CALENDAR ITEM

C21

A	8, 15	02/21/14
		PRC 8625.1
S	5, 14	J. Sampson

TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

LESSEE:
Mark L. Francis

APPLICANTS:
Aaron Beaver and Natalie Beaver, trustees of The Aaron Beaver and Natalie Beaver AB Living Trust, dated 4/15/08

AREA, LAND TYPE, AND LOCATION:
Sovereign land in Sacramento River, adjacent to 14400 State Highway 160, Walnut Grove, Sacramento County.

AUTHORIZED USE:
Continued use and maintenance of an existing single berth floating boat dock, seven steel pilings, and gangway.

LEASE TERM:
10 years, beginning August 8, 2013.

CONSIDERATION:
$249 per year, with the State reserving the right to set a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:
Liability insurance in an amount no less than $1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

2. On August 1, 2005, the Commission authorized a Recreational Pier Lease to Mark L. Francis. That lease will expire July 31, 2015. On August 8, 2013, Mark L. Francis transferred interest in the upland property to Aaron Beaver and Natalie Beaver, trustees of The Aaron Beaver and Natalie

Beaver AB Living Trust, dated 4/15/08. The applicants are now applying for a General Lease – Recreational Use.

3. Staff recommends termination of the existing lease because the lessee abandoned the lease by selling the upland property and facility without executing a quitclaim deed.

4. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

   Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

5. **Issuance of New Lease:** 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.

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:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease: 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:

1. Authorize termination, effective August 7, 2013, of Recreational Pier Lease No. 8625.9 to Mark L. Francis.

2. Authorize issuance of a General Lease – Recreational Use to Aaron Beaver and Natalie Beaver, trustees of The Aaron Beaver and Natalie Beaver AB Living Trust, dated 4/15/08 beginning August 8, 2013, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, seven steel pilings, and gangway 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 $249, 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 an amount no less than $1,000,000 per occurrence.

EXHIBIT A

PRC 8625.1

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 314 patented July 3, 1872, County of Sacramento, State of California and more particularly described as follows:

> All those lands underlying an existing floating boat dock with a single slip, gangway and seven steel pilings lying adjacent to that parcel described in Grant Deed, recorded August 12, 2013 in Book 20130812 at Page 0758 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/30/14 by the California State Lands Commission Boundary Unit

