

**CALENDAR ITEM  
C58**

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S 5

03/29/12  
WP 4670.1  
R. Boggiano

**GENERAL LEASE - RECREATIONAL AND  
PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Corinna L. Huff, Trustee of the Tom and Corinna Huff Trust, UAD 11-25-91

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Calaveras River, adjacent to 4407 Yacht Harbor Drive, in the city of Stockton, San Joaquin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock, gangway, ramp, and eight pilings previously authorized by the Commission, and existing bank protection not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning May 24, 2012.

**CONSIDERATION:**

**Uncovered floating boat dock, gangway, ramp, and eight pilings:** \$167 per year with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease.

**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 November 26, 2001, the Commission authorized a 10-year Recreational Pier Lease to Thomas J. Huff, Jr and Corinna L. Huff. That

CALENDAR ITEM NO. **C58** (CONT'D)

lease will expire on May 24, 2012. Ownership of the upland property has since transferred to Tom Huff and Corinna L. Huff, Trustees of the Tom and Corinna Huff trust, UAD 11-25-91. Thomas Huff passed away in 2008. Corinna Huff, the Successor Trustee, is now applying for a new General Lease - Recreational and Protective Structure Use

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:
  - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
  - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The Applicant does not qualify for an exception and the lease is subject to rent because the lease application was received after March 31, 2011.

4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Calaveras River will have additional protection from wave action provided at little cost to the public.
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; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

CALENDAR ITEM NO. **C58** (CONT'D)

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 California Code of Regulations, Title 2, section 2954 is not applicable.

**EXHIBITS:**

- A. Land Description
- B. 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 California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Corinna L. Huff, Trustee of the Tom and Corinna Huff trust, UAD 11-25-91, beginning May 24, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, ramp, gangway, eight pilings, and bank protection as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the uncovered floating boat dock, gangway, ramp, and eight pilings: \$167 per year, with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease; consideration for the 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; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 4670.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Calaveras River, formerly the channel of the San Joaquin River, lying adjacent to Swamp and Overflowed Land Survey 193 patented March 10, 1873, County of San Joaquin, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, ramp, gangway, and eight (8) pilings lying adjacent to the left bank of said river and being adjacent to and northerly of "LOT 31 of RIVIERA CLIFFS", according to the Official Map or Plat thereof, filed for record June 27, 1952, in Book of Maps and Plats, Vol. 13, page 124, San Joaquin County Records.

TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said deed.

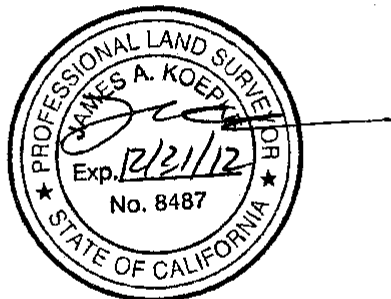
ALSO TOGETHER WITH a 10' use area.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

