

**MINUTE ITEM**

This Calendar Item No. C05 was approved as Minute Item No. 05 by the California State Lands Commission by a vote of 3 to 0 at its 04-07-03 meeting.

**CALENDAR ITEM  
C05**

A 26, 17

PRC 7631

04/07/03

WP 7631.1

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D. Jones

**GENERAL LEASE - COMMERCIAL USE**

**APPLICANT:**

Thomas Edward Radford  
dba Mossdale Marina

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

0.72 acres, more or less, of tide and submerged lands in the San Joaquin River, near Lathrop, San Joaquin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing commercial marina consisting of two (2) open floating docks secured to pilings accommodating approximately 21 boats, two (2) walkways, one (1) gas pump/dispenser, bank protection consisting of concrete riprap material and appurtenant facilities.

**LEASE TERM:**

20 years, beginning April 8, 2002.

**CONSIDERATION:**

\$1,450 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:**

Insurance:

Liability insurance: Combined single limit coverage of \$1,000,000.

Bond:

\$10,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.

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2. On May 5, 1992, the Commission authorized a General Lease – Commercial Use to Elva I. Radford, dba Mossdale Marina, for a Commercial Marina, effective April 8, 1987. The lease expired April 7, 2002. On December 30, 2002, Thomas Radford, the current owner, submitted an application for a new lease. No changes to the authorized improvements have been made.

The applicant has a "Permit to Operate" the 1,000 gallon above-ground fuel storage tank, which serves its gasoline dispenser, from the San Joaquin Valley Air Pollution Control District. The Permit expires on April 30, 2005. The Permit states that the storage tank is served by a coaxial Phase I vapor recovery system, one fueling point with one gasoline dispensing nozzle. According to the Air Resources Board, the Phase I vapor recovery systems are required at marinas so that the vapors are captured and not released into the air.

Neither the State Water Resources Control Board (SWRCB) nor the California Central Valley Regional Water Quality Control Board requires a permit for the gasoline dock or above-ground storage tank. A single storage tank holding up to 1,320 gallons of fuel is exempt from registering with, and obtaining a Storage Statement from, the SWRCB. In addition, since the fuel storage tank is double-walled and fully self-contained, it does not need a berm and secondary containment recovery area which is required for storage tanks which are not double-walled.

The Regional Board does require the owner to retain onsite a fuel spill and fire response plan. The applicant has prepared the plan and retains it at the lease premises. It is also on file in the Sacramento office of the Commission.

The County of San Joaquin inspected the gasoline dispenser/pump in November 2002, and found no problems.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

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

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

**APPROVALS OBTAINED:**

San Joaquin Valley Air Pollution Control District.

**EXHIBITS:**

- A. Site Plan
- B. Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

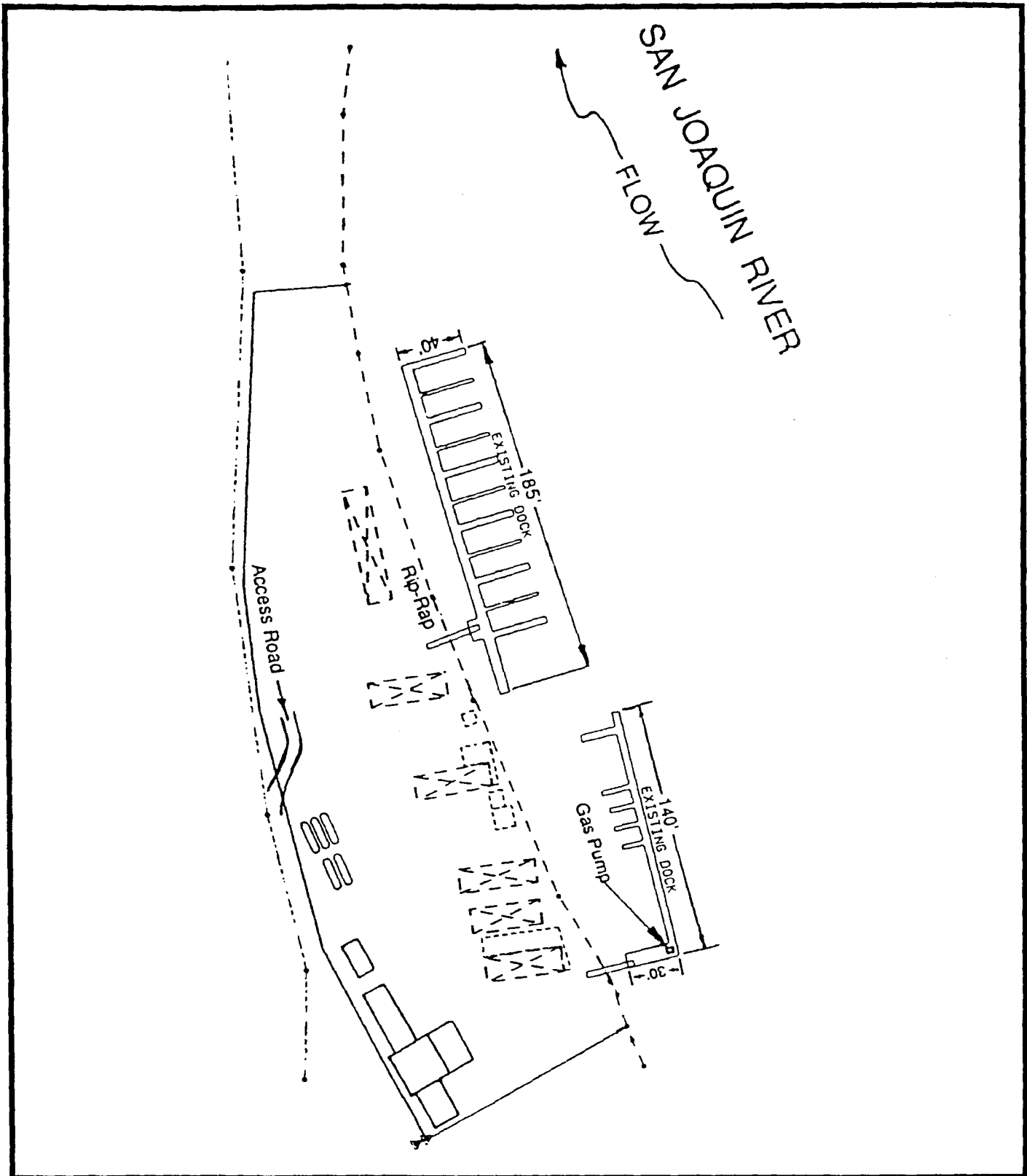
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO THOMAS EDWARD RADFORD OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING APRIL 8, 2002,

