

**CALENDAR ITEM
C14**

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09/20/13
PRC 6988.1
R. Boggiano

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Leo H. Schuering Jr. and Eileen S. Schuering, as Trustees of the Schuering Family Revocable Trust, dated November 30, 1994.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 4475 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock with a single-berth boathouse and gangway previously authorized by the Commission, and the use and maintenance of two existing steel pilings, boat lift, electrical and water utility outlets, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning September 20, 2013

CONSIDERATION:

Floating boat dock with a single-berth boathouse, gangway, two steel pilings, electrical and water utility outlets, and boat lift: \$325 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

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2. On July 11, 1997, the Commission authorized a 10-year Recreational Pier Lease to Leo H. Schuering Jr. Ownership of the upland has since been deeded to Leo H. Schuering, Jr. and Eileen S. Schuering, as Trustees of the Schuering Family Revocable Trust, dated November 30, 1994. That lease expired on June 25, 2006. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
3. The bank protection, two steel pilings, boat lift, and electrical and water utility outlets have existed at the site for many years but have not been previously authorized. Staff is now recommending that these improvements be included in the proposed lease.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

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

CALENDAR ITEM NO. **C14** (CONT'D)

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 Leo H. Schuering Jr. and Eileen S. Schuering, as Trustees of the Schuering Family Revocable Trust, dated November 30, 1994, beginning September 20, 2013, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock with a single-berth boathouse and gangway previously authorized by the Commission, and the use and maintenance of two existing steel pilings, boat lift, electrical and water utility outlets, and 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; consideration for the floating boat dock with a single-berth boathouse, gangway, two steel pilings boat lift, and electrical and water utility outlets: \$325 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for the 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; and liability insurance in an amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6988.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 415, patented July 11, 1865, County of Sacramento, State of California, more particularly described as follows:

All those lands underlying an existing floating boat dock, single-berth boat house, boatlift, gangway, electrical, water utility outlet and two (2) pilings lying adjacent to those parcels as described in Exhibit "A" of that Grant Deed recorded March 10, 2003, in Book 20030310, Page 0479 in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcels.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared July 10, 2013 by the California State Lands Commission Boundary Unit.



