

**CALENDAR ITEM
C07**

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06/21/13
PRC 8064.1
R. Boggiano

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

LESSEES:

Debra Walenta-Pope and Stanley D. Pope

APPLICANTS:

Richard A. Bucko and Juanita L. Bucko

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 11864 Washington Avenue, near the town of Courtland, Sacramento County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning October 24, 2012.

CONSIDERATION:

\$129 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 an amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On Jan 29, 2009, the Commission approved a Recreational Pier Lease with Debra Walenta-Pope and Stanley D. Pope. That lease will expire on January 19, 2019.

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3. On October 24, 2012, the upland was deeded to Richard A. Bucko and Juanita L. Bucko. The Applicants are now applying for a new General Lease – Recreational Use for the uncovered floating boat dock, gangway, and two pilings previously authorized by the Commission. 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 Applicants.

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 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

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,

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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 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 October 23, 2012, of Lease No. PRC 8064.9, a Recreational Pier Lease, issued to Debra Walenta-Pope and Stanley D. Pope.
2. Authorize issuance of a General Lease – Recreational Use to Richard A. Bucko and Juanita L. Bucko beginning October 24, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, gangway, and two pilings, 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 \$129, 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 8064.1

LAND DESCRIPTION

A parcel of tide and submerged land situate on the left bank of the Sacramento River lying adjacent Lot 3 of fractional Section 32, Township 6 North, Range 4 East, MDM as shown on Official Government Township Plat approved June 18, 1859, County of Sacramento, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing floating boat dock, two (2) pilings, and a gangway, lying adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded October 24, 2012, in Book 20121024, Page 1213 in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 3, 2013 by the California State Lands Commission Boundary Unit.



