

**CALENDAR ITEM  
C33**

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04/05/16  
PRC 7694.1  
D. Tutov

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Ronald L. Giles and Gay A. Giles

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

Sovereign land located in the Georgiana Slough, adjacent to Sacramento County Assessor's Parcel Number 157-0100-076, near the city of Isleton, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing two-berth uncovered floating boat dock, gangway, and 12 pilings.

**LEASE TERM:**

10 years, beginning April 1, 2016.

**CONSIDERATION:**

\$454 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

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

**STAFF ANALYSIS AND RECOMMENDATION:**

**Statutory Authority:**

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

**Public Trust and State's Best Interests Analysis:**

The subject dock and appurtenant facilities are for the docking and mooring of boats. Recreational boating is water-dependent and is generally consistent with the common law public trust doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code, §

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6503.5). The subject structures are privately owned and maintained. The adjacent upland parcel is privately owned and developed with a residence.

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years, and a non-exclusive use provision.

A dock and appurtenant facilities have existed for many years at this location. The facilities do not significantly alter the land, the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Upon termination of the lease, the Lessee may be required to remove any improvements and restore the lease premises to their original condition. Based on the foregoing, Commission staff believes that the dock and appurtenant facilities will not substantially interfere with public trust needs, at this location, at this time, and for the foreseeable term of the proposed lease.

The proposed lease requires the Lessee to insure the lease premises and indemnify the state for any liability incurred as a result of the Lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law public trust doctrine and in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On April 17, 2006, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to Ronald L. Giles and Gay A. Giles. That lease expires on March 31, 2016. The Applicant is now applying for a General Lease – Recreational Use for the continued use and maintenance of an existing two-berth uncovered floating boat dock, gangway, and 12 pilings.
3. The Applicant is not responsible for the maintenance of the bank protection previously authorized by the Commission at this location. The Brannan-Andrus Levee Maintenance District, which includes Reclamation District 317 (Lower Andrus Island), is responsible for the bank protection along Georgiana Slough in this area.

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4. Staff recommends the issuance of this lease as it promotes Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
5. 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 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.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the public trust needs and values at this location at this time, is consistent with the common law public trust doctrine, and is in the best interests of the State.

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**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).

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to Ronald L. and Gay A. Giles beginning April 1, 2016, for a term of 10 years, for the continued use and maintenance of an existing two-berth uncovered floating boat dock, gangway, and 12 pilings 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; annual rent in the amount of \$454, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 7694.1**

**LAND DESCRIPTION**

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

All those lands underlying a double-berth floating boat dock and gangway adjacent to that parcel described in Grant Deed recorded July 22, 2003 as Book 20030722 at Page 553 in Official Records of Sacramento County.

TOGETHER WITH any applicable impact area.

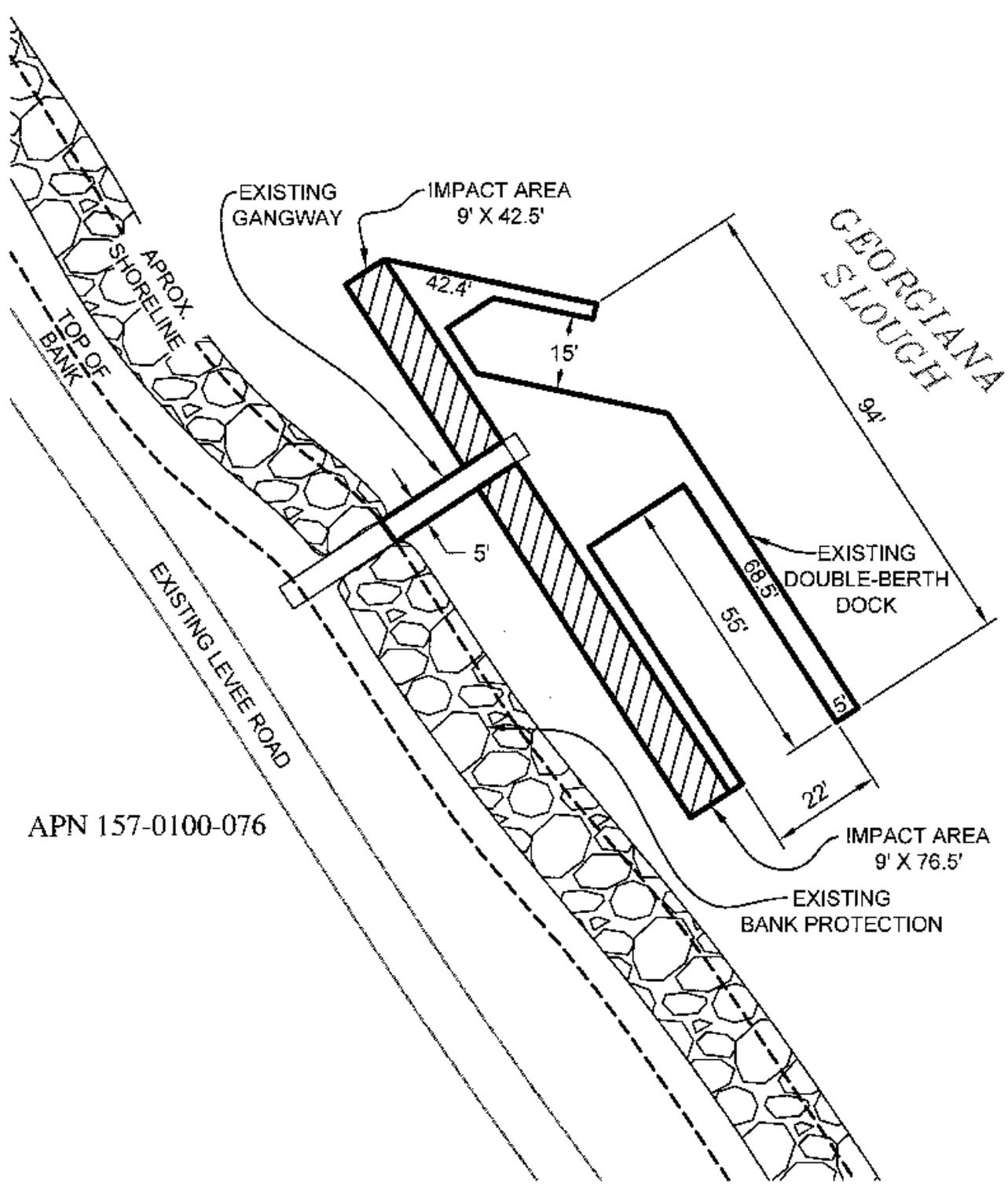
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of Georgiana Slough.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 03/08/2016 by the California State Lands Commission Boundary Unit.



