

**CALENDAR ITEM  
C28**

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04/26/13  
PRC 4765.1  
W. Hall

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

**LESSEES:**

Bryan Watkins and Tawna Schlueter-Murphy

**APPLICANTS:**

Bruce C. Cline and Julie D. Cline, Co-Trustees of The Cline Family Trust dated April 11, 2012.

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

Sovereign land in the Sacramento River, adjacent to 17360 Grand Island Road, near Walnut Grove, Sacramento County.

**AUTHORIZED USE:**

Removal of an existing uncovered floating boat dock, two pilings, and fishing pier; the construction, use, and maintenance of an L-Shaped uncovered floating boat dock, three steel pilings, and existing gangway; and use and maintenance of existing bank protection not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning May 1, 2012.

**CONSIDERATION:**

**Proposed L-Shaped Uncovered Floating Boat Dock, Three Steel Pilings, and Gangway:** \$96 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.

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**SPECIFIC LEASE PROVISION:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On December 9, 2004, the Commission authorized a Recreational Pier Lease with Bryan Watkins and Tawna Schlueter-Murphy. That lease will expire November 30, 2014. In 2010, the upland was transferred to Bruce C. Cline and Julie D. Cline, and on May 1, 2012, the Clines transferred ownership to Bruce C. Cline and Julie D. Cline, Co-Trustees of The Cline Family Trust dated April 11, 2012. Applicants are now applying for a General Lease – Recreational and Protective Structure Use. Because staff has been unable to locate the Lessees for execution of a quitclaim deed, staff recommends termination of the existing lease.
3. The existing wood fishing pier and wood pilings rotted. In September 2011, the wood fishing pier was removed and portions of the wood pilings were removed for safety reasons. The Applicants are now proposing to remove the remaining portions of the existing wood pilings, two steel pilings, and uncovered floating dock; recycle portions of the unpainted wood, and dispose of the remainder at a nearby landfill.
4. The Applicants are proposing to construct a new L-shaped uncovered floating boat dock with three steel pilings. The existing steel gangway will be retained and the existing walkway rebuilt at the same size. A crane barge will be used to drive the pilings using a drop hammer pile driver. The dock will have a redwood frame with poly floats and trek-type decking. The dock and gangway will be assembled on the upland and lowered into the river at high tide. Construction will be scheduled using the appropriate in-water work windows for the Sacramento River. The bank protection has existed on site for many years without prior Commission approval.
5. The Applicants have submitted permit applications to all other agencies having jurisdiction over the project. Staff recommends a new lease, subject to the Applicants obtaining all necessary permits.
6. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.

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7. **Termination of Lease:**

The staff recommends that the Commission find that the subject termination of lease 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.

**Replacement of Uncovered Floating Dock:**

The staff recommends that the Commission find that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

**Existing Gangway and Bank Protection:**

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 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

8. 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 on 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.

**APPROVALS REQUIRED:**

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, California Regional Water Quality Control Board, and Central Valley Flood Protection Board.

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**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Termination of Lease:**

Find that the subject termination of lease 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.

**Replacement of Uncovered Floating Dock:**

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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

**Existing Gangway and Bank Protection:**

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 14, section 15301.

**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 April 30, 2012, of Lease No. PRC 4765.9, a Recreational Pier Lease, issued to Bryan Watkins and Tawna Schlueter-Murphy.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Bruce C. Cline and Julie D. Cline, Co-Trustees of The Cline Family Trust dated April 11, 2012, beginning May 1, 2012, for a term of 10 years, for the removal of an existing uncovered floating boat dock, two pilings, and fishing pier; the construction, use and maintenance of an L-Shaped uncovered

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floating boat dock, three steel pilings, and gangway; and use and maintenance of existing 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 made a part hereof; consideration for the L-Shaped uncovered floating boat dock, three steel pilings, and existing gangway: annual rent in the amount of \$96; consideration for the bank protection: the public use and benefit, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 4765.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 957 patented October 4, 1871, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying a proposed uncovered L-shaped floating boat dock, three pilings and existing gangway, lying adjacent to that parcel described in Quitclaim Deed, recorded May 1, 2012 in Book 20120501 at Page 0791 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

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

EXCEPTING THEREFROM any portion lying landward of the MHTL of the right bank of said river as recorded in Book 660112, Page 356 Official Records of said County.

