MINUTE ITEM
This Calendar Item No. C8
was approved as Minute Item
No. 8 by the State Lands
Commission by a vote of 2
to 0 at its 5/28/87
meeting.

CALENDAR ITEM

A 26 C08 05/28/87
W 20223 PRC 7080
S 5 Gordon

GENERAL PERMIT - RECREATIONAL AND RIGHT-OF-WAY USE

APPLICANT: Henry Lawler and Max Seely
Lost Isle Marina
River Route - Acker Island
Stockton, California 95209

AREA, TYPE LAND AND LOCATION:
A 0.186-acre area of tide and submerged land, located in the San Joaquin River at Acker Island, San Joaquin County.

LAND USE: Maintenance of boating and barge facilities; and maintenance of an underground power line.

TERMS OF PROPOSED PERMIT:

Initial period: 15 years beginning November 21, 1984.

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

Special:

1. The permit is conditioned on the consent of a littoral owner as to any structure located adjacent to littoral upland.

2. The permit restricts the use of the facilities for residential purposes.

CONSIDERATION: $366.52 per annum, as to docks, a barge and piling; and $100 per annum, as to an underground power line; 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 owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has 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. The subject boating facilities are utilized noncommercially as customer accommodation facilities in the operation of a restaurant/lounge business on the upland known as Lost Isle Marina. The underground power line provides electric energy to the site. These are long standing trespass facilities coming under the jurisdiction of the Commission.

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. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

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.

APPROVALS OBTAINED:

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 ISSUANCE TO HENRY LAWLER AND MAX SEELY OF A 15-YEAR GENERAL PERMIT - RECREATIONAL AND RIGHT-OF-WAY USE BEGINNING NOVEMBER 21, 1984; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $366.52, AS TO DOCKS, A BARGE AND PILING; AND $100, AS TO AN UNDERGROUND POWER LINE; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $500,000; FOR MAINTENANCE OF BOATING AND BARGE FACILITIES; AND MAINTENANCE OF AN UNDERGROUND POWER LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION W 20223

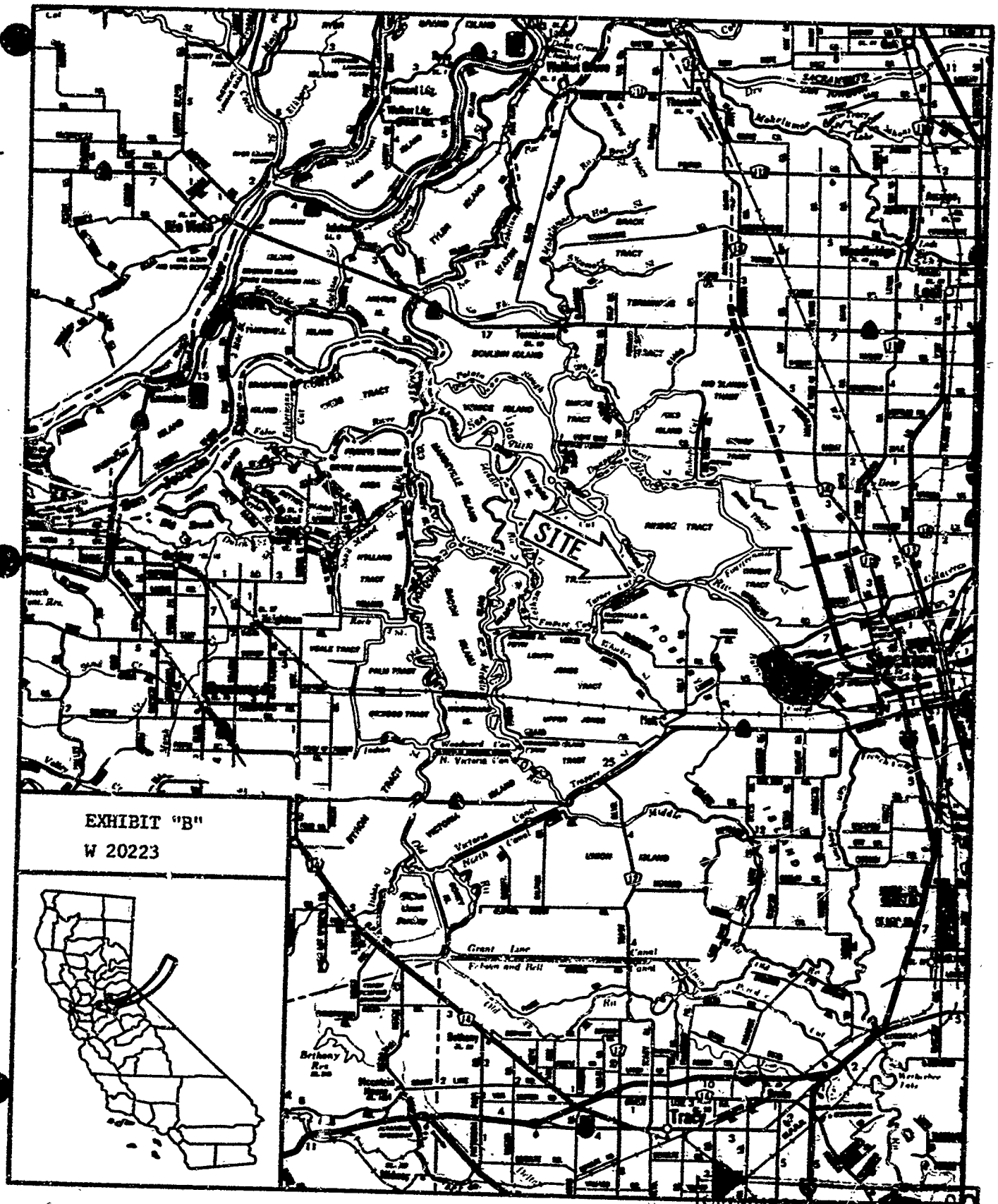
All that tide and submerged land in the bed of the San Joaquin River lying immediately beneath the structures associated with Lost Isle Marina along the northwest shore of Acker Island, San Joaquin County, California, said structures lying northwesterly and waterward of the land described in the Grant Deed recorded November 21, 1984, in the San Joaquin County Recorders Office, Recorders No. 84079021, said structures to include existing docks, pilings, a barge, an underground powerline across the San Joaquin River from Acker Island to McDonald Tract, and a pier adjacent to McDonald Tract, TOGETHER WITH necessary use areas extending no more than 10 feet form the extremities of all said structures but the pilings.

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

END OF DESCRIPTION

PREPARED JANUARY 28, 1986, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR

CALENDAR PAGE 91
MINUTE PAGE 1585



CALENDAR PAGE 92

MINUTE PAGE 1586