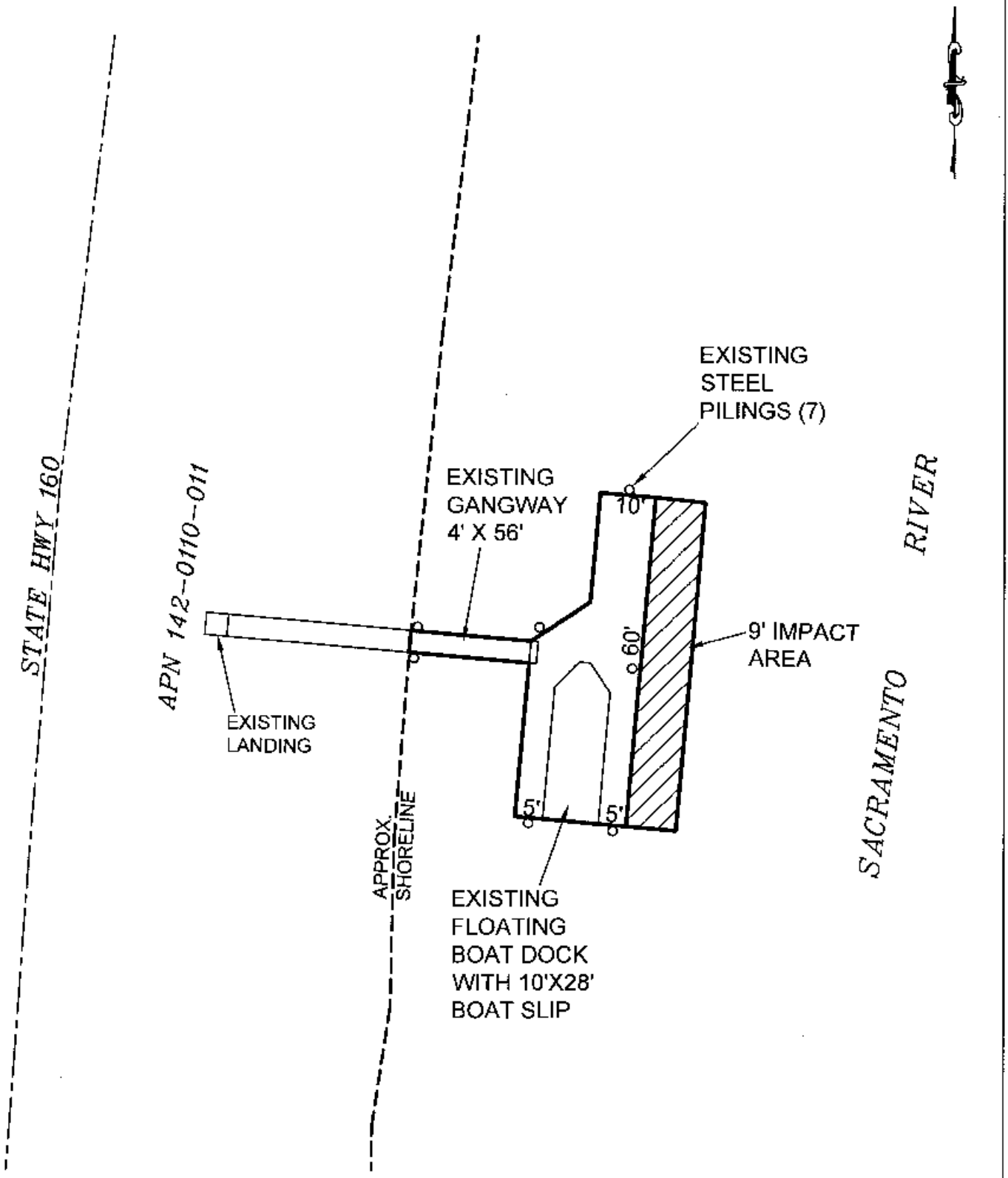

EXHIBIT A

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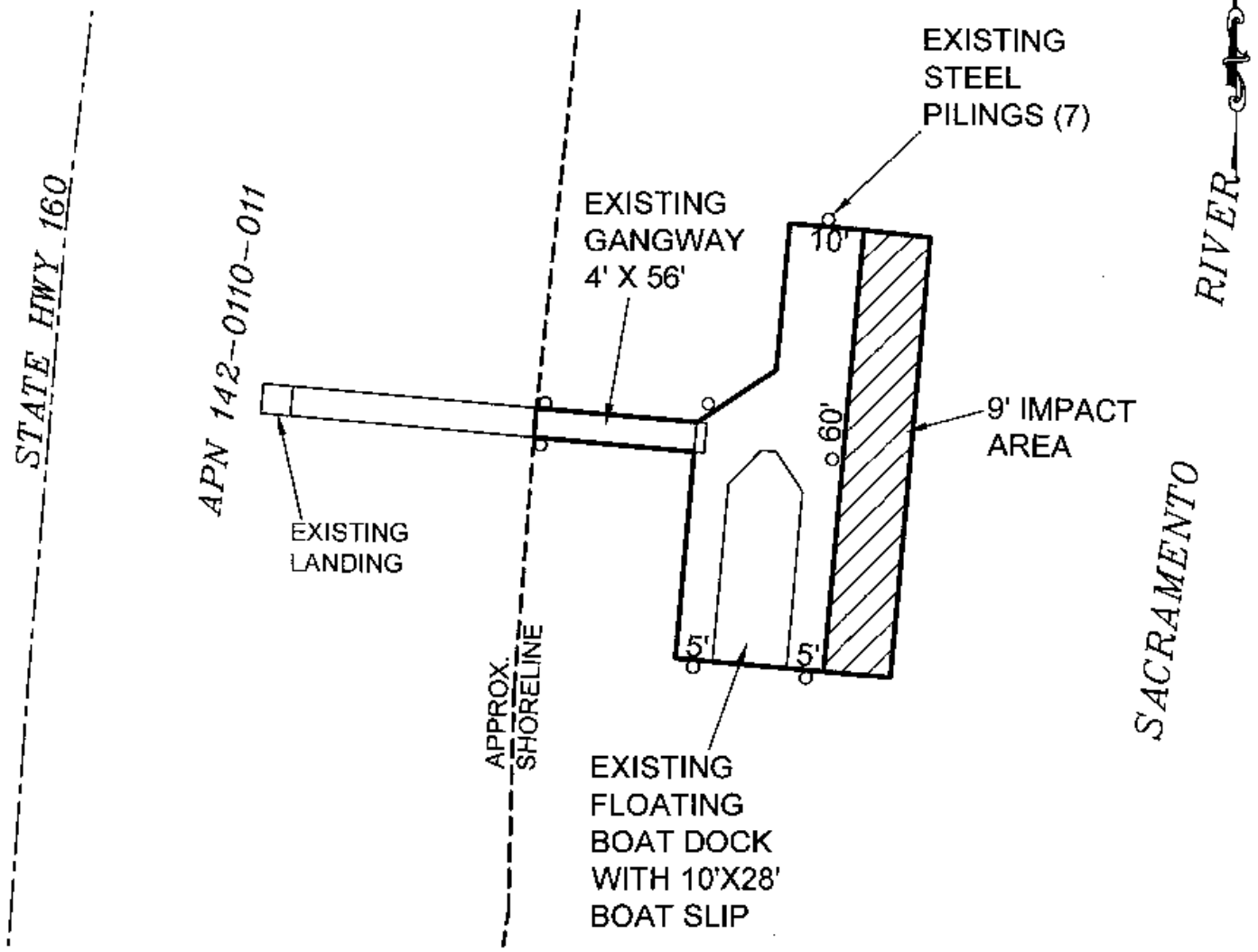
LAND DESCRIPTION PLAT PRC 8625.1, BEAVER TRUSTEES SACRAMENTO COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