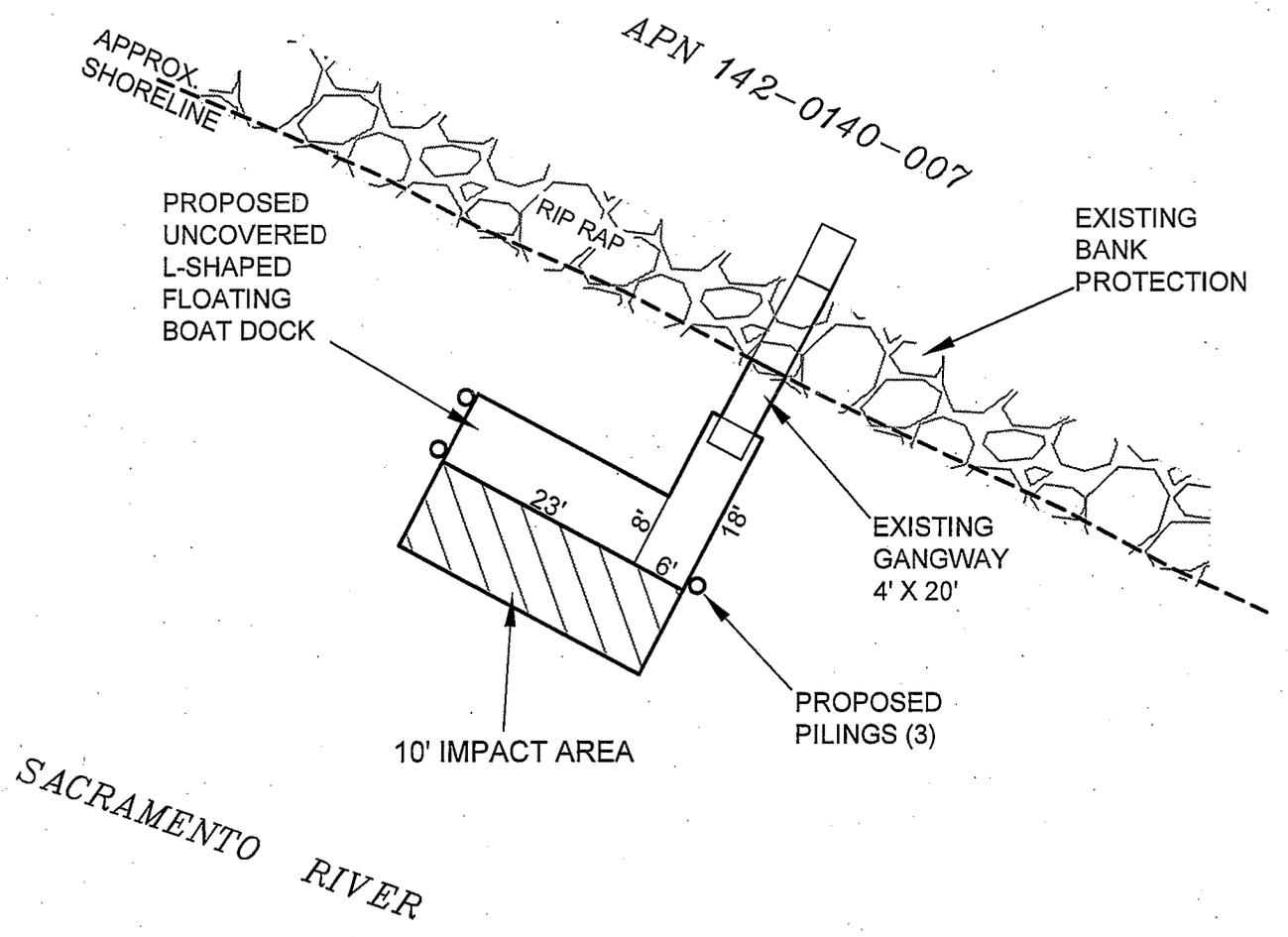
Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

This description is based on Applicant provided site plan with placement of a proposed floating dock, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

