MINUTE ITEM

This Calendar Item No. C15 was approved as Minute Item No. 15 by the California State Lands Commission by a vote of 3 to Ø at its 02/05/07 meeting.

CALENDAR ITEM
C15

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02/05/07
PRC 5382 WP 5382.1
V. Caldwell

TERMINATION OF RECREATIONAL PIER LEASE AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

LESSEE:
Harry W. Erickson

APPLICANT:
Jo Alice Nastal, as the Successor Trustee of the A. A. and Alice E. Erickson Family Revocable Trust

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in the Sacramento River, adjacent to the Garden Highway, Sacramento County.

AUTHORIZED USE:
Continued use and maintenance of an existing uncovered floating boat dock ramp, and deck as shown on Exhibit A.

LEASE TERM:
Ten years, beginning February 5, 2007.

CONSIDERATION:
Uncovered Floating Boat Dock and Ramp: No monetary consideration pursuant to Public Resources Code section 6503.5.

Deck: $55 per year; 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. Applicant owns the uplands adjoining the lease premises.

2. On February 12, 1997, the Commission authorized a ten-year Recreational Pier Lease to Harry W. Erickson That lease will expire on February 28, 2007. However, the ownership of the upland was transferred on February 22, 2004 to Jo Alice Nastal, the Successor Trustee of the A. A. and Alice E. Erickson Family Revocable Trust. The Applicant is now applying for a new General Lease - Recreational Use.

3. The Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. The deck does not qualify for rent-free status because it is a structure not used for the docking or mooring of boats. The existing uncovered floating boat dock and ramp are exempt from payment of rent pursuant to Public Resources Code 6503.5.

4. **Termination of 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 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, section 15060 (c)(3) and 15378.

5. **Issuance of New Lease: Uncovered Floating Boat Dock and Ramp:** 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.

   Deck: 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 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

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

5. 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.

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF LEASE: 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 RESOURCE CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: UNCOVERED FLOATING BOAT DOCK AND RAMP: 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).

DECK: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

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.

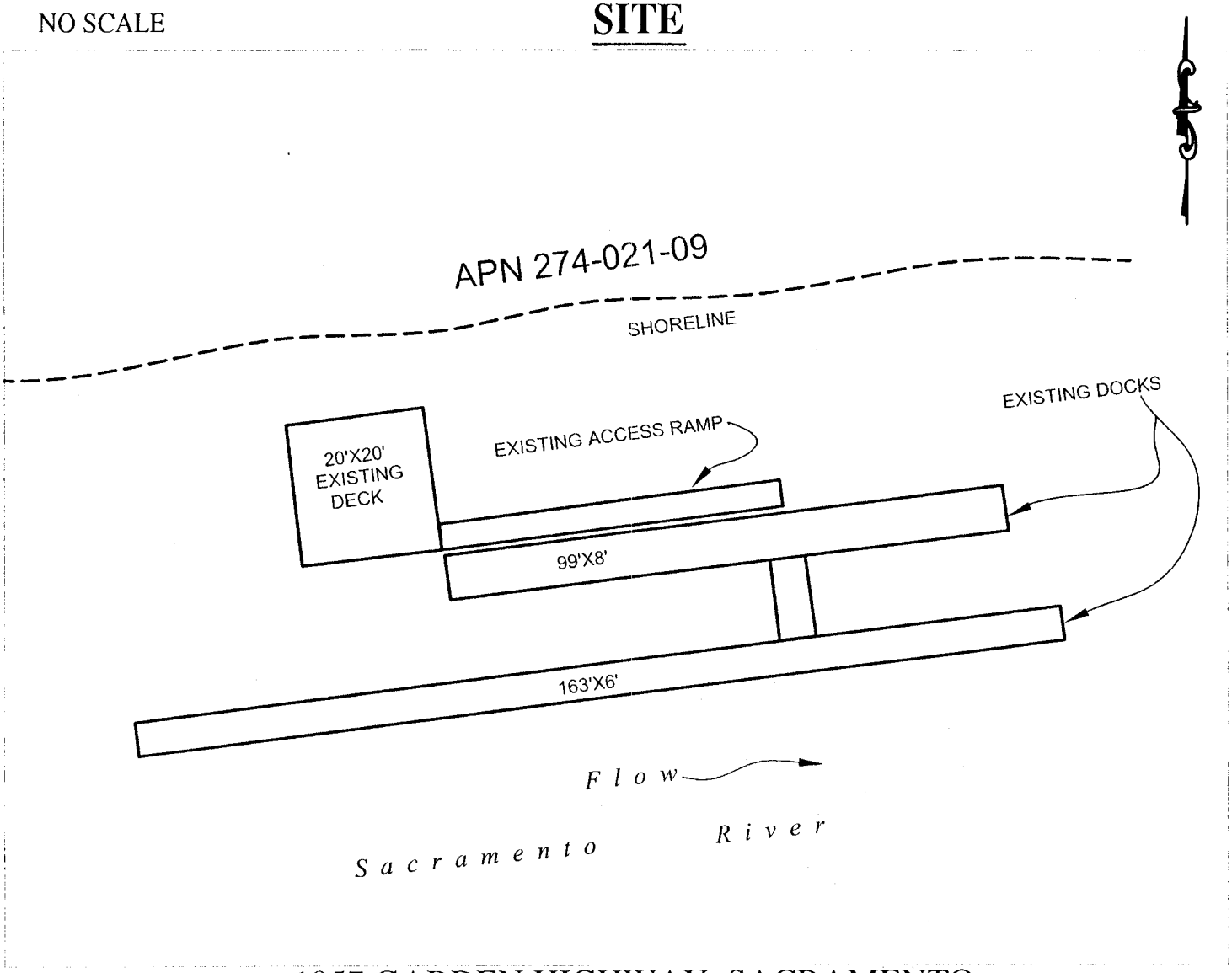
AUTHORIZATION:

AUTHORIZE TERMINATION, EFFECTIVE FEBRUARY 4, 2007, OF LEASE NO. PRC 5382.9 A RECREATIONAL PIER LEASE, ISSUED TO HARRY W. ERICKSON.

1. AUTHORIZE ISSUANCE TO JO ALICE NASTAL, AS THE SUCCESSOR TRUSTEE OF THE A. A. AND ALICE E. ERICKSON FAMILY REVOCABLE TRUST OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING FEBRUARY 5, 2007, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, RAMP AND A DECK AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK AND RAMP NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE DECK ANNUAL RENT IN THE AMOUNT OF $55, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILTY INSURANCE WITH COVERAGE OF NO LESS THAN $500,000.

NO SCALE

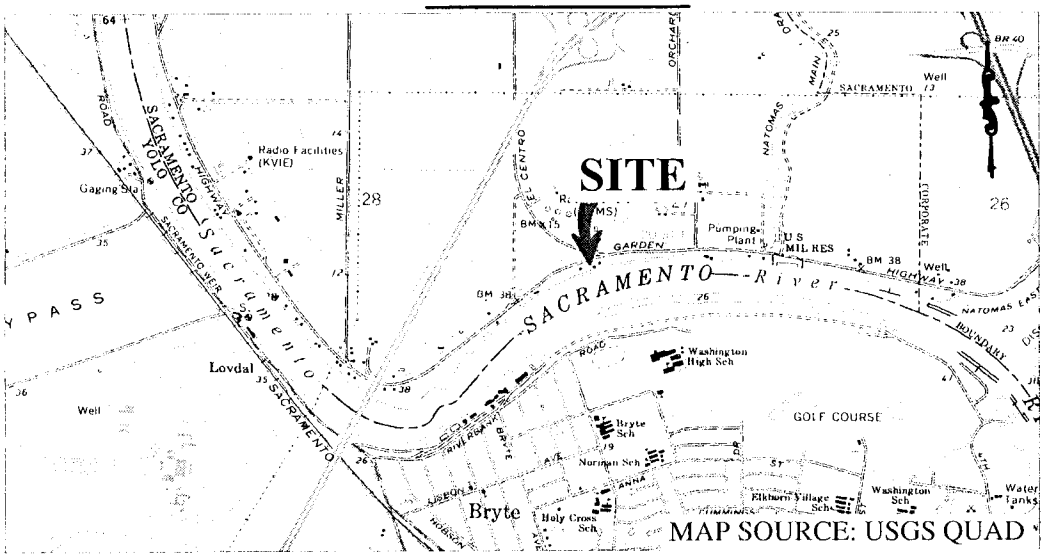
SITE



1957 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 5382.1
NASTAL
APN 274-0021-009
GENERAL LEASE
RECREATIONAL USE
SACRAMENTO COUNTY

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.

MJ 01/07

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