

**CALENDAR ITEM  
C12**

A 7

10/14/14

S 6

PRC 8715.1  
M.J. Columbus

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

**LESSEE:**

Richard Wallace Myers

**APPLICANT:**

Karen A. Beshak, as Trustee of the Karen A. Beshak Family Trust, dated April 1, 2011

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

Sovereign land in the Sacramento River, adjacent to 3061 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered single-berth floating boat dock, gangway, and three pilings previously authorized by the Commission; and use and maintenance of an existing boat lift, utility conduits, and bank protection not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning May 22, 2013.

**CONSIDERATION:**

**Uncovered Single-Berth Floating Boat Dock, Gangway, Boat Lift, Three Pilings, and Utility Conduits:** \$229 per year, with an annual Consumer Price Index adjustment.

**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 an amount no less than \$1,000,000 per occurrence.

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**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On November 1, 2006, the Commission authorized a Recreational Pier Lease to Richard Wallace Myers, for an uncovered single-berth floating boat dock, gangway, and three pilings. That lease will expire on September 30, 2016. On May 22, 2013, the upland property was deeded to Karen A. Beshak, as Trustee of the Karen A. Beshak Family Trust, dated April 1, 2011. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use. Because staff has been unable to locate the Lessee to execute a quitclaim deed, staff recommends termination of the existing lease and issuance of a new lease to the Applicant.
3. The boat lift, utility conduits, and bank protection have existed for many years but have not been previously authorized. Staff recommends including these improvements as authorized under the lease. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
4. **Lease Termination:** 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 the subject issuance of lease 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.

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

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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 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 subject issuance of lease 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 21, 2013, of Lease No. PRC 8715.9, a Recreational Pier Lease, issued to Richard Wallace Myers.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Karen A. Beshak, as Trustee of the Karen A. Beshak Family Trust, dated April 1, 2011, beginning May 22, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered single-berth floating boat dock, gangway, and three pilings previously authorized by the Commission; and use and maintenance of an existing boat lift, utility conduits, and 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

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made a part hereof; consideration for the existing uncovered single-berth floating boat dock, gangway, boat lift, three pilings, and utility conduits: \$229 per year, with an annual Consumer Price Index adjustment; 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 an amount no less than \$1,000,000.

**EXHIBIT A**

**PRC 8715.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 284 patented July 26, 1872, County of Sacramento, State of California, and more particularly described as follows:

**PARCEL 1 – DOCK**

All those lands underlying an existing uncovered single-berth floating boat dock, boat lift, gangway, utility conduits and three (3) pilings lying adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded May 22, 2013 in Book 20130522 Page 0044 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

