

**CALENDAR ITEM
C65**

A 10

03/29/12

WP 3440.1

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N. Lavoie

**GENERAL LEASE – RECREATIONAL, PROTECTIVE STRUCTURE,
AND RIGHT-OF-WAY USE**

APPLICANT:

El Camino Boat Club, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Little Potato Slough, adjacent to Assessor's Parcel Number 069-030-15, between Bouldin Island and Terminous Tract, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing armored submarine electric cable previously authorized by the Commission; and an existing fishing pier and bank protection not previously authorized by the Commission as shown on the attached Exhibit A.

LEASE TERM:

20 years, beginning January 26, 2011.

CONSIDERATION:

Submarine Cable and Fishing Pier: \$150 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:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises. The upland consists of an island known as El Camino Island between Bouldin Island and Terminous Tract.

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2. On June 24, 1981, the Commission authorized a General Lease – Right-of-Way Use with El Camino Boat Club, Inc. for the armored submarine electric cable. That lease expired on January 25, 2011. The Applicant is now applying for a new General Lease – Recreational, Protective Structure, and Right-of-Way Use.
3. The existing fishing pier and bank protection have existed at this site for many years, but were not previously authorized by the Commission. The Applicant has applied for and received a Letter of Permission from the U.S. Army Corps of Engineers, on November 21, 2011, for the existing facilities. Since these facilities are existing and the Applicant obtained the necessary permit, staff recommends they be authorized in the new lease.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of Little Potato Slough between Bouldin Island and Terminous Tract will have additional protection at no cost to the public.
5. The Applicant is a private membership boating club where the members use the upland for recreational purposes.
6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit 14, §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; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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.

EXHIBITS:

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

CALENDAR ITEM NO. **C65** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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, Protective Structure, and Right-of-Way Use to the El Camino Boat Club, Inc., beginning January 26, 2011, for a term of 20 years, for the continued use and maintenance of an existing armored submarine electric cable previously authorized; and an existing fishing pier and bank protection not previously authorized, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; 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; consideration for the submarine cable and fishing pier: annual rent in the amount of \$150, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 3440

LAND DESCRIPTION

PARCEL 1 Fishing Pier and Bank Protection

All those lands lying between the ordinary high water mark of Grindstone Joe's Assn. Island also being on the right (west) bank of Potato Slough, said Island described in said Book 3646, Page 340 and a line lying 15 feet perpendicular to, parallel with, and waterward of said ordinary high water mark.

EXCEPTING THEREFROM any portions lying within the dredger cut lying west of the above described parcel.

PARCEL 2 Submarine Cable

A parcel of tide and submerged land 10 feet wide situate in the bed of Little Potato Slough, San Joaquin County, California adjacent to that parcel of land described in Book 3646, Page 340 of Official Records San Joaquin County and lying 5 feet on each side of the following described centerline:

COMMENCING at a stake on the southwesterly line of the Fong Yen property as shown on that map filed in Volume 10 at page 184, Book of Maps in the San Joaquin County Recorder's Office, thence the following six (6) courses:

- 1) N 67°30' W 67 feet;
- 2) S 16° E 305 feet;
- 3) S 32°30' W 270 feet;
- 4) S 73°30' W 195 feet;
- 5) N 74°30' W 330 feet;
- 6) S 65°30' W 135 feet to the POINT OF BEGINNING;

thence N 35°W 250 feet across Little Potato Slough and the terminus of the herein described centerline.

EXCEPTING THEREFROM any portions lying within the ordinary high water mark of said slough.

