

**CALENDAR ITEM  
C17**

A 15  
S 5

05/24/12  
PRC 8425.1  
N. Lavoie

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Jesus Gama Dominguez and Rosa Lilia Dominguez

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

Sovereign land in the Sacramento River, adjacent to 53750 South River Road, near Clarksburg, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing floating boat dock, gangway, and four pilings.

**LEASE TERM:**

10 years, beginning September 1, 2012.

**CONSIDERATION:**

\$262 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:**

Liability insurance in the amount of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. The Applicants own the upland adjoining the lease premises.
2. On October 1, 2002, the Commission authorized a Recreational Pier Lease, Lease No. PRC 8425.9, to Jesus Gama Dominguez and Rosa Lilia Dominguez. That lease will expire on August 31, 2012. Jesus Gama Dominguez and Rosa Lilia Dominguez are now applying for a new General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-

CALENDAR ITEM NO. C17 (CONT'D)

owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:

- A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
- B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The Applicants do not qualify for an exception and the lease is subject to rent because the application was received after March 31, 2011.

- 4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the 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; 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.

- 5. This activity involves land 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

CALENDAR ITEM NO. **C17** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**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).

**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:**

Authorize issuance of a General Lease – Recreational Use to Jesus Gama Dominguez and Rosa Lilia Dominguez beginning September 1, 2012, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, gangway, and four pilings 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 \$262 per year, 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 the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 8425.1**

**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 383 patented September 24, 1878, County of Yolo, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, gangway and four pilings lying adjacent to the right bank of said river and being adjacent to Parcel Two, as described in Grand Deed, recorded March 3, 1999 in Document Number 99-0006467-00 in Official Records of said County.

ALSO TOGETHER WITH a 10' use area.

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.

