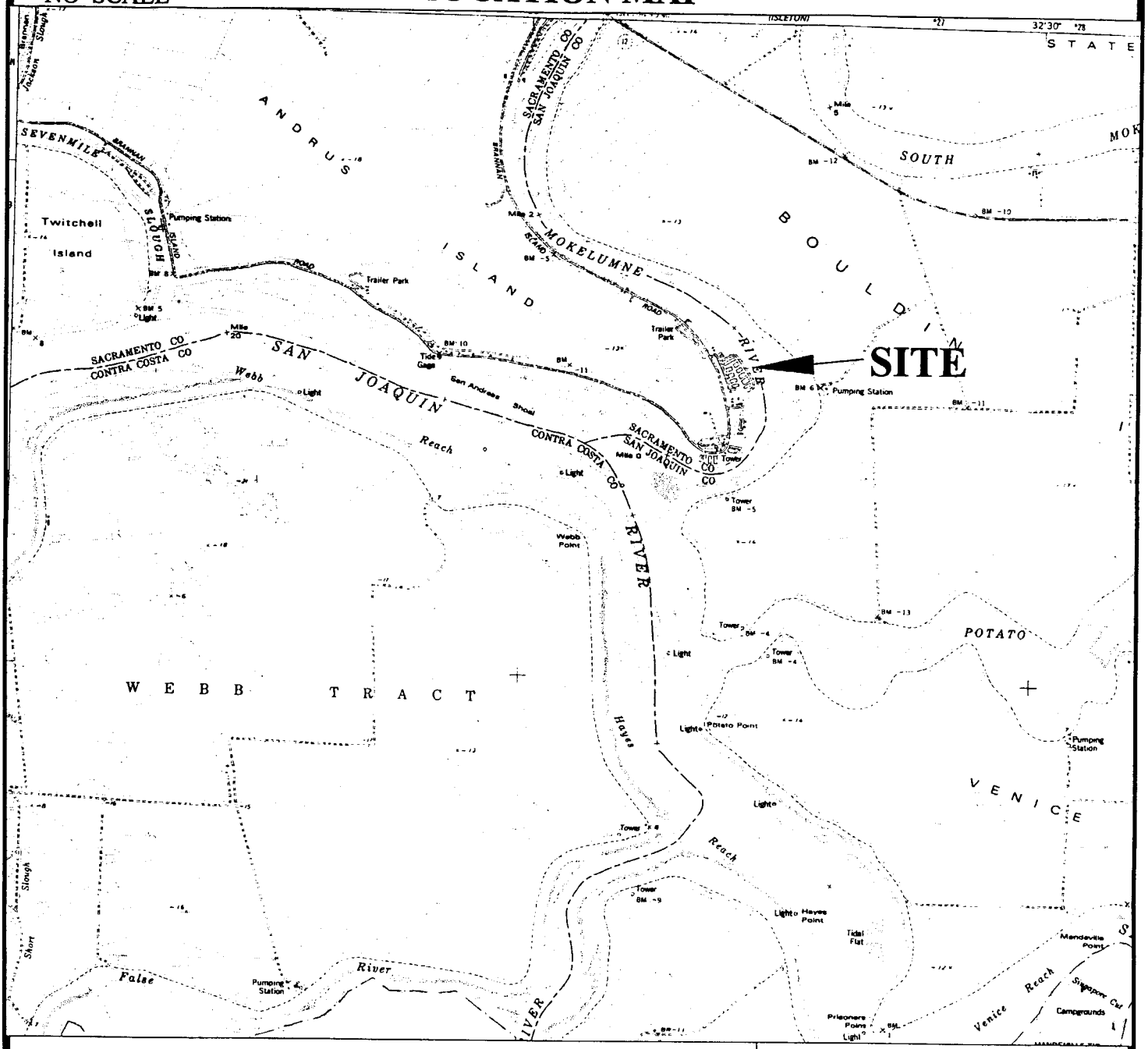
SSG 12/00

EXHIBIT B

NO SCALE

LOCATION MAP



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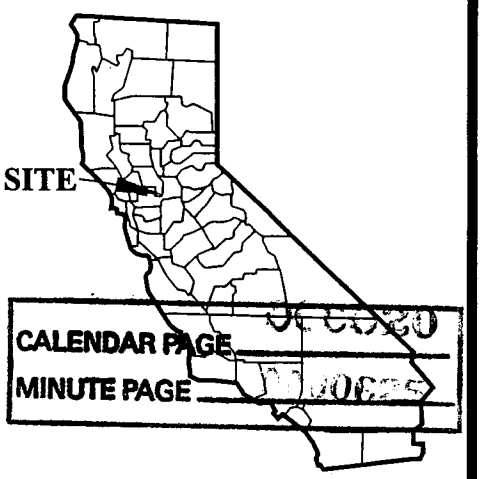

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SSG 12/00