

CALENDAR ITEM

C23

A 8, 15

10/19/12
PRC 5910.1
V. Caldwell

S 5, 14

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Cynthia Caulk

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Steamboat Slough, adjacent to 13962 Grand Island Road, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, three pilings, gangway, cable, and concrete boat-launch ramp.

LEASE TERM:

10 years, beginning July 11, 2012.

CONSIDERATION:

\$131 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 \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 9, 2004, the Commission authorized a General Lease – Recreational Use to Cynthia Caulk, effective July 11, 2002. That lease expired on July 10, 2012. During a recent storm, a portion of the dock was damaged and floated away. The Applicant does not plan on replacing the missing portion of the dock at this time. The Applicant is now applying for a new General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law took effect on January 1, 2012. This new law repeals section 6503.5 of

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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.

The Applicant does not qualify for an exception and the lease is subject to rent because the application was received after March 31, 2011.

- 4. The staff recommends that the Commission find 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.

- 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. 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

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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 Cynthia Caulk, beginning July 11, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, three pilings, gangway, cable, and concrete boat-launch ramp as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$131 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 5910.1

LAND DESCRIPTION

A parcel of tide and submerged land situate on the left bank of the Steamboat Slough, lying adjacent to Swamp and Overflow Survey 494, patented February 28, 1871, County of Sacramento, State of California and more particularly described as follows:

Parcel 1 – Boat Dock

All those lands underlying an existing floating boat dock, three (3) pilings, galvanized cable, gangway, and ramp adjacent to Lot 9 described in that Grant Deed recorded October 5, 1978 in Book 7810-05 Page 641, in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

Parcel 2 - Concrete Boat- Launch Ramp

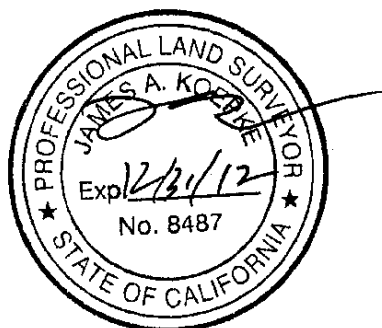
All those lands underlying a Concrete Boat-Launch Ramp adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Steamboat Slough.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared September 13, 2012, by the California State Lands Commission Boundary Unit.



