

CALENDAR ITEM
C21

A 8
S 5

05/24/12
PRC 8326.1
N. Lavoie

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

Colleen Casey, Trustee of the Paul LeBaron Thiebaud Administrative Trust U/A
Dated May 24, 2002

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 41820 South River Road,
near Clarksburg, Yolo County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating double-slip
boat dock, utility conduits, ramp, 10 pilings, and debris deflector previously
authorized by the Commission, and use and maintenance of two existing boat
lifts and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning May 24, 2012.

CONSIDERATION:

**Uncovered floating double-slip boat dock, two boat lifts, utility conduits, ramp,
10 pilings, and debris deflector:** \$780 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.

CALENDAR ITEM NO. **C21** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On September 17, 2001, the Commission authorized a Recreational Pier Lease to Paul LeBaron Thiebaud, effective August 1, 2001. That lease expired on July 31, 2011. On December 13, 2002, the property was transferred to Paul LeBaron Thiebaud Trustee of the Paul LeBaron Thiebaud Trust dated May 24, 2002. Paul LeBaron Thiebaud passed away on June 19, 2010. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use. The current acting Trustee of the Paul LeBaron Thiebaud Administrative Trust U/A dated May 24, 2002, is Colleen Casey.
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-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 Applicant does not qualify for an exception and the lease is subject to rent because the application was received after March 31, 2011.

4. After the dock was constructed, the Lessee added a finger to the dock turning the double-berth single slip into two individual single-berth slips. The Lessee also added two boat lifts. These changes did not change the overall footprint of the facility and the U.S. Army Corps of Engineers issued a Letter of Permission authorizing the modification. The bank protection has existed for many years but was not previously authorized by the Commission. Staff recommends incorporating the dock finger, boat lifts, and bank protection into the lease.
5. 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

CALENDAR ITEM NO. **C21** (CONT'D)

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 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:

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 and Protective Structure Use to Colleen Casey, Trustee of the Paul Lebaron Thiebaud Administrative Trust U/A Dated May 24, 2002, beginning May 24, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating double-slip boat dock, utility conduits, ramp, 10 pilings, and debris deflector previously authorized by the Commission, and use and maintenance of two existing boat lifts and bank protection not previously authorized by the Commission as described in Exhibit A and shown in Exhibit B (for reference purposes only) attached and by this

CALENDAR ITEM NO. **C21** (CONT'D)

reference made a part hereof; consideration for the uncovered floating double-slip boat dock, two boat lifts, utility conduits, ramp, 10 pilings, and debris deflector: \$780 per year, 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 a monetary rent if the Commission finds such action to be in the State's best interest; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 8326.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the Sacramento River, lying adjacent to Swamp and Overflow Survey No. 380, patented October 23, 1867, County of Yolo, State of California, and more particularly described as follows

PARCEL 1 – PIER

All those lands underlying an existing uncovered floating double-slip boat dock, two boat lifts, and gangway lying adjacent to Parcel A as described in Exhibit "A" in that Grant Deed recorded May 3, 2000, as Document Number 2000-0010643-00 in Official Records of said County.

TOGETHER WITH a 10 foot use area.

ALSO TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said Parcel.

PARCEL 2 – DEBRIS DEFLECTOR & PILINGS

All those lands, underlying an existing debris deflector and pilings lying adjacent to Parcel A as described in Exhibit "A" in that Grant Deed recorded May 3, 2000, as Document Number 2000-0010643-00 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the right bank of the Sacramento River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared December 29, 2011 by the California State Lands Commission Boundary Unit.



