

**CALENDAR ITEM
C09**

A 17, 26

04/09/09

W 25715

S 5

V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Patrick D. Craig and Kathryn A. Craig, Trustees of the Patrick D. Craig and Kathryn A. Craig Family Trust dated 10/31/2000

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the original bed of the San Joaquin River, Atherton Cove, adjacent to 2015 Moreing Road, near Stockton, San Joaquin County.

AUTHORIZED USE:

Construction, use and maintenance of an uncovered floating boat dock with galvanized cables, gangway, and the retention of existing bank protection.

LEASE TERM:

Ten years, beginning April 9, 2009.

CONSIDERATION:

Uncovered Floating Boat Dock with Galvanized Cables and Gangway: 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 combined coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. The Applicants have applied to construct an uncovered floating boat dock with galvanized cables and gangway in the original bed of the San Joaquin River, Atherton Cove. The dock will be anchored with a hinged gangway and galvanized cables attached to the face of the dock

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and attached to the concrete landing. The dock and gangway structures are prefabricated and will be floated into place and attached, which will minimize on-site construction.

3. The Applicants purchased the property on March 26, 2001, and the bank protection was already in place and existed at the site for many years.
4. The Applicants qualify for the rent free use of the uncovered floating boat dock with galvanized cables and gangway because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling pursuant to Public Resources Code Section 6503.5.
5. The bank protection will mutually benefit both the public and the Applicants. The bank of the original bed of the San Joaquin River at Atherton Cove will have the additional protection from wave action provided at no cost to the public.
6. **Uncovered Floating Boat Dock with Galvanized Cables and Gangway:** 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

7. **Existing 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.

8. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all

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tide and submerged 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 sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

Reclamation District 1614

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, The Central Valley Flood Protection Board, San Joaquin County Area Flood Control and Water Conservation, San Joaquin County Development Department

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

06/08/09

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK WITH GALVANIZED CABLES AND GANGWAY: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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).

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AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE TO PATRICK D. CRAIG AND KATHRYN A. CRAIG, TRUSTEES OF THE PATRICK D. CRAIG AND KATHRYN A. CRAIG FAMILY TRUST DATED 10/31/2000 BEGINNING 04/09/09, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION OF AN UNCOVERED FLOATING BOAT DOCK WITH GALVANIZED CABLES, GANGWAY, AND THE RETENTION OF EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK WITH GALVANIZED CABLES AND GANGWAY: 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 RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.