

CALENDAR ITEM

C59

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02/22/13

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PRC 5373.1

C. Hudson

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Stockton Water Ski Club, a California Corporation
P.O. Box 1666
Stockton, CA 95219

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to Ward Island, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, eight pilings, walkway, swim float, and five speed buoys previously authorized by the Commission; and use and maintenance of an existing uncovered floating boat dock, six pilings, and walkway not previously authorized by the Commission.

LEASE TERM:

10 years, beginning March 1, 2013

CONSIDERATION:

\$1,273 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 \$1,000,000.

Bond:

\$10,000.

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife,

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Central Valley Flood Protection Board, and the California Regional Water Quality Control Board within two years of the effective date of the lease.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland island adjoining the lease premises.
2. On May 28, 1987, the Commission authorized a 20-year General Permit - Recreational Use with Stockton Water Ski Club, a California Corporation, for the continued use of an uncovered floating dock, walkway, pilings, and swim float. In 1988, the Commission authorized an amendment to include five speed buoys which was subsequently amended again in 1995 to apply the 10-foot impact area to the waterward portion of the dock only. The Applicant subsequently installed an additional uncovered floating boat dock, six pilings, and walkway without first seeking Commission approval. The lease expired on February 28, 2007, and has been in holdover with annual rent paid through March 1, 2013. The Applicant is now applying for a new General Lease – Recreational Use. The Applicant has since applied for after-the-fact permits to the necessary federal, State, and local agencies.
3. The Stockton Water Ski Club is a private non-profit members-only club that promotes water skiing and other recreational boating activities to its members, their families, and guests. Access to the club's island is by boat only and the upland is improved with a camp area, day use area, and club house.
4. The lease contains provisions that the Applicant 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 must be posted in prominent places within the lease premises. The Applicant shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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).

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Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. 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

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Stockton Water Ski Club, a California Corporation, beginning March 1, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, eight pilings, walkway, swim float, and five speed buoys previously authorized by the Commission; and use and maintenance of an existing uncovered floating boat dock, six pilings, and walkway not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,273, 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

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amount of no less than \$1,000,000; and surety bond in the amount of \$10,000.

EXHIBIT A

PRC 5373.1

LAND DESCRIPTION

A parcel of land partially in the north one-half of projected Section 11 and partially in the south one-half of projected Section 2, T2N, R4E, MDM being the lands described in that grant deed dated December 29, 1972 from Edilio Marchetti and Theresa A. Marchetti to Stockton Water Ski Club, a California Corporation, recorded December 29, 1972 in Book 3723, page 24, San Joaquin County Recorder's Office.

EXCEPTING THEREFROM those interests-in-land, if any, which passed by virtue of the patent issued to Wm J. Pettigrew, Napoleon B. Byrne, and Isaac E. Nicholson on May 10, 1872, for the land described in Swamp and Overflowed Survey No. 1106, San Joaquin County.

TOGETHER WITH all that land immediately beneath two existing uncovered floating docks, two existing walkways, an existing swim float, and five existing speed buoys lying adjacent to the above mentioned parcel described in the grant deed recorded December 29, 1972 in Book 3723, page 24, San Joaquin County Recorder's Office, **ALSO TOGETHER WITH** a necessary impact area extending no more than 10 feet from said floating docks and walkways.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Revised 01/08/2013 by the California State Lands Commission Boundary Unit



