

**CALENDAR ITEM
C12**

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S 5

06/21/13
PRC 4784.1
V. Caldwell

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

LESSEES:

Dorothy E. Ray Survivor's Trust and Hubert Carlisle Ray Bypass Trust

APPLICANTS:

Paul Scott and Andrea Scott

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 17368 Long Island Road, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing fishing pier with wood enclosure and walkway previously authorized by the Commission, and use and maintenance of existing bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning May 11, 2012.

CONSIDERATION:

Fishing Pier with Wood Enclosure and Walkway: \$50 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 the amount of no less than \$1,000,000 per occurrence.

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OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On April 7, 2003, the Commission authorized a 10-year Recreational Pier Lease to Dorothy E. Ray Survivor's Trust and Hubert Carlisle Ray Bypass Trust. The lease will expire on June 28, 2013. On May 11, 2012, the upland property was transferred to Paul Scott and Andrea Scott. The Applicants are now applying for a General Lease – Recreational and Protective Structure Use. Because staff was unable to locate the Lessees for execution of a quitclaim deed, staff recommends termination of the existing lease.

The bank protection has existed on site but was not previously authorized by the Commission. Staff recommends bringing the bank protection under lease.

3. 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.
4. **Termination of Lease:** 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 Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of the 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

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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:

Termination of Lease: 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 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 May 10, 2012, of Lease No. PRC 4784.9, a Recreational Pier Lease issued to Dorothy E. Ray Survivor's Trust and Hubert Carlisle Ray Bypass Trust.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Paul Scott and Andrea Scott beginning May 11, 2012, for a term of 10 years, for the continued use and maintenance of an existing fishing pier with wood enclosure and walkway previously authorized by the Commission, and use and maintenance of existing 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; annual rent in the amount of \$50, 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

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a monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4784.1

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 957, patented October 4, 1871, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing fishing pier with wood enclosure and ramp lying adjacent to Parcel One described in Exhibit A of that Grant Deed, recorded May 11, 2012 in Book 20120511 at Page 0196 in Official Records of said County.

TOGETHER WITH all those lands lying immediately beneath any existing bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the MHTL of the right bank of said river as per Sacramento Superior Court Case No. 78345 and shown on "Record of Survey of Compromise Title Settlement Agreement, Boundary Line Agreement No. 241 at Long Island, Vicinity of Isleton in Projected Section 27, T4N, R3E, MDM" and filed in Book 38 of Surveys at page 40 Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/03/13 by the California State Lands Commission Boundary Unit





APN 142-0140-009

EXISTING RAMP 12'X14'

RIP RAP

EXISTING BANK PROTECTION

EXISTING FISHING PIER 12' X 14' WITH WOOD ENCLOSURE 6' X 12'

