

**CALENDAR ITEM
C32**

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WP 5934.9

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R. Boggiano

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Raymond L. Drew, Jr., Trustee of the Raymond L. Drew, Jr. Declaration of Trust dated August 18, 2005

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Calaveras River, adjacent to 4339 Yacht Harbor Drive, in the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, access ramp, walkway, and four pilings previously authorized by the Commission, and use and maintenance of existing riprap not previously authorized by the Commission, as shown on exhibit A.

LEASE TERM:

10 years, beginning October 29, 2010.

CONSIDERATION:

Uncovered floating boat dock, access ramp, walkway and four pilings: 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 \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland property adjoining the lease premises.
2. On April 20, 2000, the Commission authorized a 10-year Recreational Pier Lease to Raymond L. Drew and Joanne O. Drew. That lease expired on

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October 28, 2010. Ownership of the upland property has been transferred to Raymond L. Drew, Jr., Trustee of the Raymond L. Drew, Jr. Declaration of Trust dated August 18, 2005. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.

3. The uncovered floating boat dock, access ramp, walkway, and four pilings, are exempt from consideration pursuant to Public Resources Code section 6503.5 because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
4. The riprap will mutually benefit the public and the Applicant. The riprap of the Calaveras River will have the additional protection from wave action provided at no cost to the public.
5. 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 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 which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. However, the Commission has declared that all 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 section 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 Location and Map
- B. Land Description

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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).

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Raymond L. Drew, Jr., Trustee of the Raymond L. Drew, Jr. Declaration of Trust dated August 18, 2005, beginning October 29, 2010, for a term of 10 years, for the continued use and maintenance of an uncovered floating boat dock, access ramp, walkway, and four pilings previously authorized by the Commission, and the use and maintenance of riprap not previously authorized by the Commission as shown on Exhibit A (for references purposed only) and described in Exhibit B attached and by this reference made a part hereof; consideration for the uncovered floating boat dock, access ramp, walkway, and four pilings: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the riprap: 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; and liability insurance in the amount of no less than \$1,000,000.