

CALENDAR ITEM  
**C22**

A 11

12/17/14  
PRC 8761.1  
V. Caldwell

S 3

**TERMINATION AND ISSUANCE OF A  
GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**LESSEE:**

Larry T. Shaw

**APPLICANT:**

AJS Enterprises, LLC

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Georgiana Slough, adjacent to 17219 Terminous Road, near the city of Isleton, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing covered floating boat house with boat hoist and floating storage area, six wood pilings, gangway, and bank protection.

**LEASE TERM:**

10 years, beginning March 14, 2014.

**CONSIDERATION:**

**Covered Floating Boat House with Boat Hoist and Floating Storage Area, Six Wood Pilings, Gangway:** \$676 per year, with an annual Consumer Price Index adjustment.

**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 to be in the State's best interests.

**SPECIFIC LEASE PROVISIONS:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.

CALENDAR ITEM NO. **C22** (CONT'D)

2. On September 13, 2007, the Commission authorized a General Lease – Recreational and Protective Structure Use to Larry T. Shaw. The lease will expire on September 12, 2017. On March 14, 2014, the upland parcel was transferred to AJS Enterprises, LLC. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use. Because staff has been unable to locate the Lessee to execute a quitclaim deed, staff recommends termination of the existing lease and issuance of a new lease to the Applicant.
3. The bank protection will mutually benefit both the public and the Applicant. The bank of Georgiana Slough will have additional protection for the river channel from wave action provided at no cost to the public.
4. **Lease Termination:** The staff recommends that the Commission find that the subject termination of lease 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 which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

CALENDAR ITEM NO. **C22** (CONT'D)

**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 termination of lease 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).

**AUTHORIZATION:**

1. Authorize termination of Lease No. 8761.1, a General Lease – Recreational and Protective Structure Use, effective March 13, 2014.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to AJS Enterprises, LLC, beginning March 14, 2014, for a term of 10 years, for the continued use and maintenance of an existing covered floating boat house with boat hoist and floating storage area, six wood pilings, gangway, and bank protection 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 existing covered floating boat house with boat hoist and floating storage area, six wood pilings, and gangway: \$676 per year, with an annual Consumer Price Index adjustment; 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8761.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 943 patented April 14, 1873, in Georgiana Slough in the County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing floating boathouse, boat hoist, walkway, gangway, covered storage area and six (6) pilings lying adjacent to that parcel described in Exhibit "A" of that Grant Deed recorded March 14, 2014, in Book 20140314, Page 0800 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH all those lands underling existing bank protection lying adjacent to said Grant Deed.

