

**CALENDAR ITEM  
C32**

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PRC 8489.1  
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**TERMINATION OF GENERAL LEASE – RECREATIONAL USE AND  
ISSUANCE OF A NEW GENERAL LEASE – RECREATIONAL USE**

**LESSEES:**

Charles S. McDowell and Corinne L. McDowell

**APPLICANTS:**

Charles S. McDowell and Corinne L. McDowell, Trustees of the McDowell Family Trust, dated June 28, 1994

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

Sovereign land located in Georgiana Slough, adjacent to Sacramento County Assessor's Parcel Number (APN) 156-0080-069, near the city of Isleton, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing gangway and four pilings previously authorized by the Commission; and an existing uncovered floating three-berth boat dock, pump house, boat lift, one additional piling, debris diverter, and utility conduits not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning October 20, 2012.

**CONSIDERATION:**

\$788 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 the amount of no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.

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2. On October 20, 2003, the Commission authorized a 10-year General Lease – Recreational Use to Charles S. McDowell and Corinne L. McDowell. That lease will expire on October 19, 2013. On November 14, 2005, the upland property was transferred to Charles S. McDowell and Corinne L. McDowell, Trustees of the McDowell Family Trust, dated June 28, 1994. The Applicants are now applying for a new General Lease – Recreational Use.
3. The Commission previously authorized construction of a double-berth boat dock with gangway and four pilings. The Applicants had the dock built with three berths and added a pump house, a boat lift, an additional piling, a debris diverter, and utility conduits. The Applicants have applied to the U. S. Army Corps of Engineers and Central Valley Flood Protection Board for after-the-fact permits. The Applicants have requested the termination of their existing lease and issuance of a new lease rather than assigning and amending their existing 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 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 which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the

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use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

**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 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).

**AUTHORIZATION:**

1. Authorize termination, effective October 19, 2012, of Lease No. PRC 8489.1, a General lease – Recreational Use, issued to Charles S. McDowell and Corinne L. McDowell
2. Authorize issuance of General Lease – Recreational Use to Charles S. McDowell and Corinne L. McDowell, Trustees of the McDowell Family Trust, dated June 28, 1994, for a term of 10 years, beginning October 20, 2012, for the continued use and maintenance of an existing gangway and four pilings previously authorized by the Commission; and an existing uncovered floating three-berth boat dock, pump house, boat lift, one additional piling, debris diverter, and utility conduits 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 \$788 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8489.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Surveys 849, patented April 2, 1873, and 943, patented April 14, 1873, Sacramento County, State of California, and more particularly described as follows:

**PARCEL 1 – DOCK**

All those lands underlying an existing uncovered floating three-berth boat dock, boat lift, pump house, gangway, utility conduits, and four pilings adjacent to that parcel described in that Grant Deed recorded November 14, 2005 in Book 20051114, Page 1826 of Official Records of said County.

TOGETHER WITH a 10 foot impact area

**PARCEL 2 – DEBRIS DIVERTER**

All those lands underlying an existing debris diverter and one piling adjacent to said parcel.

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 May 22, 2013 by the California State Lands Commission Boundary Unit.