PREPARED 1/18/12 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



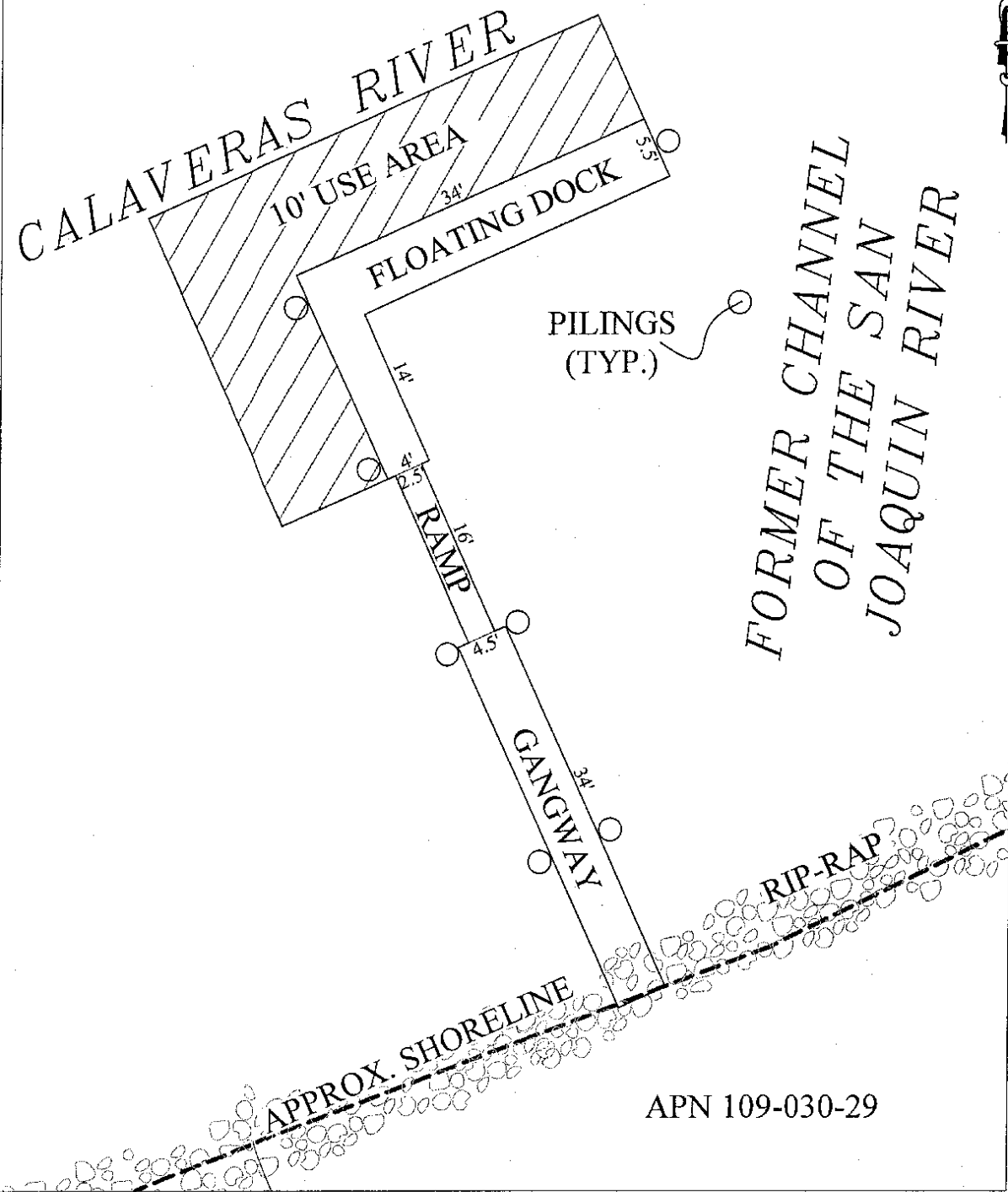


EXHIBIT A

Page 2 of 2

MJF 1/18/12

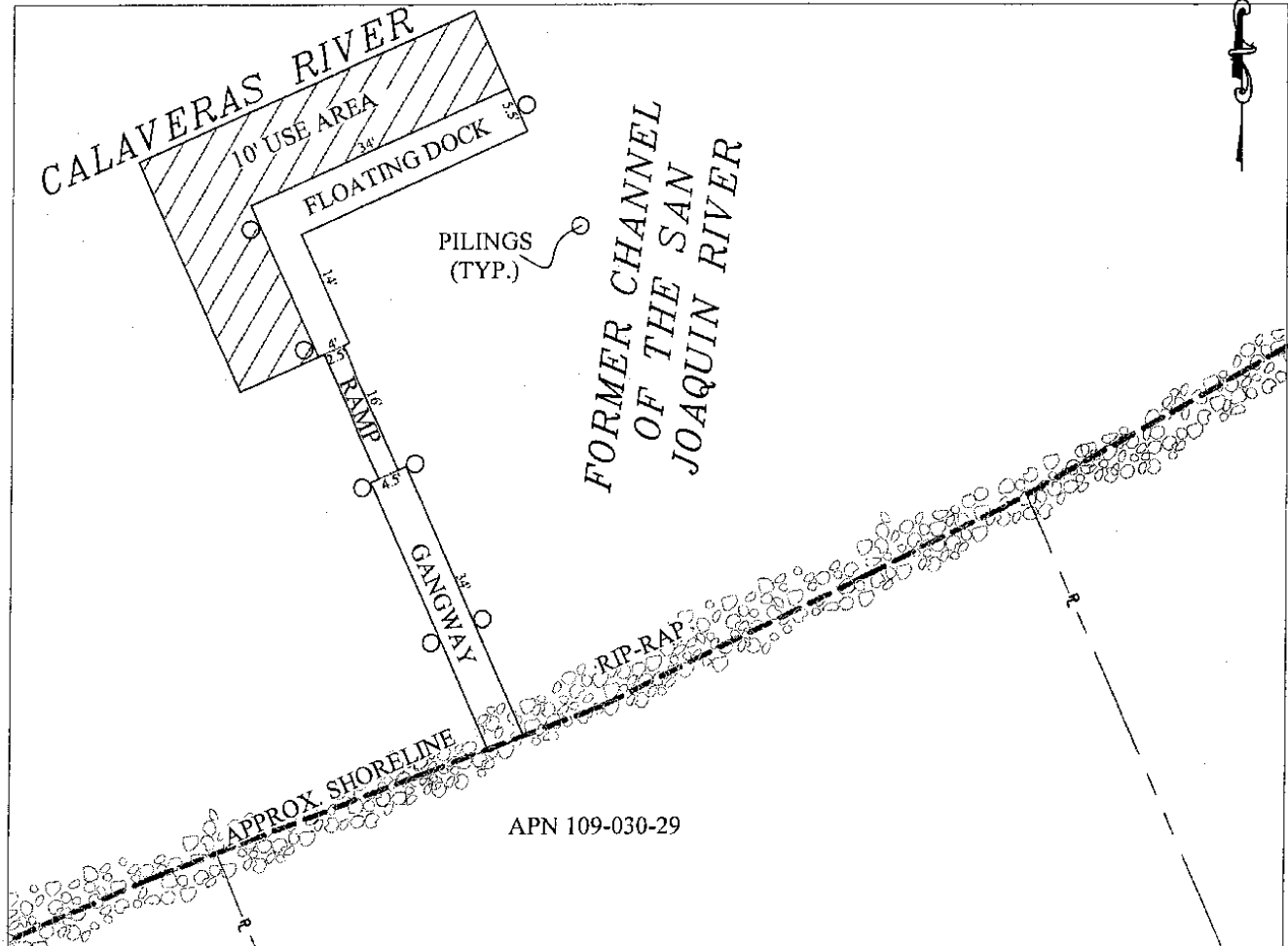
LAND DESCRIPTION PLAT  
 PRC 4670.1 HUFF  
 SAN JOAQUIN COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

