

**MINUTE ITEM**

This Calendar Item No. C20 was approved as Minute Item No. 20 by the California State Lands Commission by a vote of 3 to 0 at its 12/7/95 meeting.

**CALENDAR ITEM**

**C20**

A 17

12/07/95

S 5

PRC 5373.1

D. Jones

**AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE PRC 5373.1**

**LESSEE:**

Stockton Water Ski Club  
P. O. Box 1666  
Stockton, California 95201

**LOCATION:**

Tide and submerged land in the San Joaquin River, San Joaquin County.

**EXHIBIT:**

A. Location Map

**AB 884:**

N/A

**OTHER PERTINENT INFORMATION:**

1. The Commission issued a 20-year General Permit - Recreational Use to the Stockton Water Ski Club. The lease began on March 1, 1987, and terminates on February 28, 2007. The improvements within the lease premises include a 10 foot x 167 foot floating dock, a 3 foot x 16 foot and 10 foot x 54 foot walkway, a 28 foot x 56.6 foot swim float, and five speed buoys. In calculating the annual rental, a ten foot use area was placed around each of the improvements except the speed buoys.

The Lessee has requested that the lease area be decreased to include just a ten foot use area waterward of the dock, thus decreasing the square footage to 4,220 (from 9,183).

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Staff believes it is reasonable to apply the ten foot use area to only the waterward exterior of the dock since boats will not be using the interior side of the dock, the sides along the walkway, nor the area around the swimfloat. Thus, the rent will be decreased to \$535 per annum.

2. The Lessee has requested that the decreased rental be retroactive to their last rent review which was effective March 1, 1992. Staff believes since, from the inception of the lease, the ten foot use area should only have been placed waterward of the dock, and not around all of the improvements, that it is reasonable to make the decrease retroactive to March 1, 1992.
3. Penalty and interest in the amount of \$271.36 was imposed for Lessee's 1994 late payment. Staff believes it is in the best interest of the State to waive said penalty and interest due to a misaddressed invoice and Lessee's good faith efforts to pay the rental once correctly notified.
4. Since the annual rental has been in negotiation, staff believes the penalty and interest should be waived for the payment due on March 1, 1995.

**RECOMMENDED**

**ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.

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**SIGNIFICANT LANDS  
INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE  
CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC  
RESOURCES CODE SECTION 6370, ET SEQ.

**AUTHORIZATION:**

1. AUTHORIZE THE FOLLOWING AMENDMENTS TO GENERAL PERMIT -  
RECREATIONAL USE, P.R.C. 5373.1, SAID AMENDMENT BEING  
EFFECTIVE MARCH 1, 1992:
  - A. REDUCE THE ANNUAL RENTAL TO \$535 EFFECTIVE MARCH  
1, 1992.
  - B. AUTHORIZE THE WAIVING OF PENALTY AND INTEREST IN  
THE AMOUNT OF \$271.36 FOR THE LATE PAYMENT OF THE  
1994 RENT.
  - C. AUTHORIZE THE WAIVING OF PENALTY AND INTEREST FOR  
THE MARCH 1, 1995 LATE PAYMENT DUE TO LEASE  
NEGOTIATIONS. ALL OTHER TERMS AND CONDITIONS OF  
SAID LEASE P.R.C. 5373.1 SHALL REMAIN UNCHANGED AND  
IN FULL FORCE AND EFFECT.

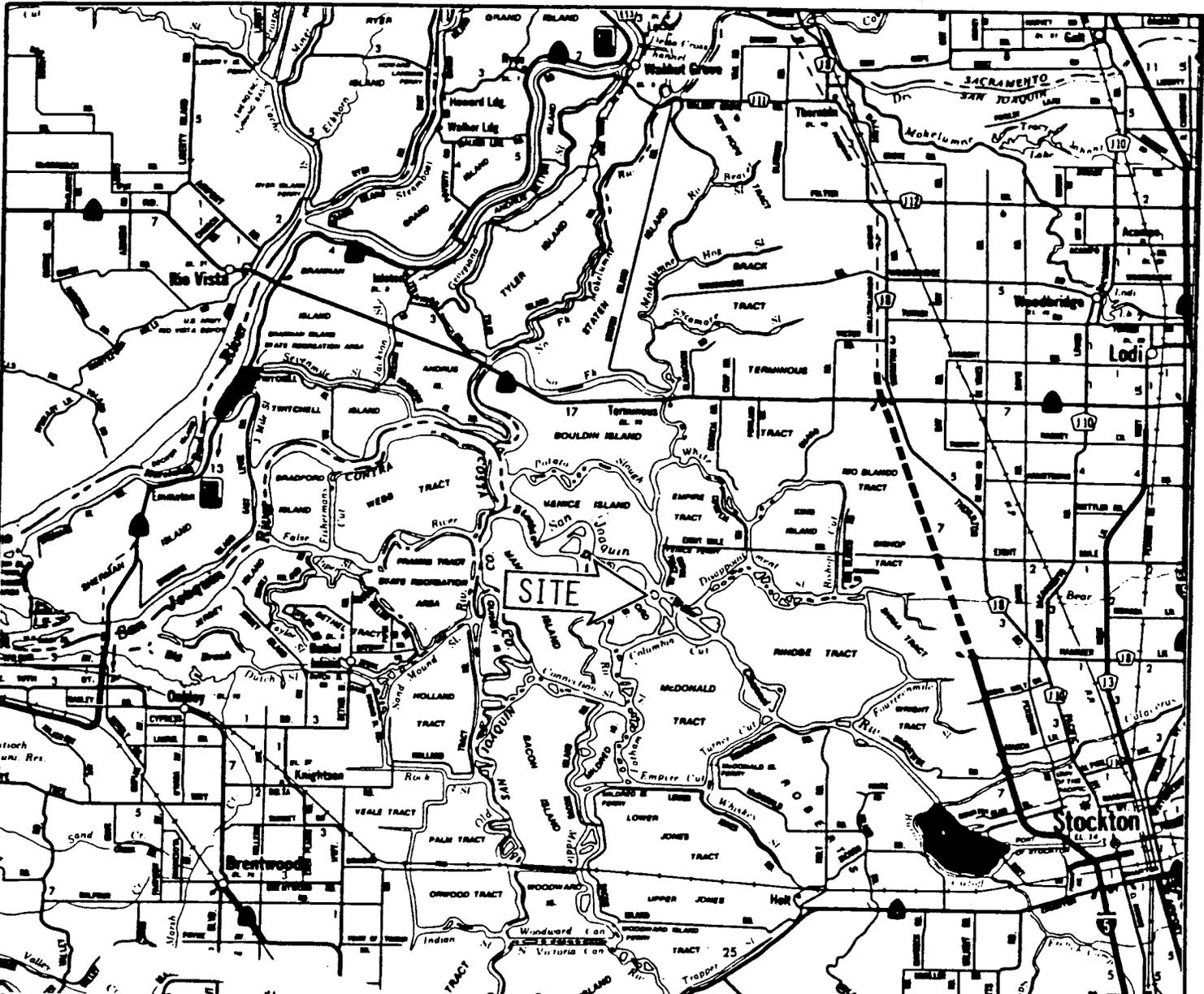


EXHIBIT "A"  
 PRC 5373.1

