

**CALENDAR ITEM
C04**

A 8
S 4

05/24/12
PRC 5748.9
R. Boggiano

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Thomas L. Jones and Sharon M. Jones, Trustees of the Thomas L. Jones and Sharon M. Jones Revocable Trust dated July 15, 2003, and Ronald P. Wood and Susan D. Wood, Co-Trustees, or their successors in trust, under the Wood Family Trust dated September 5, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Steamboat Slough, adjacent to 3474 Snug Harbor Drive, near the city of Walnut Grove, Solano County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, ramp, walkway, bulkhead, and sheetpile debris deflector previously authorized by the Commission, and existing bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning November 1, 2009.

CONSIDERATION:

Floating Boat Dock, Ramp, Walkway, and Sheetpile Debris Deflector: No monetary consideration pursuant to Public Resources Code section 6503.5.

Bank Protection and Bulkhead: 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.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

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2. On February 8, 2000, the Commission authorized a 10-year General Lease - Recreational and Protective Structure Use to Harold R. Wood and Ruth M. Wood, as Trustees under the Declaration of Trust dated September 25, 1980. On March 18, 2008, the upland property was deeded to the Applicants. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.
4. Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently-enacted changes to Section 6503.5 of the Public Resources Code for the term of this lease. Thus no rent will be charged for the floating boat dock, ramp, walkway, and debris deflector.
5. The bank protection and bulkhead provide a mutual benefit to both the public and the Applicants. The bank of Steamboat Slough will have additional protection from wave action at no expense to the public.
6. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

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7. 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. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease – Recreational and Protective Structure Use to Thomas L. Jones and Sharon M. Jones, Trustees of the Thomas L. Jones and Sharon M. Jones Revocable Trust dated July 15, 2003, and Ronald P. Wood and Susan D. Wood, Co-Trustees, or their successors in trust, under the Wood Family Trust dated September 5, 2003, beginning November 1, 2009, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, ramp, walkway, bulkhead, and sheetpile debris deflector previously authorized by the Commission, and existing bank protection not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; floating boat dock, ramp, walkway, and sheetpile debris deflector: no monetary consideration pursuant to Public Resources Code section 6503.5; bank protection and bulkhead: 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; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 5748.1

LAND DESCRIPTION

Three (3) parcels of tide and submerged land situate in the bed of Steamboat Slough, lying adjacent to Swamp Land Location No. 544 patented October 17, 1878, County of Solano, State of California, and more particularly described as follows:

Parcel 1 – Dock and Ramp

All those lands underlying an existing dock and ramp lying adjacent to the right bank of said Steamboat Slough and that parcel as described in Exhibit A of that Trust Transfer Deed, recorded October 6, 2003 as Document Number 200300170623 in Official Records of said County.

TOGETHER WITH a ten (10) foot use area.

Parcel 2 – Deck and Bulkhead

All those lands underlying an existing deck and bulkhead lying adjacent to the right bank of said Steamboat Slough and that parcel as described in said Exhibit A.

Together with a ten (10) foot use area.

Parcel 3 – Debris Deflector

A parcel of land 4 feet in width lying 2 feet on each side of the centerline of an existing debris deflector lying adjacent to the right bank of said Steamboat Slough and that parcel as described in said Exhibit A.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said Steamboat Slough.

Accompanying Plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared May 16, 2012 by the California State Lands
Commission Boundary Unit.





STEAMBOAT SLOUGH

SHEET PILE DEBRIS DEFLECTOR

APPROX. SHORELINE

2-FOOT USE AREA

3'X20.5' RAMP & 6'X6' LANDING

10-FOOT USE AREA

APPROX. R

DECK & BULKHEAD

DOCK

99'

PILING TYP.

