

MINUTE ITEM

This Calendar Item No. C5
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 2
to C at its 3/27/86
meeting.

CALENDAR ITEM

C05

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03/27/86
WP 6061 PRC 6061
Gordon

TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 6061
AND ISSUANCE OF GENERAL PERMIT -
RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT: American Trails Partners No. 1
Attn: Brad Nelson
11199 Sorrento Valley Road
San Diego, California 92121

AREA, TYPE LAND AND LOCATION:
A 0.558-acre parcel, a 0.007-acre parcel and a
0.206-acre area of tide and submerged land in
Walthall Slough and the San Joaquin River,
San Joaquin County.

LAND USE: Maintenance of a dock, a boat launching ramp
and maintenance of rock or concrete material
utilized for erosion control and bank
protection purposes, respectively.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years beginning August 1,
1981.

Public liability insurance: Combined single
limit coverage of \$500,000.

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.

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TERMS OF PROPOSED PERMIT:

Initial period: 15 years beginning August 1, 1985.

Public liability insurance: Combined single limit coverage of \$1,000,000.

Special:

1. Permittee agrees not to add to or increase the bank protection sites or existing material without the prior consent of the Commission.

2. The permit restricts residential use of the facilities.

CONSIDERATION: \$1,068 per annum, as to the dock and boat launching ramp, with the State reserving the right to fix a different rental on each fifth anniversary of the permit; 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 erosion control and bank protection facilities.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of 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:

04/19/86.

OTHER PERTINENT INFORMATION:

1. This is an application to bring the existing boat launching ramp and the existing erosion control and bank

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protection facilities under the authorization of the Commission, together with the dock.

2. At its meeting on September 29, 1981, the State Lands Commission, in Minute Item 30, approved the issuance of General Lease - Commercial Use PRC 6061 to Jack Verderame, Lauralee Verderame, Marshall A. Rief and Gladys M. Rief for the dock facility; and at its December 22, 1983 meeting, the Commission, in Minute Item 3, approved the assignment of said lease to applicant. Applicant advises staff the subject dock and ramp are used as an accommodation for members of Turtle Beach Resort, a recreational vehicle park on the upland. The dock facilities are no longer operated as a commercial marina. Income is no longer produced on the submerged land. Termination of the original commercial lease is recommended. The present use is noncommercial in nature and therefore rental is based on recreational use.
3. The bank protection material is existing in place. It is staff's opinion that the project may be of mutual benefit to the public and applicant. Annual rental value is estimated to be \$389.
4. 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 2 Cal. Adm. Code 2905.
5. 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

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persons nominating such lands and through the CEQA review process, it is the staff's opinion that the activity is consistent with its use classification.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

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.

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. 5370, ET SEQ.
3. AUTHORIZE TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 6061 DATED FEBRUARY 5, 1982, EFFECTIVE AUGUST 1, 1985; AND APPROVE THE ISSUANCE TO AMERICAN TRAILS PARTNERS NO. 1 OF A 15-YEAR GENERAL PERMIT - RECREATIONAL AND PROTECTIVE STRUCTURE USE BEGINNING AUGUST 1, 1985; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,068, AS TO THE DOCK AND BOAT LAUNCHING RAMP, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; 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 EROSION CONTROL AND BANK PROTECTION FACILITIES; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF A DOCK, A BOAT LAUNCHING RAMP AND MAINTENANCE OF ROCK OR CONCRETE MATERIAL UTILIZED FOR EROSION CONTROL AND BANK PROTECTION PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

WP 6061

Three parcels of tide and submerged land in the bed of Walthall Slough and the San Joaquin River in projected Section 10, T2S, R6E, MDM, San Joaquin County, California, said parcels being more particularly described as follows:

PARCEL 1 - Dock

That certain parcel of land in Walthall Slough 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.

PARCEL 2 - Ramp

That certain parcel of land in Walthall Slough underlying a 15 foot wide boat ramp located approximately 500 feet northerly of above described Parcel 1.

PARCEL 3 - Riprap

All that land lying immediately beneath riprap placed for bank protection, said riprap lying in Walthall Slough and in the San Joaquin River adjacent to and waterward of that land described in said Book 4242 of Official Records at Page 189 in the San Joaquin County Recorder's office.

