

MINUTE ITEM

25

04/23/87

WP 5297

PRC 5297

Gordon

TERMINATION OF GENERAL PERMIT AND ISSUANCE OF  
GENERAL PERMIT - RECREATIONAL USE

During consideration of Calendar Item 25, attached, the following people appeared in support of the staff recommendation:

Mr. Bob Abbadie, President  
Golden Gate Water Ski Club

Mr. Lou ope  
Board of Directors, Golden Gate Water Ski Club

Mr. Carl Nelson  
Golden Gate Water Ski Club

Mr. Dan Wathor  
Golden Gate Water Ski Club

Mr. Dean Wilson  
Golden Gate Water Ski Club

Mr. Jim Ingoglia  
Golden Gate Water Ski Club

Mr. Duffy Schneider  
Golden Gate Water Ski Club

The following person spoke on behalf of the upland owners:  
Ms. Carolyn Nichols, Attorney

Ms. Nichols advised the Commission that the upland owners, Graydon, and U. S. Nichols, were not interested in leasing their property to the Golden Gate Water Ski Club.

Lance Kiley, Chief of the Commission's Land Management Division, clarified that the proposed lease to the Golden Gate Water Ski Club would include only those facilities which are waterward of the ordinary high water mark, under the jurisdiction of the State Lands Commission.

Upon motion made by Commission-Alternate Wallace and seconded by Acting Chairwoman Ordway, Calendar Item 25 was approved by a vote of 2-0, with the understanding that Mr. Bob Abbadie,

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president of the Golden Gate Water Ski Club, stated that the club will attempt to work out an arrangement with the upland owner, or remove anything the upland owner feels objectionable.

Only those facilities under the jurisdiction of the State Lands Commission would be included in the permit to the Golden Gate Water Ski Club.

Attachment: Calendar Item 25.

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TERMINATION OF GENERAL PERMIT PRC 5297 AND  
ISSUANCE OF GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Golden Gate Water Ski Club  
P. O. Box 2002  
San Leandro, California 94577

AREA, TYPE LAND AND LOCATION:  
A 0.143-acre parcel and a 2.105-acre parcel of  
tide and submerged land, located in Middle  
River, San Joaquin County.

LAND USE: Maintenance of a deck, floating dock, walkway  
and a slalom course with 22 slalom marker  
buoys; all existing and utilized for  
recreational purposes.

TERMS OF ORIGINAL PERMIT:

Initial period: Ten years beginning April 1,  
1977.

Surety bond: \$500.

Public liability insurance: Combined single  
limit coverage of \$500,000.

Consideration: \$70 per annum; five-year rent  
review.

TERMS OF PROPOSED PERMIT:

Initial period: 20 years beginning April 1,  
1987.

Surety bond: \$1,000.

Public liability insurance: Combined single  
limit coverage of \$500,000.

(ADDED 04/17/87)

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Special:

1. The permit restricts the utilization of the facilities for residential purposes.
2. The permit is conditioned on the consent of the littoral owners.
3. The permit restricts the annual use of the slalom area to six months and requires the complete removal during the remaining six months of all 22 marker buoys and anchors designating the pattern of the water ski course. Use of the area longer than six months requires the prior written permission of the Commission.

CONSIDERATION: \$436.80 per annum, as to the deck, dock and walkway; and \$916.75 per annum, as to the slalom course and marker buoys with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is not a permittee or owner of the littoral upland.

The littoral owner's counsel has advised staff that an objection to the Commission's approval of this application will be filed with staff.

This application is being recommended for consideration pursuant to 2 Cal. Adm. Code 2000(c) wherein the Commission may grant leases or permits to the best qualified applicant irrespective of riparian or littoral status.

(ADDED 04/17/87)

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PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. At its meeting on May 26, 1977, the State Lands Commission, in Minute Item 9, approved the issuance of General Permit - Recreational Use PRC 5297 to Roland A. Smith for a floating dock, walkway and water ski slalom course with 20 slalom marker buoys.

The permittee subsequently conveyed the facilities to applicant without first receiving the Commission's approval of the assignment, transference or subletting of said permit. As the permit expired March 31, 1987, termination of this permit is recommended.

Applicant is a non-profit California corporation incorporated to promote water skiing and other various water sports. Staff physically inspected the site on April 1, 1987 and found all facilities properly located and maintained.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority. P.R.C. 21064, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

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3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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 activity is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers,  
California Department of Fish and Game,  
California Central Valley Regional Water  
Quality Control Board, California Reclamation  
Board, and County of San Joaquin.

