

**CALENDAR ITEM  
C23**

A 8, 15

06/28/10

WP 6200.1

S 5, 14

V. Caldwell

**CONSIDER RATIFICATION OF ASSIGNMENTS, TERMINATION OF GENERAL  
LEASE - COMMERCIAL USE, AND ISSUANCE OF NEW  
GENERAL LEASE - COMMERCIAL USE**

**LESSEES:**

Rollin Paup and Marion Paup

**APPLICANTS:**

Marion R. Paup and Sandra L. Oman, Trustees of the Paup Marital Trust

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

A 0.43 acre parcel, more or less, of sovereign land in the Sacramento River, adjacent to 14031 River Road (Highway 160), city of Walnut Grove, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing commercial marina, known as Landing 63, consisting of two covered berths, 11 uncovered berths, gangway, ramp, and bulkhead.

**LEASE TERM:**

20 years, beginning April 6, 2010.

**CONSIDERATION:**

\$1,200 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:**

Insurance:

Liability insurance of no less than \$1,000,000

Bond:

\$5,000

Other:

This lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators"

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and encourage implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters" including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On August 26, 1982, the Commission authorized a General Lease – Commercial Use to Rollin Paup and Marion Paup. In August 1990, the upland property was transferred to Rollin T. Paup and Marion R. Paup, Co-Trustees of the Paup Family Trust dated July 27, 1990.

Upon the death of Rollin Paup in 2006, the property was transferred to Marion R. Paup and Sandra L. Oman, Trustees of the Paup Family Trust; and subsequently to Marion R. Paup and Sandra L. Oman, Trustees of the Paup Marital Trust. Lessees did not apply to the Commission for lease assignments for the transfers.

The lease expires on August 31, 2012 and the Applicants have agreed to terminate the existing lease and are now applying for a new General Lease – Commercial Use.

3. The Applicants have requested one navigable vessel to be used as a live-aboard for security and management purposes, as the Applicants need additional assistance at the marina due to a physical disability. The docks and boats at the marina are vulnerable to vandalism, theft, property destruction, accidents, fire, and other on-the-water problems that may require immediate action.

Based on the above, staff is recommending that one vessel be authorized to be used for security purposes, subject to the approval of Commission staff. The security vessel will be required to leave the Marina waters at least once for a minimum of six hours in each 90-day period and submit an annual log to the staff of the Commission.

4. Staff is recommending ratification of the prior assignments of lease; the termination of General Lease-Commercial Use; and the issuance of a new General Lease-Commercial Use.
5. **Ratification of Assignments:** Pursuant to the Commission's delegation of authority and State CEQA guidelines [Title 14, California Code or Regulations, section 15060(c)(3)], the staff has determined that this

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activity is not subject to the provisions of CEQA because it is not a “project” as defined by CEQA and the State CEQA Guidelines.

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

6. **Termination of Lease:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff has determined that this activity is not subject to the provisions of CEQA because it is not a “project” as defined by CEQA and the State CEQA Guidelines.

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

7. **Issuance of New Lease:** Pursuant to the Commission’s delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff’s consultation with the persons nominating such lands and through CEQA review process, it is the staff’s opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Ratification of Assignments:** Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a “project” as

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defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

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

**Issuance of New Lease:** Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities, Title 2, California Code of Regulations, section 2905 (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

