MINUTE ITEM
This Calendar Item No. C01 was approved as Minute Item No. 01 by the California State Lands Commission by a vote of 2 to 0 at its 06/07/04 meeting.

CALENDAR ITEM
C01

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06/07/04
PRC 7764 WP 7764.9
R. Barham

GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE

APPLICANTS:

Patrick C. Bradley, as Trustee of the Patrick C. Bradley Trust dated August 14, 1998, Nancy T. Immekeppel, as Trustee of the Nancy T. Immekeppel Trust dated August 14, 1998

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Georgiana Slough at Andrus Island, near Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing covered floating boat dock, gangway, walkway, pilings, and bank protection.

LEASE TERM:

Ten years, beginning June 1, 2004.

CONSIDERATION:

Covered Floating Boat Dock, Gangway, Walkway and Pilings - 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:

Combined single limit coverage of no less than $500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On May 26, 1994, the Commission authorized a General Lease-Protective Structure and Recreational Use with Gerald and Peggy Alves. That lease expired on February 6, 2004. The upland property was subsequently transferred to Patrick C. Bradley, as trustee of the Patrick C. Bradley Trust dated August 14, 1998, and to Nancy T. Immekeppel, as trustee of the Nancy T. Immekeppel Trust dated August 14, 1998, who are applying for a new General Lease-Protective Structure and Recreational Use. Applicants qualify for a rent free covered floating boat dock, gangway, walkway, and pilings because the applicants are natural persons who have improved the littoral land with, and uses the upland for, a single-family dwelling.

3. The bank protection at this location protects the bank of the slough from wave action at no cost to the public.

4. 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.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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 project, as proposed, is consistent with its use classification.

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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).

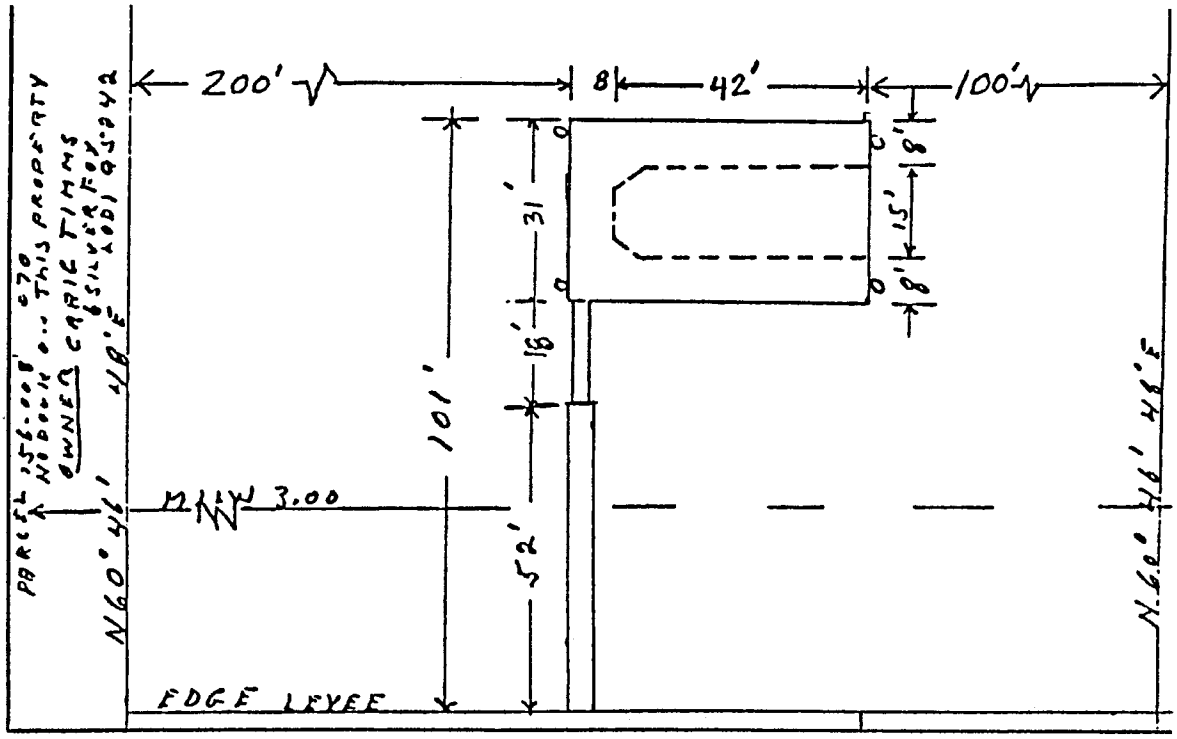
SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

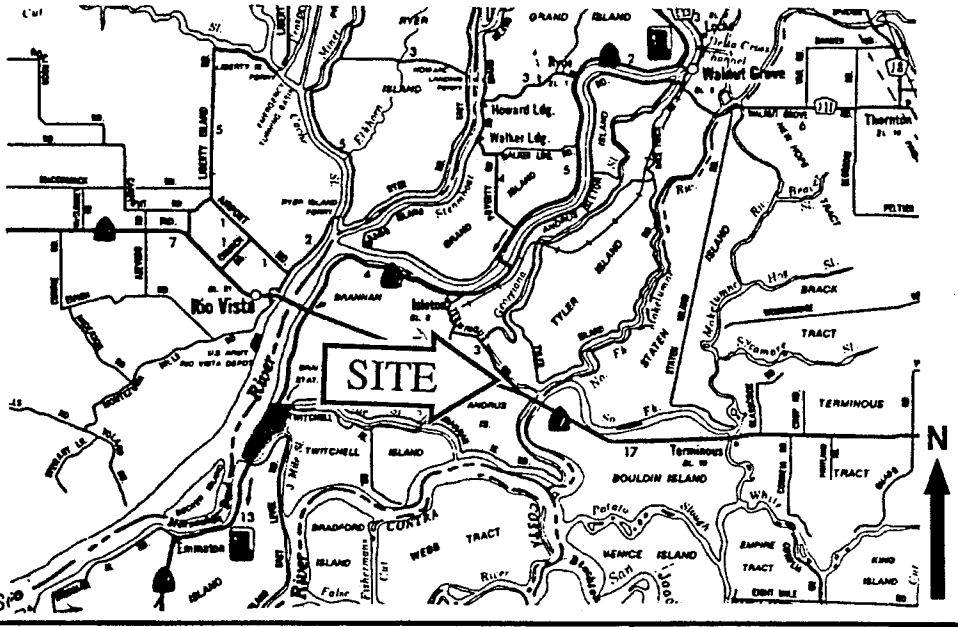
AUTHORIZATION:

AUTHORIZE ISSUANCE TO PATRICK C. BRADLEY, AS TRUSTEE OF THE PATRICK C. BRADLEY TRUST DATED AUGUST 14, 1998, AND TO NANCY T. EMMEKEPPEL, AS TRUSTEE OF THE NANCY T. EMMEKEPPEL TRUST DATED AUGUST 14, 1998, OF A GENERAL LEASE-PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING JUNE 1, 2004, FOR A TERM OF TEN YEARS, FOR A COVERED FLOATING BOAT DOCK, GANGWAY, WALKWAY, PILINGS AND BANK PROTECTION AS REFERENCED ON THE LAND SHOWN ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: COVERED FLOATING BOAT DOCK, GANGWAY, WALKWAY AND PILINGS: 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: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $500,000.

SITE MAP



LOCATION MAP



CALIFORNIA MAP

SECTION 3 Exhibit A

WP 7764.9

Bradley and Emmekeppel Sacramento County

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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

RWB 04/5/2004