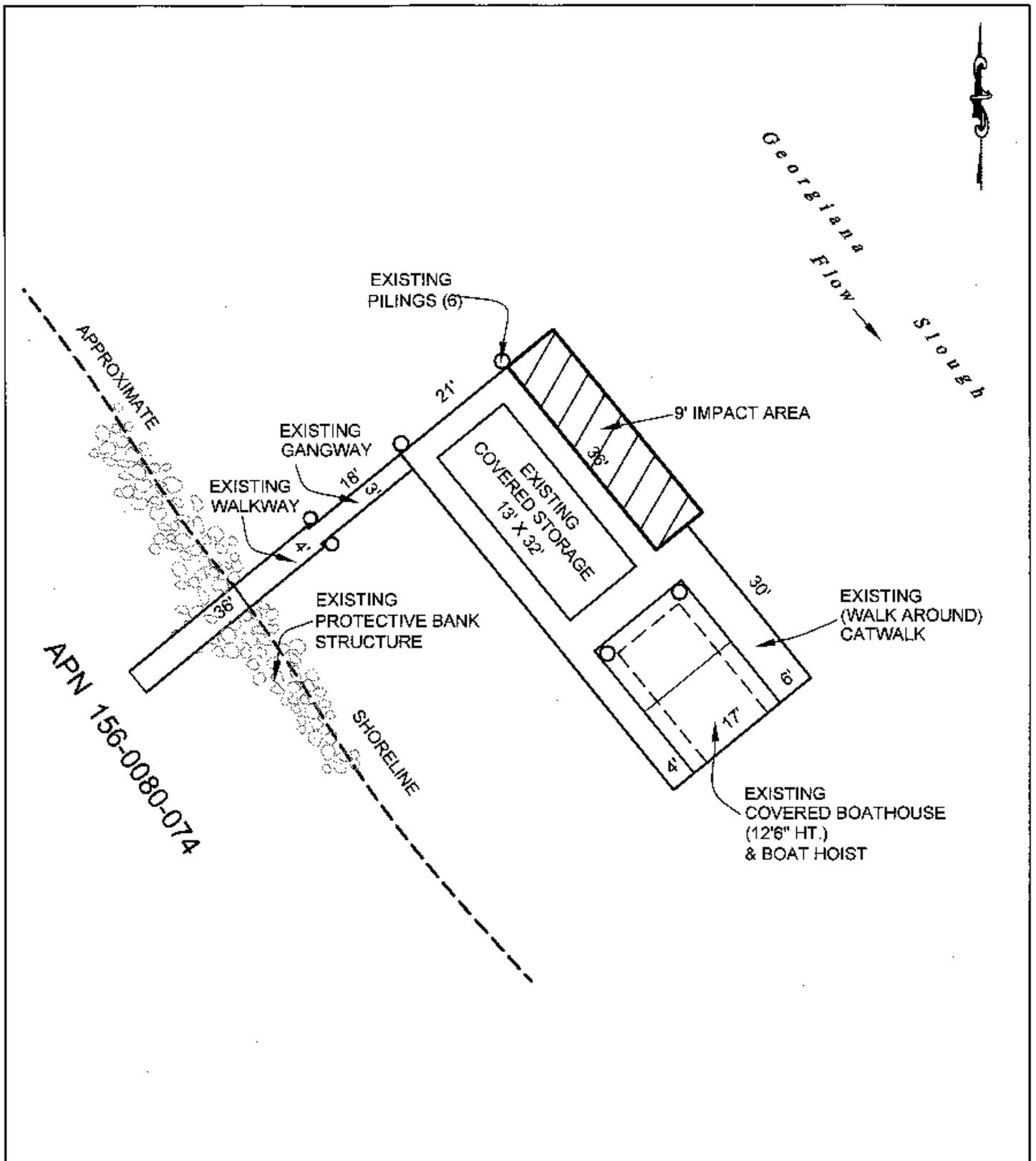
EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made a part of this description.

**END OF DESCRIPTION**

Prepared October 20, 2014 by the California State Lands Commission Boundary Unit.