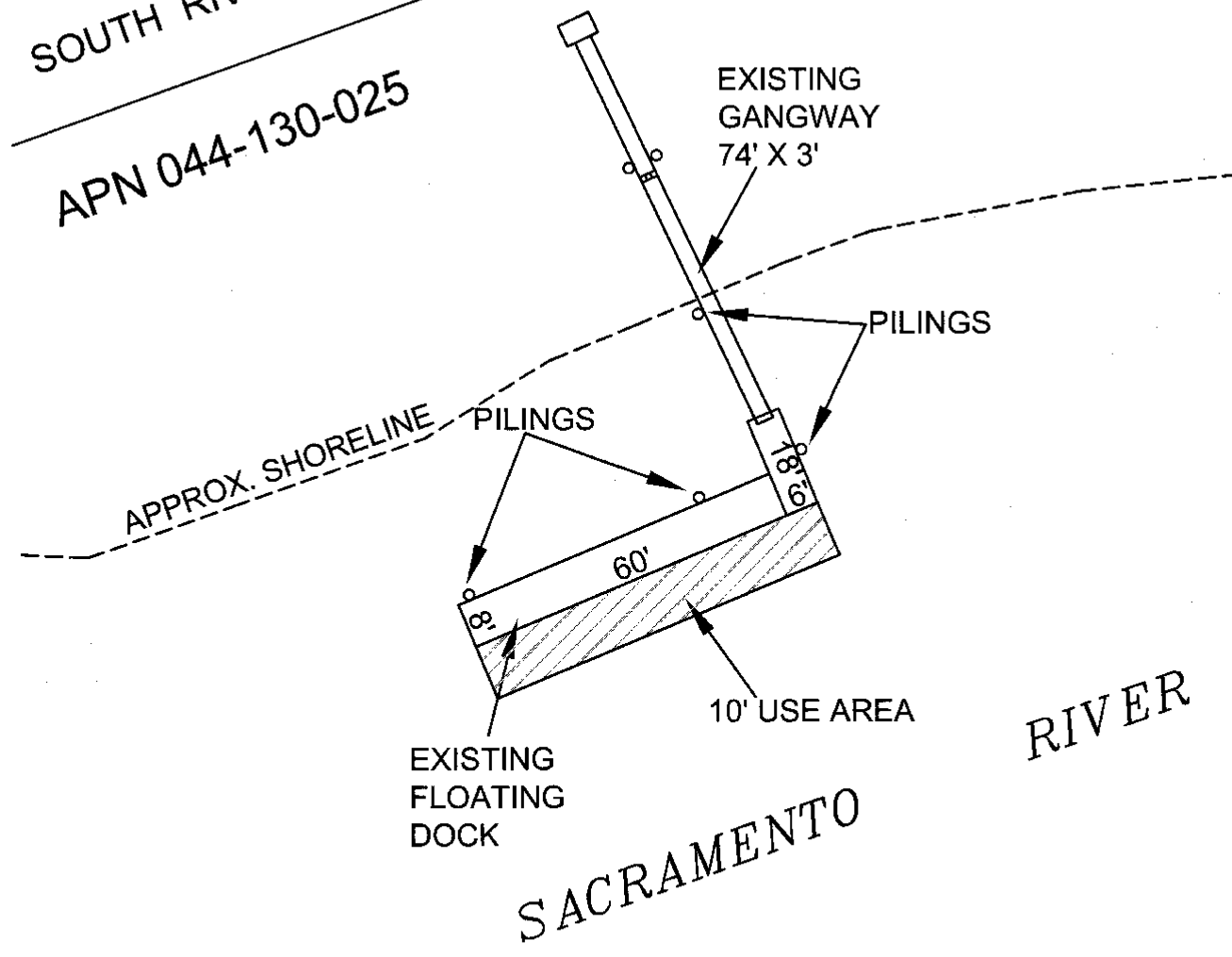
**END OF DESCRIPTION**

Prepared 01/23/12 by the California State Lands Commission Boundary Unit



SOUTH RIVER ROAD

APN 044-130-025



### EXHIBIT A

Page 2 of 2

TS 02/23/12

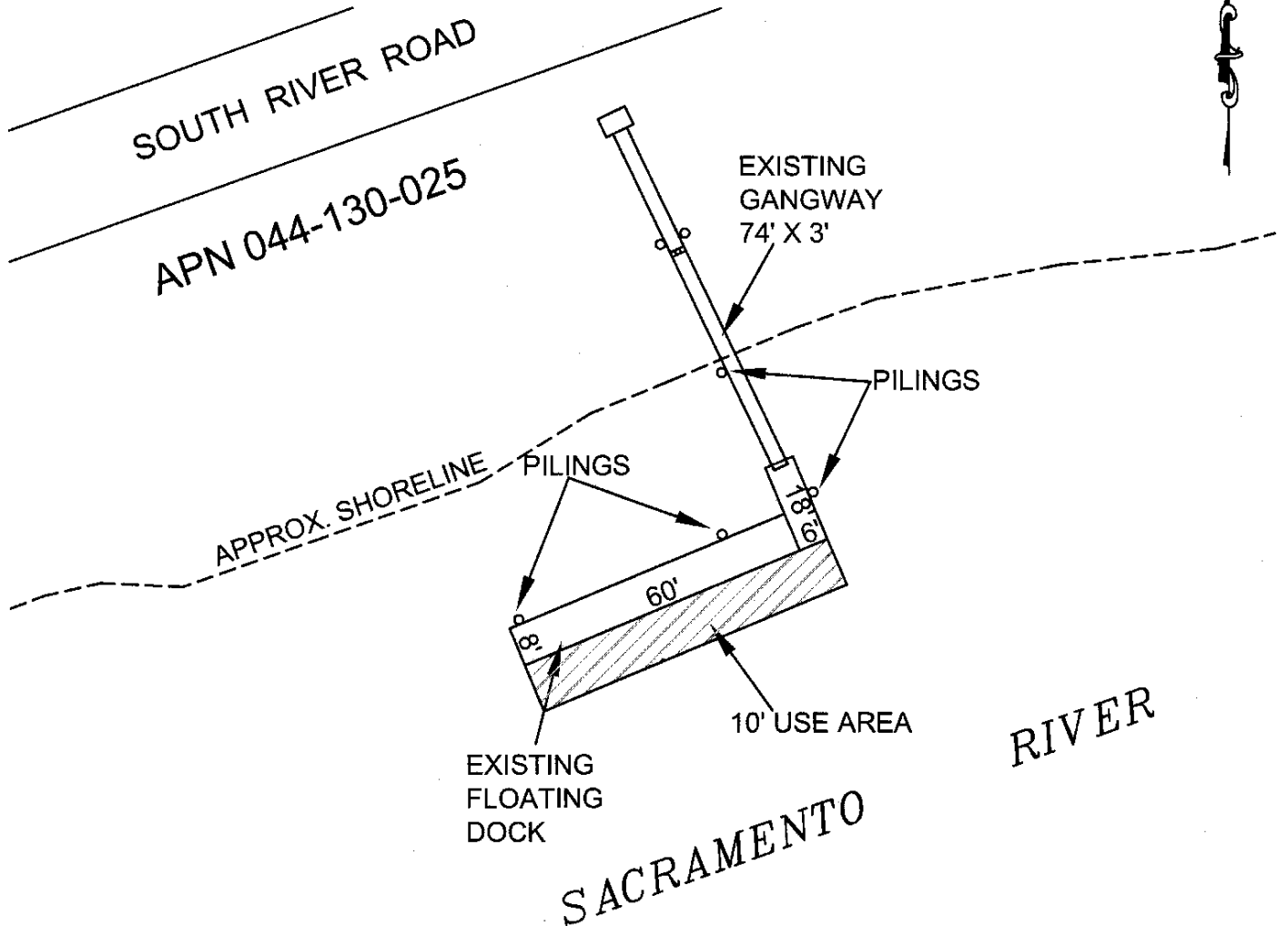
LAND DESCRIPTION PLAT  
PRC 8425.1, DOMINGUEZ  
YOLO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

### SITE



53750 SOUTH RIVER ROAD, NEAR CLARKSBURG

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 8425.1  
DOMINGUEZ  
APN 044-130-025  
GENERAL LEASE-  
RECREATIONAL USE  
YOLO COUNTY



TS 02/23/12