MINUTE ITEM
This Calendar Item No. C01 was approved as Minute Item No. 01 by the California State Lands Commission by a vote of 3 to 0 at its 10-1-02 meeting.

CALENDAR ITEM
C01

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10/01/02
PRC 2771.1 WP 2771.1
L. Burks

AMENDMENT TO LEASE AND REVISION OF RENT

APPLICANT:

Port Stockton Boaters, Inc.
P. O. Box 1744
Stockton, California 95201

AREA, LAND TYPE, AND LOCATION:

3.80 acres, more or less, of partially filled and submerged lands in the San Joaquin River, Headreach Island near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of floating docks, shoreline bulkhead, one speed marker buoy and recreational facilities

LEASE TERM:

20 years, beginning September 1, 1991.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from $1,413 per year to $1,648 per year, effective September 1, 2002.

The recommended rent is based on adjustment of the prior rent by application of the Consumer Price Index (CPI). The adjustment does not obligate the Commission to use the CPI to adjust future rents.

PROPOSED AMENDMENT:

1. Amend lease to replace six existing concrete support pilings with six new steel support pilings.

2. Replace an existing eight-foot wide deck with a new eight-foot wide deck.

3. Amend lease to place 50 cubic yards of soil-filled burlap bags along 120 feet of shoreline that will be placed by hand under the bunkhouse and along the eroded section.

4. Amend lease to build an additional 600 feet of brush wall to protect the bank line in the early stages of erosion. The brush wall will consist of willow cuttings with a row of tules on each side of the brush wall.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. Lessee proposes to repair erosion using biotechnical methods and to perform required maintenance to the existing bunkhouse. Tidal action has degraded the old pilings and scoured a portion of the levee below the bunkhouse.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905(b).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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:

United States Army Corps of Engineers; San Joaquin County; and California Department of Fish and Game.

EXHIBITS:

A. Site Plan
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

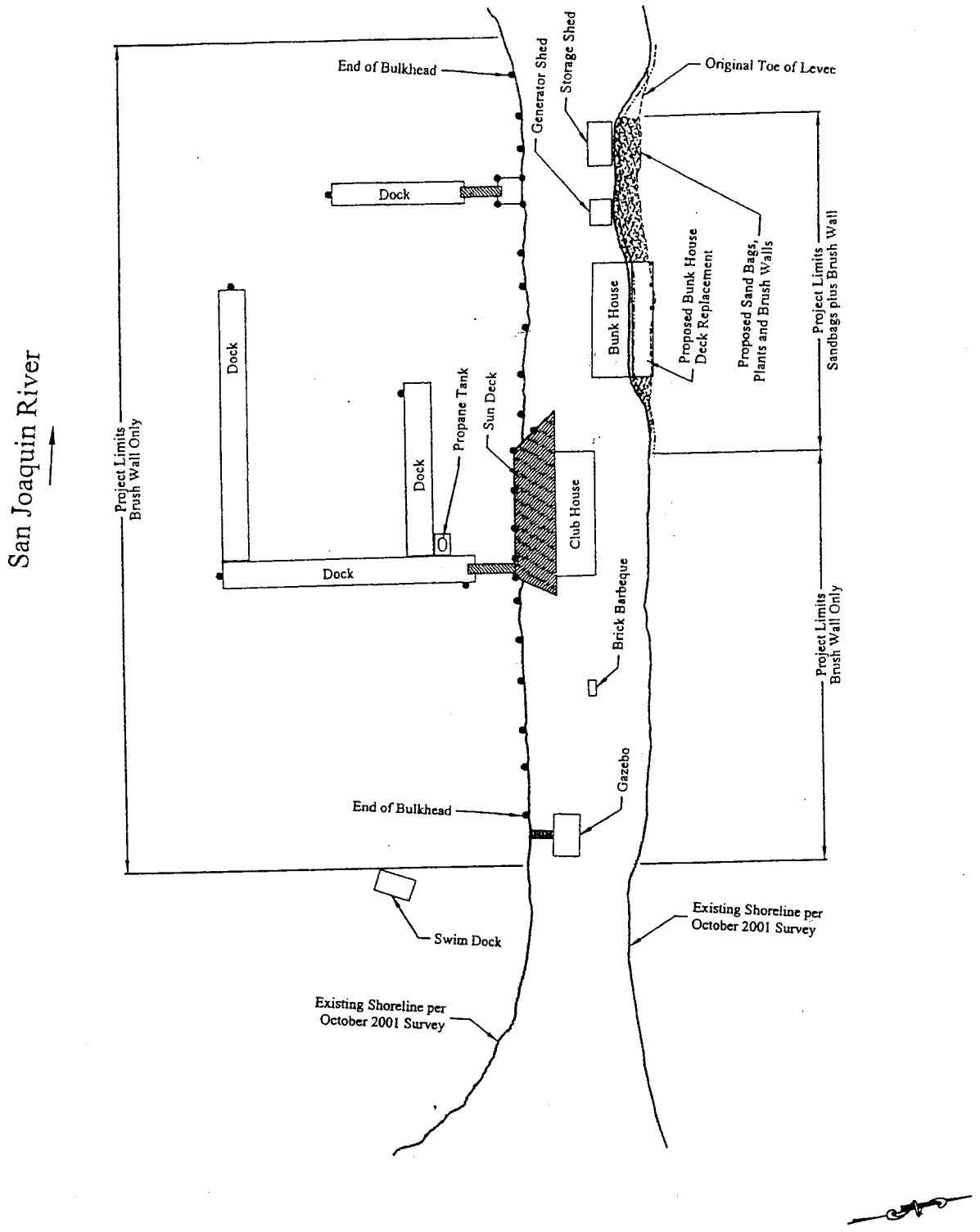
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(b).