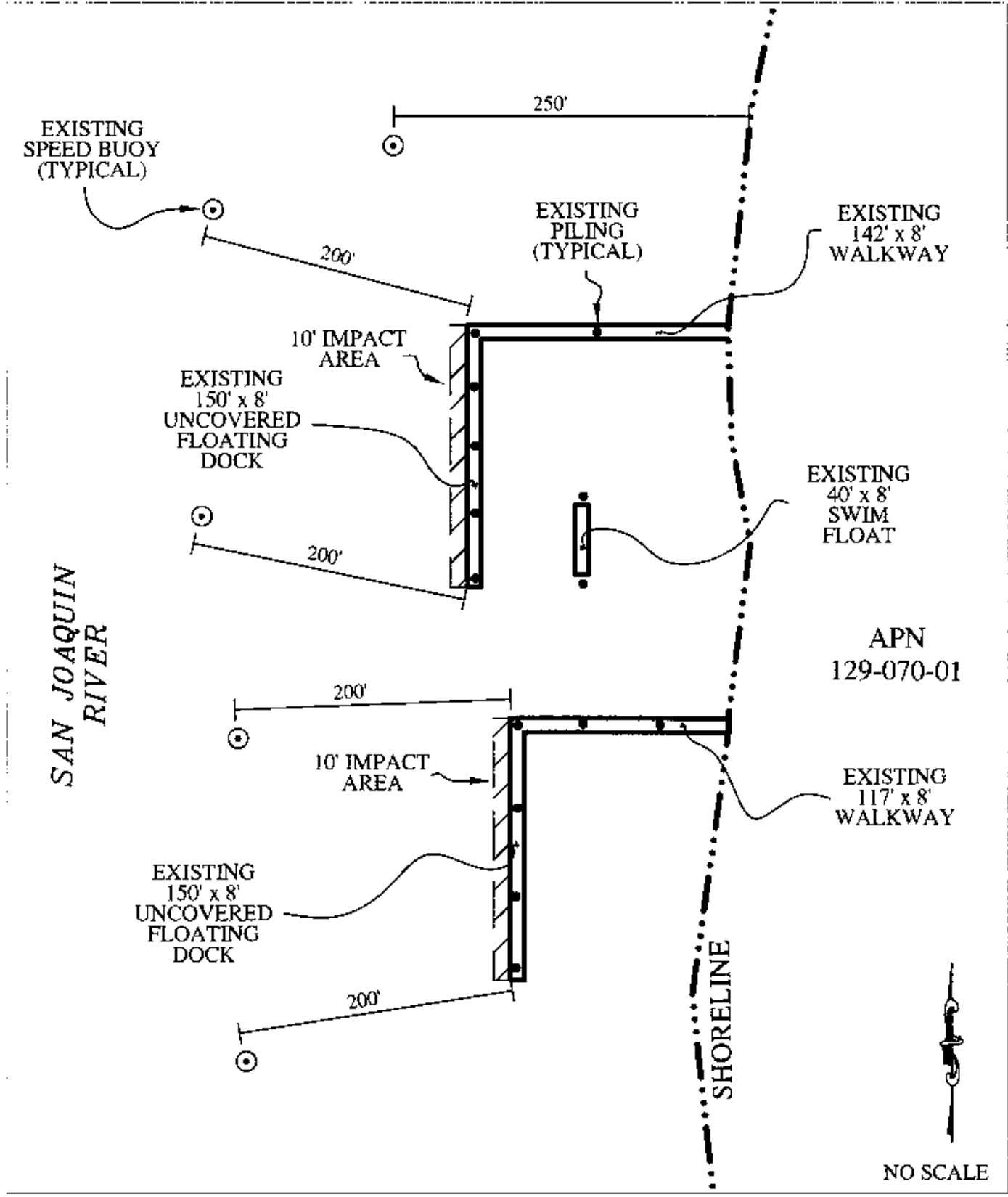
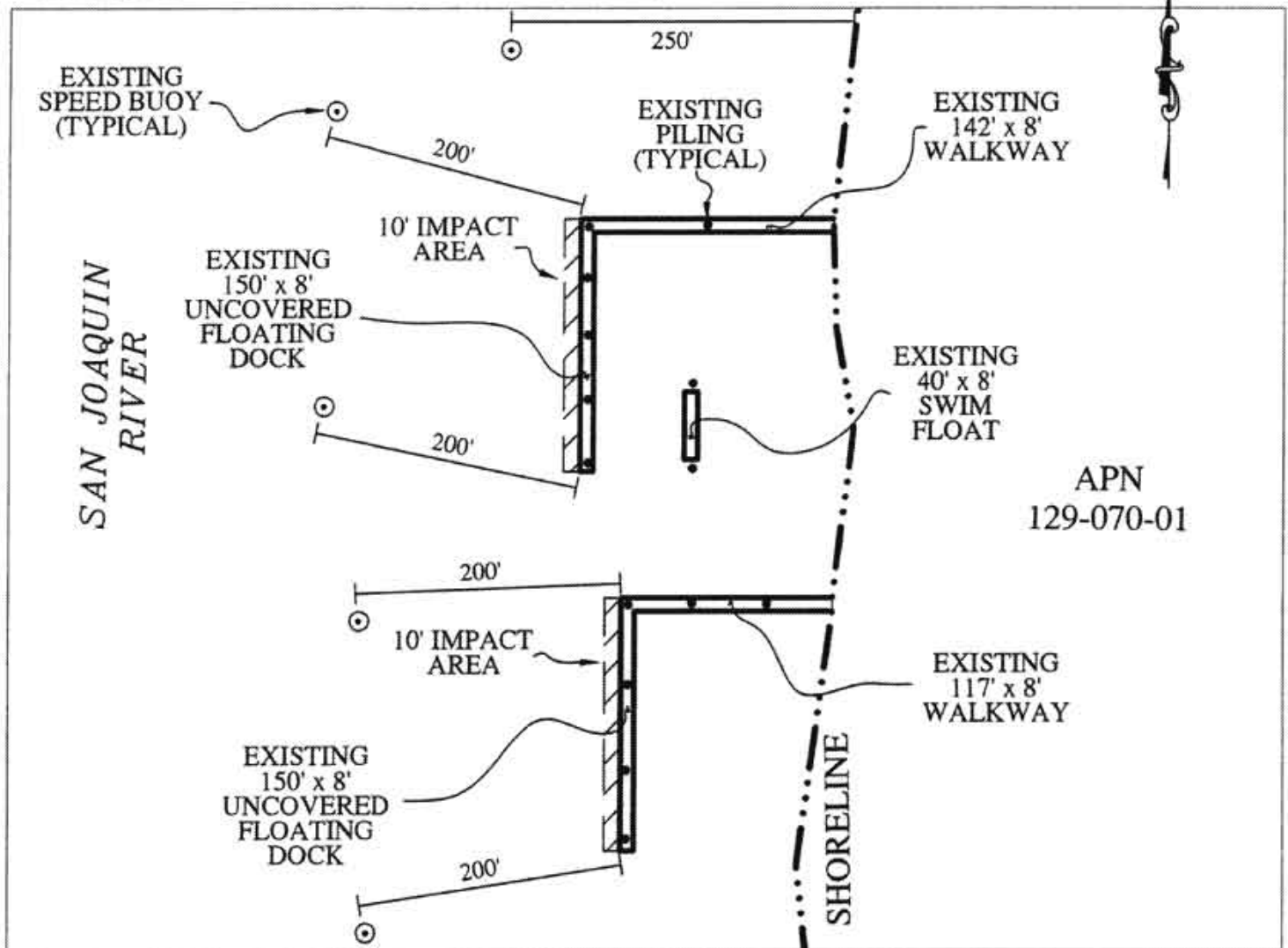


