

**CALENDAR ITEM
C16**

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04/06/10
WP 6548.1
M. Clark

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GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Devi'ls Isle, Inc.
14501 West Eight Mile Road
Stockton, California 95219

AREA, LAND TYPE, AND LOCATION:

Sovereign land in White Slough and Little Potato Slough, adjacent to
14501 West Eight Mile Road, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with
four single berth slips, three ramps, covered swimming float, and bank protection
as shown on Exhibit A.

LEASE TERM:

15 years, beginning November 23, 2009.

CONSIDERATION:

**Uncovered Floating Boat Dock with Four Single Berth Slips, Three Ramps,
and Covered Swimming Float:** \$1,992 per year; with the State reserving the
right to fix a different rent periodically during the lease term, as provided in the
lease.

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:

1. Liability insurance in the amount of no less than \$1,000,000.
2. The lease contains provisions that the Lessee must implement the
Commission's "Best Management Practices for Private Recreational Dock
Owners/Operators" ("BMPs") Lessee shall post the "BMPs" in prominent

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places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On March 1, 1995, the Commission authorized a General Lease-Protective Structure and Recreational Use to Devil's Isle, Inc. That lease expired November 22, 2009. The Applicant has applied for a new General Lease – Recreational and Protective Structure Use.
3. The Applicant is a private non-commercial, members-only organization formed to provide social and recreational boating activities to its members, their families, and guests. The upland consists of an island which is improved with two recreational open-air cabanas with dock facilities and bank protection located on the lease premises. The bank protection runs along the southern tip of the Island along both White Slough and Little Potato Slough.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of White Slough and Little Potato Slough will have the additional protection from wave action provided at no cost to the public.
5. Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of 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. 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 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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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 of a General Lease – Recreational and Protective Structure Use to Devil's Isle, Inc., beginning November 23, 2009, for a term of 15 years, for the continued use and maintenance of an existing uncovered floating dock with four single berth slips, three ramps, covered swimming float, and bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the uncovered floating boat dock with four single berth slips, three ramps, and covered swim float: annual rent in the amount of \$1,992, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; 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.