

**CALENDAR ITEM
C28**

A 15, 17, 26

10/27/11
WP 6009.9
N. Lavoie

S 5, 14

RECREATIONAL PIER LEASE

APPLICANT:

Linda Beers Heisig

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Whiskey Slough, adjacent to 399 South Boulton Road, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, four pilings, gangway, landing, and walkway as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning January 7, 2009.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On May 1, 1991, the Commission authorized a Recreational Pier Permit with Jay G. Miner and Caroline E. Miner. The permit expired on April 30, 2001. Both Mr. and Mrs. Miner have since passed away. On January 7, 2009, ownership of the upland parcel was deeded to Linda Beers Heisig, who has applied for a new Recreational Pier Lease.
3. In 2006, Mrs. Miner replaced the then existing six-foot by 62-foot boat dock with a larger eight-foot by 100-foot boat dock upon approval by Reclamation District No. 684, but without Commission authorization. A

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permit from the U.S. Army Corps of Engineers was not required since the project was considered authorized under the prior permit issued in 1980.

4. The Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15061), the staff has determined that this activity is exempt from the requirements of 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.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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:

Find that the activity is exempt from the requirements of 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).

SIGNIFICANT LAND INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

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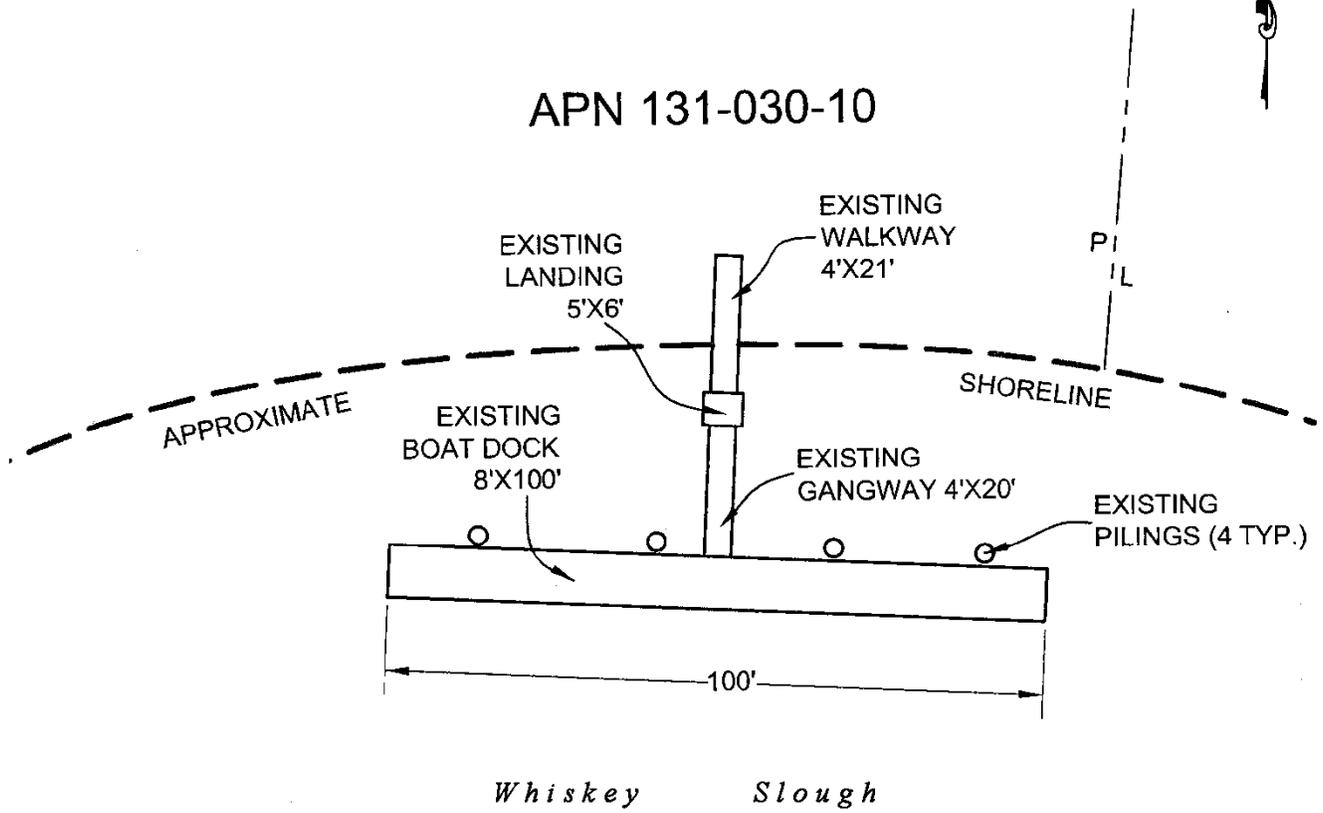
AUTHORIZATION:

Authorize issuance of a 10-year Recreational Pier Lease to Linda Beers Heisig, beginning January 7, 2009, for the continued use and maintenance of an existing uncovered floating boat dock, four pilings, gangway, landing, and walkway as shown on Exhibit A attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$500,000.

NO SCALE

SITE

APN 131-030-10



399 S. BOULTON ROAD, WHISKEY SLOUGH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 6009.9
 HEISIG
 APN 131-030-10
 RECREATIONAL PIER LEASE
 SAN JOAQUIN COUNTY



MJJ 03/11

This Exhibit is solely for purposes of generally defining the lease premises. is based on unverified information provided by the 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.