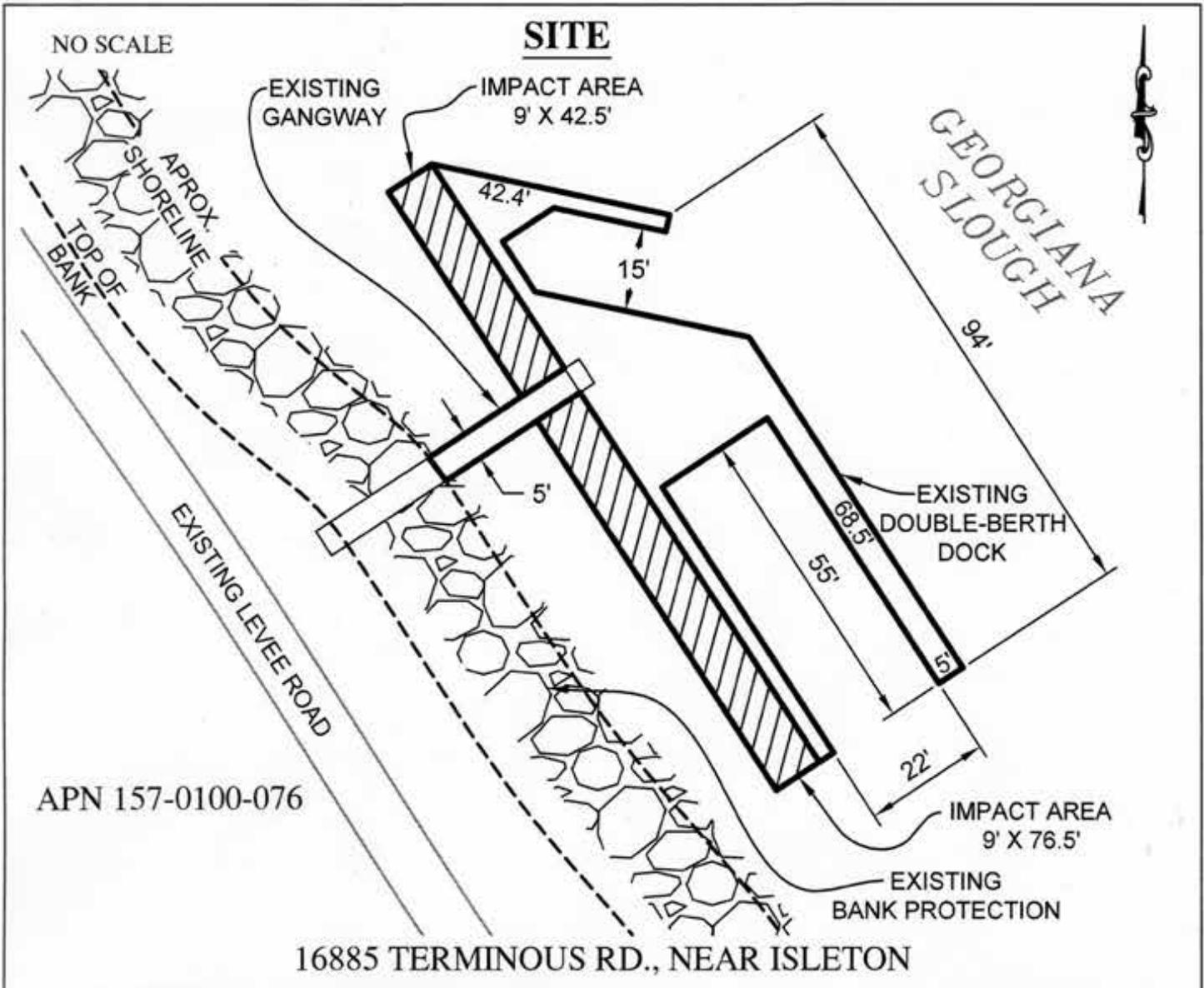


**EXHIBIT A**

LAND DESCRIPTION PLAT  
 PRC 7694.1, GILES  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION





**Exhibit B**

PRC 7694.1  
 GILES  
 APN 157-0100-076  
 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.