

**CALENDAR ITEM
C24**

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04/26/13
PRC 8468.1
W. Hall

**TERMINATION AND ISSUANCE OF A GENERAL LEASE –
RECREATIONAL USE**

LESSEE:

Donald J. Colvin and Christine Colvin

APPLICANT:

Jean M. Gomez

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 17210 Sherman Island East Levee Road, near the city of Rio Vista, Sacramento County

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning April 26, 2013.

CONSIDERATION:

\$191 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. Applicant owns the uplands adjoining the lease premises.
2. On September 1, 2003, the Commission authorized a 10-year Recreational Pier Lease to Donald J. Colvin and Christine Colvin. The lease will expire on August 31, 2013. On March 15, 2010, the upland was deeded to Jean M. Gomez. The Applicant is now applying for a new General Lease – Recreational Use for the continued use and maintenance

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of an existing uncovered floating boat dock, four pilings, and ramp. Because our Lessee lost the upland property and dock facilities in a foreclosure action, the lease was abandoned. Staff recommends termination of the existing lease and issuance of a new lease to the Applicant.

3. **Lease Termination:** The staff recommends 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.

4. **Issuance of Lease:** The staff recommends the Commission find 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 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:

Lease Termination: Find 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

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not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: Find 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 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 April 25, 2013, of Lease No. PRC 8468.9, a Recreational Pier Lease, issued to Donald J. Colvin and Christine Colvin.
2. Authorize issuance of a General Lease – Recreational Use to Jean M. Gomez, beginning April 26, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, four pilings, and ramp 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 \$191 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 with coverage of no less than \$1,000,000.

EXHIBIT A

PRC 8468.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Three Mile Slough, lying adjacent to Swamp and Overflowed Land Survey 584 patented December 19, 1867, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, gangway, ramp and five pilings lying adjacent to that parcel described in Deed of Trust, recorded March 15, 2010 in Book 20100315 at Page 0957 in Official Records of said County.

TOGETHER WITH a 10' impact area.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said slough.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/03/13 by the California State Lands Commission Boundary Unit



