

MINUTE ITEM

This Calendar Item No. C9  
was approved as Minute Item  
No. 9 by the State Lands  
Commission by a vote of 3  
to 0 at its 6/30/77  
meeting.

CALENDAR ITEM

C9.

6/77  
WP 3045  
ACS  
PRC 3045

GENERAL PERMIT - RECREATIONAL USE

APPLICANT:

Aramis and Yvonne Foyche  
3665 Telegraph Avenue  
Oakland, CA 94609

AREA, TYPE LAND AND LOCATION:

5,500 square-foot parcel (.126 acre) of  
tide and submerged land in the bed of  
Georgiana Slough, Andrus Island, San  
Joaquin County.

LAND USE:

maintain existing cabana, floating boat  
house and dock.

TERMS OF ORIGINAL LEASE:

Initial period: Ten (10) years from  
September 27, 1973.

Special: Recreational Pier Permit.

TERMS OF PROPOSED LEASE:

Initial period: Ten (10) years from  
May 1, 1975.

Public liability insurance: \$300,000 as  
a combined single limit  
for bodily injury and  
property damage.

REGISTRATION:

\$110 for the period May 1, 1975 through  
April 30, 1976 and \$110 per annum thereafter,  
with State reserving the right to fix a  
different rental on each fifth anniversary  
of the lease.

BASE RATE OF COMPENSATION:

General Permit rental pursuant to Cal.  
Code, Code 200.

APPLICANT'S FEES, FILING AND EXISTING:

applicant as owner of upland. Filing fee  
100.00.

APPLICANT'S OTHER REFERENCES:

- Public Resources Code: Div. 6, Parts 1 and 2.
- Administrative Code: Title 2, Div. 3,  
Chs. 1, 2, 6, 10 and 11.

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OTHER PERTINENT INFORMATION:

1. In 1972, the applicant was issued a Recreational Pier Permit, PRC 3045.9, dated September 27, 1973. In May, 1975, the Division received notice that applicant had constructed facilities within the Permit area not authorized under Recreational Pier Permits.
2. After several meetings with applicant and other State Agencies, it was agreed to allow the existing facilities of applicant to remain in the lease area, however, the facilities would have to be covered by a permit other than a Recreational Pier Permit.
3. Provisions within the proposed Permit provide that the authorized structures shall at no time be used as a permanent residence.
4. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1 B, which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
5. This project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Division policy.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS:

- A. Land Description
- B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC SECTION 21085, 14 CAL. ADM. CODE SECTION 15100 ET SEQ., AND 2 CAL. ADM. CODE SECTION 2907.

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2. FIND THAT THE GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED BY THE COMMISSION AT ITS DECEMBER 1, 1975 MEETING.
3. RESCIND LEASE PRC 3045.9 DATED SEPTEMBER 27, 1973.
4. AUTHORIZE ISSUANCE TO ARAMIS FOUCHE AND YVONNE FOUCHÉ OF A TEN (10) YEAR GENERAL PERMIT - RECREATIONAL USE, FROM MAY 1, 1975, IN CONSIDERATION OF RENT IN THE AMOUNT OF \$516 FOR THE PERIOD MAY 1, 1975 THROUGH APRIL 30, 1978, AND \$110 PER ANNUM THEREAFTER WITH STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNT OF \$300,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE, FOR THE MAINTENANCE OF AN EXISTING CABANA, FLOATING BOAT HOUSE AND DECK SO LONG AS THE CABANA IS NOT USED AS A PERMANENT RESIDENCE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 3045

A parcel of tide and submerged land in the bed of Georgiana Slough, adjacent to Andrus Island, Sacramento County, California, said parcel being immediately beneath an existing cabana, boat shed, float and wharf, TOGETHER WITH a necessary use area extending no more than 10 feet from said structures, said structures being adjacent to and northerly of that land described as Lot No. 1; Golden State Asparagus Company Subdivision, D, Andrus Island (Unrecorded Map), said Lot No. 1 is further described as follows:

BEGINNING at a point from which the most Easterly corner of the 15.661 acre tract of land described in a deed dated July 8, 1931, recorded July 17, 1931, in Book 360 of Official Records, Sacramento County, at page 58, executed by Golden State Asparagus Company to Central Pacific Railway Company, bears S 41° 33' 46" E, 34.10 feet distant; thence from said point of beginning, N 41° 33' 46" W, 98.68 feet; thence N 7° 30' 10" W, 133.37 feet to the mean high water line of Georgiana Slough; thence, along the mean high water line of said Georgiana Slough; N 82° 32' E, 55 feet; thence S 79° 34' 30" E, 215.64 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Georgiana Slough.

END OF DESCRIPTION

Prepared Melvin J. [Signature] Date 5/2/99  
Reviewed W. J. [Signature] Date 5/2/99