

**CALENDAR ITEM
C16**

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04/06/11

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WP 2771.1

M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Port Stockton Boaters, Inc.

AREA, LAND TYPE, AND LOCATION:

3.80 acres, more or less, of filled and unfilled sovereign land in the San Joaquin River, at Headreach Island, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of four uncovered floating boat docks, two ramps, eight pilings, swim float, propane tank float, speed buoy, water intake pipeline, bulkhead, clubhouse with sundeck, bunkhouse with deck, gazebo, storage shed, generator shed, septic system, and bank protection as shown on Exhibit A.

LEASE TERM:

10 years, beginning September 1, 2011

CONSIDERATION:

\$2,892 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 insurance in the amount of no less than \$2,000,000.

Bond:

\$10,000.

Other :

This lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Private Recreational Dock Owners/ Operators" including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. The Lessee shall provide the Commission, on the first

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anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On March 2, 1992, the Commission authorized a General Lease – Recreational Use to Port Stockton Boaters, Inc., for the continued use and maintenance of floating docks, shoreline bulkhead, and recreational facilities. That lease will expire August 31, 2011. The lease was amended on April 20, 2000, to include a speed buoy; and again on October 1, 2002, for the replacement of six pilings, and an existing deck, and placement of additional bank protection. The Applicant has now applied for a new General Lease – Recreational and Protective Structure Use.
3. The Port Stockton Boaters, Inc. is a private, members-only recreational boat owners club. The filled sovereign land in the former bed of the San Joaquin River consists of a clubhouse with sundeck, a bunkhouse with deck, a gazebo, a storage shed, a generator shed, and a septic system. The unfilled bed of the river consists of four uncovered floating boat docks, two ramps, eight pilings, a swim float, a propane tank float, one speed buoy, a water intake pipeline, a bulkhead, and bank protection. The water intake pipeline provides water for the septic system. Access to the island is by boat only.
4. 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 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.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. 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.

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EXHIBITS:

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

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 the Port Stockton Boaters, Inc., beginning September 1, 2011, for a term of 10 years, for the continued use and maintenance of four uncovered floating boat docks, two ramps, eight pilings, swim float, propane tank float, speed buoy, water intake pipeline, bulkhead, clubhouse with sundeck, bunkhouse with deck, gazebo, storage shed, generator shed, septic system, and bank protection as shown on Exhibit A attached (for reference purposes only) and as described on Exhibit B and by this reference made a part hereof; annual rent in the amount of \$2,892, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in the amount of no less than \$2,000,000; and a surety bond in the amount of \$10,000.