

**CALENDAR ITEM
C14**

A 1
S 2

10/27/11
WP 8923.9
N. Lavoie

AMENDMENT OF LEASE

LESSEE:

California Department of Parks and Recreation

SUBLESSEE:

Stewards of the Coast and Redwoods

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Russian River, adjacent to Assessor's Parcel Number 099-120-009, near the town of Jenner, Sonoma County.

AUTHORIZED USE:

Removal of an existing public boat launch ramp; construction of a new public boat launch ramp, placement of bank protection, use and maintenance of an existing public visitor's center, and the temporary placement of a silt curtain during construction as shown on the attached Exhibit A.

LEASE TERM:

20 years, beginning June 23, 2011.

CONSIDERATION:

Visitor's Center: The public use and benefit; provided, however, that the State shall have the right to set a monetary rent for any reporting period in which revenue, derived from or attributable to use of the public visitor's center, is used for any purpose other than the interpretive and educational program of the California Department of Parks and Recreation.

Boat Launch Ramp and Bank Protection: The 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.

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PROPOSED AMENDMENT:

Amend the Lease to:

1. Delete provisions in Section 1 (General Provisions) and Section 2 (Special Provisions) referring to the sublease and sublessee from the Lease;
2. Revise consideration related to the visitor's center to be the 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;
3. Revise authorized activities to include management and operation of boat launch ramp.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 23, 2011, the Commission authorized Lease No. PRC 8923.9, a 20-year General Lease – Public Agency Use, to the California Department of Parks and Recreation (Parks) for the removal of an existing public boat launch ramp; construction of a new public boat launch ramp, placement of bank protection, use and maintenance of an existing public visitor's center, and the temporary placement of a silt curtain during construction. A sublease was also authorized by the Commission on June 23, 2011 between Parks and the Stewards of the Coast and Redwoods.
3. After the June 23, 2011 Commission action and execution of the Lease, the Lessee requested to amend the lease to remove references and approval of the sublease. Staff agrees, after receiving clarification as to the relationship between Lessee and Sublessee, that their relationship does not constitute a sublease. The Stewards of the Coast and Redwoods do not operate on the Lease Premises, and their responsibilities are limited to training the Lessee's volunteers and providing material on display and for sale in the public visitor's center. Staff recommends amending the Lease to accommodate the Lessee's request.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060 (c)(3)], staff has determined this activity is not subject to the provisions of CEQA because it is not a "project" as defined by 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.

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5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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 and Location Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of 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:

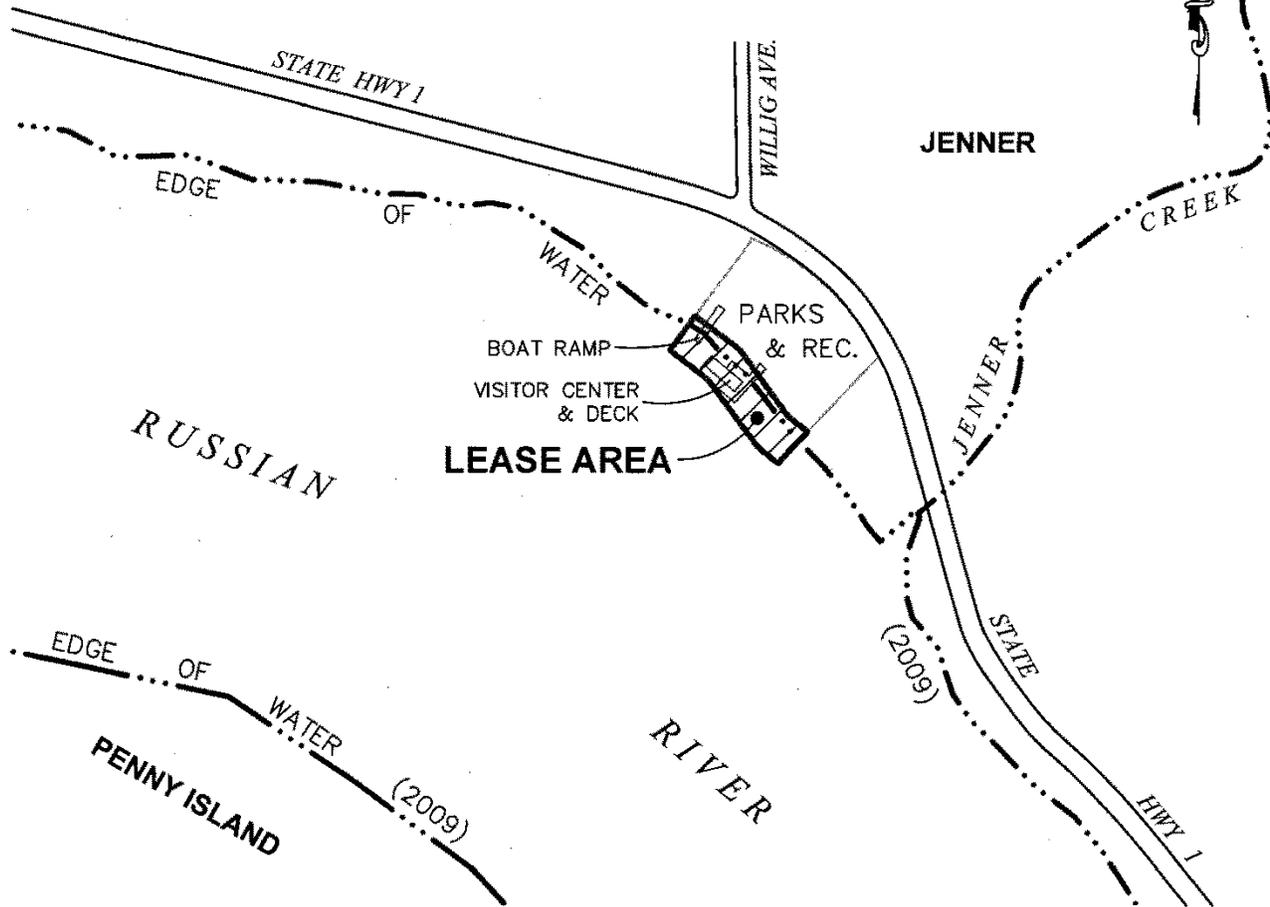
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8923.9, a General Lease – Public Agency Use, to remove provisions in Section 1 and Section 2 of the Lease referring to the sublease and sublessee from the Lease; revise consideration related to the visitor's center to be the 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; revise authorized activities to include management and operation of a boat launch ramp, effective October 27, 2011; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