EXCEPTING FROM above described Parcels 1, 2, and 3, any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

REVISED JULY 24, 1985 BY BOUNDARY SERVICES UNIT, M.L. SHAFER,
SUPERVISOR.

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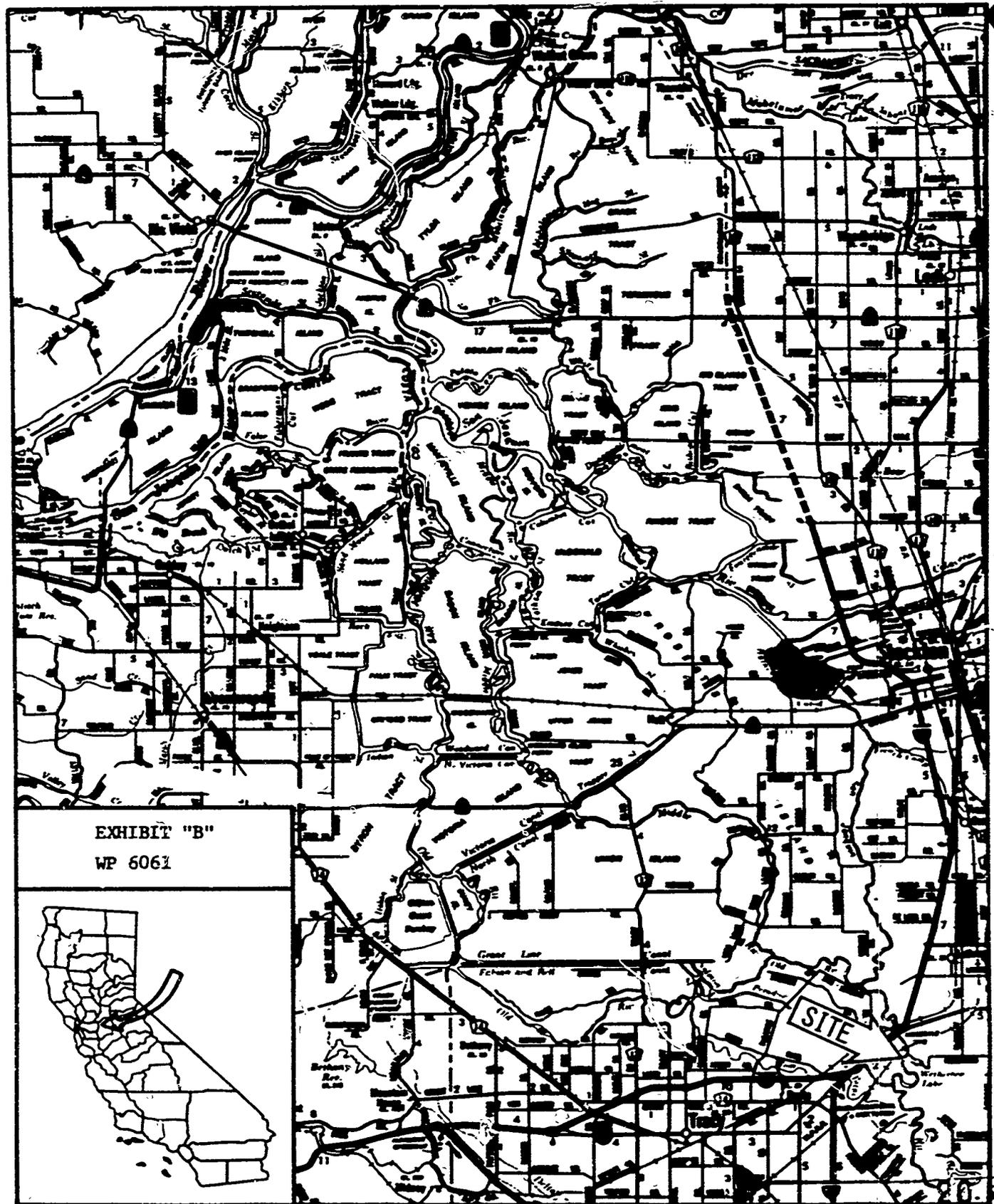


EXHIBIT "B"
WP 6061

