

MINUTE ITEM

This Calendar Item No. C03  
was approved as Minute Item  
No. 3 by the State Lands  
Commission by a vote of 3  
to 0 at its 9/25/84  
meeting.

CALENDAR ITEM

A 10  
S 13

C03

09/25/84  
W 22510  
Gordon  
PRC 6726

GENERAL LEASE - COMMERCIAL USE

APPLICANTS: Donald E. Deckert and  
Jennifer C. Deckert  
P. O. Box 417  
Thornton, California 95686

AREA, TYPE LAND AND LOCATION:  
An 0.774 acre area reduced in size to an 0.558  
acre area, all tide and submerged lands located  
in the Mokelumne River near Walnut Grove,  
San Joaquin County.

LAND USE: Reconstruction, relocation and maintenance of  
commercial marina facilities, and maintenance  
of existing protective structure facilities  
(rip-rap).

TERMS OF PROPOSED LEASE:

Initial period: Fifteen years beginning  
July 1, 1980.

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

Special: 1. On or before October 31,  
1985, the improvements  
delineated in Exhibit "A",  
except the existing  
protective structure  
facilities (rip-rap), shall  
be removed and reconstructed,  
on or relocated to the  
submerged lands as delineated  
in Exhibit "B".

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2. The lease consents to lessee's subletting the lease premises for berthing or mooring purposes for terms of one year or less.
3. The lease is conditioned on the littoral upland owner's consent and approval of any facilities found to be on or adjacent to said owner's property

**CONSIDERATION:** \$3,218.48 for the period of July 1, 1980 through June 30, 1984, plus a five percent penalty and interest at the rate of 18 percent per annum for any amount not paid before the date the Commission executes the lease; and \$660 or five percent of gross income, whichever is greater, excepting gross income attributable to fuel sale and launch ramp receipts, 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 modify the percentages of gross income and to fix and to change the method to fix a different rental on each fifth anniversary of the lease, as to the marina facilities; and the public 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, as to the existing protective structure facilities (rip-rap).

**BASIS FOR CONSIDERATION:**  
Pursuant to 2 C.A. Adm. Code 2003.

**APPLICANT STATUS:**  
Applicant is owner or upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**  
Filing fee and processing costs have been received.

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: 10/05/84.

OTHER PERTINENT INFORMATION:

1. Applicant's marina, New Hope Landing, appears to be located in an area designated as "Natural Area" in the State's Delta Master Recreation Plan. To bring the project into closer conformance with the plan, applicant is required by the United States Army, Corps of Engineers and the Resources Agency of California project review process to complete before October 31, 1985, the removal and/or relocation of the facilities from the submerged lands along the west bank of the river (Exhibit "A") to the submerged lands as delineated along the east bank of the river in Exhibit "B".
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, existing facilities 14 Cal. Adm. Code 15301 (b) (based upon the rationale that the removal and/or relocation of some of the facilities is necessitated as a mitigation measure).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300,

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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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APPROVALS OBTAINED:

United States Army Corps of Engineers,  
California Department of Fish and Game,  
California Central Valley Regional Water  
Quality Control Board, California Reclamation  
Board and County of San Joaquin.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Land Description
- C. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES 2 CAL. ADM. CODE 15301.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO DONALD E. DECKERT AND JENNIFER G. DECKERT OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING JULY 1, 1980; IN CONSIDERATION OF \$3,218.48 FOR THE PERIOD OF JULY 1, 1980 THROUGH JUNE 30, 1984, PLUS A FIVE PERCENT PENALTY AND INTEREST AT THE RATE OF 18 PERCENT PER ANNUM FOR ANY AMOUNT NOT PAID BEFORE THE DATE THE COMMISSION EXECUTES THE LEASE; AND A BASE ANNUAL RENT IN THE AMOUNT OF \$660 OR FIVE PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, EXCEPTING GROSS INCOME ATTRIBUTABLE TO FUEL SALES AND LAUNCH RAMP RECEIPTS, 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, WITH THE STATE RESERVING THE RIGHT TO MODIFY THE PERCENTAGES OF GROSS INCOME AND TO FIX AND TO CHANGE THE METHOD TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE, AS TO THE MARINA FACILITIES AND THE PUBLIC 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, AS TO THE EXISTING PROTECTIVE STRUCTURE FACILITIES (RIP-RAP); WITH