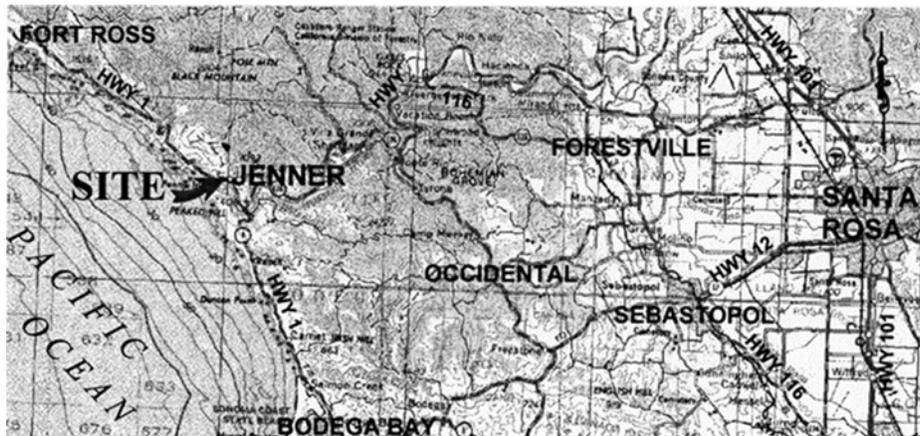
SITE



DEPT. OF PARKS & RECREATION VISITOR CENTER, JENNER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 8923.9
 CA DEPT. OF PARKS &
 RECREATION
 GENERAL LEASE-
 PUBLIC AGENCY USE
 SONOMA COUNTY



SITE

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.

EXHIBIT B

PRC 8923.9

LAND DESCRIPTION

A 50 foot strip of tide and submerged land, lying adjacent to the upland parcel of land being a portion of the Muniz Rancho and described in the deed filed in Book 2954, at Page 453, Official Records of Sonoma County, California, the right (northeasterly) edge of said strip being more particularly described as follows:

COMMENCING at a 1" square bolt as shown on the Record of Survey filed in Book 743 of Maps at Page 30, Sonoma County Records as being on the centerline of Willig Avenue at Riverside Drive; thence S 01°15'54" E along the centerline of Willig Avenue 64.52 feet to a ½" iron pipe with brass tag marked "LS 2798", as shown on said Record of Survey; thence S 27°23'47" E, 16.46 feet to a ½" iron pipe marked "LS 6702"; thence continuing S 27°23'47" E, 2.15 feet to a ½" iron pipe with brass tag marked "LS 2798", identified as "Point A" on said Record of Survey; thence S 19°47'41" E, 226.55 feet to a ½" iron pipe with brass tag marked "LS 2798", identified as "Point B" on said Record of Survey; thence S 42°47'52" W along the southeasterly line of said upland parcel 15.52 feet, more or less to the right (northerly) ordinary high water mark of the Russian River and the POINT OF BEGINNING; thence northwesterly along the ordinary high water mark of the Russian River, approximated by the following three (3) courses along the "Line of Ordinary High Water" as depicted on the Record of Survey filed in Book 116 of Maps at Page 18, records of Sonoma county, and incorrectly identified as on the Record of Survey filed in Book 743 at Page 30 as being along the "Mean High Water 1965":

- 1) N 52°11'00" W, 27.47 feet,
- 2) N 36°17'00" W, 98.17 feet, and
- 3) N 52°45'00" W, 64.96 feet, more or less to the northwesterly line of said upland parcel, being the POINT OF TERMINATION of this strip, and shown on said Record of Survey filed in Book 743 at Page 30 as being S 36°12'00" W along the northwesterly line of said upland parcel, 110.61 feet from said "Point A".

The southwesterly edge of said strip being shortened or lengthened as necessary to begin at the southwesterly prolongation of the southeasterly line of said upland parcel, and to terminate at the southwesterly prolongation of the northwesterly line of said upland parcel.

END DESCRIPTION