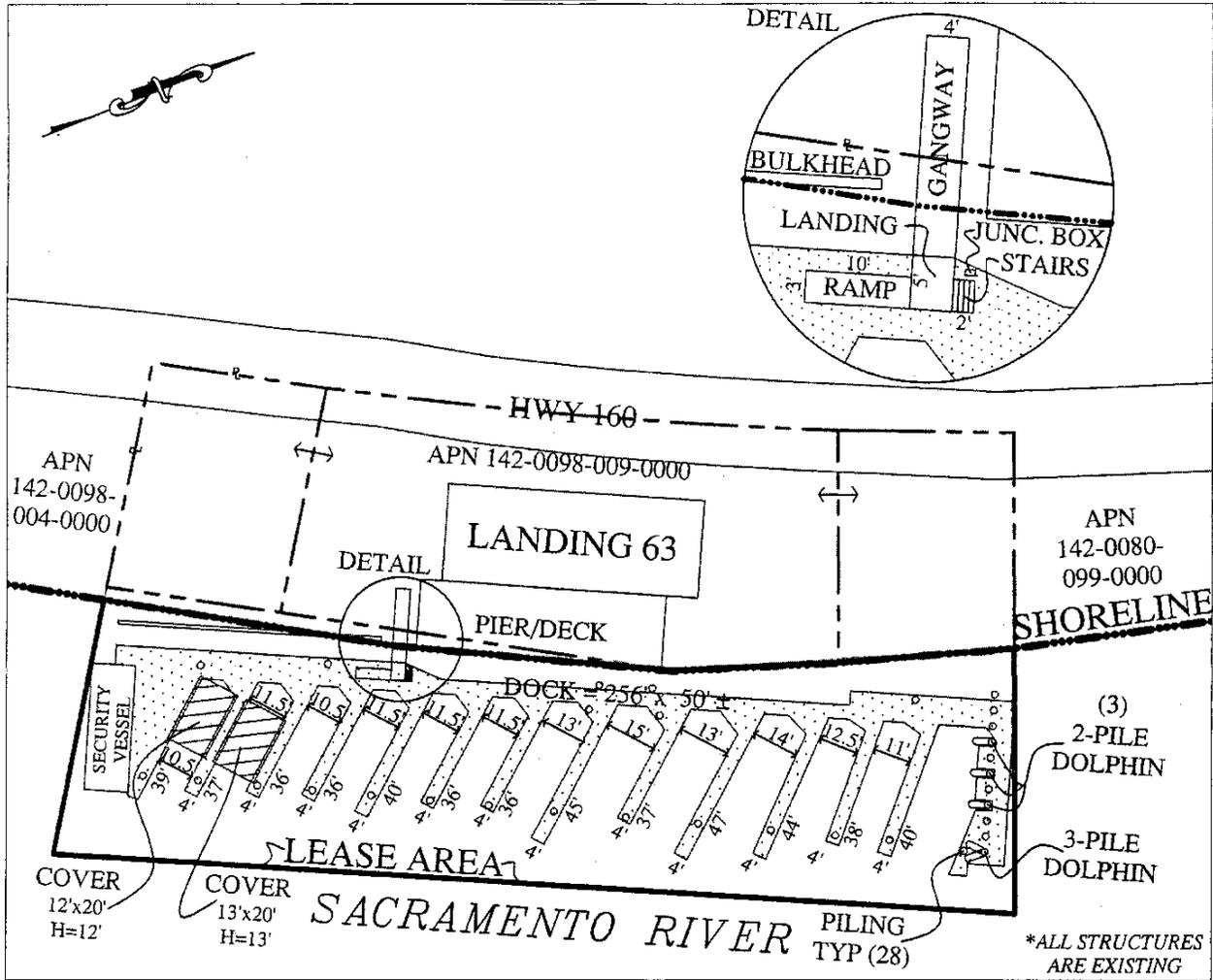
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

**AUTHORIZATION:**

1. Ratify prior assignments of Lease No. PRC 6200.1 from Rollin Paup and Marion Paup to Marion R. Paup and Sandra Oman, Trustees of the Paup Marital Trust.
2. Authorize the termination of General Lease – Commercial Use, Lease No. PRC 6200.1, effective April 5, 2010.
3. Authorize issuance of a General Lease – Commercial Use to Marion R. Paup and Sandra L. Oman, Trustees of the Paup Martial Trust, beginning April 6, 2010, for a term of 20 years, for the continued use and maintenance of an existing commercial marina as shown on Exhibit A attached (for reference purposes only) and as described on Exhibit B and by this reference made a part hereof; annual rent in the amount of \$1,200, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in the amount of no less than \$1,000,000; and a surety bond in the amount of \$5,000.

NO SCALE

# SITE



Landing 63  
 14031 River Road (HWY 160), Walnut Grove

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit A

WP 6200.1  
 APN 142-0098-009-0000  
 PAUP MARITAL TRUST  
 GENERAL LEASE  
 COMMERCIAL 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.

**EXHIBIT B**

**WP 6200.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land lying within the bed of the Sacramento River, situate adjacent to Section 35, T5N, R4E, MDM as shown on Official U.S. Government Township Plat, approved June 18, 1859, Sacramento County, State of California, being more particularly described as follows:

COMMENCING at the southeast corner of Lot 106, as shown upon the official "Plat of Clampett Tract, located in S.L.S. 306 – Grand Island, Sacramento County, Calif." filed in the office of the County Recorder of Sacramento County, December 24, 1924 in Book 18 of Maps, Map No. 22 and 23; thence N 30°07'16" E, 110.15 feet to the right bank of the Sacramento River and the POINT OF BEGINNING; thence along said bank N 30°07'00" E, 162.87 feet; thence N 18°03'19" E, 97.20 feet; thence leaving said bank S 68°33'16" E, 75.63 feet; thence S 25°19'10" W, 274.26; thence N 56°57'00" W, 77.49 feet to the point of beginning.

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

**END OF DESCRIPTION**

Prepared by the California State Lands Commission Boundary Unit  
September 15th, 2009