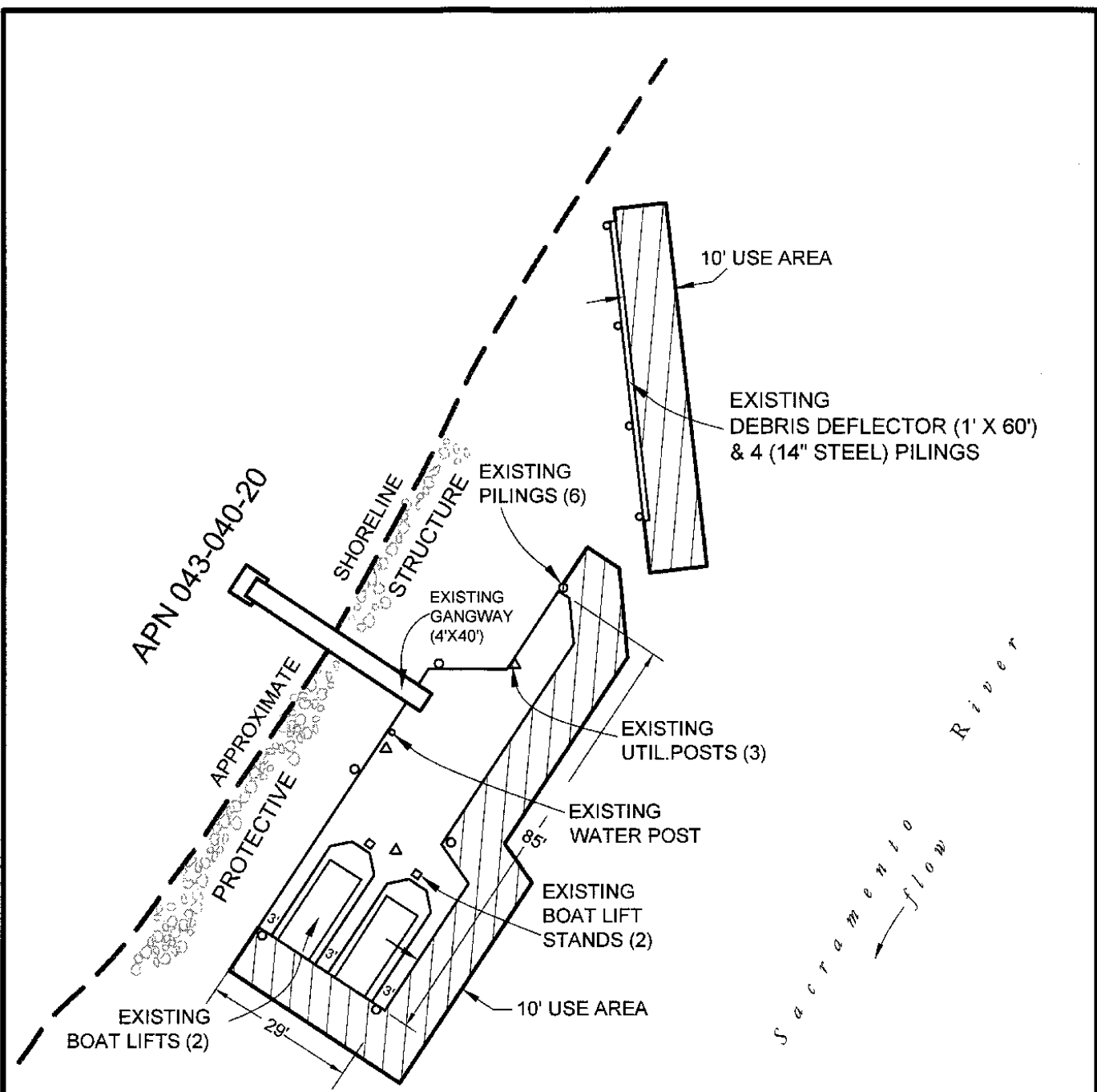


EXHIBIT A

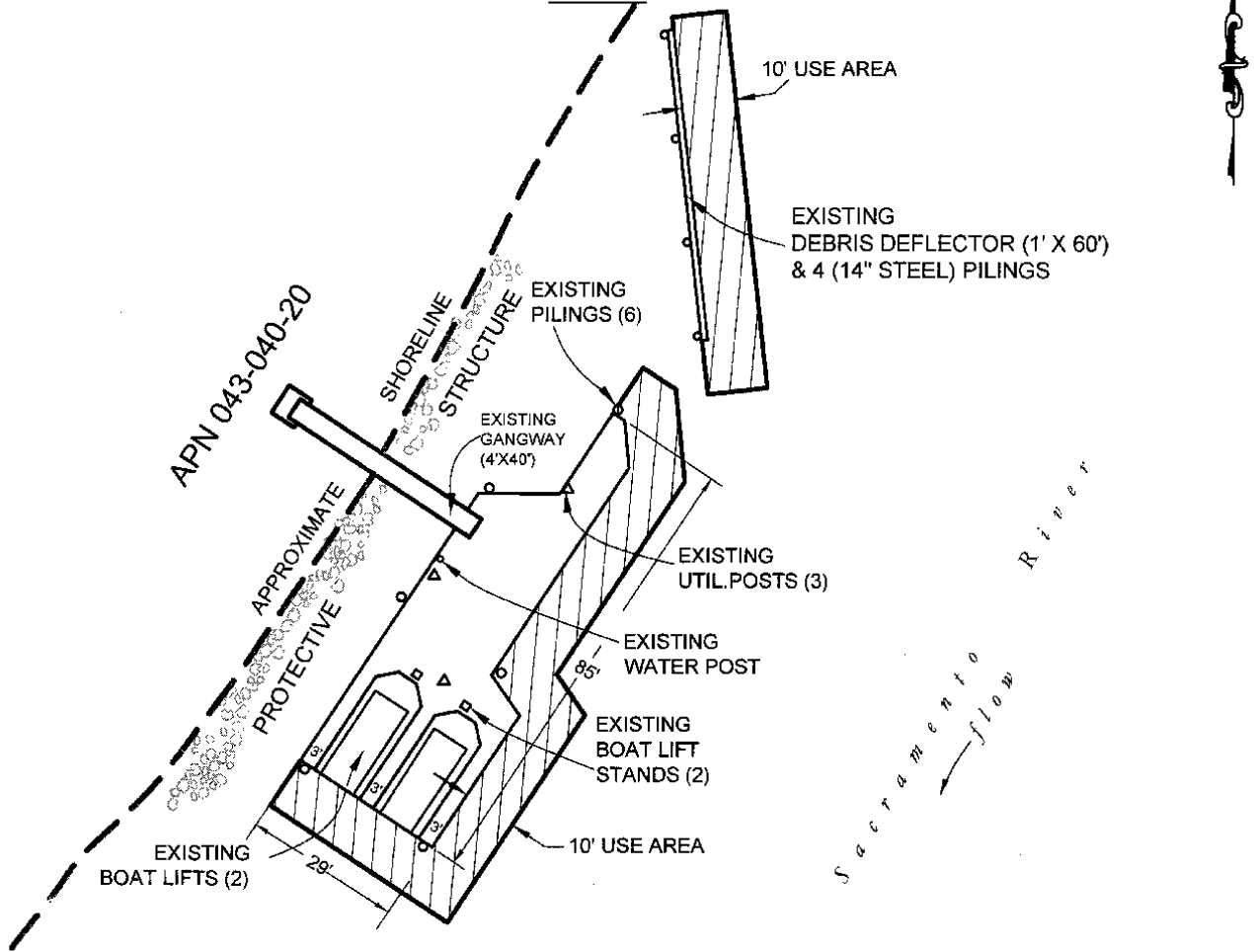
LAND DESCRIPTION
 PRC 8326.1, THIEBAUD TRUST
 YOLO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



41820 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 8326.1
THIEBAUD TRUST
APN 043-040-20
GENERAL LEASE -
RECREATIONAL &
PROTECTIVE STRUCTURE USE
YOLO COUNTY



MJJ 12/15/11