

**CALENDAR ITEM
C23**

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06/28/16

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PRC 8384.1
G. Asimakopoulos

**ACCEPTANCE OF A QUITCLAIM DEED AND ISSUANCE
OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Hubert K. Griesbach

APPLICANT:

John Wyatt

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to Assessor's Parcel Numbers 142-0097-026 and 142-0098-013, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning February 22, 2016.

CONSIDERATION:

\$329 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

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

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

CALENDAR ITEM NO. **C23** (CONT'D)

Public Trust and State's Best Interests Analysis:

The subject dock and appurtenant facilities are for the docking and mooring of boats. Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code, § 6503.5). The subject structures are privately owned and maintained.

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years, and a non-exclusive use provision.

The dock and appurtenant facilities have existed for many years at this location; the facilities do not significantly alter the land, the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Upon termination of the lease, the Lessee may be required to remove any improvements and restore the lease premises to their original condition. Based on the foregoing, Commission staff believes that the dock and appurtenant facilities will not substantially interfere with public trust needs, at this location at this time, and for the foreseeable term of the proposed lease.

The proposed lease requires the Lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland parcels adjoining the lease premises.
2. On October 27, 2011, the Commission authorized a General Lease - Recreational Use to Hubert K. Griesbach. That lease will expire on January 30, 2022. On February 22, 2016, the upland parcels were deeded to John Wyatt. The Applicant is now applying for a General Lease – Recreational Use.
3. The Lessee executed a quitclaim deed releasing his interest in the Lease to the State. Staff recommends acceptance of the quitclaim deed and issuance of a new lease.

CALENDAR ITEM NO. **C23** (CONT'D)

4. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

5. Acceptance of the quitclaim deed is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

6. The staff recommends that the Commission find that the issuance of the 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.

7. 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 issuance of the 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).

CALENDAR ITEM NO. **C23** (CONT'D)

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the public trust needs and values at this location, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

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 acceptance of a quitclaim deed, effective February 21, 2016, of Lease No. PRC 8384.1, a General Lease – Recreational Use, issued to Hubert K. Griesbach.
2. Authorize issuance of a General Lease – Recreational Use to John Wyatt, beginning February 22, 2016, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, ramp, and two pilings, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$329, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8384.1

LAND DESCRIPTION

A parcel of tide and submerged land situate on the right bank of the Sacramento River, lying adjacent to Lot 9 of Section 35, Township 5 North, Range 4 East, MDBM., as shown on Official Government Township Plat approved June 18, 1859, County of Sacramento, State of California and more particularly described as follows:

PARCEL 1 – BOAT DOCK

All those lands underlying an existing uncovered floating boat dock, two (2) pilings, and ramp adjacent to those parcels described in that Grant Deed recorded February 22, 2016 in Book 20160222, Page 0934, in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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 April 27, 2016, by the California State Lands Commission Boundary Unit.