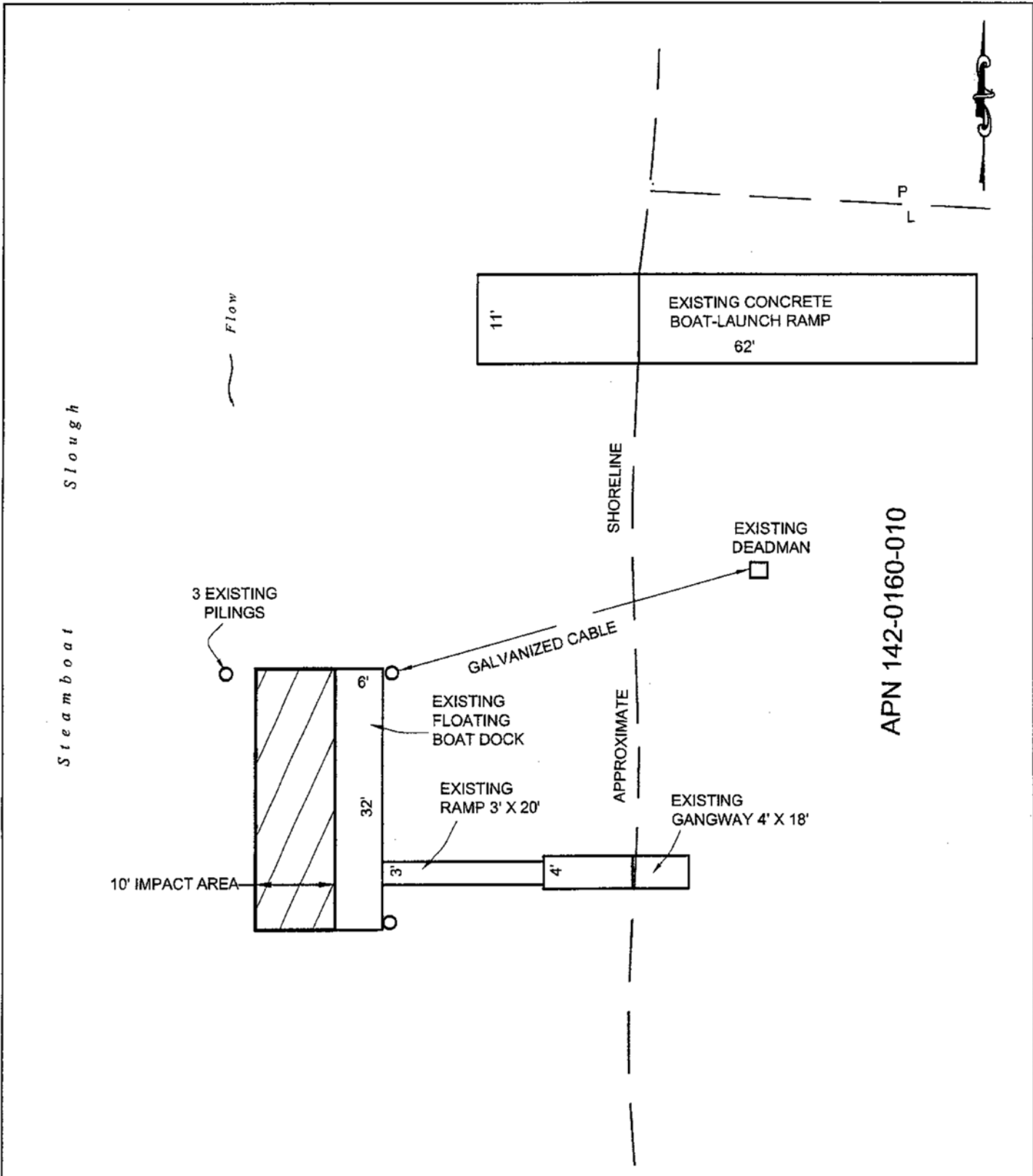
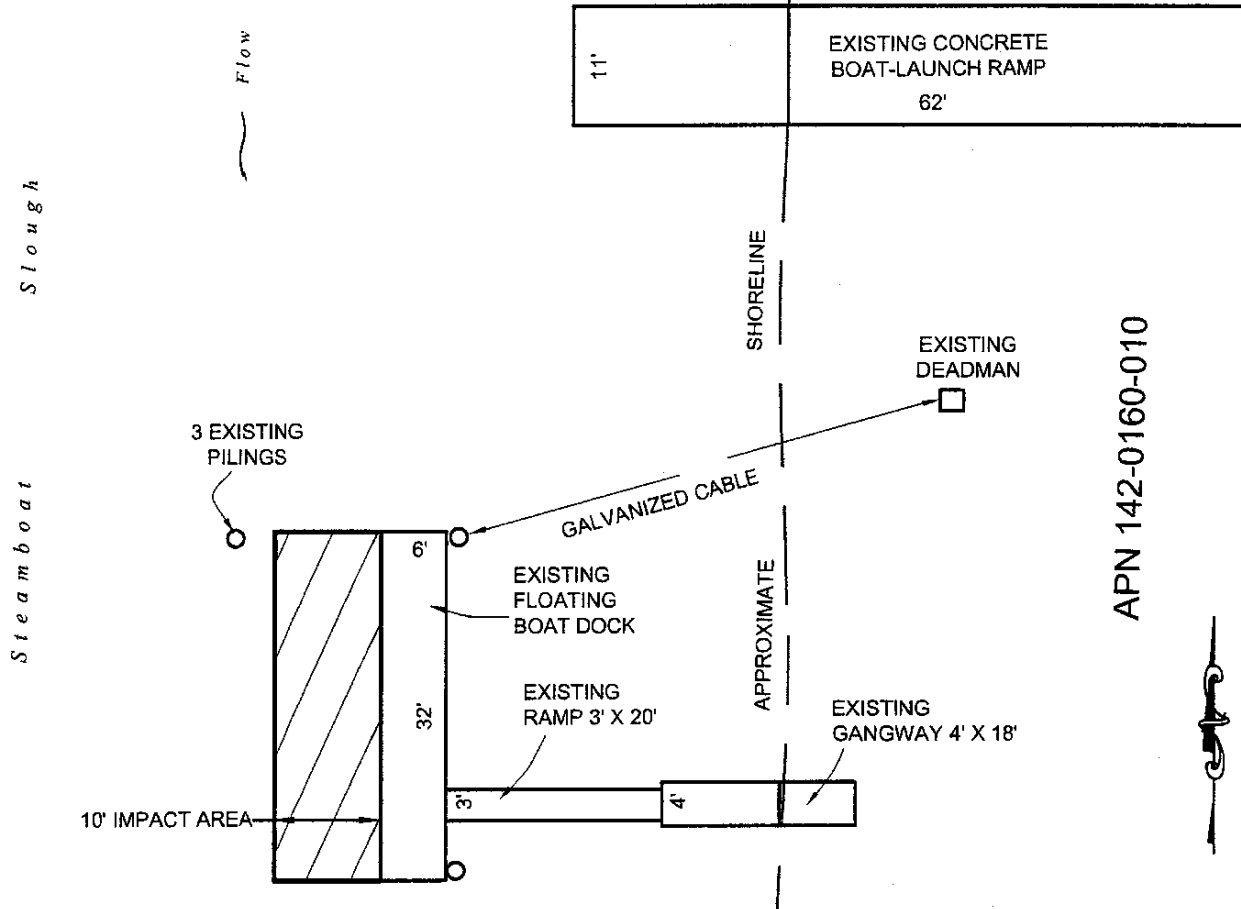


