MINUTE ITEM

This Calendar item No. 30
was approved as Minute Item
30 by the State Lands
Commission by a vote of 3
to 0 at its 12/9/81
meeting.

CALENDAR ITEM

30

9/29/81
W 20879
Gordon
PRC 6061

GENERAL LEASE - COMMERCIAL USE

APPLICANTS: Jack Verderame and Lauralee Verderame
Marshell A. Rief and Gladys M. Rief
P. O. Box 2052
Manteca, California 95336

AREA, TYPE LAND AND LOCATION:
A 0.558-acre parcel of tide and submerged lands in Walthall Slough near Manteca, San Joaquin County.

LAND USE: Construction and maintenance of ten additional covered boat berths, and maintenance of an existing walkway, four existing floats and 23 existing covered boat berths, all utilized as a commercial marina.

TERMS OF PROPOSED LEASE:
Initial period: 15 years from August 1, 1981.

Public liability insurance: Combined single limit coverage of $500,000 for bodily injury and property damage.

CONSIDERATION: $624 or five percent of gross income, whichever is greater, plus one cent per gallon of fuel sold on the lease lands to a maximum of 100,000 gallons and one and one-half cents per gallon sold thereafter, all per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee has been received.

A 26
S 13

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 10/2/81.

OTHER PERTINENT INFORMATION:

1. These are long term existing marina facilities that have had a number of sequential owners and which have not been under prior lease of the Commission. In the interest of bringing the existing structures under lease and finally settling the amount of any rents due prior to the beginning date of the subject lease, staff has negotiated and recommends waiving of any payable rents prior to the beginning date of said lease. The consideration set forth herein is based on current general lease regulations effectuated by the Commission.

2. Applicant proposes to increase the capacity of the existing marina with ten additional covered boat berths. The activity on the State lands is coincident with applicant's project to expand the existing mobile home park on the adjacent upland. When completed, the new berths will serve to accommodate the occupants of new mobile home and trailer sites on the upland.

3. A negative declaration was prepared by the San Joaquin County Planning Department, pursuant to CEQA and the State EIR Guidelines. A notice of determination has been received.

4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS REQUIRED AND OBTAINED:

These facilities are subject to the jurisdiction of the United States Army Corps of Engineers, California Department of Fish and Game, California Central Valley Regional Water Quality Control Board, California Reclamation Board and the County of San Joaquin. The proposed lease is conditioned on the approval of all agencies having jurisdiction.

EXHIBITS:

A. Land Description.
B. Location Map.
C. Notice of Determination and Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY THE SAN JOAQUIN COUNTY PLANNING DEPARTMENT.

2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.

3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

4. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

5. WAIVE ANY BACK RENTALS DUE PRIOR TO AUGUST 1, 1981, INCLUDING PENALTY AND INTEREST, IF ANY.

6. AUTHORIZE ISSUANCE TO JACK VERDERAME, LAURALEE VERDERAME, MARSHELL A. RIEF AND GLADYS M. RIEF OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM AUGUST 1, 1981; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF $624 OR FIVE PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, PLUS ONE CENT PER GALLON OF FUEL SOLD ON THE LEASE LANDS TO A MAXIMUM OF 100,000 GALLONS AND ONE AND ONE-HALF CENTS PER GALLON SOLD THEREAFTER, PER ANNUM; WITH THE

STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND WITH A PROVISION OF PUBLIC LIABILITY INSURANCE HAVING A COMBINED SINGLE LIMIT COVERAGE OF $500,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE; FOR CONSTRUCTION AND MAINTENANCE OF TEN COVERED BOAT BERTHS, AND MAINTENANCE OF AN EXISTING WALKWAY, FOUR EXISTING FLOATS AND 23 EXISTING COVERED BOAT BERTHS, ALL UTILIZED IN THE OPERATION OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION W 20879

A parcel of tide and submerged land in the bed of Walthall Slough, situated in projected Section 10, T2S, R6E, MDM, San Joaquin County, California, more particularly described as follows:

> That certain parcel of land underlying a floating marina facility located waterward and adjacent to a portion of Swamp and Overflow Land Survey No. 850, also known as County Survey No. 1625, as described in that certain deed recorded in Book 4242 of Official Records at Page 189 in the San Joaquin County Recorder's Office. TOGETHER WITH a necessary use area extending 10 feet from the extremities of said facility and lying between said facility and the ordinary high water line of the southerly bank of Walthall Slough.

