

MINUTE ITEM

This Calendar Item No. C12 was approved as
Minute Item No. 12 by the California State Lands
Commission by a vote of 3 to 2 at its
8-17-04 meeting.

CALENDAR ITEM

C12

A 15, 26

08/17/04

S 5

PRC 8542

W 25996

D. Jones

DREDGING LEASE

APPLICANT:

Willow Equities, LLC
3397 Lagoon Avenue
Atwater, California 95301

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Calaveras River, in the city of Stockton, San
Joaquin County.

AUTHORIZED USE:

Dredge a maximum of 11,000 cubic yards of material to create a
navigable depth and the maintenance of the discharge flow. Dredged
materials will be disposed of at an approved upland location.

LEASE TERM:

August 1, 2004 to December 31, 2005.

CONSIDERATION:

No royalty will be charged, as the project will result in a public benefit.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands.
2. Willow Equities is proposing to dredge an existing slough which is part of the historic bed of the Calaveras River in order to accommodate small boat traffic. The upland is proposed to be developed into a gated residential community. The slough has also served historically as a discharge channel for the pump station of Reclamation District 1614. The slough is off the main channel of the Calaveras River, both of which are under the jurisdiction of the Commission.

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3. Pursuant to Boundary Line Agreement No. 197, entered into in 1983, between Guard and Lois Darrah and the State Lands Commission, the Darrahs quitclaimed to the State all their right, title and interest in the slough, which was to be used as an outfall drain. Since that time the Parties have discovered that the described location of the slough does not coincide with its actual physical location and therefore does not meet the intention of the Parties (See Exhibit A). Staff of the Commission and James Darrah, the successor in interest to the Darrah's, propose to amend the Boundary Line Agreement at a future Commission meeting so that the parcel's descriptions will reflect the intention of the Parties and the actual physical location of the slough. In the meantime, James Darrah and Willow Equities are proposing to develop the adjacent uplands and wish to obtain authorization to dredge the slough to create a navigable depth and facilitate the discharge flow of the outfall drain. The proposed action will lease to the applicant, for purposes of dredging, whatever interest the State has in the two parcels of land as shown on Exhibit A.
4. A Negative Declaration was prepared and adopted for this project by San Joaquin County. Subsequently the property was annexed to the city of Stockton wherein the city of Stockton adopted an addendum to the County's Negative Declaration and accepted the responsibility of implementing the County's Mitigation. The California State Lands Commission's staff has reviewed such document.
5. 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:

U. S. National Marine Fisheries Service, U.S. Fish and Wildlife Service, California Department of Fish and Game.

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FURTHER APPROVALS REQUIRED:

U. S. Army Corps of Engineers, California Regional Water Quality Control Board, The Reclamation Board, Reclamation District 1614.

EXHIBITS:

A. Site Map And Location Map

PERMIT STREAMLINING ACT DEADLINE:

November 8, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT A NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE ADOPTED FOR THIS PROJECT BY THE COUNTY OF SAN JOAQUIN THAT AN ADDENDUM TO SAID DOCUMENT WAS PREPARED AND ADOPTED BY THE CITY OF STOCKTON, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE MITIGATION MONITORING PROGRAM. ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

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.