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PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE; AND WITH PROVISION THE IMPROVEMENTS DELINEATED ON SUBMERGED LANDS IN EXHIBIT "A", EXCEPT THE EXISTING PROTECTIVE STRUCTURE FACILITIES (RIP-RAP), SHALL BE REMOVED AND RECONSTRUCTED OR RELOCATED TO THE SUBMERGED LANDS DELINEATED IN EXHIBIT "B", ON OR BEFORE OCTOBER 31, 1985 FOR RECONSTRUCTION, RELOCATION AND MAINTENANCE OF COMMERCIAL MARINA FACILITIES, AND MAINTENANCE OF EXISTING PROTECTIVE STRUCTURE FACILITIES ON THE LAND DELINEATED ON EXHIBIT "A" AND EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

# EXISTING FACILITY NO. 7962

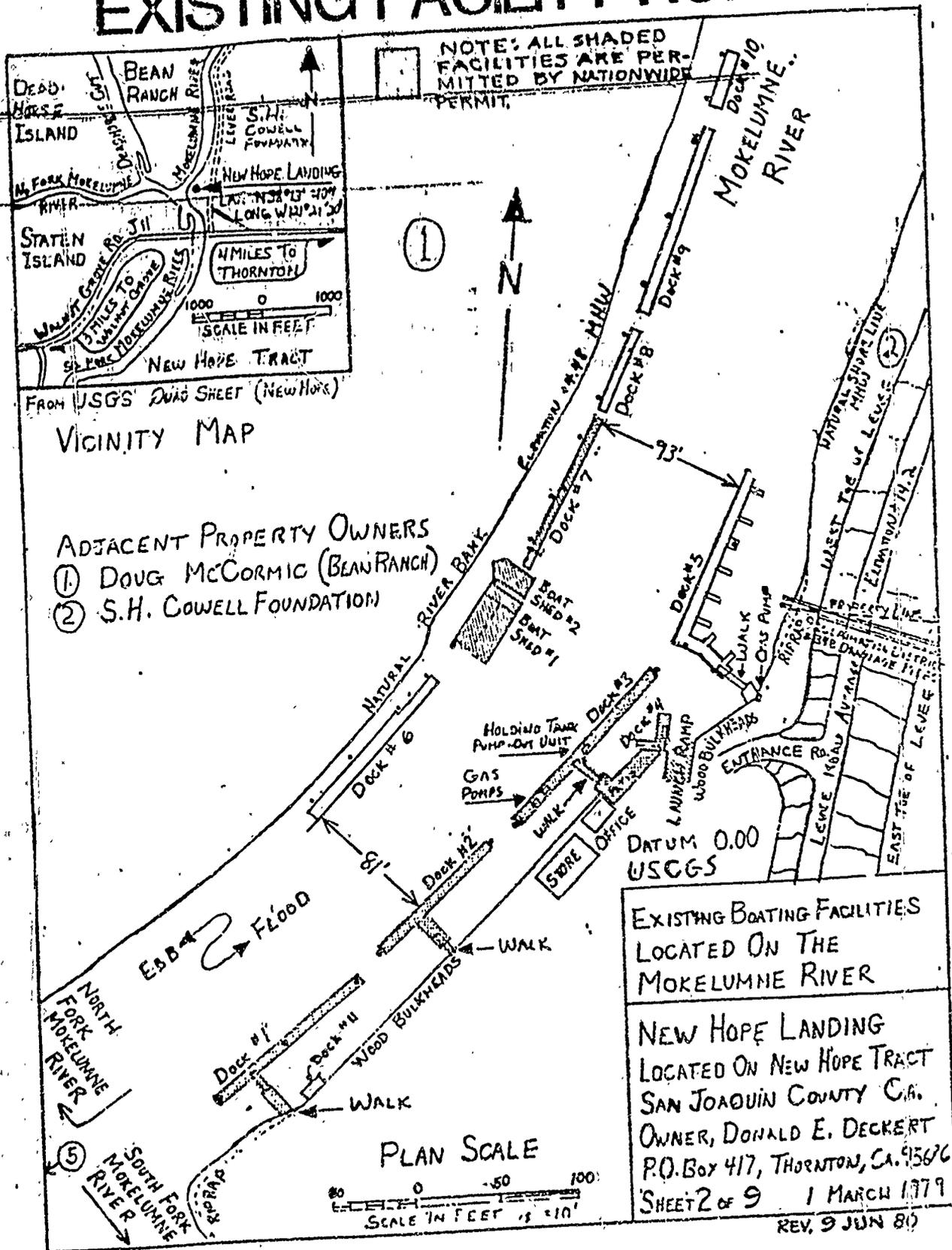
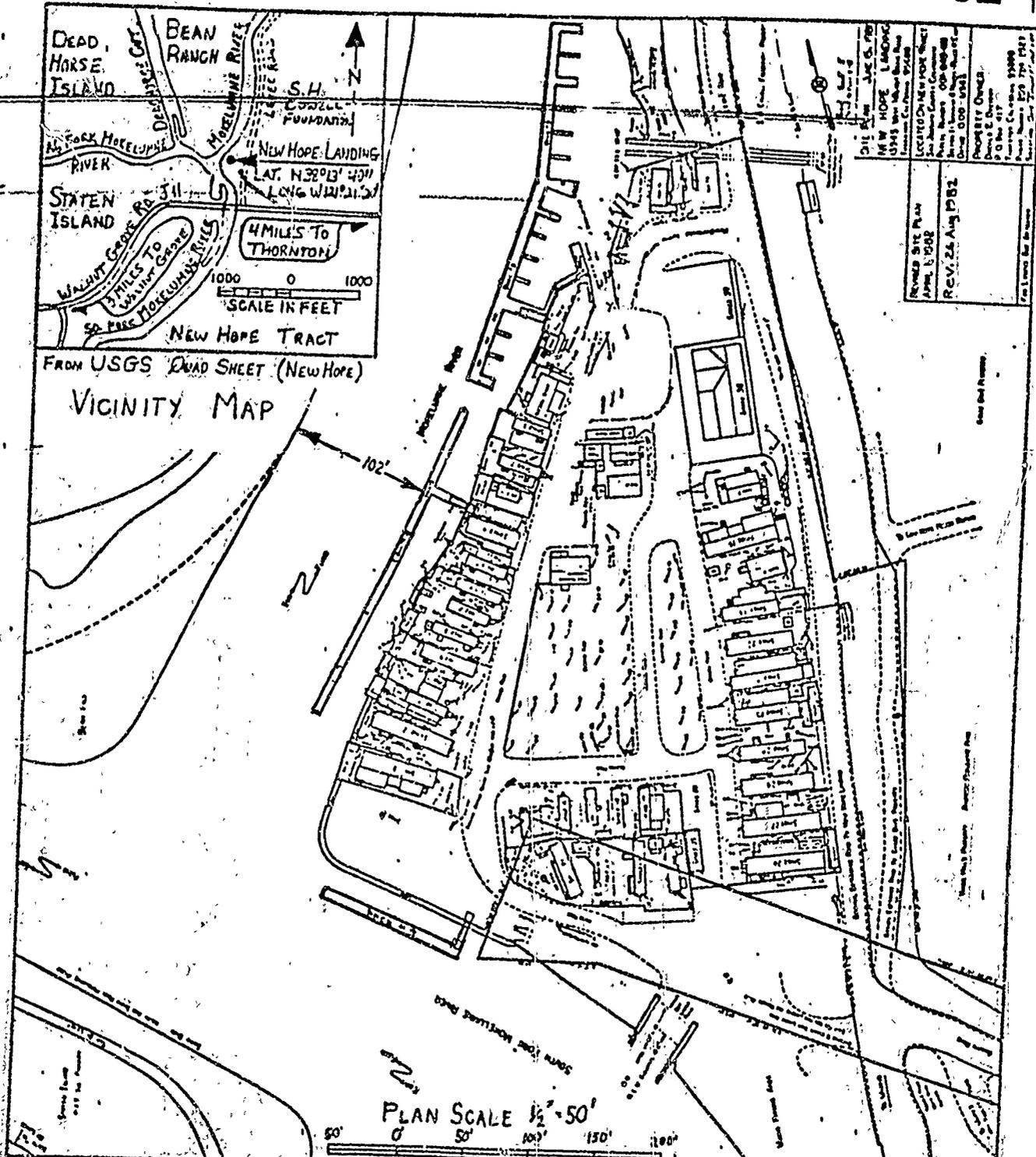


