

**CALENDAR ITEM
C21**

A	17, 26	08/11/09
		WP 5212.1
S	05, 31	WP 5816.1
		C. Hudson

**TERMINATION OF TWO GENERAL LEASES – RECREATIONAL USE AND
ISSUANCE OF A NEW GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

LESSEE/APPLICANT:

San Joaquin Delta Power Squadron
2270 Canal Drive
Stockton, California 95204

AREA, LAND TYPE, AND LOCATION:

0.194 acres, more or less, of filled and unfilled sovereign lands located in the bed of the old channel of the San Joaquin River, adjacent to Headreach Island, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with southern and eastern extensions; ramp; ten pilings; one concrete pad improved with a wooden platform and roof; one uncovered concrete pad with barbecue grills; built-in bench; retaining wall; and three speed control signs as shown on the attached Exhibit A.

LEASE TERM:

15 years, beginning August 11, 2009.

CONSIDERATION:

\$1,194 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 coverage of no less than \$3,000,000.

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Bond:
\$5,000

OTHER PERTINENT INFORMATION:

1. Lessee/Applicant has the right to use the upland adjacent to the Lease Premises.
2. On November 20, 1986, the Commission authorized a General Permit - Recreational Use, PRC 5212.1, with the San Joaquin Delta Power Squadron (Squadron). The lease was subsequently amended in 1992 and 1997 to provide for the placement of a dock extension and retaining wall. That lease will expire on October 31, 2011.
3. On April 17, 2006, the Commission authorized a General Lease – Recreational Use, PRC 5816.1, with the Squadron for the placement of three speed control signs. That lease will expire on November 30, 2015.
4. The Squadron has agreed to terminate these two leases and staff is recommending combining the two leases into Lease No. PRC 5212.1. The Squadron is now applying for a new General Lease – Recreational and Protective Structure Use to include all of its facilities into one lease.
5. The Squadron is a chapter based private nonprofit corporation organized to promote boating. The organization provides boating courses to the public for the enhancement and development of navigational and boating skills. The facilities located on the unfilled portion of the Lease Premises are used for the mooring and docking of boats for public boating courses. The facilities located on the filled portion of the Lease Premises are used by the members and students for educational and recreational purposes.
6. The lease contains provisions that the Squadron must encourage the implementation of the Commission’s “Best Management Practices for Guest Dock Users and Boaters”, including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for the above. The BMPs for “Guest Dock Users and Boaters” must be posted in prominent places within the lease premises. The Squadron shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.
7. **Termination of Existing Leases:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that

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this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

8. **Issuance of a New Lease:** 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 14, California Code of Regulations, section 15301.

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

9. 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.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF TWO LEASES: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF A NEW LEASE: 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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301.

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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:

1. AUTHORIZE TERMINATION, EFFECTIVE AUGUST 10, 2009, OF A GENERAL PERMIT – RECREATIONAL USE NO. PRC 5212.1 AND GENERAL LEASE – RECREATIONAL USE NO. PRC 5816.1, ISSUED TO SAN JOAQUIN DELTA POWER SQUADRON.

2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO THE SAN JOAQUIN DELTA POWER SQUADRON BEGINNING AUGUST 11, 2009, FOR A TERM OF 15 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK WITH SOUTHERN AND EASTERN EXTENSIONS; RAMP; TEN PILINGS; ONE CONCRETE PAD IMPROVED WITH A WOODEN PLATFORM AND A ROOF; ONE CONCRETE PAD WITH BARBECUE GRILLS; BUILT-IN BENCH; RETAINING WALL; AND THREE SPEED CONTROL SIGNS AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,194 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$3,000,000; AND A SURETY BOND IN THE AMOUNT OF \$5,000.