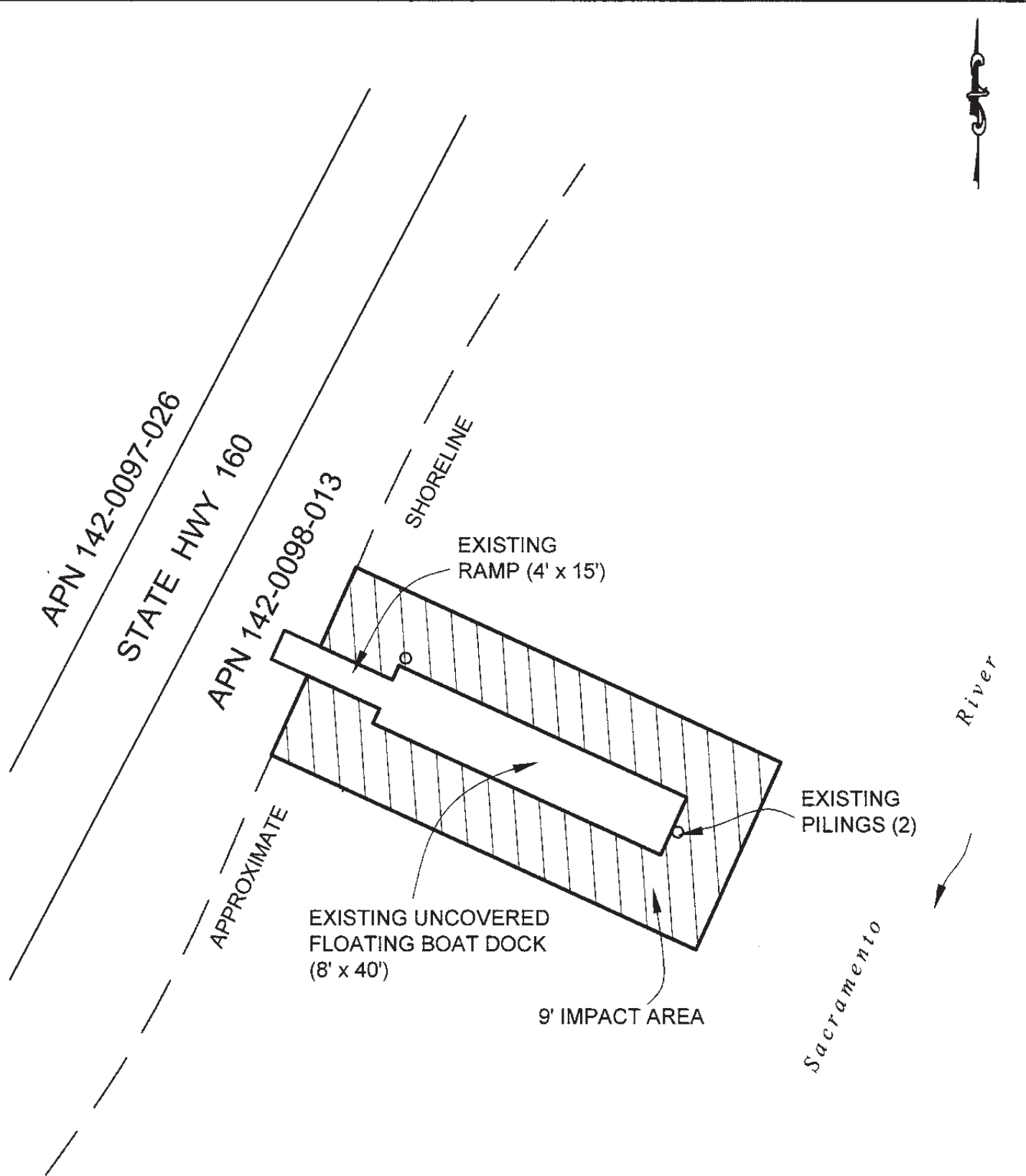


EXHIBIT A

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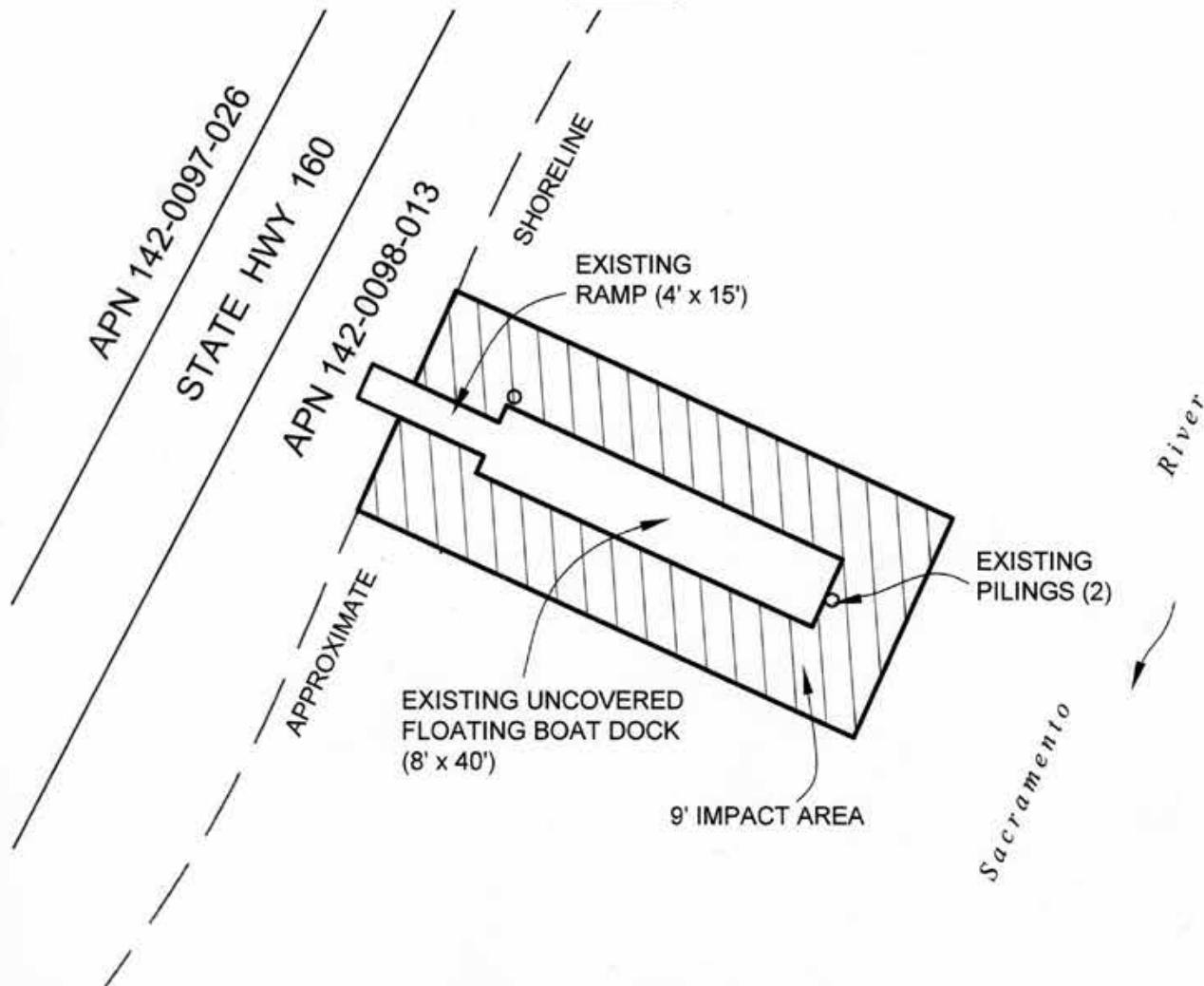
LAND DESCRIPTION PLAT
 PRC 8384.1, WYATT
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