CALENDAR ITEM NO. C05 (CONT'D)

FOR A TERM OF 20 YEARS, FOR CONTINUED USE AND MAINTENANCE OF MARINA FACILITIES AND BANK PROTECTION ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,450, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; SURETY IN THE AMOUNT OF \$10,000.

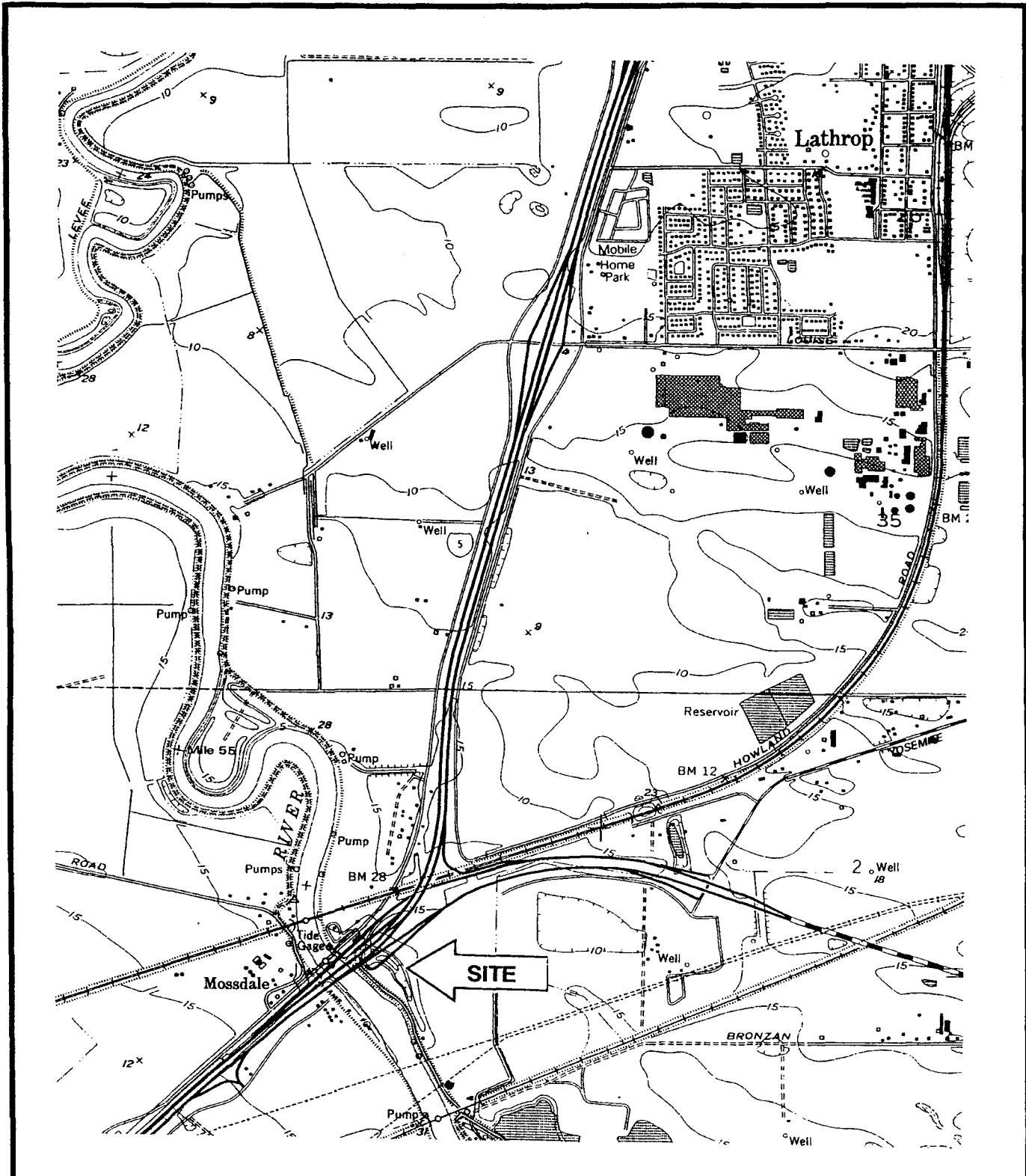


This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

**Exhibit A**  
**PRC 7631.1**

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This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

**Exhibit B**  
**PRC 7631.1**

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