MINUTE ITEM This Calendar Item No (28) was approved as Minute Item No. 28 by the California State Lands Commission by a vote of 3 to 26 at its 8/17/04 meeting.

# CALENDAR ITEM

A 17, 26

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PRC 7793

08/17/04 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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### CALENDAR ITEM NO. C28 (CONT'D)

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 bee 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:**

Α. Site Map

Β. Location Map

## PERMIT STREAMLINING ACT DEADLINE:

N/A

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#### **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).

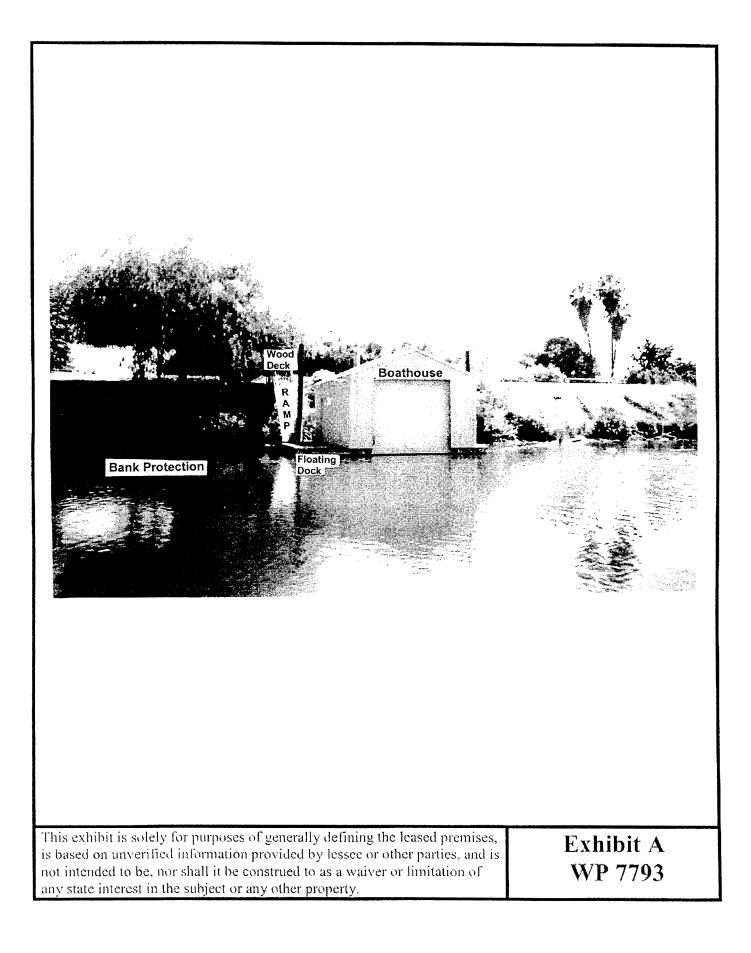
#### **AUTHORIZATION:**

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.

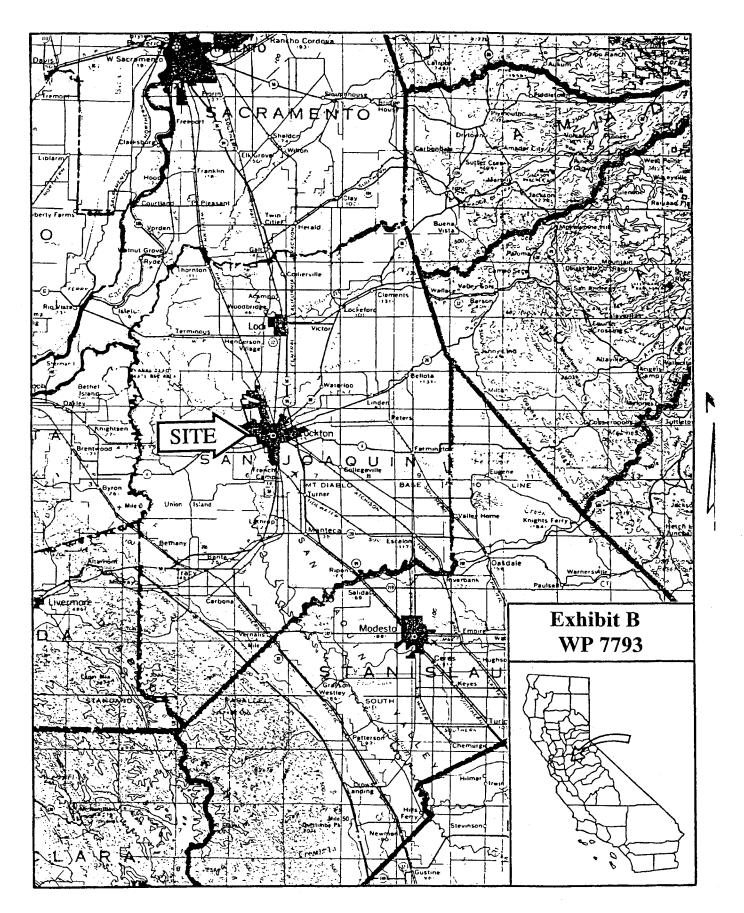
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