

This Calendar Item No. C43 was approved as Minute Item No. 43 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

**CALENDAR ITEM
C43**

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06/26/06
PRC 4785.1
T. Lipscomb

**TERMINATION OF A RECREATIONAL PIER LEASE AND
ISSUANCE OF GENERAL LEASE - RECREATIONAL USE**

LESSEE:

Audrey L. Phillips

APPLICANTS:

Man Wah Wong and Bao Ling Yu

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, at Long Island, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and walkway.

LEASE TERM:

Ten years, beginning June 26, 2006.

CONSIDERATION:

\$56 per year for the pier and walkway; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. On August 19, 2003, the Commission authorized a ten-year Recreational Pier Lease to Audrey L. Phillips. That lease will expire on August 18, 2013.
2. The Lessee has since transferred ownership of the uplands to Man Wah Wong and Bao Ling Yu. The Applicants do not qualify for a rent free Recreational Pier Lease because the pier and walkway are not designed for the mooring of boats. As specified in Public Resources Code 6503.5,

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rent free Recreational Piers are limited to any fixed facility for the docking and mooring of boats constructed for use by the littoral landowner and does not include swimming floats, or platforms, sun decks, swim areas, fishing platforms, residential areas, dressing areas, storage, or eating facilities or areas attached or adjacent to recreational piers or any other facilities not constructed for the docking or mooring of boats.

3. Staff is recommending termination of the existing and approval of a new lease, to be effective as of the date of the Commission meeting.
4. **Termination of an existing Recreational Pier Lease:** 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 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, section 15060(c)(3) and 15378.

5. **Issuance of a new General Lease - Recreational Use:** 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.

6. 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.

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EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM 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.

ISSUANCE OF A NEW GENERAL LEASE - RECREATIONAL USE: 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 TERMINATION OF LEASE NO. PRC 4785.9, A RECREATIONAL PIER LEASE, EFFECTIVE JUNE 25, 2006, ISSUED TO AUDREY L. PHILLIPS AND APPROVED BY THE COMMISSION ON AUGUST 19, 2003.
2. AUTHORIZE ISSUANCE TO MAN WAH WONG AND BAO LING YU OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING JUNE 26, 2006, FOR A TERM OF TEN-YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND WALKWAY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$56, WITH THE

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STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