EXHIBIT A



SITE

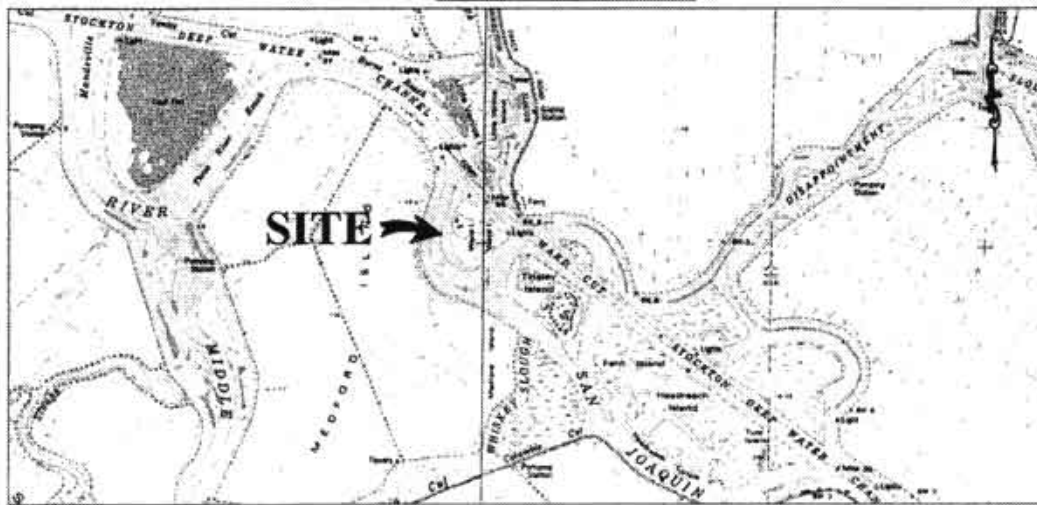
NO SCALE



SAN JOAQUIN RIVER, NEAR WARD ISLAND

LOCATION

NO SCALE



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5373.1
STOCKTON WATER
SKI CLUB
APN 129-070-01
GENERAL LEASE -
RECREATIONAL USE
SAN JOAQUIN COUNTY



SITE

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.