

**CALENDAR ITEM
C28**

A 17, 26

06/01/09
WP 5653.9
M.Clark

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GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Lionel L. Duff, Jr. and Joan R. Duff

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Calaveras River, adjacent to 2739 Calariva Drive, city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating dock with an enclosed boathouse with slip, six pilings, ramp, landing platform, and the retention of an existing boat lift, wave dock bumper, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning April 26, 2009.

CONSIDERATION:

Floating Dock with an Enclosed Boathouse with Slip, Boat Lift, Six Pilings, Ramp, Landing Platform and Wave Dock Bumper: 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 \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On April 13, 1999, the Commission authorized a Recreational Pier Lease to Lionel L. Duff, Jr. and Joan R. Duff. That lease expired on

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April 25, 2009. 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 floating dock with an enclosed boathouse with slip, six pilings, ramp, and platform 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. **Floating Dock with an Enclosed Boathouse with Slip, Six Pilings, Ramp and Landing Platform:** 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. **Retention of an Existing Boat Lift and Wave Dock Bumper:** 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)(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.

7. **Retention of 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).

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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.

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 state school lands 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FLOATING DOCK WITH AN ENCLOSED BOATHOUSE WITH SLIP, SIX PILING, RAMP AND LANDING PLATFORM: 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).

RETENTION OF AN EXISTING BOAT LIFT AND WAVE DOCK BUMPER: 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)(2).

RETENTION OF EXISTING 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

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4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

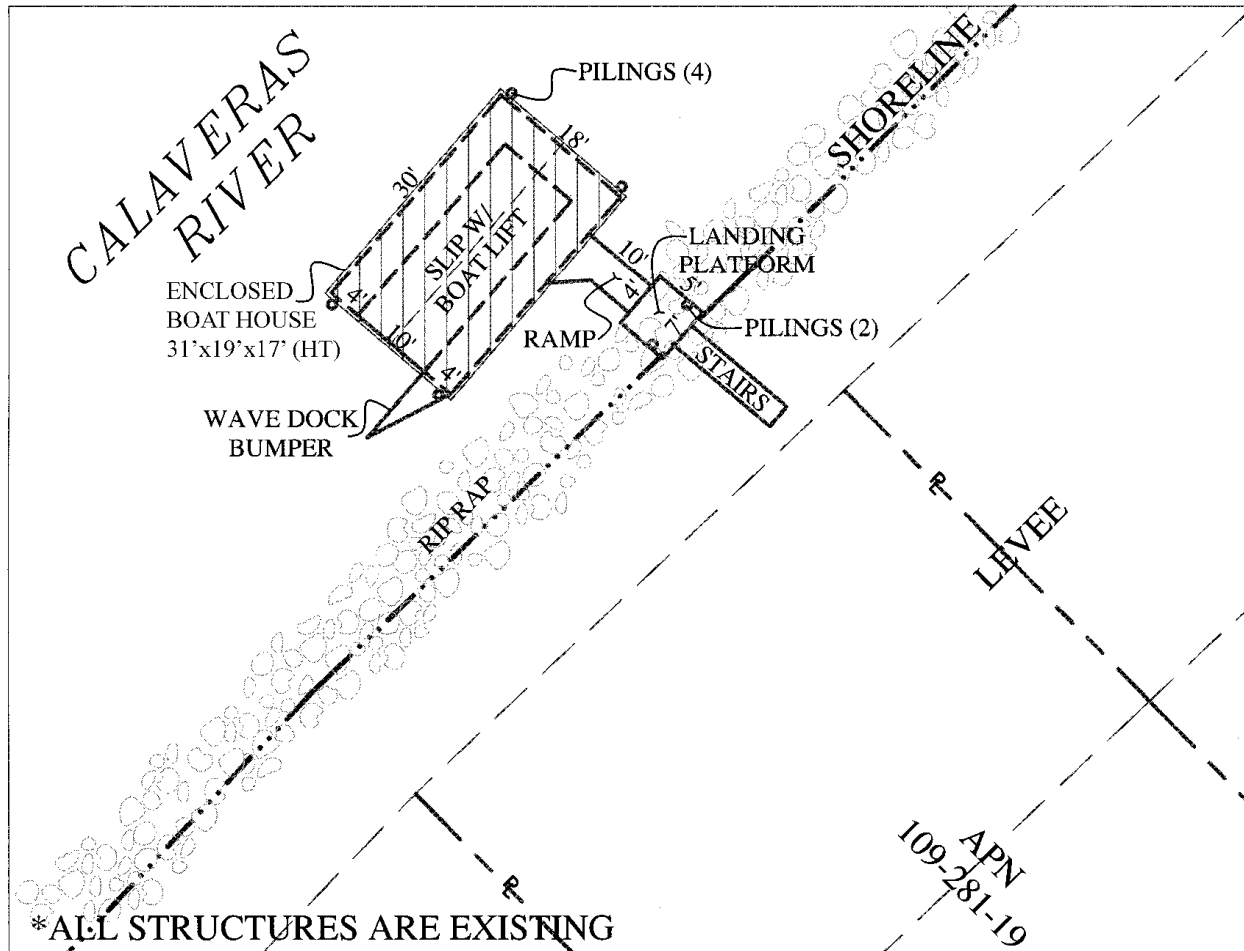
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO LIONEL L. DUFF, JR. AND JOAN R. DUFF BEGINNING APRIL 26, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING DOCK WITH AN ENCLOSED BOATHOUSE WITH SLIP, SIX PILINGS, RAMP AND LANDING PLATFORM AND FOR THE RETENTION OF AN EXISTING BOAT LIFT, A WAVE DOCK BUMPER, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE EXISTING FLOATING DOCK WITH AN ENCLOSED BOATHOUSE WITH SLIP, BOAT LIFT, SIX PILINGS, RAMP, LANDING PLATFORM AND WAVE DOCK BUMPER: 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 \$1,000,000.

NO SCALE

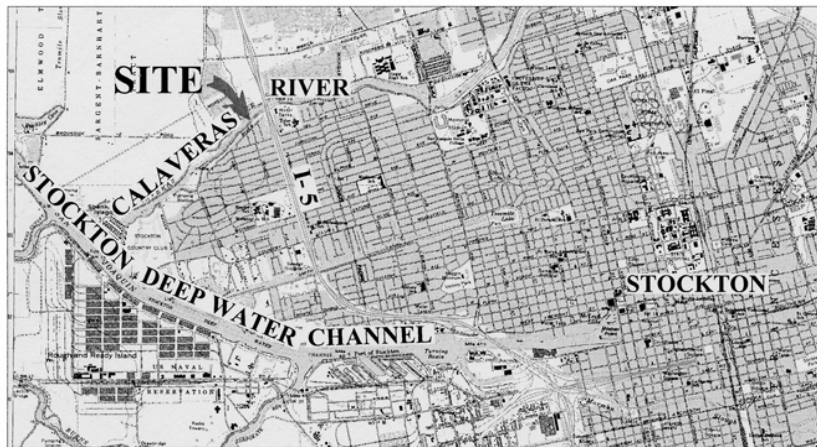
SITE



2739 Calariva Dr., Stockton

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 5653.9

DUFF

APN 109-281-19

GENERAL LEASE

RECREATIONAL &

PROTECTIVE STRUCTURE USE

SAN JOAQUIN COUNTY



MFJ 3/17/09

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.