EXHIBIT A



NO SCALE

SITE

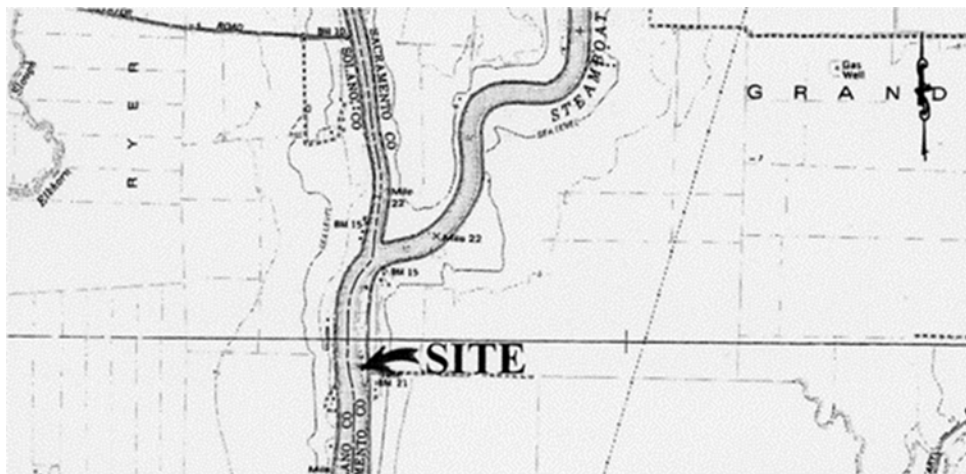


APN 142-0160-010

13962 GRAND ISLAND ROAD, NEAR WALNUT GROVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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 5910.1
 CAULK
 APN 142-0160-010
 GENERAL LEASE -
 RECREATIONAL USE
 SACRAMENTO COUNTY



MJJ 09/13/12