MINUTE ITEM

This Calendar Item No C46 was approved as Minute Item No. 46 by the California State Lands Commission by a vote of 2 to 0 at its 12 08 05 meeting.

CALENDAR ITEM
C46

A 17, 26

S 05, 31

PRC 6934

12/08/05
WP 6934.9
J. McComas

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Bruce Benninger and Alyce Benninger, as Trustees of the Bruce Benninger Revocable Living Trust

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the San Joaquin River, city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of a single-berth, uncovered floating boat dock and ramp with three jet ski lifts and bank protection.

LEASE TERM:

Ten years, beginning Janaury 23, 2006.

CONSIDERATION:

Single-berth, uncovered floating boat dock, ramp and jet ski lifts: 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 rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than $500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On December 7, 1995, the Commission issued a Recreational Pier Lease to Bruce Benninger for a single-berth floating dock with ramp. That lease

will expire on January 22, 2006. The upland property has subsequently been deeded to Bruce Benninger and Alyce Benninger, as Trustees of the Bruce Benninger Revocable Living Trust. Applicants are now applying for a new lease. Applicants qualify for a rent-free lease for the single-berth, uncovered, floating boat dock, ramp, and jet ski lifts because the Applicants are natrual persons who have improved the littoral lands with and use the upland for a single-family dwelling. Jet ski lifts and bank protection currently exist.

3. The bank protection at this location provides additional protection to the public levees from wave action at no cost to the public.

4. **Single-Berth, Uncovered Floating Boat Dock and Ramp** - 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.

5. **Jet Ski Lifts**- 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

6. **Bank Protection** - 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 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(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.

7. 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.

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

SINGLE-BERTH, UNCOVERED, FLOATING BOAT DOCK AND RAMP:
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).

JET SKI LIFTS:
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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

BANK PROTECTION:
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

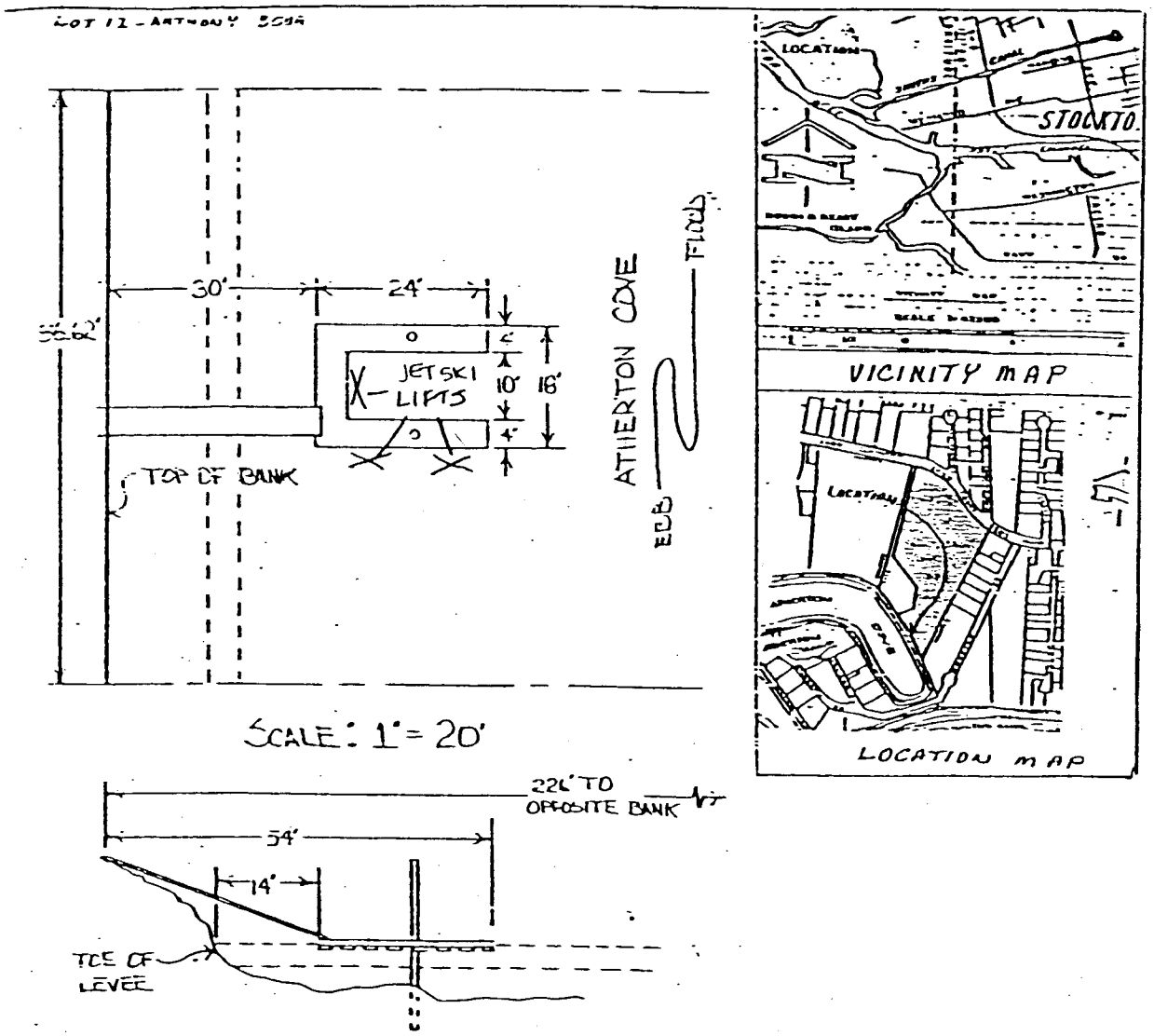
PROJECT, CLASS 4, MINOR ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

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 ISSUANCE TO BRUCE BENNINGER AND ALYCE BENNINGER, AS TRUSTEES OF THE BRUCE BENNINGER REVOCABLE LIVING TRUST, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING JANUARY 23, 2006, FOR A TERM OF TEN YEARS, FOR A SINGLE-BERTH, UNCOVERED FLOATING BOAT DOCK, RAMP, THREE JET SKI LIFTS, AND BANK PROTECTION AS REPRESENTED ON THE LAND AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: SINGLE-BERTH, UNCOVERED, FLOATING BOAT DOCK, RAMP AND JET SKI LIFTS-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 RENT 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.



BRUCE BENNINGER
REVOCABLE LIVING TRUST
APN: 121-220-11
2047 COVE COURT
STOCKTON, CA 95204

JM 10/18/05

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
WP 6934.9