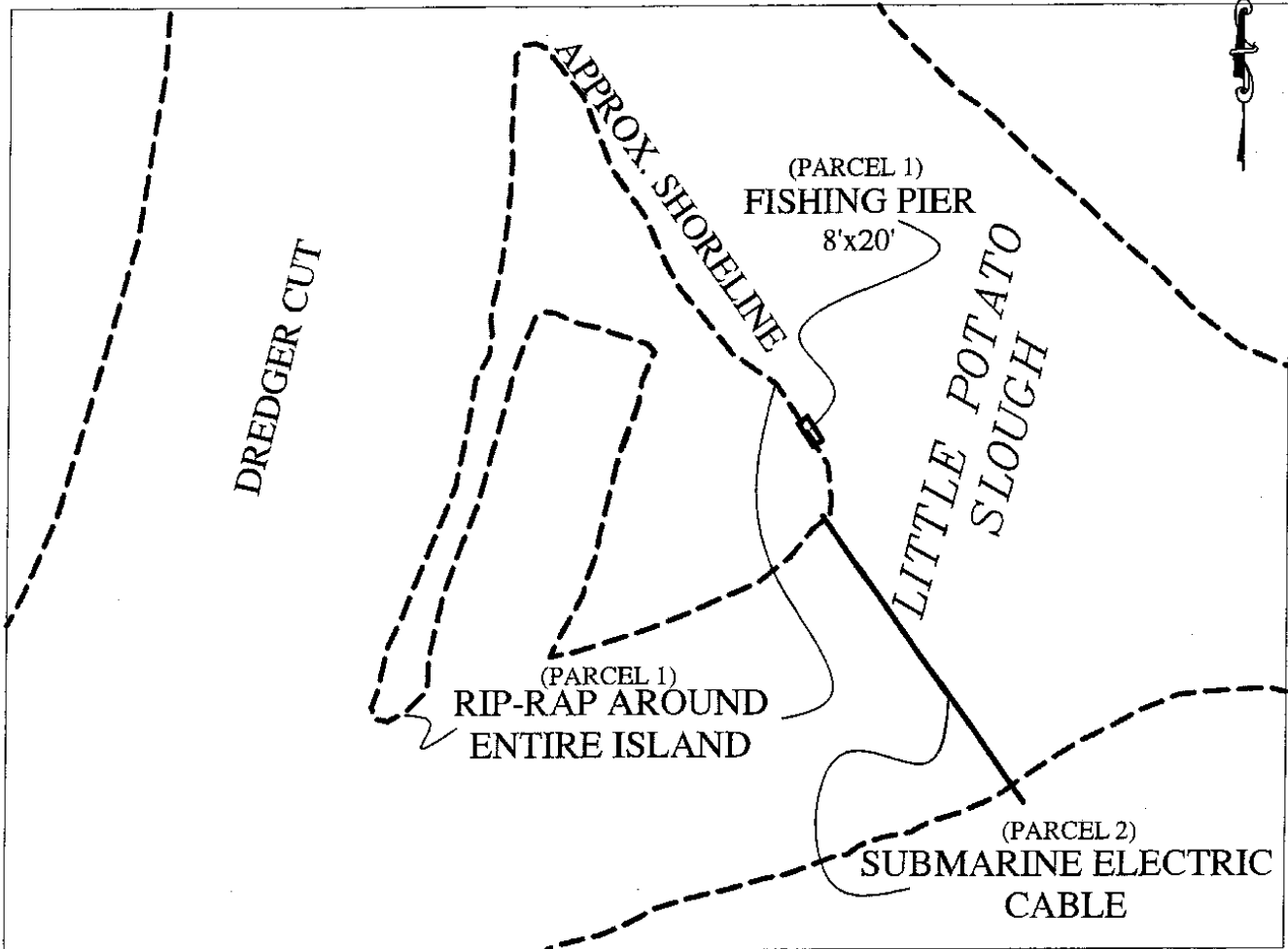
END OF DESCRIPTION

Parcel 1 prepared and Parcel 2 revised by the California State Lands Commission Boundary Unit 8/5/2011. Parcel 2 based on that original description prepared by the Technical Services Unit, Roy Minnick, Supervisor, 11/5/1980 as found in lease file PRC 3440.



NO SCALE

SITE



Little Potato Slough, near Terminous

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3440.1
 EL CAMINO BOAT CLUB
 APN 069-030-15
 GENERAL LEASE -
 RECREATIONAL, PROTECTIVE
 STRUCTURE & RIGHT-OF-WAY USE
 SAN JOAQUIN COUNTY



MJF 8/01/11

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.