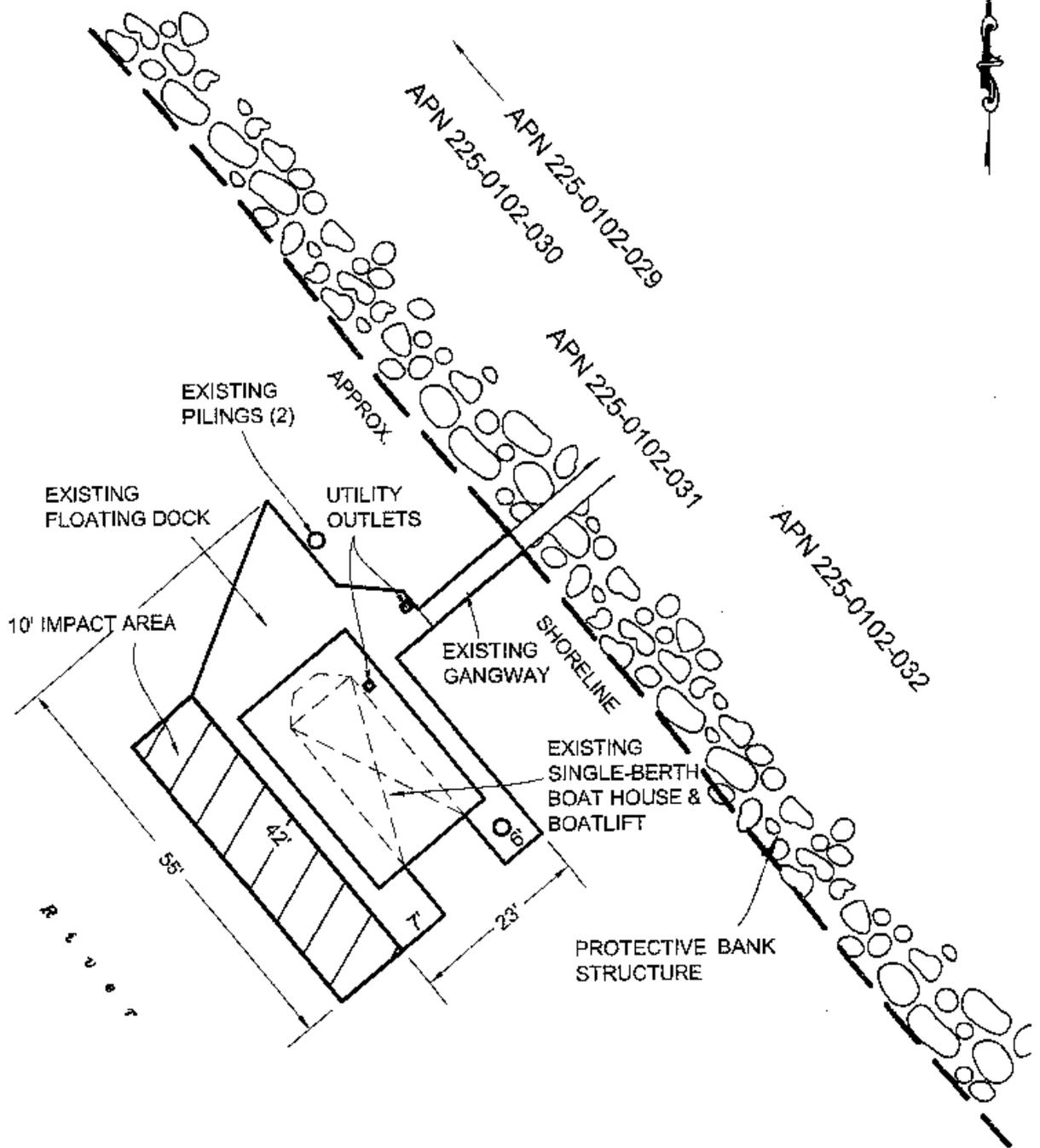


EXHIBIT A

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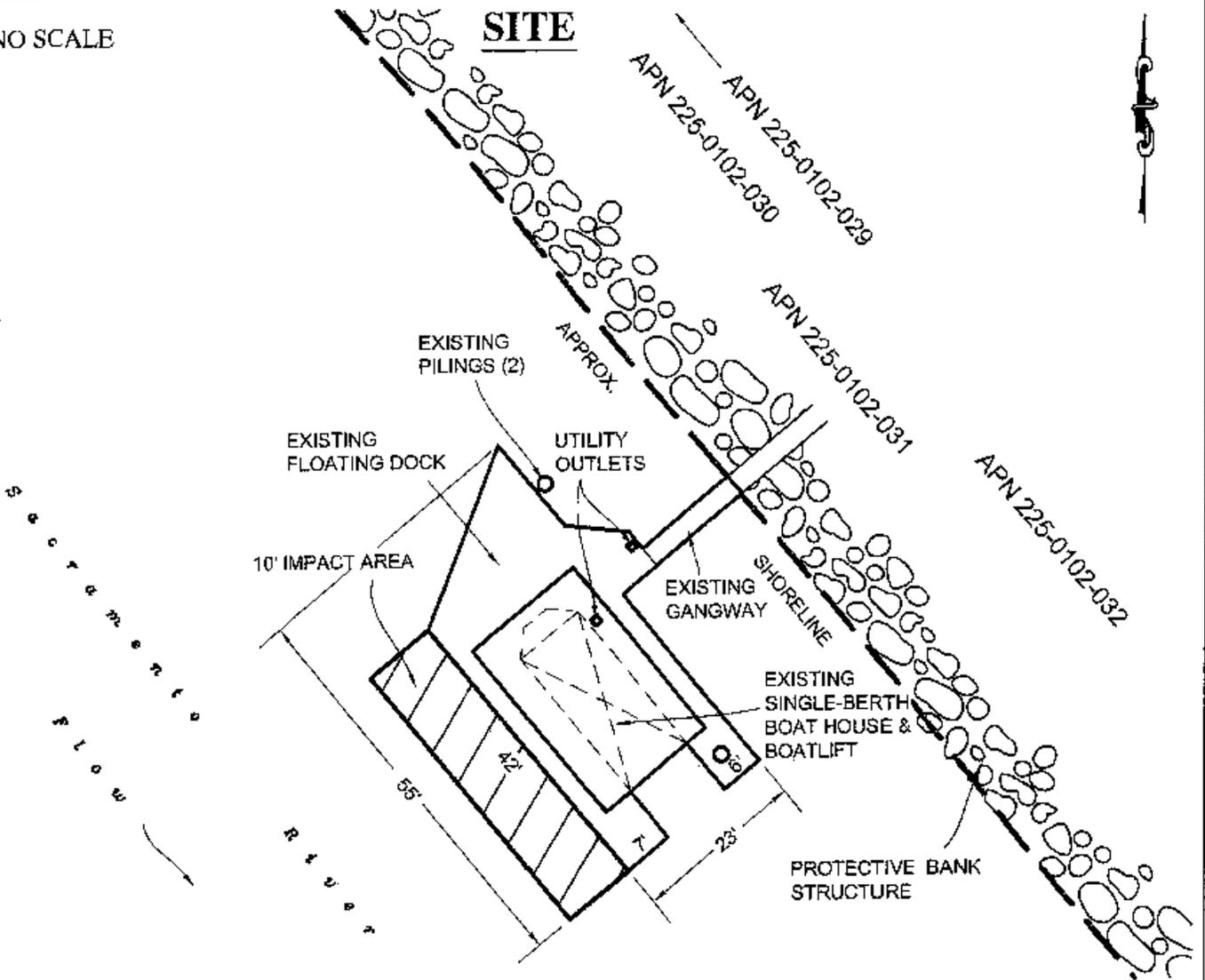
LAND DESCRIPTION PLAT
 PRC 6988.1, SCHUERING
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



4475 GARDEN HIGHWAY, SACRAMENTO RIVER

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 6988.1
 SCHUERING
 APN 225-0102-029, 030.031 & 032
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SACRAMENTO COUNTY



MLT 07/10/13