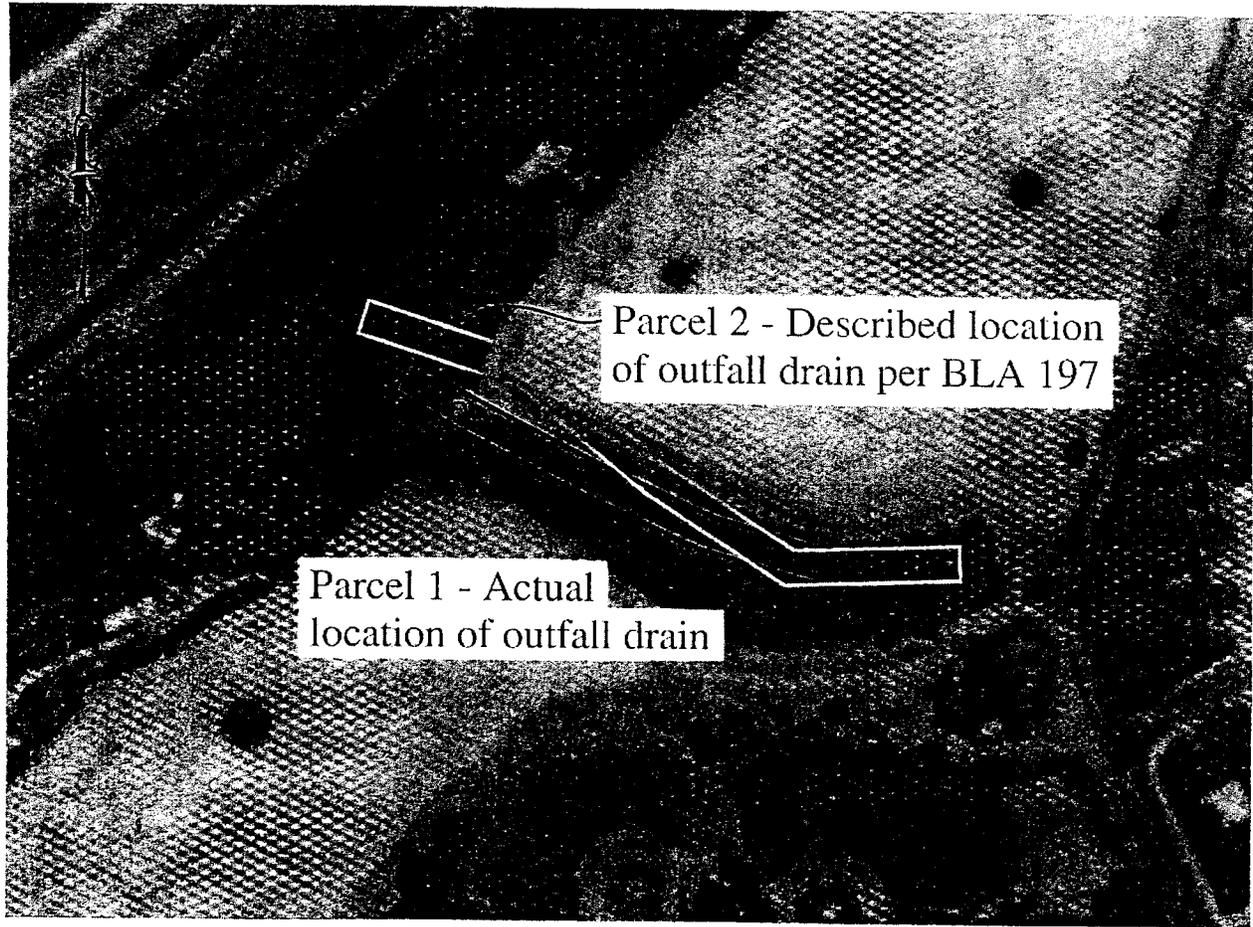
CALENDAR ITEM NO. C12 (CONT'D)

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO WILLOW EQUITIES, LLC, BEGINNING AUGUST 1, 2004 AND TERMINATING DECEMBER 31, 2005, DREDGING A MAXIMUM OF 11,000 CUBIC YARDS OF MATERIAL FROM THE HISTORIC BED OF THE CALAVERAS RIVER AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF. DREDGED MATERIALS WILL BE DISPOSED OF AT AN APPROVED UPLAND LOCATION. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS, COPIES OF WHICH SHALL BE PROVIDED TO THE COMMISSION PRIOR TO THE INITIATION OF DREDGING:
CONSIDERATION: NO ROYALTY SHALL BE CHARGED, AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT; SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS.

NO SCALE

SITE MAP



NO SCALE

LOCATION MAP

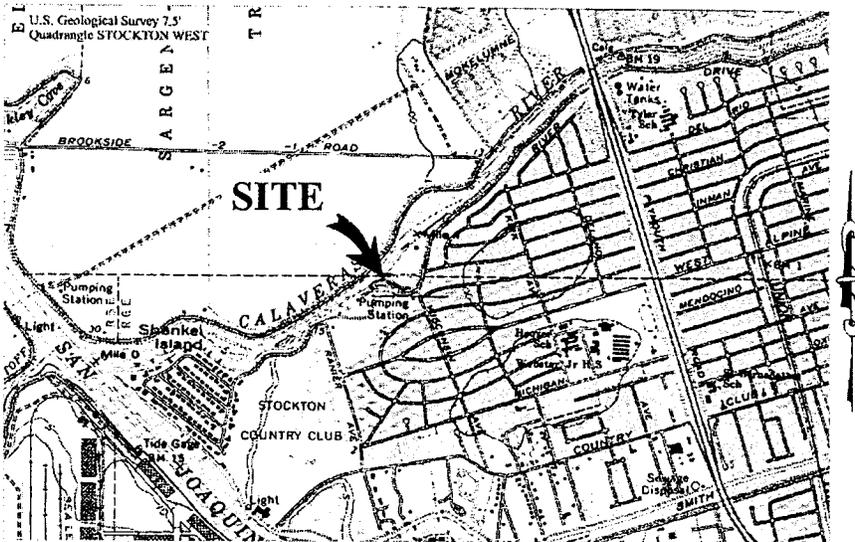


EXHIBIT A W25996

APNs 109-110-15 & 18
Willow Equities
Dredging Lease
San Joaquin County



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 any other property.

DWC 05-17-2004

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