# EXHIBIT A

LAND DESCRIPTION PLAT  
 PRC 8761.1, AJS ENTERPRISES, LLC  
 SACRAMENTO COUNTY

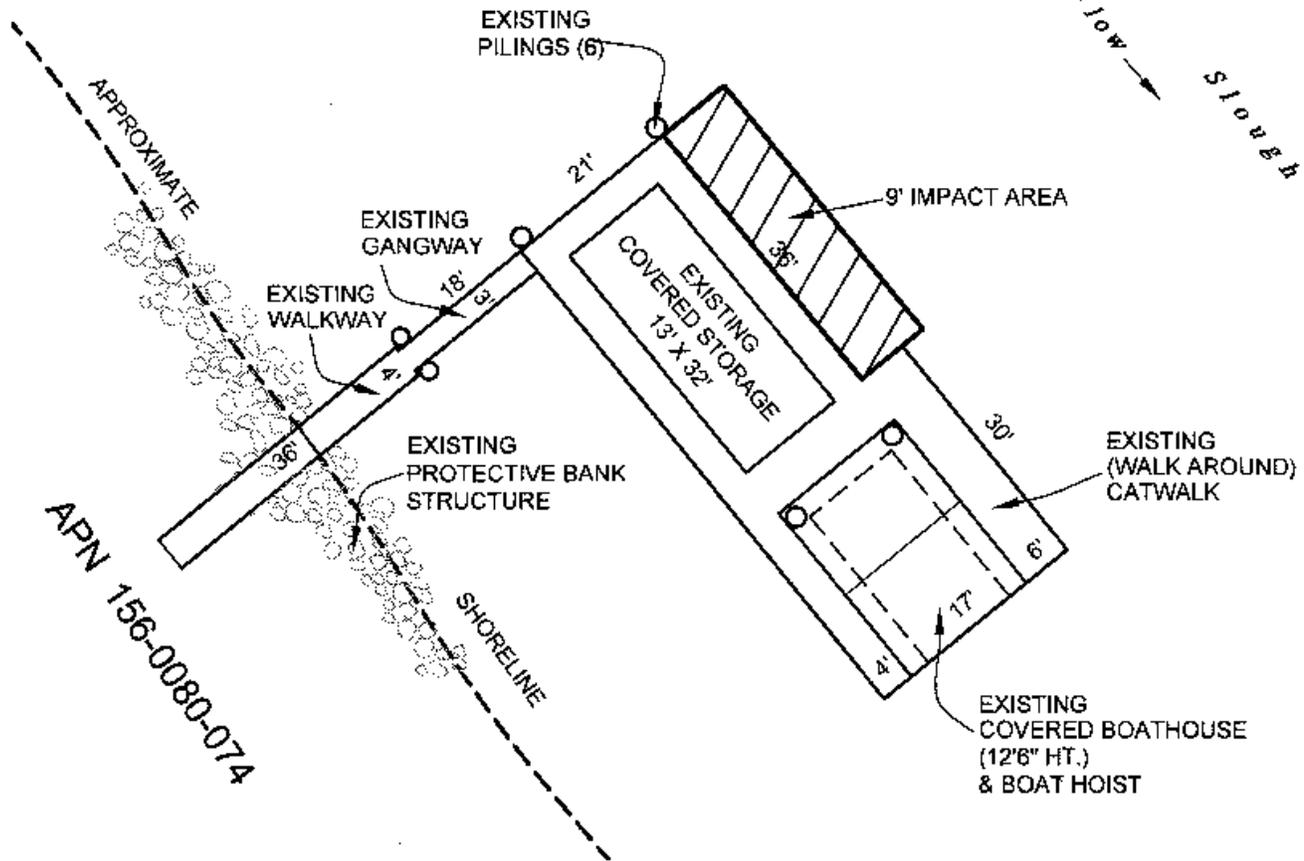
CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

# SITE

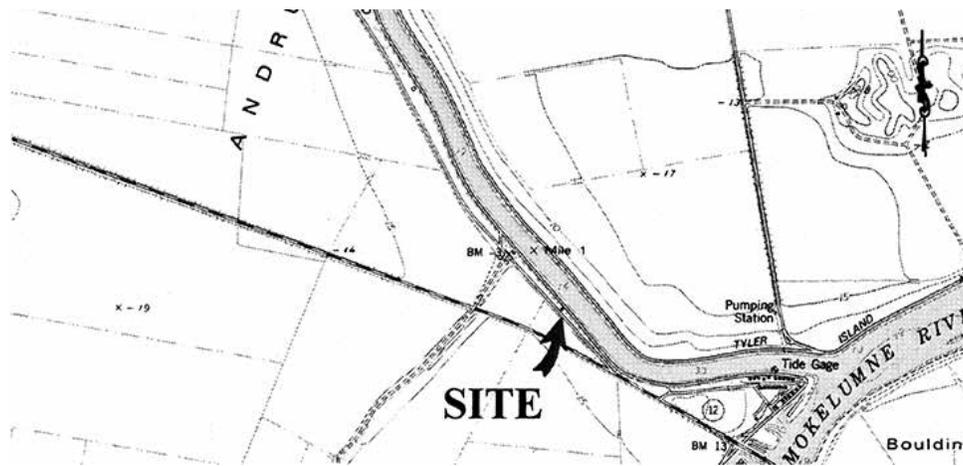
Georgiana Flow  
Slough



17219 TERMINOUS ROAD, NEAR ISLETON

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 8761.1  
 AJS ENTERPRISES, LLC  
 APN 156-0080-074  
 GENERAL LEASE -  
 RECREATIONAL &  
 PROTECTIVE STRUCTURE 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.