Prepared 03/18/13 by the California State Lands Commission Boundary Unit



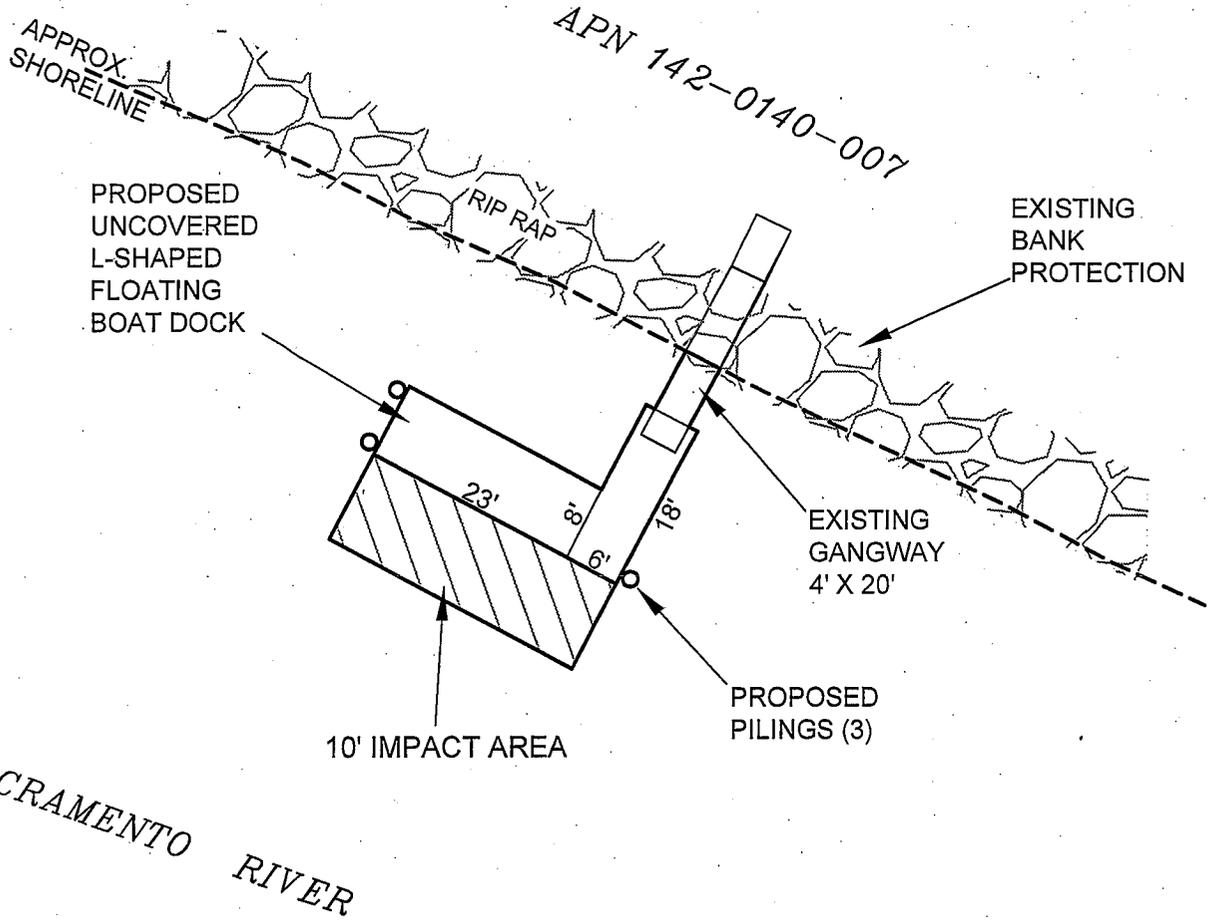


# EXHIBIT A



NO SCALE

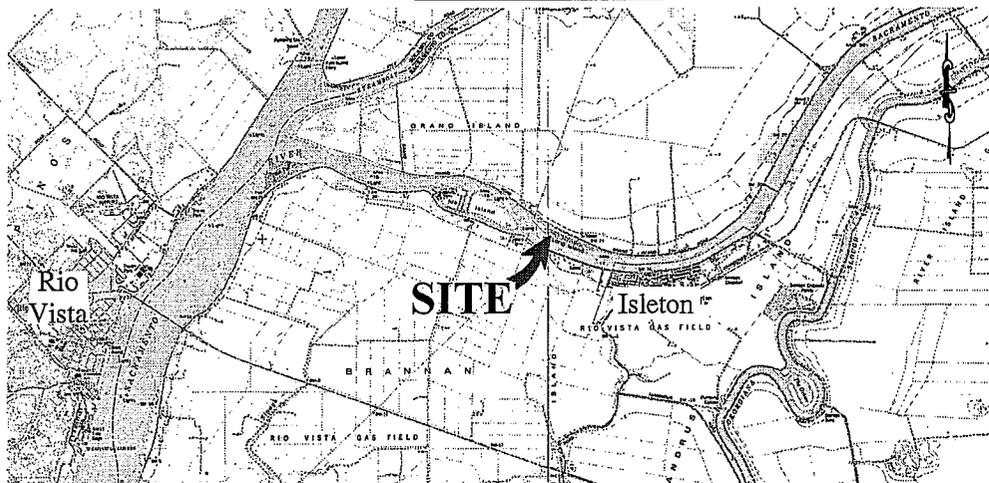
# SITE



17360 GRAND ISLAND ROAD, LONG ISLAND, NEAR ISLETON

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 4765.1  
 CLINE TRUSTEES  
 APN 142-0140-007  
 GENERAL LEASE -  
 RECREATIONAL USE  
 SACRAMENTO COUNTY



TS 03/18/13

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.