

**CALENDAR ITEM  
C40**

A 17  
S 5

12/05/12  
PRC 6413.1  
N. Lavoie

**TERMINATION OF A RECREATIONAL PIER LEASE  
AND ISSUANCE OF A GENERAL LEASE –  
RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANTS:**

William H. Glines and Sherry L. Glines

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

Sovereign land in the San Joaquin River, adjacent to 1287 De Lima Road, near the city of Lathrop, San Joaquin County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning December 5, 2012.

**CONSIDERATION:**

**Uncovered floating boat dock, ramp, and two pilings:** \$97 per year, with the State reserving the right to fix a different rent periodically during the lease term, 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 with coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.

CALENDAR ITEM NO. **C40** (CONT'D)

2. On August 19, 2003, the Commission authorized a 10-year Recreational Pier Lease to William Martin Schendel. That lease will expire on April 27, 2013. Since the issuance of that lease, title to the upland property has transferred five times. The current owners, William H. Glines and Sherry L. Glines, are now applying for a new General Lease – Recreational and Protective Structure Use. Staff recommends termination of the existing lease and issuance of a new lease to the current upland owners.
  
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law took effect on 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 Applicants do not qualify for an exception and the lease is subject to rent.

4. The bank protection has existed at this site for many years and is now being incorporated in this lease. The bank protection will mutually benefit both the public and the Applicants. The bank of the San Joaquin River will have additional protection from wave action provided at no cost to the public.
  
5. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

CALENDAR ITEM NO. **C40** (CONT'D)

6. **New Lease:** The staff recommends that the Commission find 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.

7. 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.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Lease Termination:** Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378

**New Lease:** 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).

**SIGNIFICANT LANDS 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.

CALENDAR ITEM NO. C40 (CONT'D)

**AUTHORIZATION:**

1. Authorize termination, effective December 4, 2012, of Lease No. PRC 6413.9, a Recreational Pier Lease, issued to William Martin Schendel.
  
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to William H. Glines and Sherry L. Glines, beginning December 5, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, ramp, and two pilings previously authorized by the Commission and use and maintenance of existing bank protection not previously authorized by the Commission 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, ramp, and two pilings: annual rent in the amount of \$97 per year, with the State reserving the right to fix a different rent periodically during the lease term, 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 rent if the Commission finds such action to be in the State's best interest; liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 6413.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the San Joaquin River, lying adjacent to Swamp and Overflowed Land Survey 529 patented August 29, 1877, County of San Joaquin, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, ramp and two pilings lying adjacent to the right bank of said river and being adjacent to Parcel One, as described in Grant Deed, recorded June 3, 2009 in Document No. 2009-083081 in Official Records of said County.

TOGETHER WITH a 10' impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

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

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 10/17/12 by the California State Lands Commission Boundary Unit





SAN JOAQUIN RIVER

EXISTING FLOATING DOCK 26'X12'

EXISTING RAMP 11'X4'

