

**CALENDAR ITEM  
C11**

A 3  
S 4

12/17/14  
PRC 8608.1  
M. Schroeder

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

**LESSEES:**

Daryl R. Harr and Sue Kelman-Harr, as Trustees of the Daryl R. and Sue Kelman-Harr Revocable Trust

**APPLICANT:**

Michael J. Arnold

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

Sovereign land in the Sacramento River, adjacent to 10437 Garden Highway, near the city of Sacramento, Sutter County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing single-berth floating boat dock, three pilings, gangway, and boat lift previously authorized by the Commission, and existing utilities not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning May 29, 2013.

**CONSIDERATION:**

\$233 per year, with an annual Consumer Price Index (CPI) adjustment.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On June 20, 2005, the Commission authorized a 10-year Recreational Pier Lease with Daryl R. Harr and Sue Kelman-Harr, as Trustees of the Daryl R. and Sue Kelman-Harr Revocable Trust. That lease will expire on June 30, 2015. On May 29, 2013, the upland was deeded to Michael J.

CALENDAR ITEM NO. **C11** (CONT'D)

Arnold. The Applicant is now applying for a General Lease – Recreational Use. Staff is recommending termination of the existing lease because the Lessees cannot be located for execution of a lease quitclaim deed.

3. The Applicant's utilities have been in the Sacramento River for many years but were not previously authorized by the Commission. Staff recommends bringing the existing facilities under lease.
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 New Lease:** The staff recommends that 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.

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

CALENDAR ITEM NO. **C11** (CONT'D)

**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 New 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 28, 2013, of Lease No. PRC 8608.9, a Recreational Pier Lease, to Daryl R. Harr and Sue Kelman-Harr, as Trustees of the Daryl R. and Sue Kelman-Harr Revocable Trust.
  
2. Authorize issuance of a General Lease – Recreational Use to Michael J. Arnold, beginning May 29, 2013, for a term of 10 years, for the continued use and maintenance of an existing single-berth floating boat dock, three pilings, gangway, and boat lift previously authorized by the Commission, and existing utilities 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 \$233, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8608.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to lot 3, fractional Section 36, Township 11 North, Range 3 East, MDBM of the County of Sutter, State of California, and more particularly described as follows:

**PARCEL 1 – DOCK**

All those lands underlying an existing single-berth floating boat dock, three (3) pilings, utilities, gangway and one (1) boat lift lying adjacent to that parcel as described in that Grant Deed recorded May 29, 2013 in Document 2013-0008887 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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 October 28, 2014 by the California State Lands Commission Boundary Unit.





River  
Sacramento  
FLOW

9' IMPACT AREA

25'

SHORELINE

EXISTING  
GANGWAY (3' X 65')

APN 35-361-004

APPROXIMATE

EXISTING  
UTILITIES

32'

EXISTING  
PILINGS (3)

EXISTING  
SINGLE-BERTH  
FLOATING BOAT DOCK  
& BOAT LIFT

# EXHIBIT A

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MJJ 10/28/2014

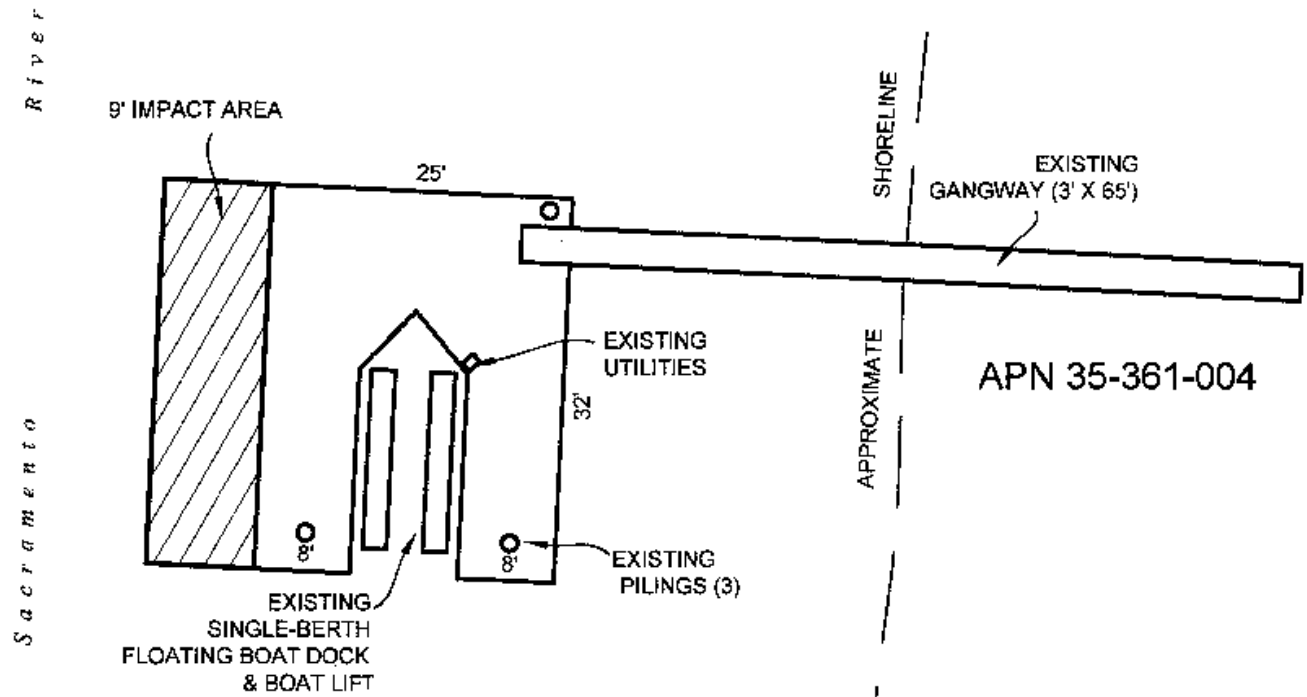
LAND DESCRIPTION PLAT  
PRC 8608.1, ARNOLD  
SUTTER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE



10437 GARDEN HWY., SACRAMENTO

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 8608.1  
 ARNOLD  
 APN 35-361-004  
 GENERAL LEASE -  
 RECREATIONAL USE  
 SUTTER 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.