END OF DESCRIPTION

PREPARED MARCH 26, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

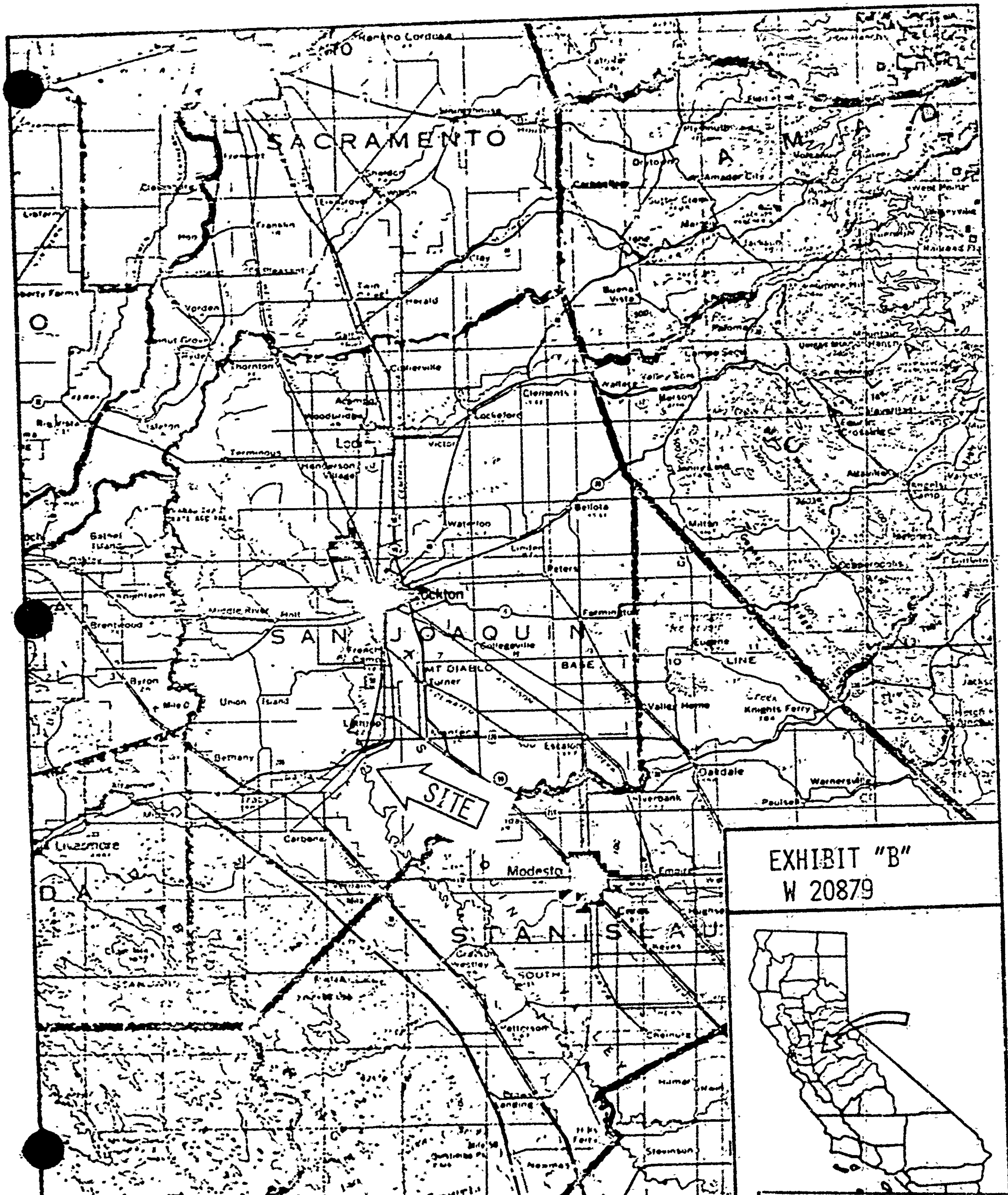

EXHIBIT "B"
W 20879

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EXHIBIT "C"

NOTICE OF DETERMINATION

LEAD AGENCY: San Joaquin County Planning Department
1810 East Hazelton Avenue, Stockton, CA 95205

TO: [ ] Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, California 95814

[ ] County Clerk
County of SAN JOAQUIN

FROM: San Joaquin County
Planning Department
1810 E. Hazelton Ave.
Stockton, Ca. 95205

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

PROJECT TITLE: US. PERMIT U-80-[illegible] [illegible] AND VERDERIVE

STATE CLEARINGHOUSE NUMBER: _____

The County of San Joaquin has made the following determinations regarding this project:

1. The project has been [ ] approved by the Lead Agency.
   [ ] disapproved

2. The project [ ] will have a significant effect on the environment.
   [ ] will not

3. [ ] An Environmental Impact Report has been prepared for this project.

   [ ] A statement of overriding considerations is attached.

4. [ ] A Negative Declaration has been prepared for this project and a copy is attached.

Robert S. Hunter

ROBERT S. HUNTER
Environmental Review Officer

Date: December 7, 1979

RECEIVED
Office of the Secretary
JAN 28 1981
Resources Agency of California

RECEIVED
STATE CLEARINGHOUSE COMMISSION
FEB 11 1981

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EXHIBIT "C"

NEGATIVE DECLARATION

DATE: [illegible]

RESPONSIBLE AGENCY (Lead Agency): San Joaquin County Planning Dept.
Address: 1810 E. Hazelton Avenue
Stockton, CA 95205

CONTACT PERSON: Harry Riddle

Area Code: 209
Phone: 944-2203
City: Stockton

PROJECT TITLE: [illegible]

As the result of an initial study, it is concluded that with the mitigation measures noted in the initial study added to the project:

A. The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustain levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

B. The project will not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

C. The project will not have possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

D. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

<u>As a result thereof, the preparation of an Environmental Impact Report pursuant to the Environmental Quality Act of 1970 is not required.</u>

An initial study is attached.

SIGNED BY:

Robert S. Hunter

ROBERT S. HUNTER
Environmental Review Officer

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