

**MINUTE ITEM**

This Calendar Item No. C06 was approved as Minute Item No. 06 by the California State Lands Commission by a vote of 3 to 0 at its 12-9-04 meeting.

**CALENDAR ITEM  
C06**

A 8  
S 4

12/09/04  
WP 7699.1  
PRC 7699 L. Burks

**ASSIGNMENT OF LEASE**

**LESSEES/ASSIGNORS:**

Gail M. Frost and Kenneth Eugene Thomas  
dba Easy C's Boat Sales and Marina  
No. 1 Blossom Court East  
Napa, California 94558

**ASSIGNEE:**

Bradley H. Smith, Trustee of the  
Smith Family 2001 Trust, UTD August 13, 2001  
1283 Boulevard Way  
Walnut Creek, California 94595

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

0.44 acres, more or less, of tide and submerged lands in the San Joaquin River,  
Andrus Island, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of a 16-berth marina with pilings and gangway.

**LEASE TERM:**

20 years, beginning July 19, 1993.

**CONSIDERATION:**

\$1,267 per year, with 0.5% (one-half of one percent) of the total sales price,  
without offset or deduction, derived from boat sales by sublessees of Lessee  
regularly engaged in the business of selling boats as a dealer or as a broker.

CALENDAR ITEM NO. C06 (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Assignee owns the uplands adjoining the lease premises.
2. On July 19, 1993, the Commission authorized issuance to Joe M. Cantrell, General Lease – Commercial Use No. PRC 7699.1 for a commercial marina. On April 9, 2002, the Commission authorized assignment of this lease from Joe M. Cantrell to Gail M. Frost and Kenneth Eugene Thomas. On September 10, 2004, Bradley H. Smith entered into an agreement to purchase the property. Mr. Smith is now applying for assignment of the lease.
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:

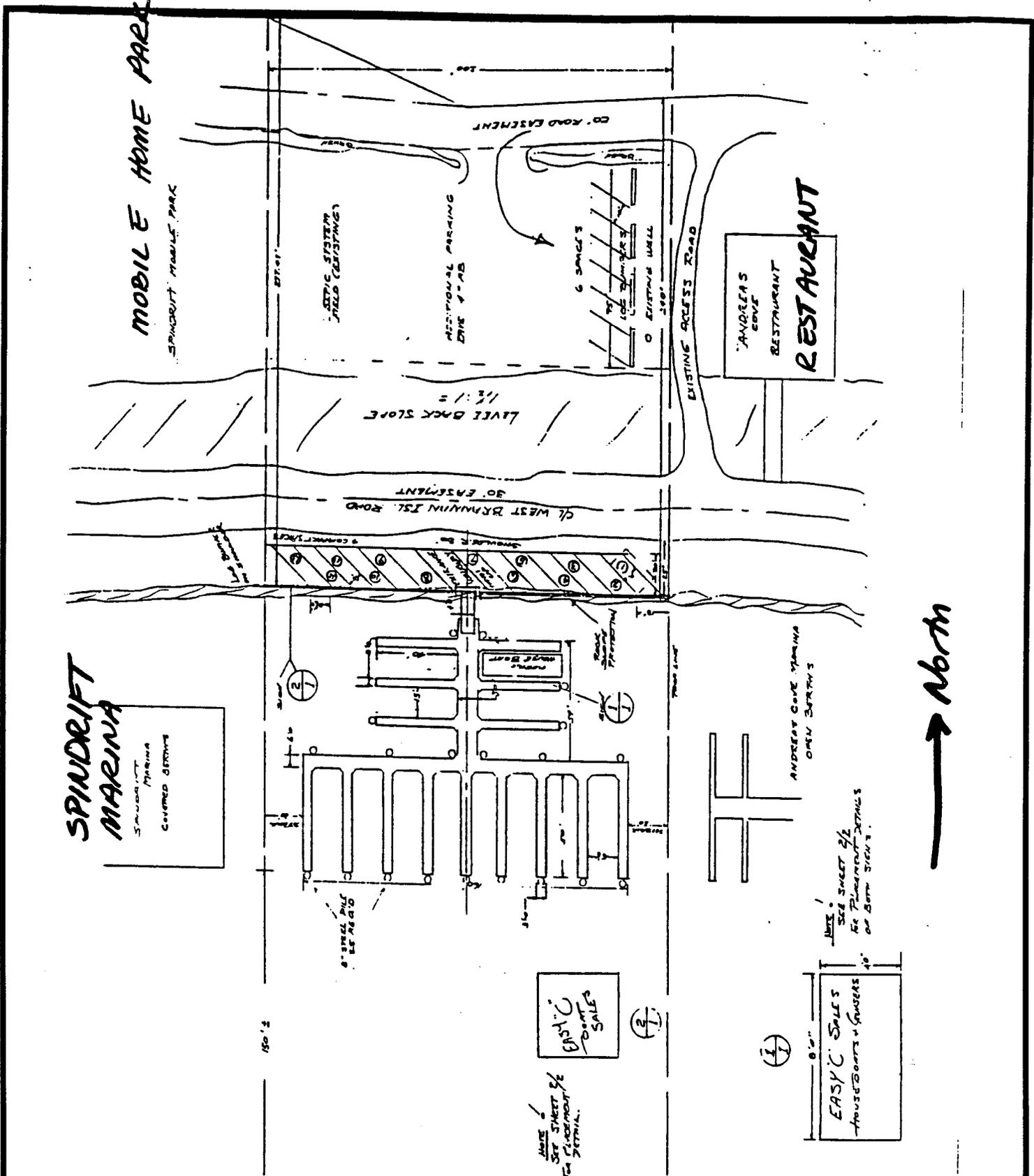
**CEQA FINDING:**

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.

CALENDAR ITEM NO. C06 (CONT'D)

**AUTHORIZATION:**

AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 7699.1, A GENERAL LEASE - COMMERCIAL USE, FOR CONTINUED USE AND MAINTENANCE OF A COMMERCIAL MARINA AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM GAIL M. FROST AND KENNETH EUGENE THOMAS TO BRADLEY H. SMITH, TRUSTEE OF THE SMITH FAMILY 2001 TRUST, UTD AUGUST 13, 2001; EFFECTIVE AT THE CLOSE OF ESCROW BUT NO LATER THAN JANUARY 31, 2005.



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This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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 other property.

**Exhibit A**  
**PRC 7699.1**