- EXHIBITS:           A. Land Description.  
                      B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE TERMINATION OF GENERAL PERMIT PRC 5297 DATED OCTOBER 21, 1977, EFFECTIVE APRIL 1, 1987.
4. AUTHORIZE THE ISSUANCE TO GOLDEN GATE WATER SKI CLUB OF A 20-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING APRIL 1, 1987; IN CONSIDERATION OF \$435.80 PER ANNUM, AS TO THE DECK, DOCK AND WALKWAY; AND \$916.75 PER ANNUM, AS TO THE WATER SKI SLALOM COURSE AND MARKER BUOYS; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; WITH PROVISION OF A \$1,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR MAINTENANCE OF A DECK, FLOATING DOCK, WALKWAY AND A WATER SKI SLALOM COURSE WITH 22 SLALOM MARKER BUOYS, ALL EXISTING AND UTILIZED FOR RECREATIONAL PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(ADDED 04/17/87)

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EXHIBIT "A"

LAND DESCRIPTION

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Two parcels of tide and submerged land in the bed of Middle River, San Joaquin County, California, said parcels being more particularly described as follows:

PARCEL 1

That land immediately beneath and extending 10 feet on all sides of an existing floating dock, walkway, and deck, said facilities being easterly of and adjacent to that land referred to as Berm "N" in Superior Court of California Judgement No. 102680, San Joaquin County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Middle River.

PARCEL 2

A rectangular parcel of tide and submerged land in the center of said Middle River easterly of above-described Berm "N", said parcel lying 95 feet across and 965 feet along said Middle River.

END OF DESCRIPTION

REVISED OCTOBER 27, 1987 BY RIU 1.

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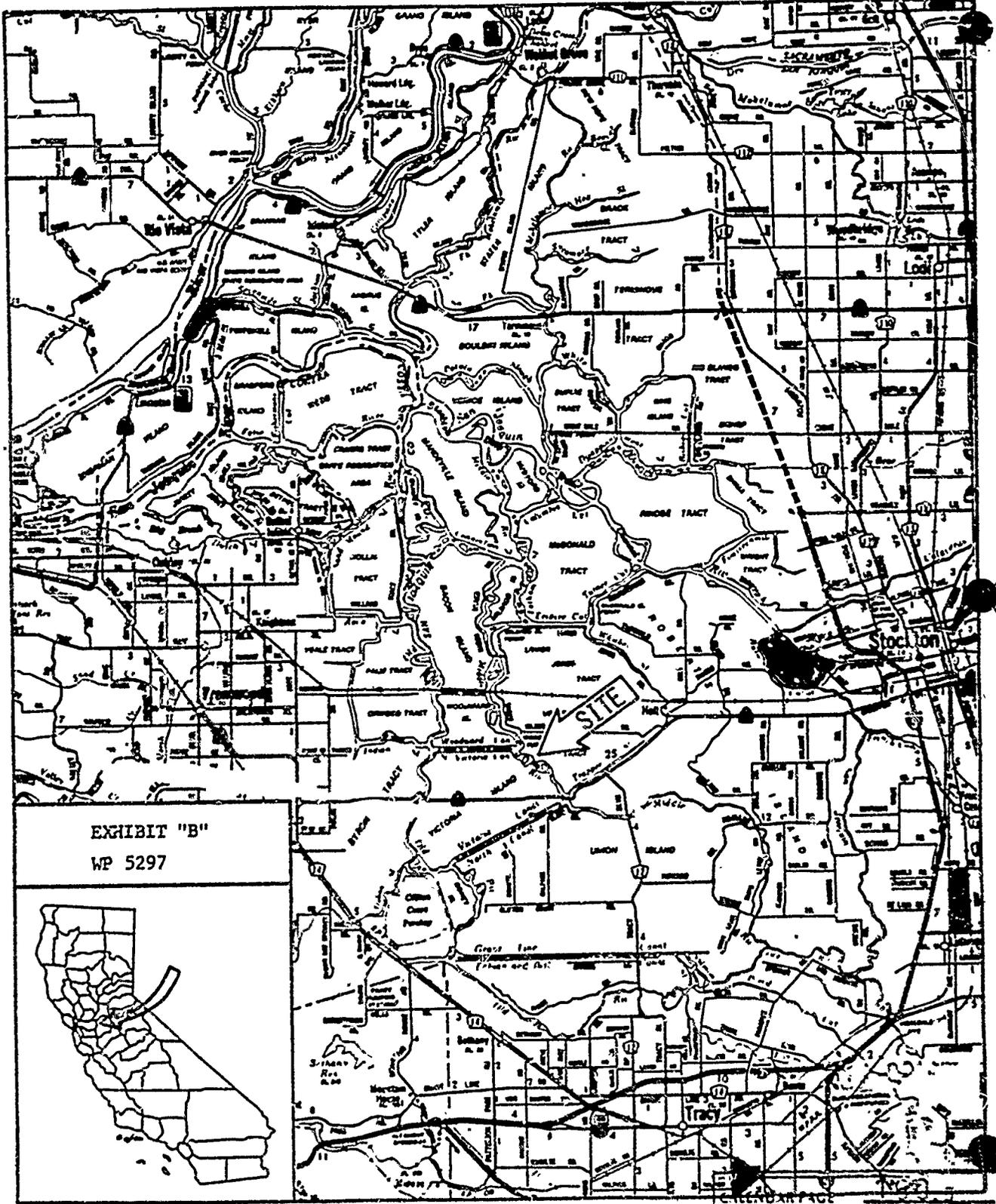


EXHIBIT "B"  
 WP 5297

