

MINUTE ITEM
This Calendar Item No. C28 was approved as
Minute Item No. 28 by the California State Lands
Commission by a vote of 3 to 0 at its
8/17/04 meeting.

**CALENDAR ITEM
C28**

A 17, 26

PRC 7793

08/17/04

S 5

WP 7793.9

V. Massey

**GENERAL LEASE
PROTECTIVE STRUCTURE AND RECREATIONAL USE**

APPLICANTS:

Jack G. Wilkinson and
Shirley M. Wilkinson

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing floating dock, boathouse, wood
deck, ramp, and bank protection.

LEASE TERM:

Ten years, beginning September 1, 2004.

CONSIDERATION:

Floating Dock, Boathouse, Wood Deck and Ramp - No monetary consideration
pursuant to Public Resources Code section 6503.5.

Bank Protection – The public use and 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.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. On November 15, 1994, the Commission authorized a General Lease -
Protective Structure and Recreational Use with Jack G. and Shirley M.
Wilkinson. That lease will expire on August 31, 2004. Jack G. and Shirley

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M. Wilkinson are now applying for a new General Lease - Protective Structure and Recreational Use. Applicants qualify for a rent free floating dock, boathouse, wood deck, and ramp because the applicants are natural persons who have improved the littoral land with, and use the upland, for a single-family dwelling.

2. The bank protection at this location mutually benefits both the public and the applicant. The bank of the river will have the additional protection from wave action provided at no cost to the public.
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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

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 which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

CALENDAR ITEM NO. C28 (CONT'D)

RECOMMENDED ACTION:

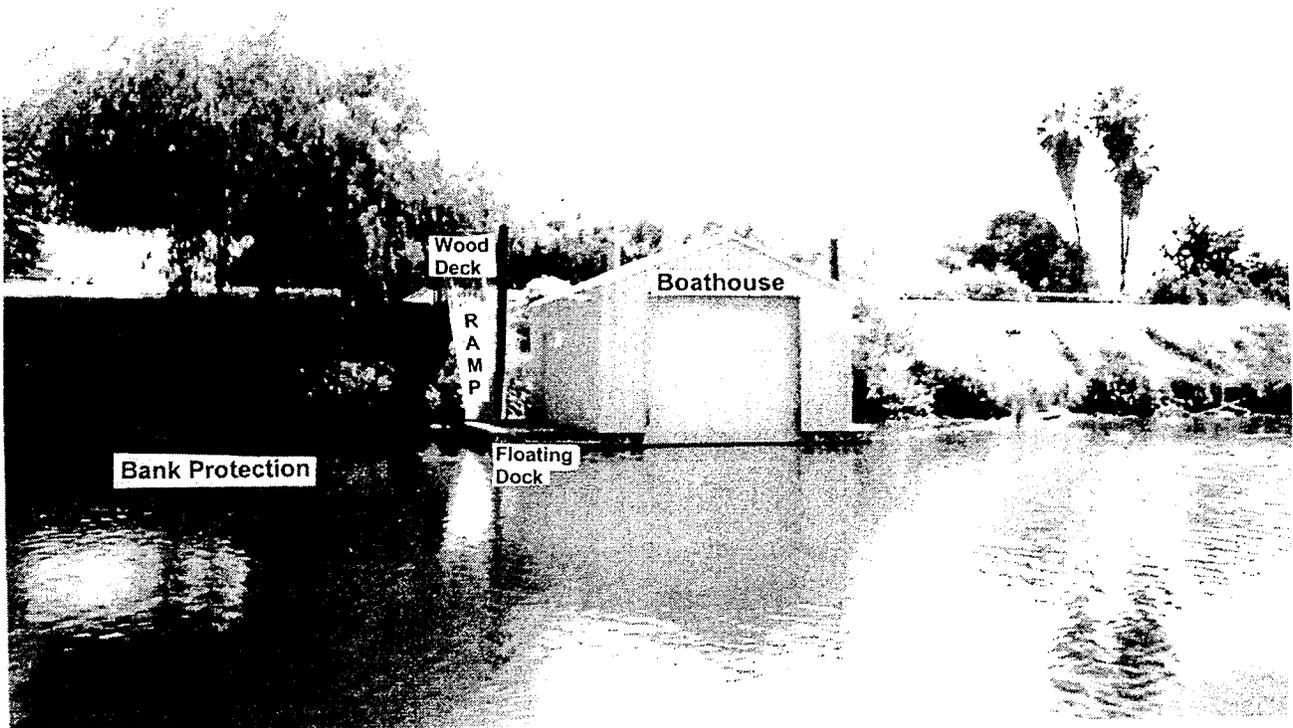
IT IS RECOMMENDED THAT THE COMMISSION:

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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

AUTHORIZATION:

AUTHORIZE ISSUANCE TO JACK G. WILKINSON AND SHIRLEY M. WILKINSON OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING SEPTEMBER 1, 2004, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING DOCK, BOATHOUSE, WOOD DECK, RAMP AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FLOATING DOCK, BOATHOUSE, WOOD DECK, AND RAMP: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BANK PROTECTION: THE PUBLIC USE AND 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.



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

Exhibit A
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