

MINUTE ITEM
This Calendar Item No. C17 was approved as
Minute Item No. 17 by the California State Lands
Commission by a vote of 3 to 0 at its
13-03-07 meeting.

CALENDAR ITEM

C17

A	17, 26		12/03/07
		PRC 3937	WP 3937.9
S	5		M. Clark

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Richard T. and Donna S. Stephens, co-trustees of the Richard and Donna Stephens Family Trust (a revocable inter vivos trust), under Agreement Dated January 31, 1992

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Calaveras River, near the city of Stockton, San Joaquin County

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, pontoon, walkway, platform, five pilings, and the retention of bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning March 13, 2008.

CONSIDERATION:

Uncovered Floating Boat Dock, Pontoon, Walkway, Platform, and Five Pilings: No Monetary consideration pursuant to Public Resources Code section 6503.5.

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.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

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2. On February 27, 1998, the Commission authorized a ten-year Recreational Pier Lease to Richard T. Stephens and Donna S. Stephens, co-trustees of the Richard and Donna Stephens Family Trust (a revocable inter vivos trust), under Agreement Dated January 31, 1992. That lease will expire March 12, 2008. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
3. Applicants qualify for the rent free use of the uncovered floating boat dock, pontoon, walkway, platform, and five pilings because they are natural persons who own the littoral land that is improved with a single-family dwelling.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Calaveras River will have the additional protection from wave action provided at no cost to the public.
5. **Uncovered Floating Boat Dock, Pontoon, Walkway, Platform, and Five Pilings:** 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).

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

6. **Bank Protection:** 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 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 2905 (d)(2).

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

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7. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, PONTOON, WALKWAY, PLATFORM, AND FIVE PILINGS: 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).

BANK PROTECTION: 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 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(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 RICHARD T. AND DONNA S. STEPHENS, CO-TRUSTEES OF THE RICHARD AND DONNA STEPHENS FAMILY TRUST (A REVOCABLE INTER VIVOS TRUST), UNDER AGREEMENT DATED JANUARY 31, 1992, OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING MARCH 13, 2008,

CALENDAR ITEM NO. C17 (CONT'D)

FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, PONTOON, WALKWAY, PLATFORM, FIVE PILINGS, AND THE RETENTION OF BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, PONTOON, WALKWAY, PLATFORM AND FIVE PILINGS: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION: THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

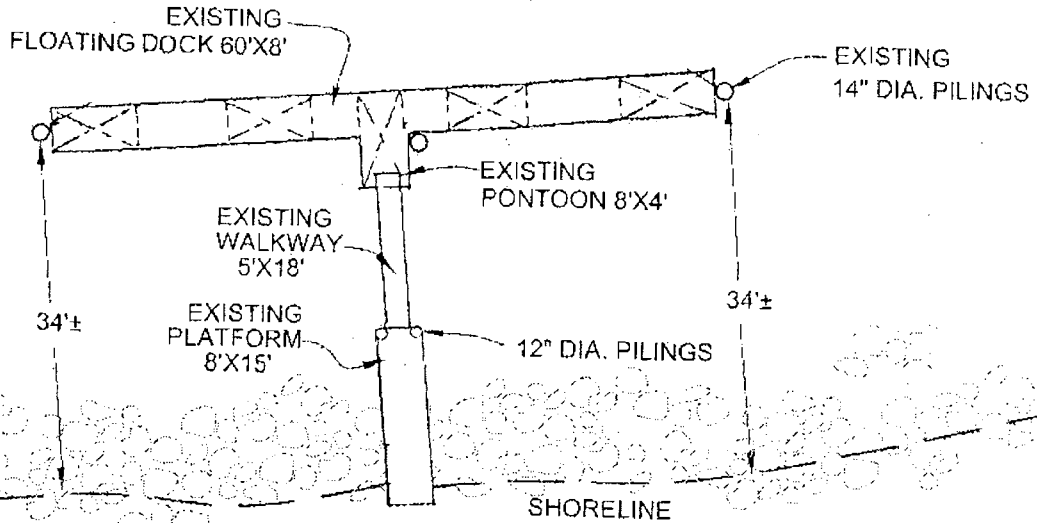
NO SCALE

SITE

River

Calaveras

Flow



APN 109-030-27

4439 YACHT HARBOR DRIVE, CALAVERAS RIVER

NO SCALE

LOCATION

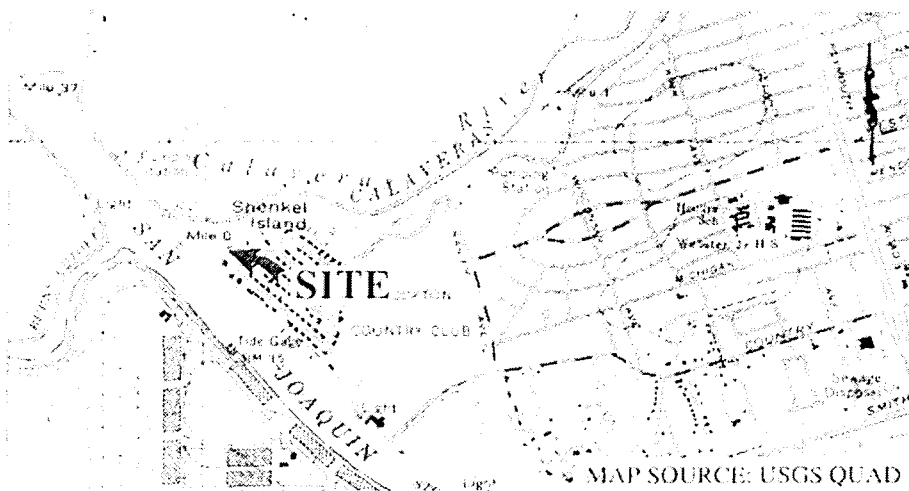


Exhibit A

WP 3937.9
 STEPHENS FAMILY TRUST
 APN 109-030-27
 GENERAL LEASE
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SAN JOAQUIN COUNTY



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.

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