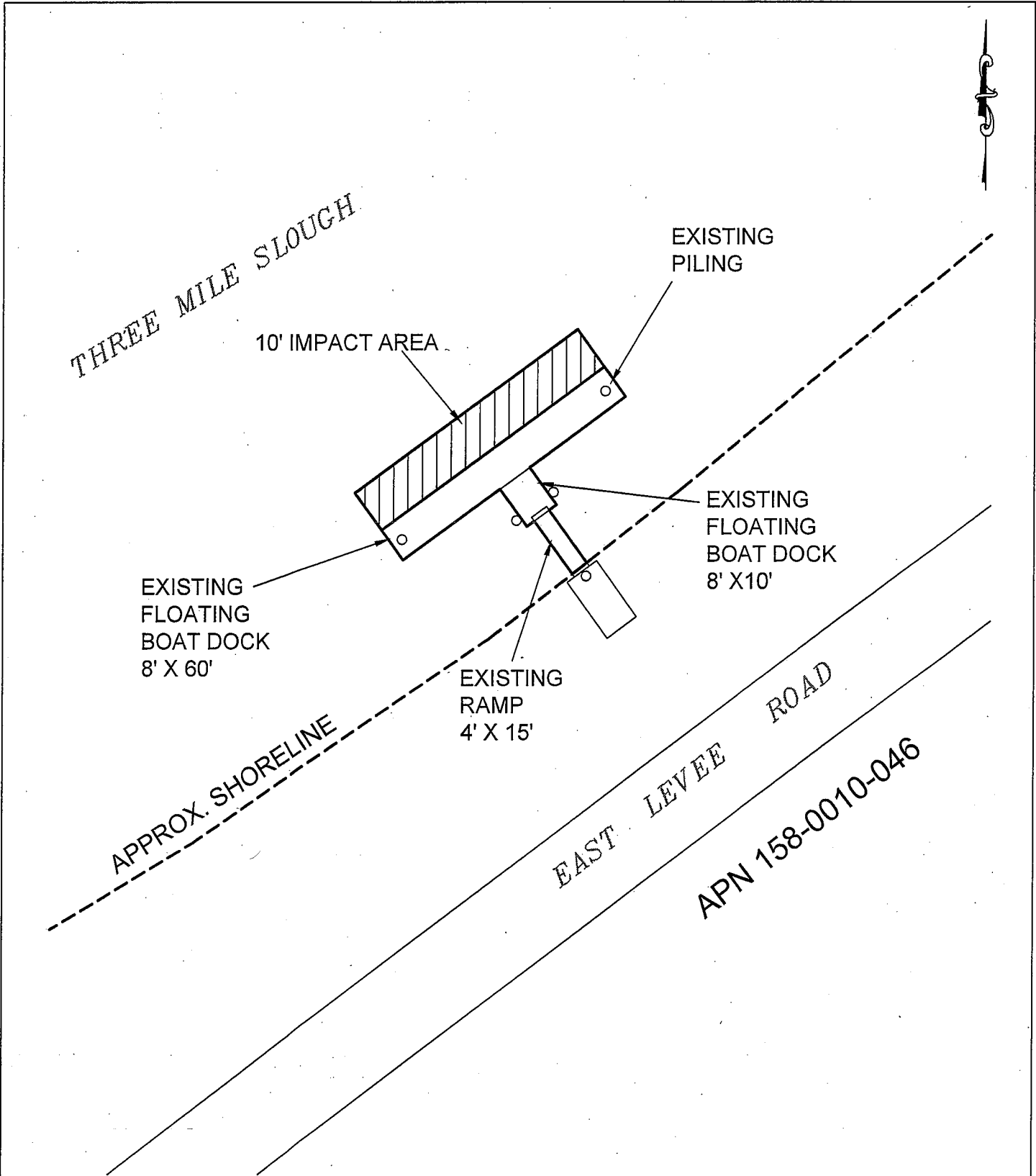


EXHIBIT A

LAND DESCRIPTION PLAT
 PRC 8468.1, GOMEZ
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

THREE MILE SLOUGH

EXISTING PILING

10' IMPACT AREA

EXISTING FLOATING BOAT DOCK 8' X 10'

EXISTING FLOATING BOAT DOCK 8' X 60'

EXISTING RAMP 4' X 15'

APPROX. SHORELINE

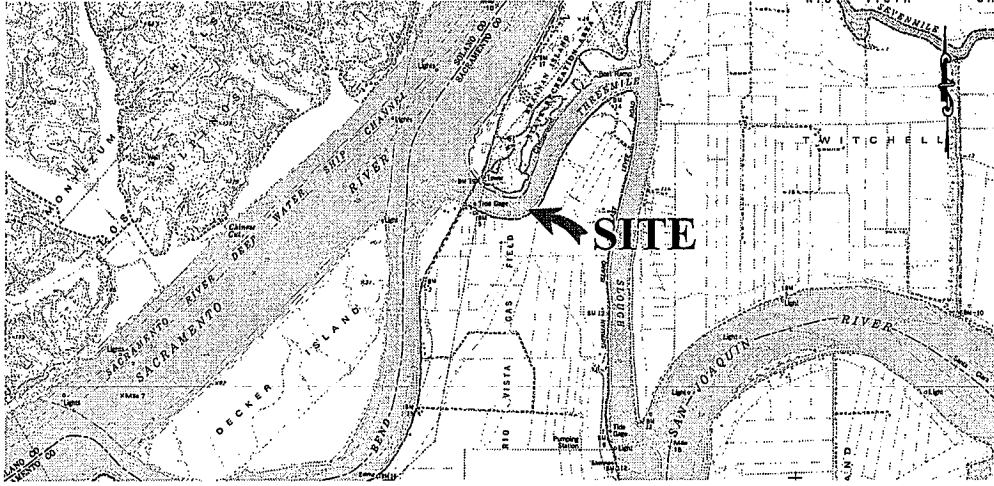
EAST LEVEE ROAD

APN 158-0010-046

17210 SHERMAN ISLAND, EAST LEVEE ROAD, RIO VISTA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8468.1
GOMEZ

APN 158-0010-046
GENERAL LEASE -
RECREATIONAL 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.