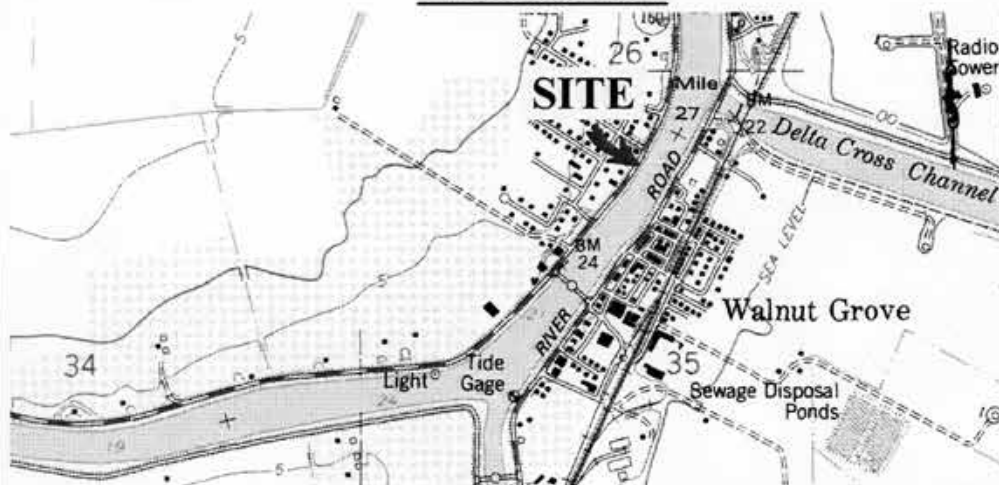
SITE



SACRAMENTO RIVER, WALNUT GROVE

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 8384.1

WYATT

APN 142-0097-026 &

APN 142-0098-013

GENERAL LEASE -

RECREATIONAL USE

SACRAMENTO COUNTY



MJJ 4/26/16