MINUTE ITEM
This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 3
to 0 at its 1/31/85
meeting.

CALENDAR ITEM

A 26

C 12

01/31/85
W 23472
PRC 6777
Gordon

S 5

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Adolph Gutierrez
1772 Shamrock Avenue
Santa Clara, California 95051

AREA, TYPE LAND AND LOCATION:
An 0.021-acre parcel of tide and submerged land, located in the San Joaquin River at Mossdale Trailer Park, San Joaquin County.

LAND USE: Maintenance of an existing floating dock.

TERMS OF PERMIT:
Initial period: Ten years beginning February 7, 1984.

Public liability insurance: Combined single limit coverage of $100,000 per occurrence for bodily injury and property damage.

CONSIDERATION: $56 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is Lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

(NON-SUBSTANTIAL REVISION 02/27/85)

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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: 04/14/85.

OTHER PERTINENT INFORMATION:

1. This facility is utilized by applicant as a lessee of the upland owner of the Mossdale Trailer Park.

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, 2 Cal. Adm. Code 2905(a)(2).

   Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 14 Cal. Adm. Code 2905.

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.

APPROVALS OBTAINED:

California Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

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

EXHIBITS:

A. Land Description.
B. 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 2905(a)(2).

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 ADOLPH GUTIERREZ OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING FEBRUARY 7, 1984; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $56, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $100,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE; FOR MAINTENANCE OF AN EXISTING FLOATING DOCK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION W 23472

A parcel of tide and submerged land in the bed of the San Joaquin River, San Joaquin County, California, lying immediately beneath a floating dock TOGETHER WITH a necessary use area extending 10 feet from the extremities of said dock, said dock being adjacent to the left bank of said San Joaquin River and northeasterly of that land described in the deed recorded April 13, 1973, in Book 3755, Page 9, San Joaquin County Official Records, and also being adjacent to Mossdale Trailer Park Space No. 14 and approximately 420 feet southeasterly of the Interstate Highway 5 bridge over the San Joaquin River.

EXCEPTING THEREFROM any portion thereof lying landward of the ordinary high water mark.

END OF DESCRIPTION

PREPARED OCTOBER 15, 1984, BY BOUNDARY UNIT.

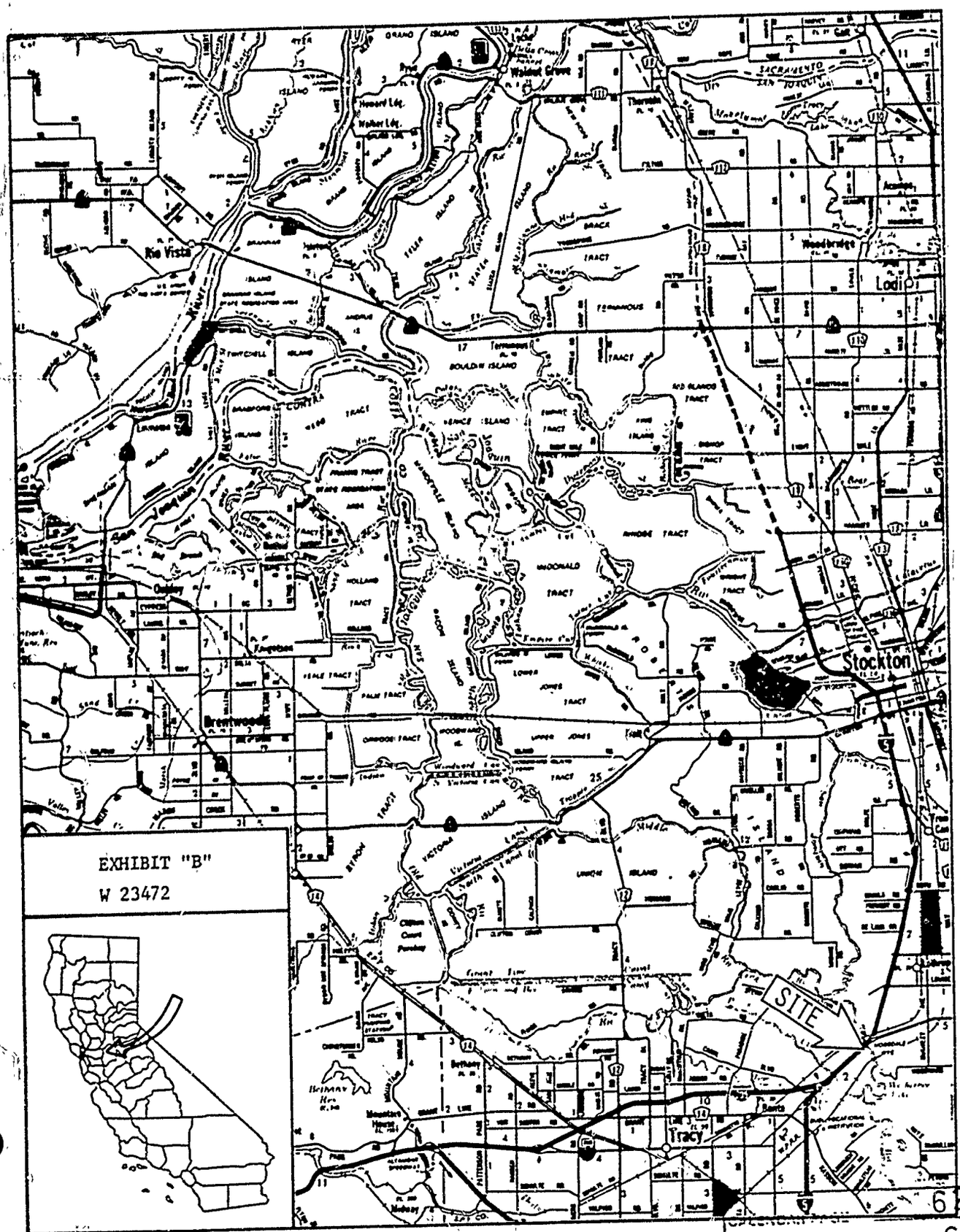

EXHIBIT "B"
W 23472