EXHIBIT "A"  
LAND DESCRIPTION

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PROPOSED MASTER PLAN OF NEW HOPE LANDING  
 FOR RELOCATING, REVAMPING, AND ADDING TO EXISTING BOATING FACILITIES  
 SHEET 3 OF 9

EXHIBIT "B"  
 LAND DESCRIPTION

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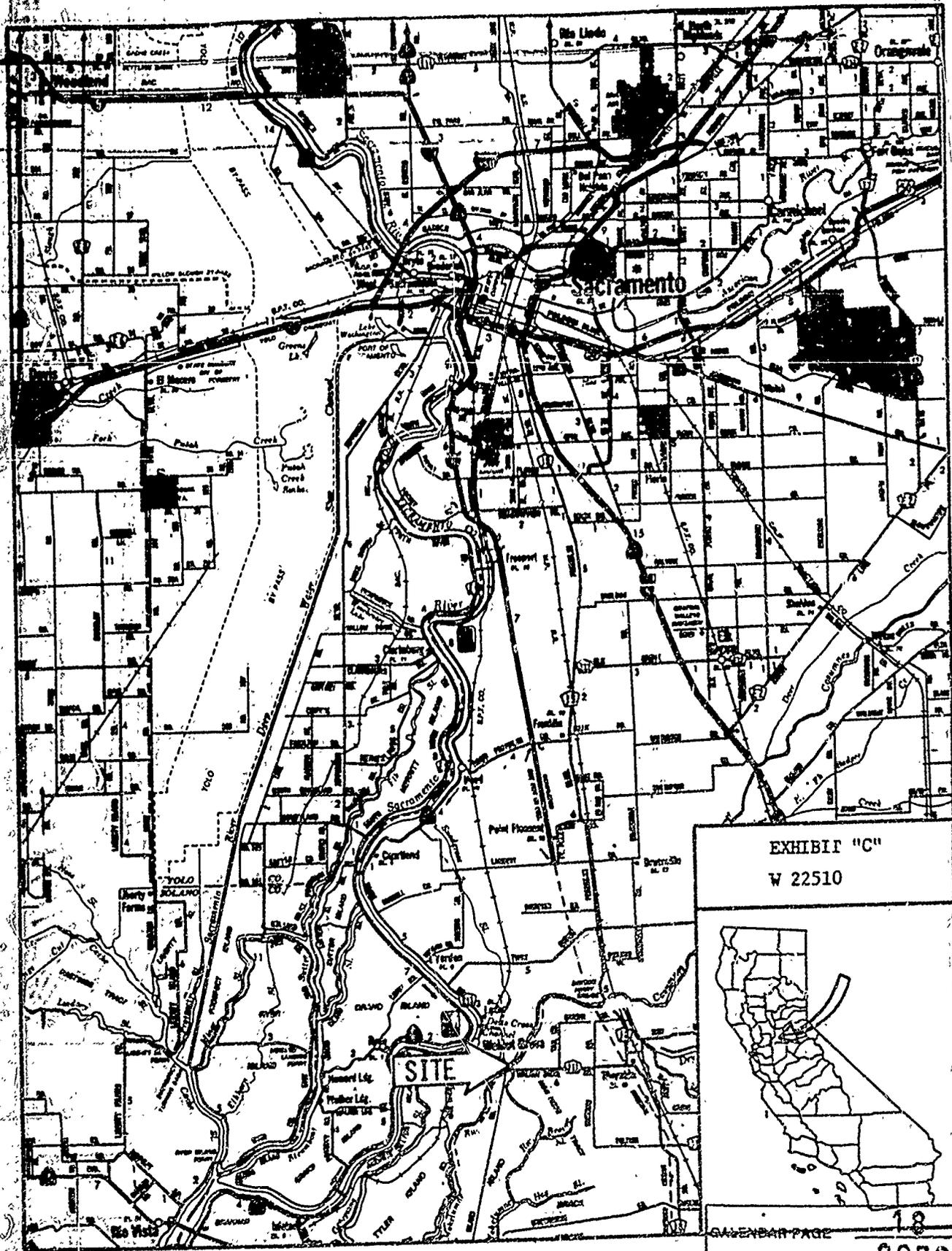


EXHIBIT "C"  
W 22510



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