

**CALENDAR ITEM
C18**

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S 6

05/24/12
PRC 5077.9
N. Lavoie

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Ronald E. Muller, as trustee of the GM Family Revocable Trust, dated January 13, 2001

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 5601 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, retractable ramp, and stairs previously authorized by the Commission and two existing pilings not previously authorized by the Commission.

LEASE TERM:

10 years, beginning May 24, 2012.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On January 1, 2002, the Commission authorized a Recreational Pier Lease with Ronald E. Muller, as trustee of the GM Family Revocable Trust, dated January 13, 2001. That lease expired on November 30, 2010. The Applicant is now applying for a new General Lease – Recreational Use.

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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.

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.

4. The Applicant’s dock was originally secured by cable and deadmen. Due to the erosion of the bank, the deadmen were no longer secure and a longer ramp was needed to access the dock. In 2008, the Applicant installed two pilings to secure the uncovered floating boat dock and increased the length of his ramp from 14 feet to 40 feet. The Applicant did not obtain the necessary permits prior to making these modifications. Since then, the Applicant has obtained after-the-fact permits from the Central Valley Flood Protection Board, Reclamation District 1000, and the United States Army Corps of Engineers.
5. 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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6. 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 LAND 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 Use to Ronald E. Muller, as trustee of the GM Family Revocable Trust, dated January 13, 2001, beginning May 24, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, retractable ramp, and stairs previously authorized by the Commission and two existing pilings 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; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 5077.9

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 404 patented January 6, 1869 (filed in Sutter County), County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, two steel pilings, stairs and a gangway lying adjacent to the left bank of said river and being adjacent to that parcel described in Quit Claim Deed, recorded March 9, 2001 in Document Number 20010309.61 in Official Records of said County.

ALSO TOGETHER WITH a 10' use area.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/16/12 by the California State Lands Commission Boundary Unit