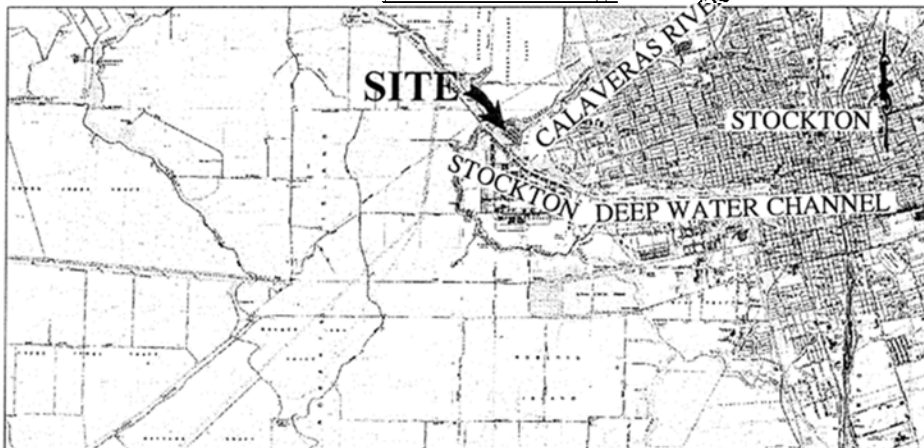
### SITE



4407 Yacht Harbor Dr., Stockton

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 4670.1  
 HUFF  
 APN 109-030-29  
 GENERAL LEASE -  
 RECREATIONAL &  
 PROTECTIVE STRUCTURE USE  
 SAN JOAQUIN COUNTY



MJF 1/18/12

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.