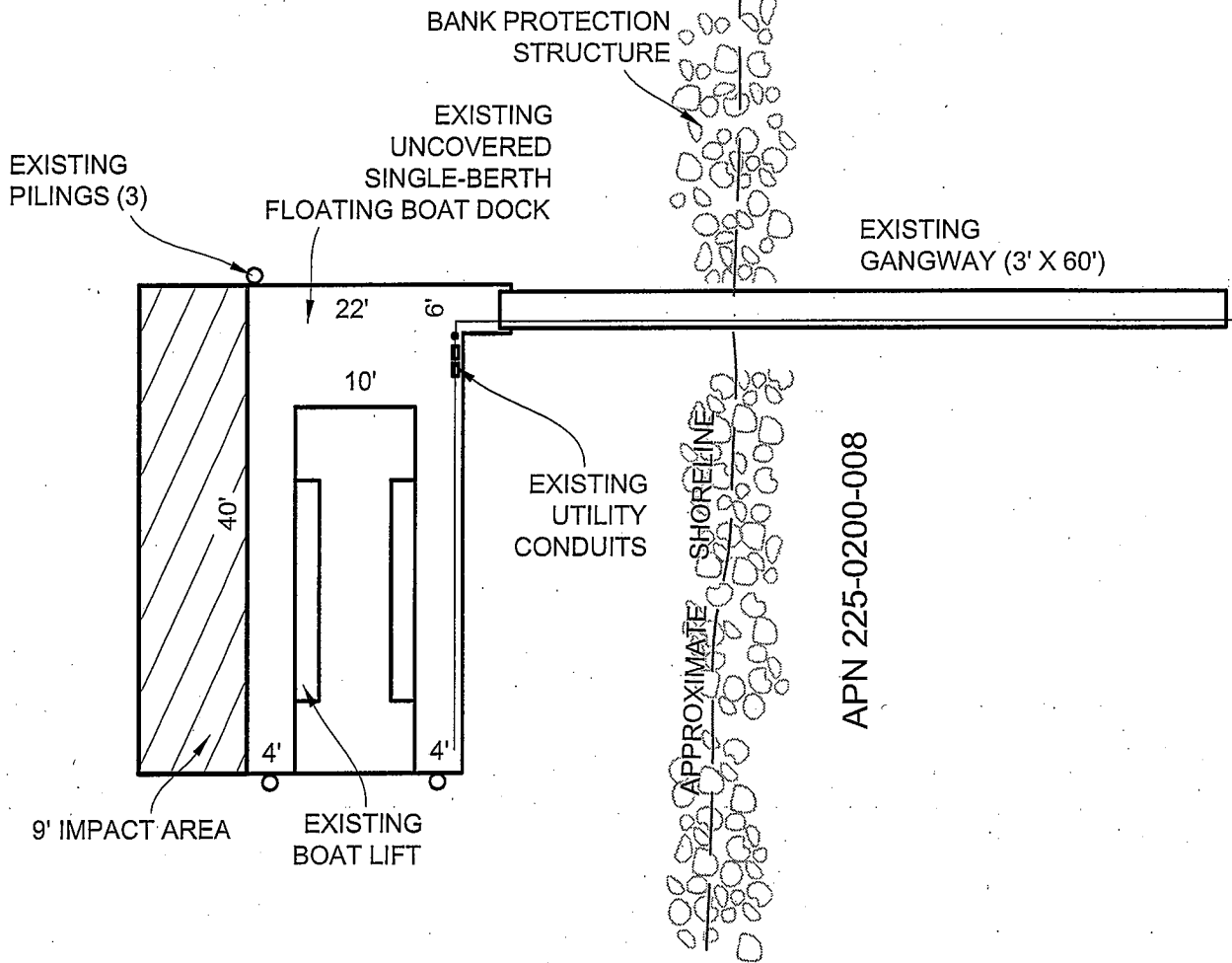
**END OF DESCRIPTION**

Prepared June 27, 2014 by the California State Lands Commission Boundary Unit.