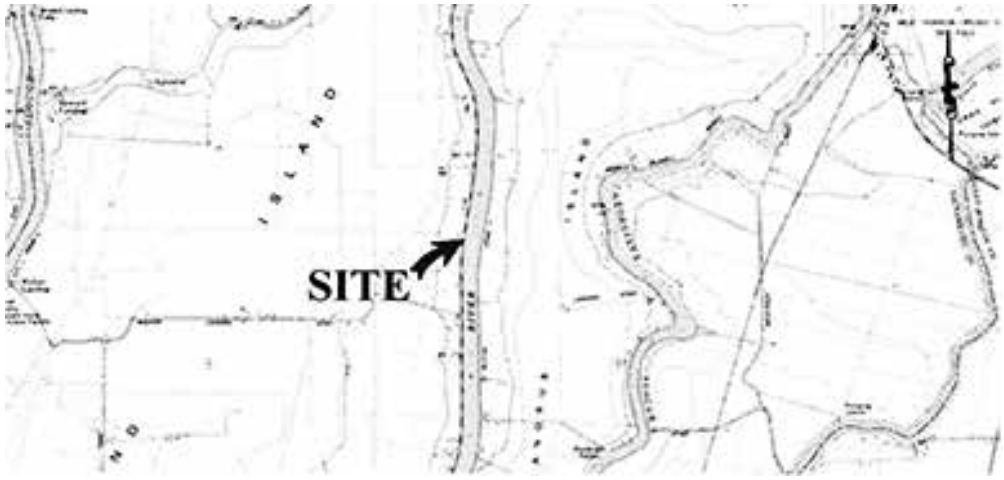
SITE



14400 STATE HWY 160, 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 8625.1
BEAVER TRUSTEES
APN 142-0110-011
GENERAL LEASE - RECREATIONAL USE
SACRAMENTO COUNTY

TS 01/16/14