MINUTE ITEM
This Calendar Item No. C35 was approved as Minute Item No. 35 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM
C35

A 15

S 05

08/17/04
PRC 7737.9
J. McComas

GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE

APPLICANT:
Terrence L. Cashen

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Georgiana Slough, Andrus Island, near the city of Isleton, Sacramento County.

AUTHORIZED USE:
Continued use and maintenance of an existing floating boat dock, gangway and bank protection and an existing boat lift.

LEASE TERM:
Ten years, beginning January 1, 2004.

CONSIDERATION:
Floating boat dock, gangway and boat lift - 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:
Liability insurance in an amount no less than $500,000.

OTHER PERTINENT INFORMATION:
1. Applicant owns the uplands adjoining the lease premises.

2. On March 8, 1994, the Commission authorized a General Lease - Protective Structure and Recreational Use with Terrence L. Cashen, as sole survivor and Louise S. Cashen. That lease expired on December 31, 2003. Louise S. Cashen is now deceased. Terrence L. Cashen is applying for a new Lease. The applicant qualifies for a rent free lease because the applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.

3. Bank protection at this location provides additional protection to the public levee 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 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 been 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:

A. Site Map
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

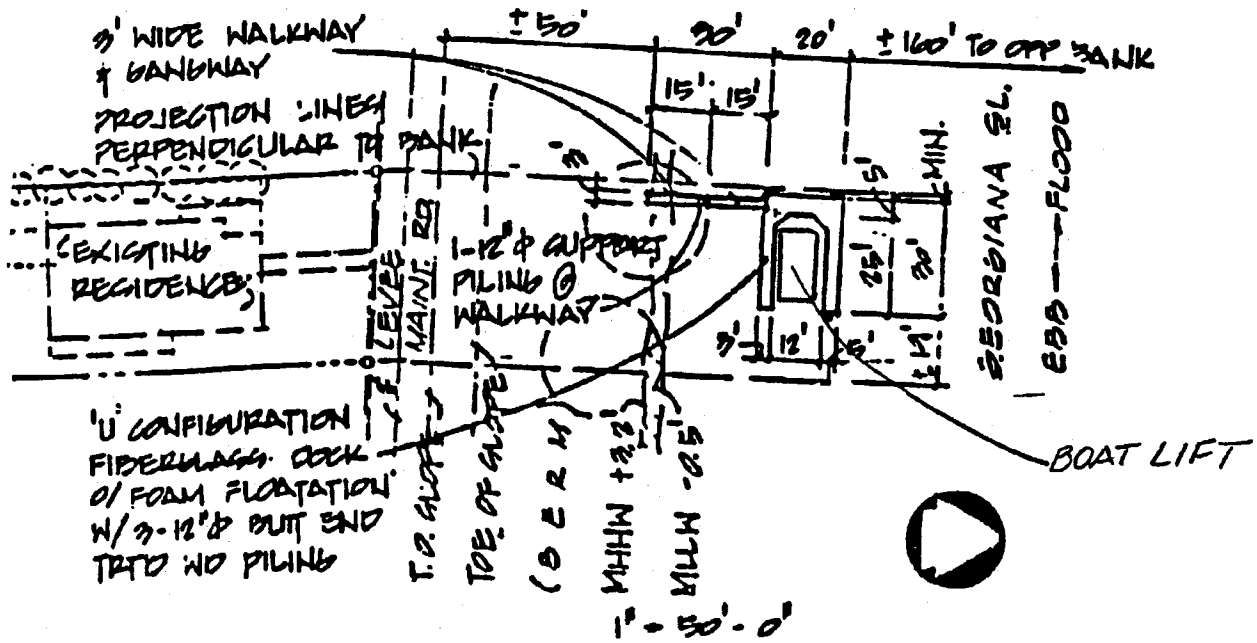
CEQA FINDING:

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);

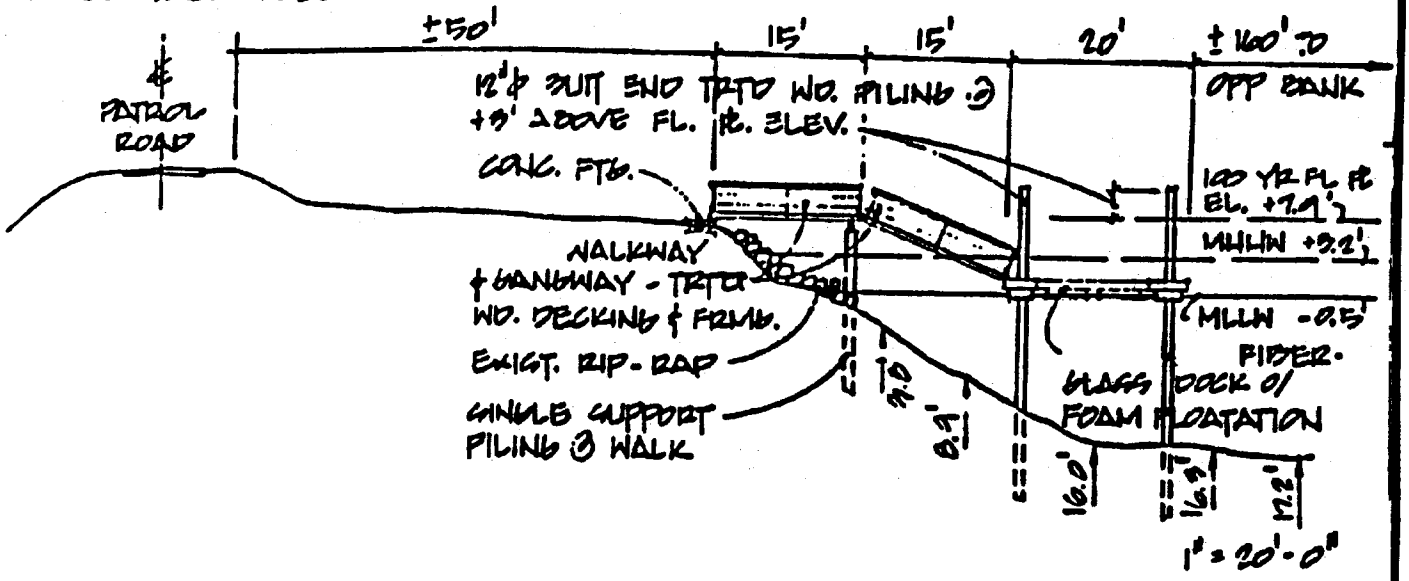
AUTHORIZATION:

AUTHORIZE ISSUANCE TO TERRENCE L. CASHEN OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING JANUARY 1, 2004, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING BOAT DOCK, GANGWAY, BOAT LIFT AND BANK PROTECTION ON THE LAND AS REPRESENTED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FLOATING BOAT DOCK, GANGWAY AND BOAT LIFT: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 6503.5; BANK PROTECTION: THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN $500,000.

SITE MAP



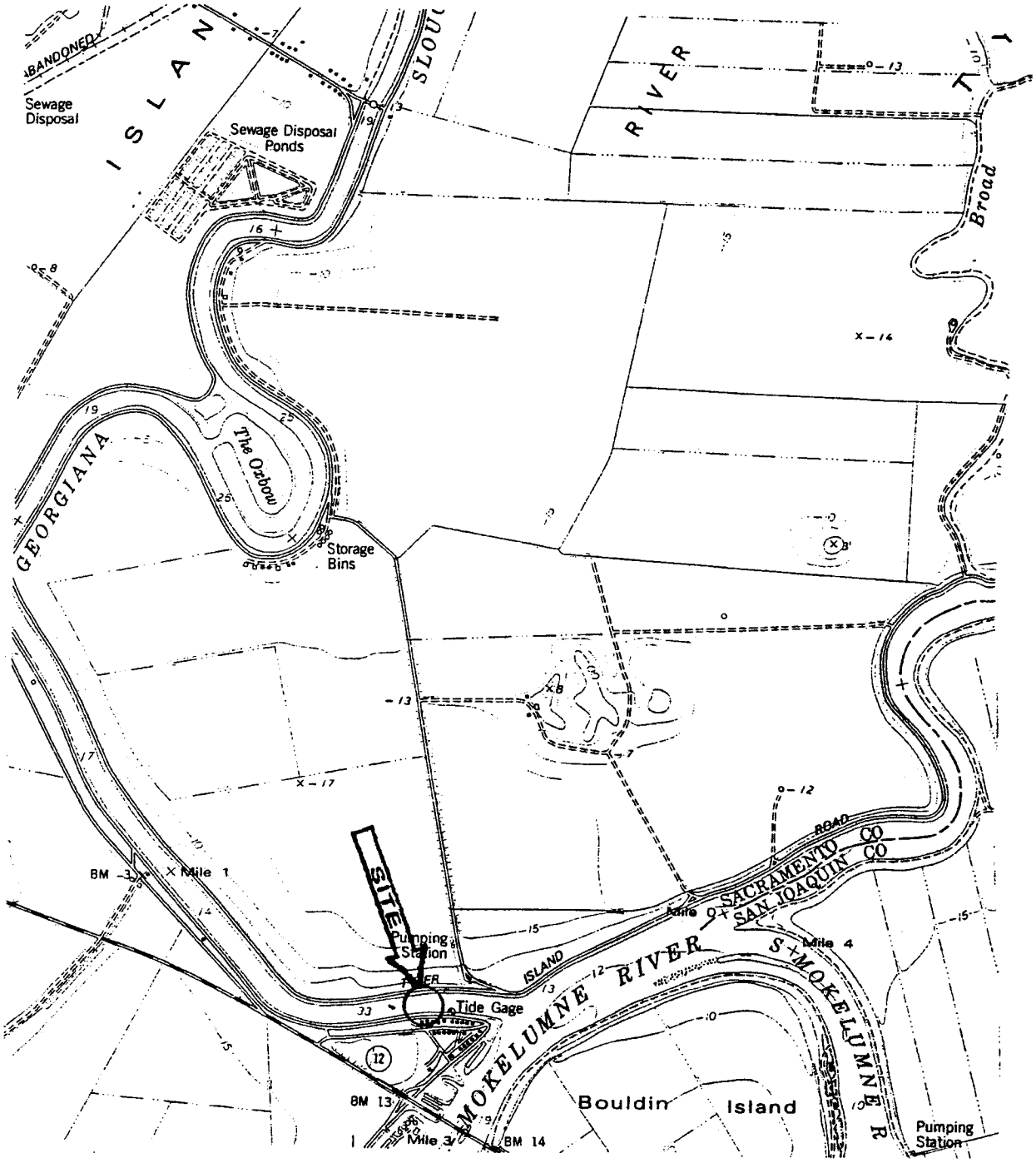
ALL WOOD TO BE TREATED WOOD / ALL CONNECTORS & FASTENERS TO BE TOP GRADE GALVANIZED



JM 7/7/2004

This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.	**EXHIBIT A** **CASHEN** **421 WILLOW TREE LANE** **PRC 7737.9**

LOCATION MAP



USGS

JM 7/7/2004

This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

EXHIBIT B
CASHEN
421 WILLOW TREE LANE
PRC 7737.9