Flow  
Sacramento River



# EXHIBIT A

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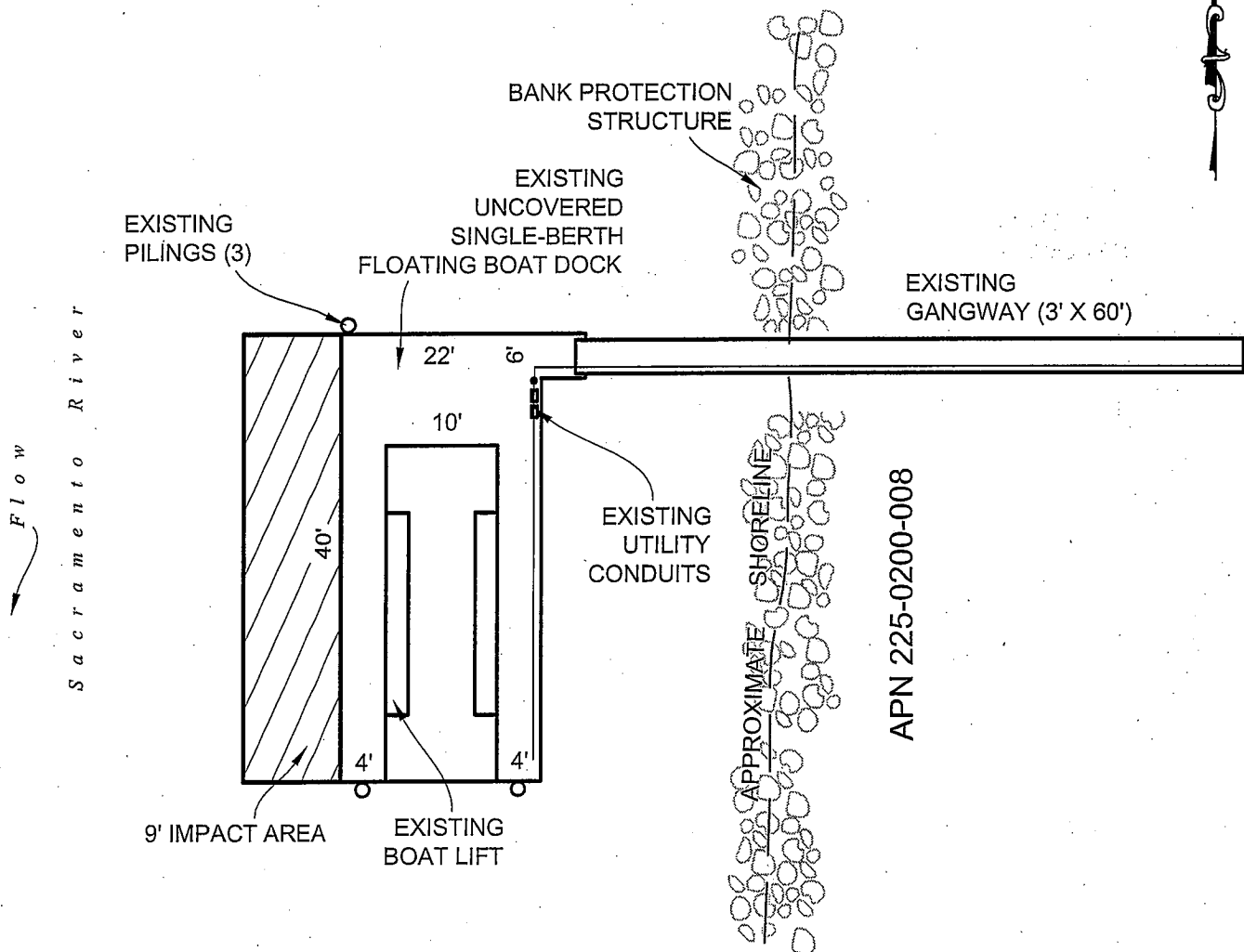
LAND DESCRIPTION PLAT  
PRC 8715.1, BESHAK TRUST  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

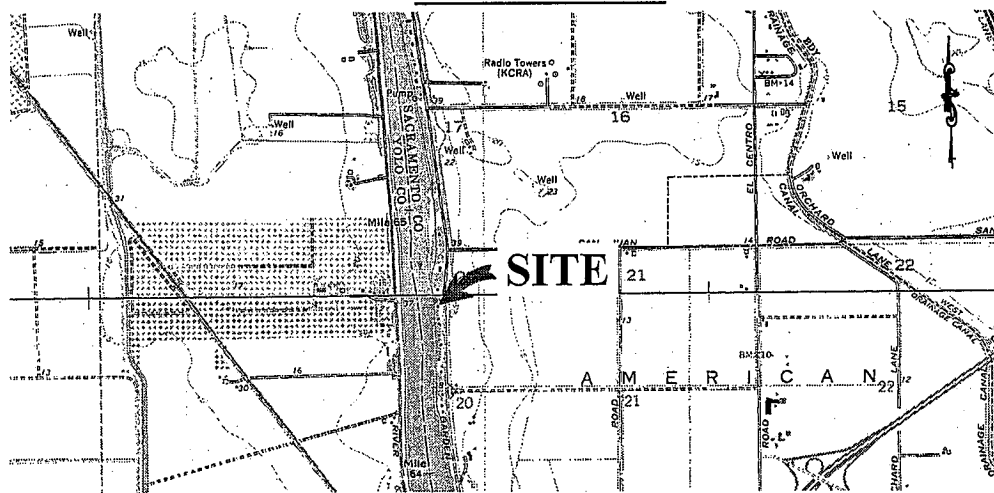
# SITE



3061 GARDEN HWY., SACRAMENTO

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 8715.1  
 BESHAK TRUST  
 APN 225-0200-008  
 GENERAL LEASE -  
 RECREATIONAL &  
 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.

MIJ 6/27/14