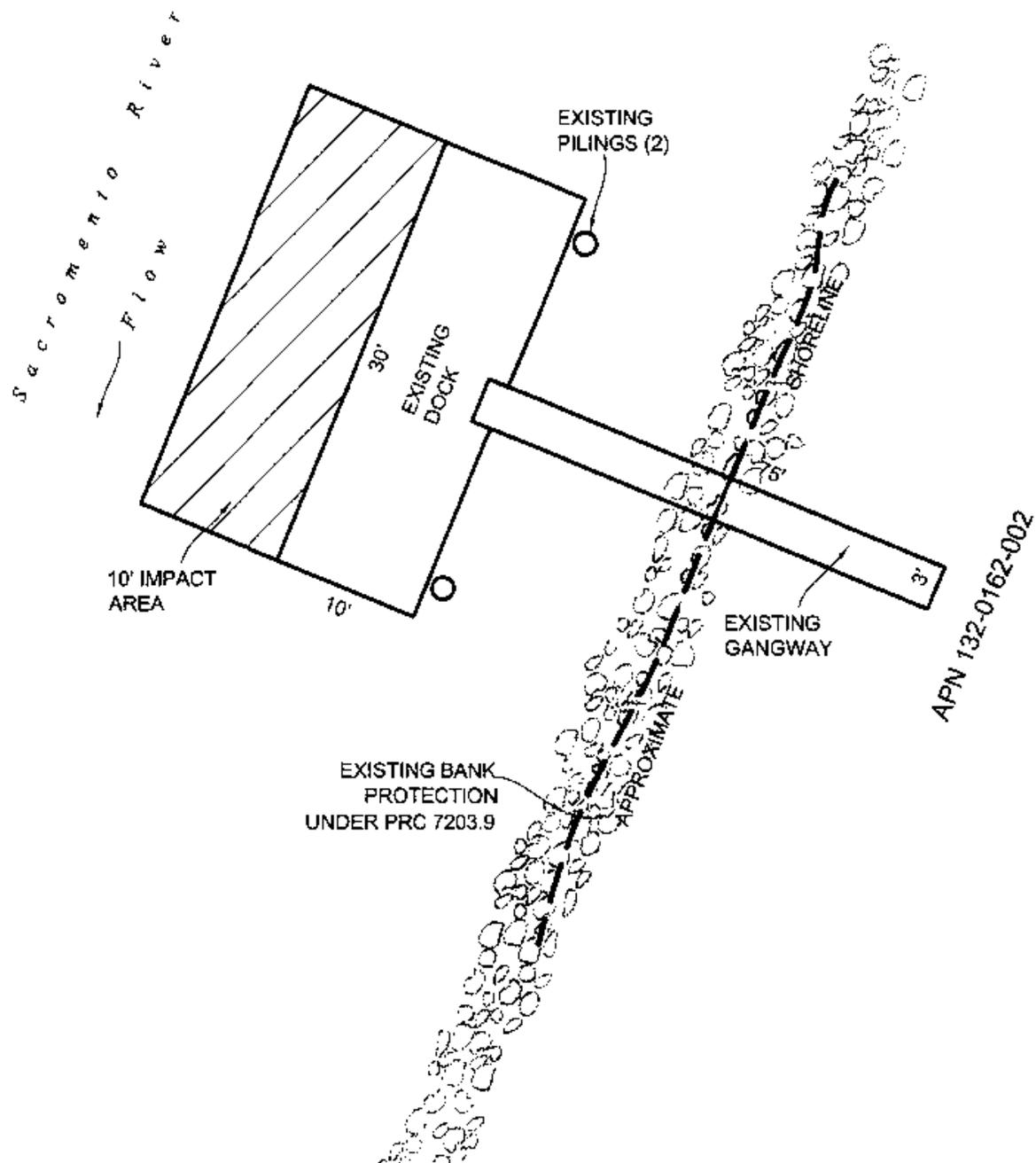


EXHIBIT A

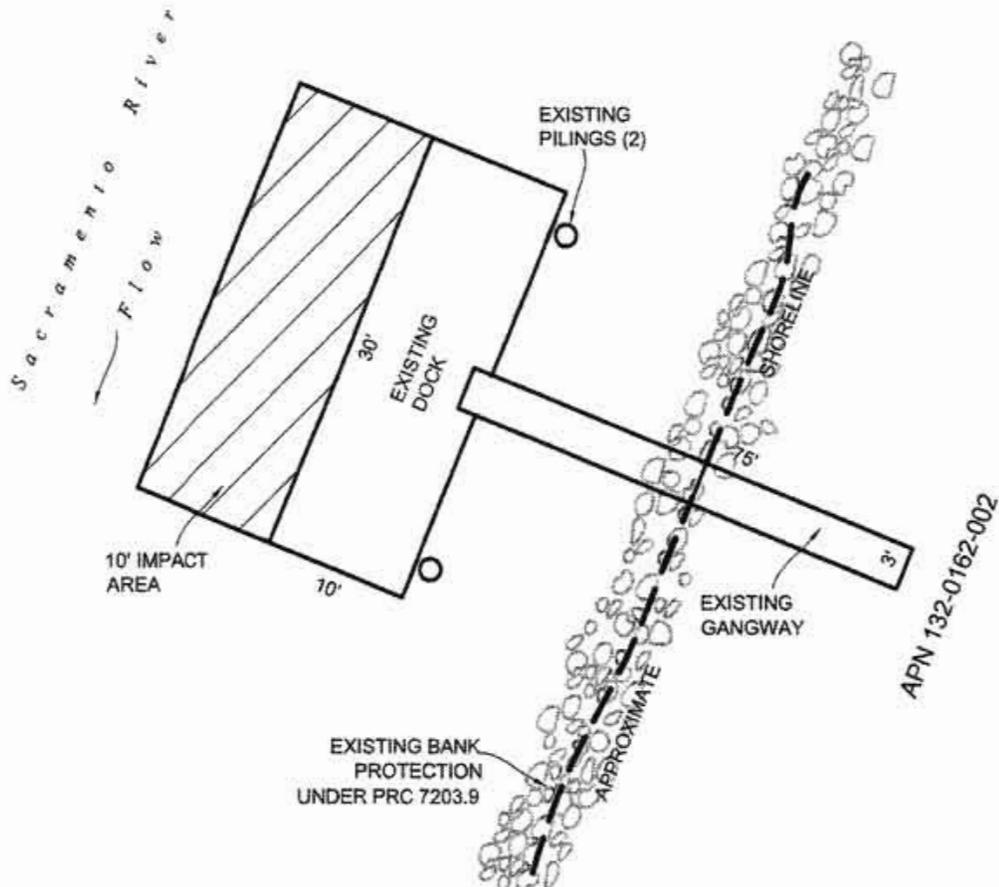
LAND DESCRIPTION PLAT
 PRC 8064.1, BUCKO
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



11864 WASHINGTON AVE., NEAR COURTLAND

NO SCALE

LOCATION



Exhibit B

PRC 8064.1
 BUCKO
 APN 132-0162-002
 GENERAL LEASE -
 RECREATIONAL USE
 SACRAMENTO COUNTY



MJJ 06/05/2013

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.