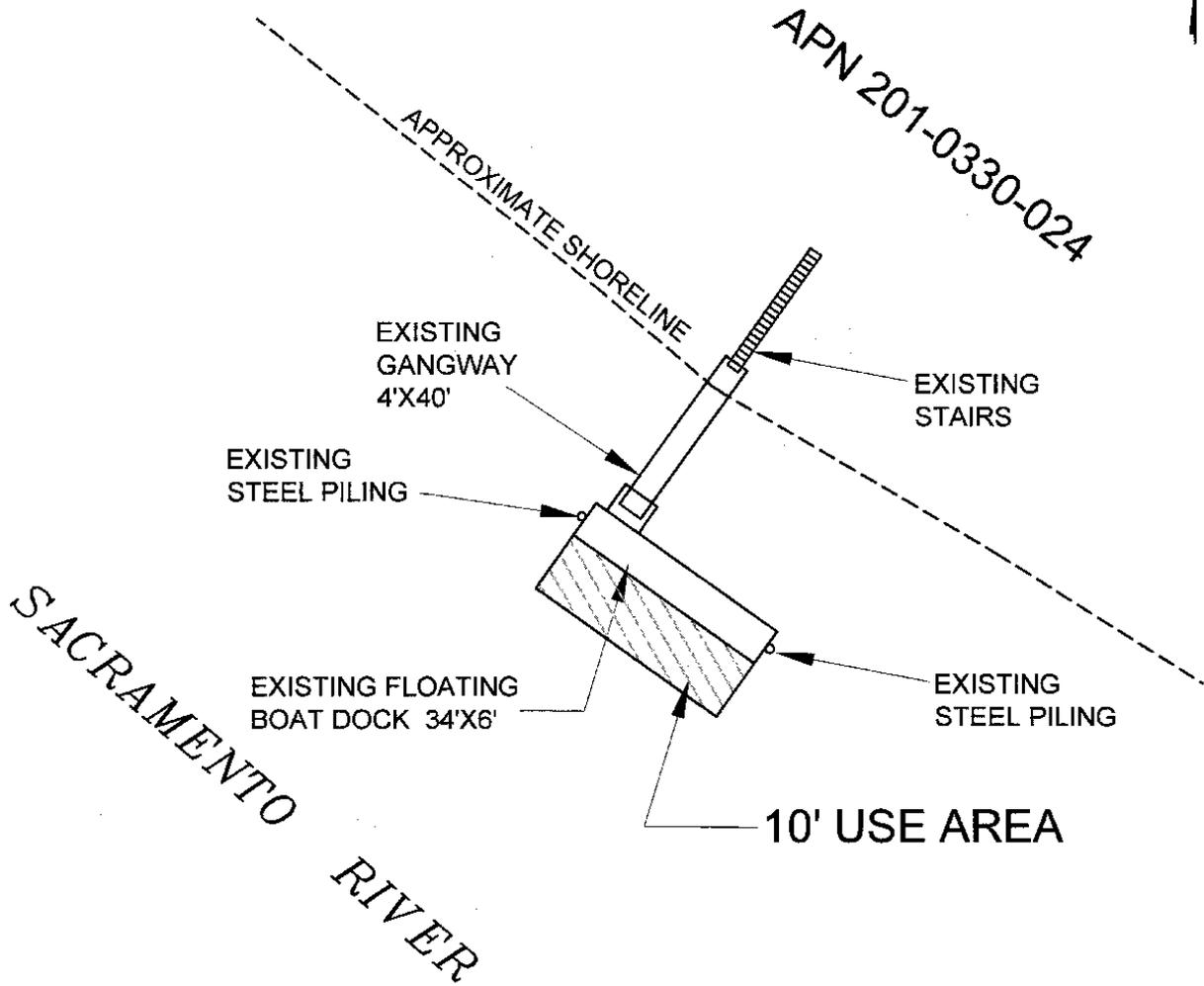


EXHIBIT A

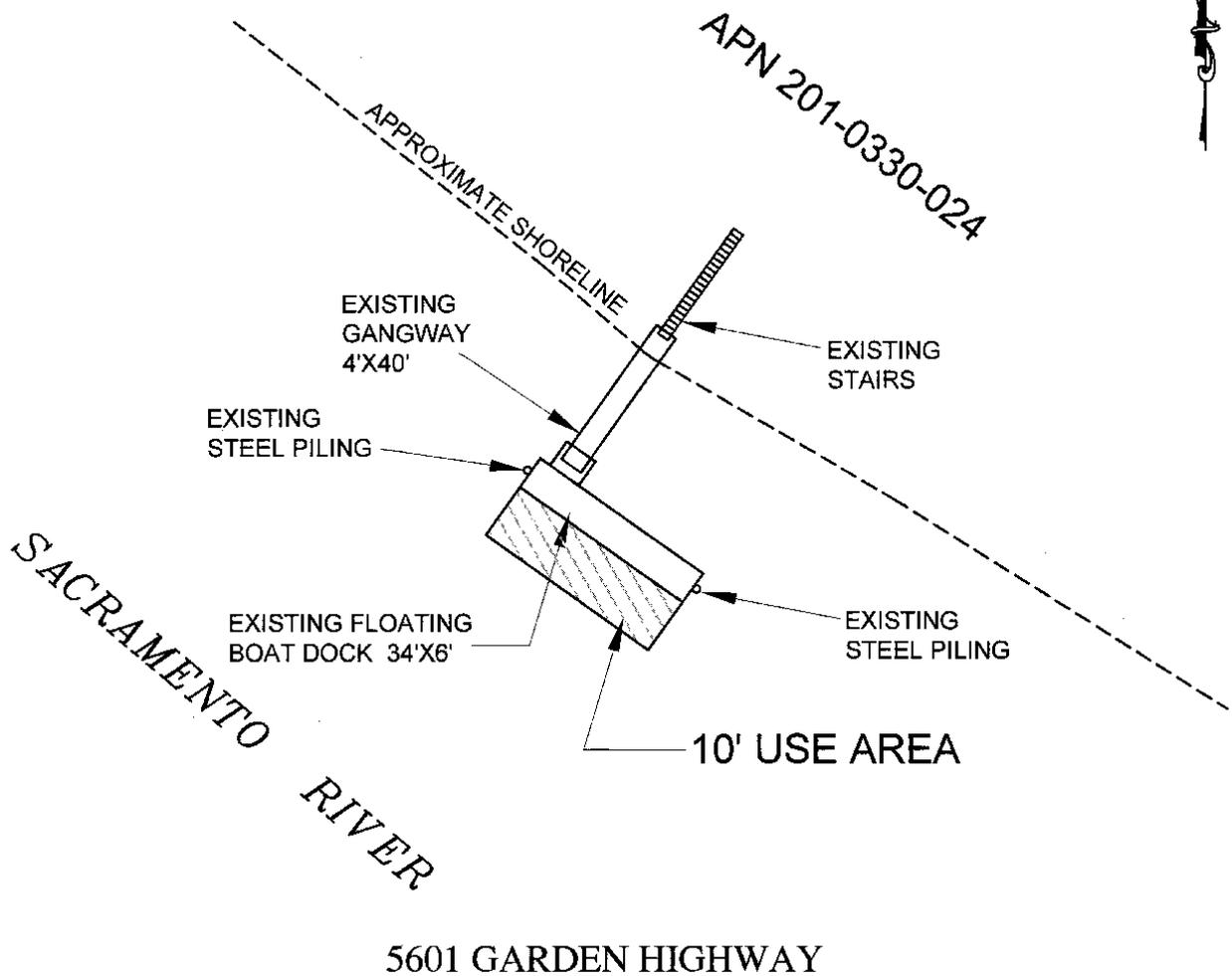
LAND DESCRIPTION PLAT
 PRC 5077.9, GM FAMILY TRUST
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



NO SCALE

LOCATION

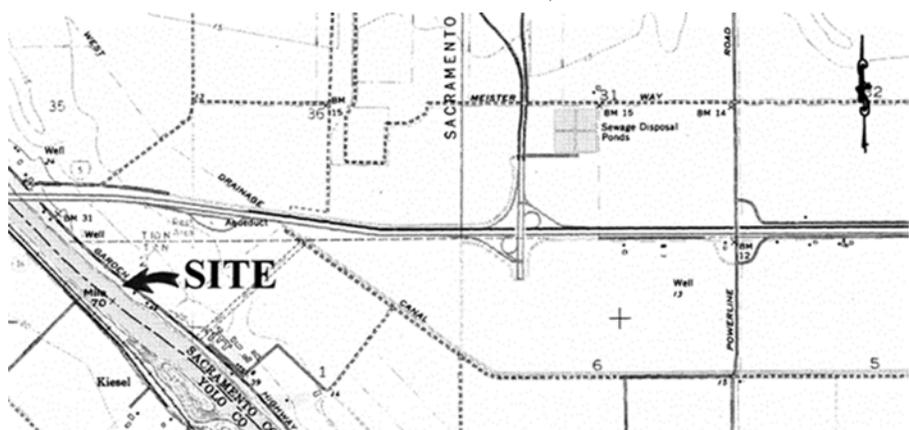


Exhibit B

PRC 5077.9
 GM FAMILY TRUST
 APN 201-0330-024
 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.