RIP RAP

APN 191-220-01

DECK

APPROX. SHORELINE

10' IMPACT AREA

BANK PROTECTION

### EXHIBIT A

Page 2 of 2

TS 10/17/12

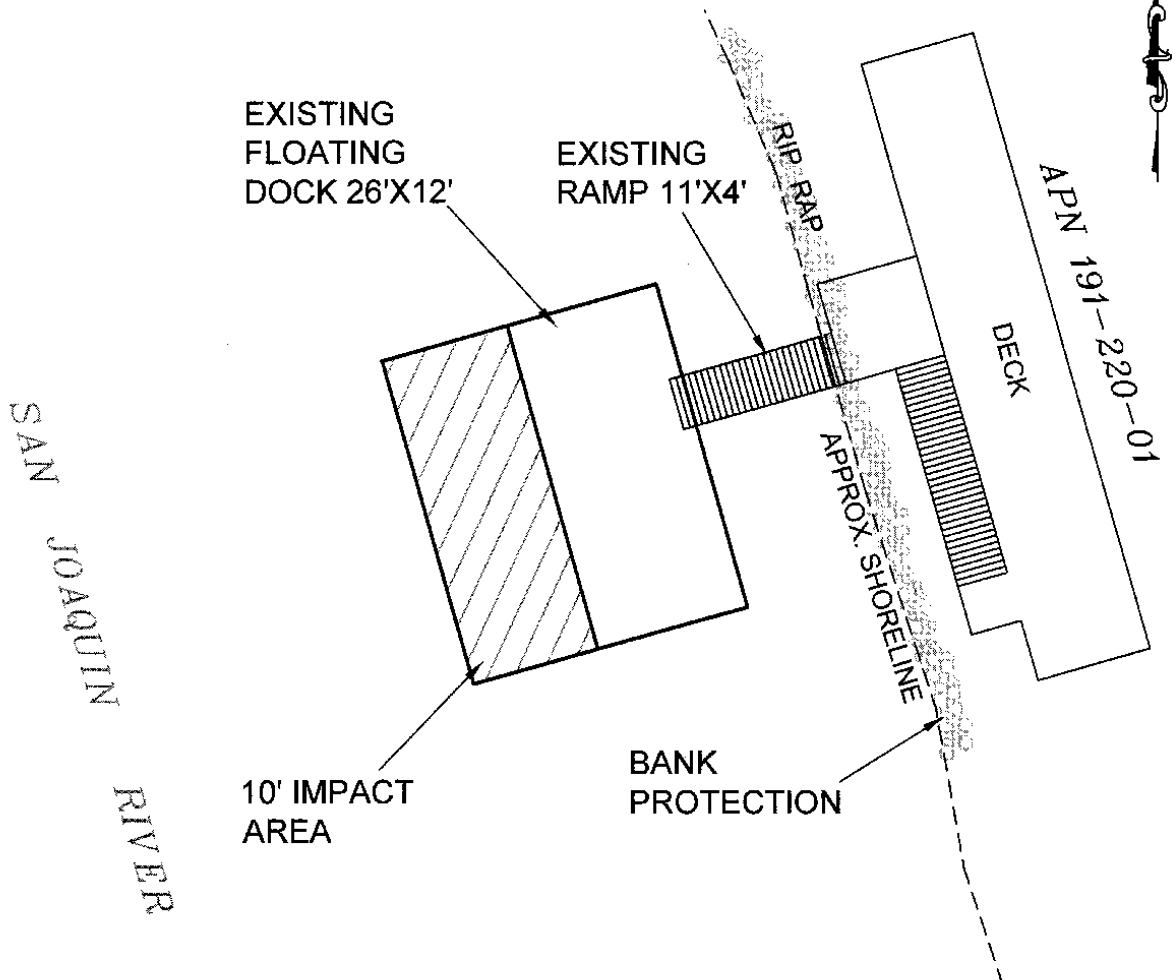
LAND DESCRIPTION PLAT  
PRC 6413.1, GLINES  
SAN JOAQUIN COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

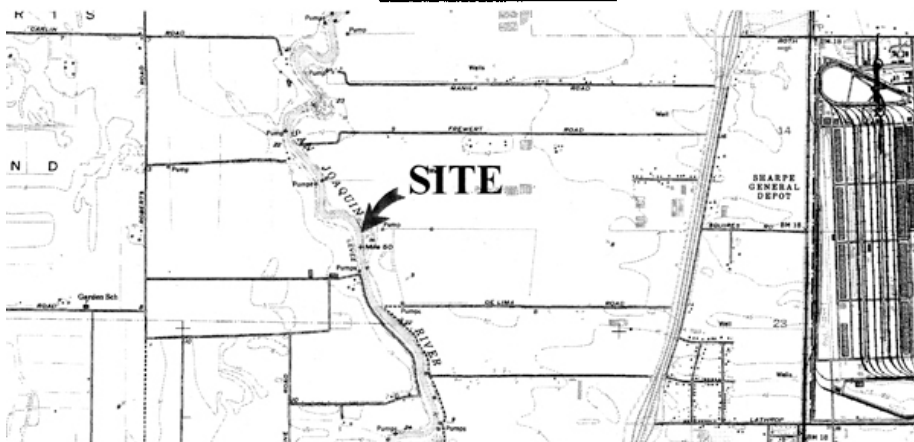
### SITE



1287 DE LIMA ROAD, NEAR LATHROP

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### **Exhibit B**

PRC 6413.1  
 GLINES  
 APN 191-220-01  
 GENERAL LEASE -  
 RECREATIONAL AND  
 PROTECTIVE STRUCTURE USE  
 SAN JOAQUIN COUNTY



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.

TS 10/17/12