APN 0177-070-120

LEGEND



USE AREA

10-FOOT USE AREA

EXHIBIT A

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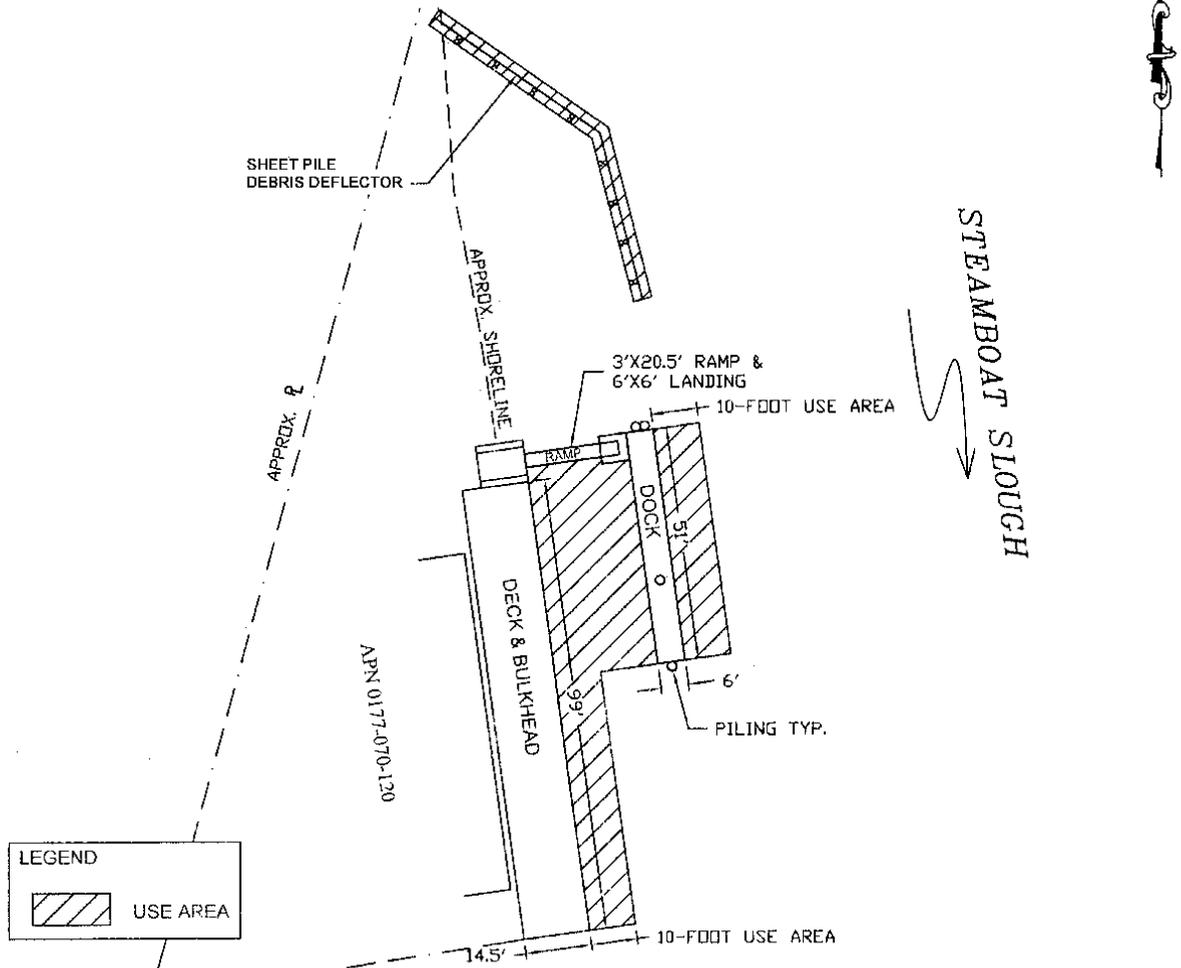
LAND DESCRIPTION PLAT
PRC 5748.9, WOOD
SOLANO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



3474 SNUG HARBOR DRIVE, STEAMBOAT SLOUGH

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5748.1

WOOD

APN 0177-070-120

GENERAL LEASE -
RECREATIONAL USE
SOLANO 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.