APPROX. SHORELINE

SACRAMENTO RIVER

EXHIBIT A

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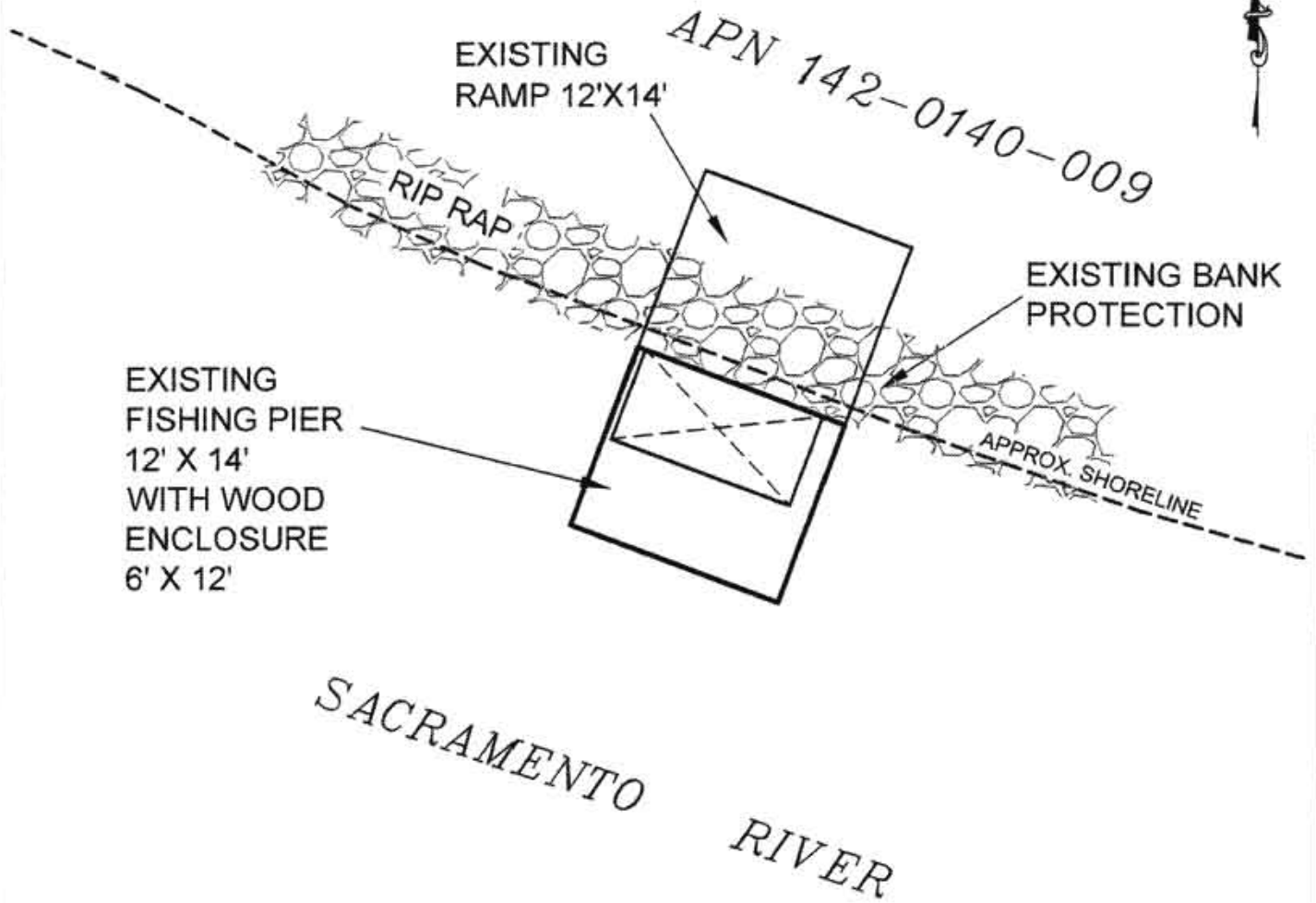
LAND DESCRIPTION PLAT
PRC 4784.1, SCOTT
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

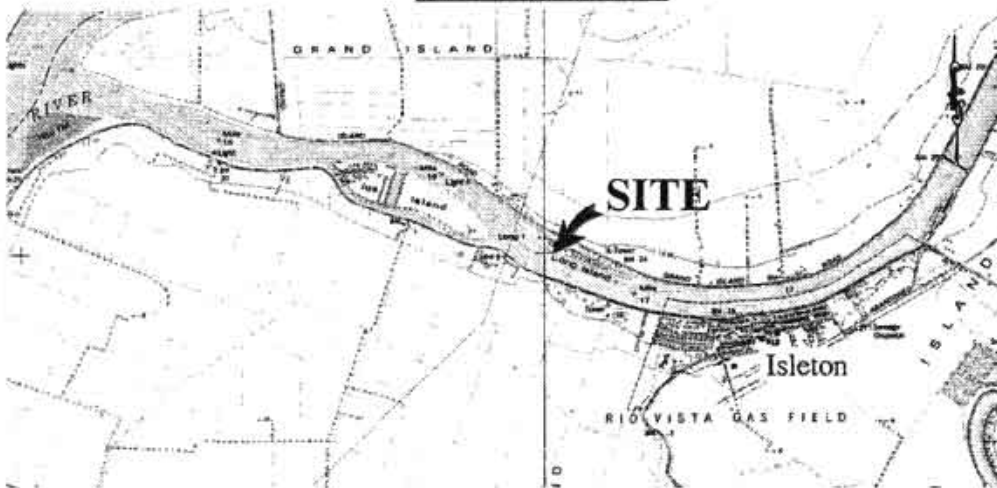
SITE



17368 LONG ISLAND ROAD, WALNUT GROVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4784.1
 SCOTT
 APN 142-0140-009
 GENERAL LEASE -
 RECREATIONAL AND
 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.