SIGNIFICANT LANDS INVENTORY FINDING:

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

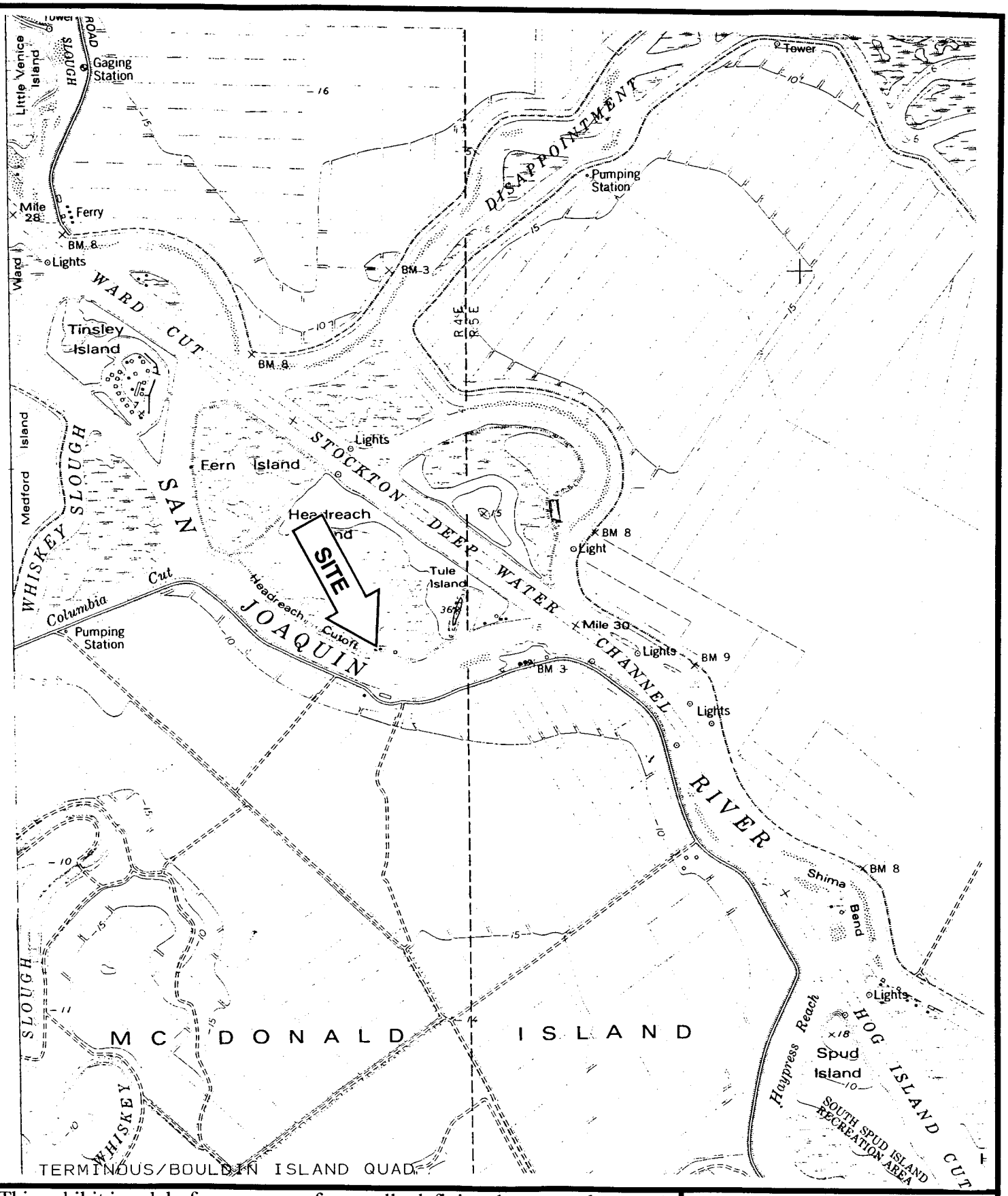
AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 2771.1, A GENERAL LEASE - COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE AUGUST 1, 2002, TO ADD BIOTECHNICAL BANK PROTECTION AND REPLACE EXISTING PILINGS AND A DECK; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or other property.

Exhibit A
WP 2771



This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

Exhibit B
WP 2771