

MINUTE ITEM

6/78
Scott

C7. - GENERAL LEASE - RIGHT-OF-WAY USE - W 21274

Calendar Item C7., attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C7. (6 pages).

CALENDAR ITEM

C7.

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GENERAL LEASE
RIGHT-OF-WAY USE

APPLICANT: Lone Star Industries, Inc.
2800 Campus Drive
San Mateo, California 94403

AREA, TYPE LAND AND LOCATION:
A 100' x 400' strip (.918 acre) of inland
submerged land in the bed of the San Joaquin
River in Fresno and Madera Counties.

LAND USE: Construct and maintain a high level bridge
crossing with approach embankments and
rock rip rap bank protection.

TERMS OF PROPOSED LEASE:

Initial period: 25 years from July 1,
1977.

Renewal options: 2 successive periods
of 10 years each.

Surety bond: \$2,000.

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

CONSIDERATION: \$100 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

\$100 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

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OTHER PERTINENT INFORMATION:

1. Commission staff recommends that the first year's rental under this lease be waived. The applicant had originally proposed to construct a low level crossing in the summer of 1977, but at the request of the Department of Fish and Game delayed construction until 1978 in order to revise applicant's plans to provide for construction of a high level crossing so that fishermen could navigate through this area of the San Joaquin River.
2. A final EIR was prepared by Madera County, pursuant to CEQA and implementing regulations. A Notice of Determination has been received.
3. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

EXHIBITS: A. Land Description. B. Location Map.
 C. EIR Summary and Notice of Determination.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY MADERA COUNTY ON DECEMBER 7, 1976.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR OF MADERA COUNTY HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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4. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.

5. AUTHORIZE ISSUANCE TO LONE STAR INDUSTRIES, INC. OF A 25-YEAR GENERAL LEASE - RIGHT-OF-WAY USE FROM JULY 1, 1977; WITH THE LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE, COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE CONSTRUCTION AND MAINTENANCE OF A HIGH LEVEL BRIDGE CROSSING WITH APPROACH EMBANKMENTS AND ROCK RIP RAP BANK PROTECTION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, COMMISSION ALSO WAIVES THE ANNUAL RENTAL FOR THE PERIOD OF JULY 1, 1977 THROUGH JUNE 30, 1978.

Attachment: Exhibit "A"

EXHIBIT "A"

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A strip of land, 100 feet wide, in the bed of the San Joaquin River, Counties of Fresno and Madera, California, said strip of land being 50 feet on each side of the following described centerline:

BEGINNING at a point with California Coordinate System, Zone 3, coordinates Y=162,030 and X=2,222,840; thence North 1000 feet to the end of the herein described centerline.

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

END OF DESCRIPTION

Prepared *M. S. [Signature]* Checked *R. N. [Signature]*
Reviewed *J. F. [Signature]* Date *2/22/77*
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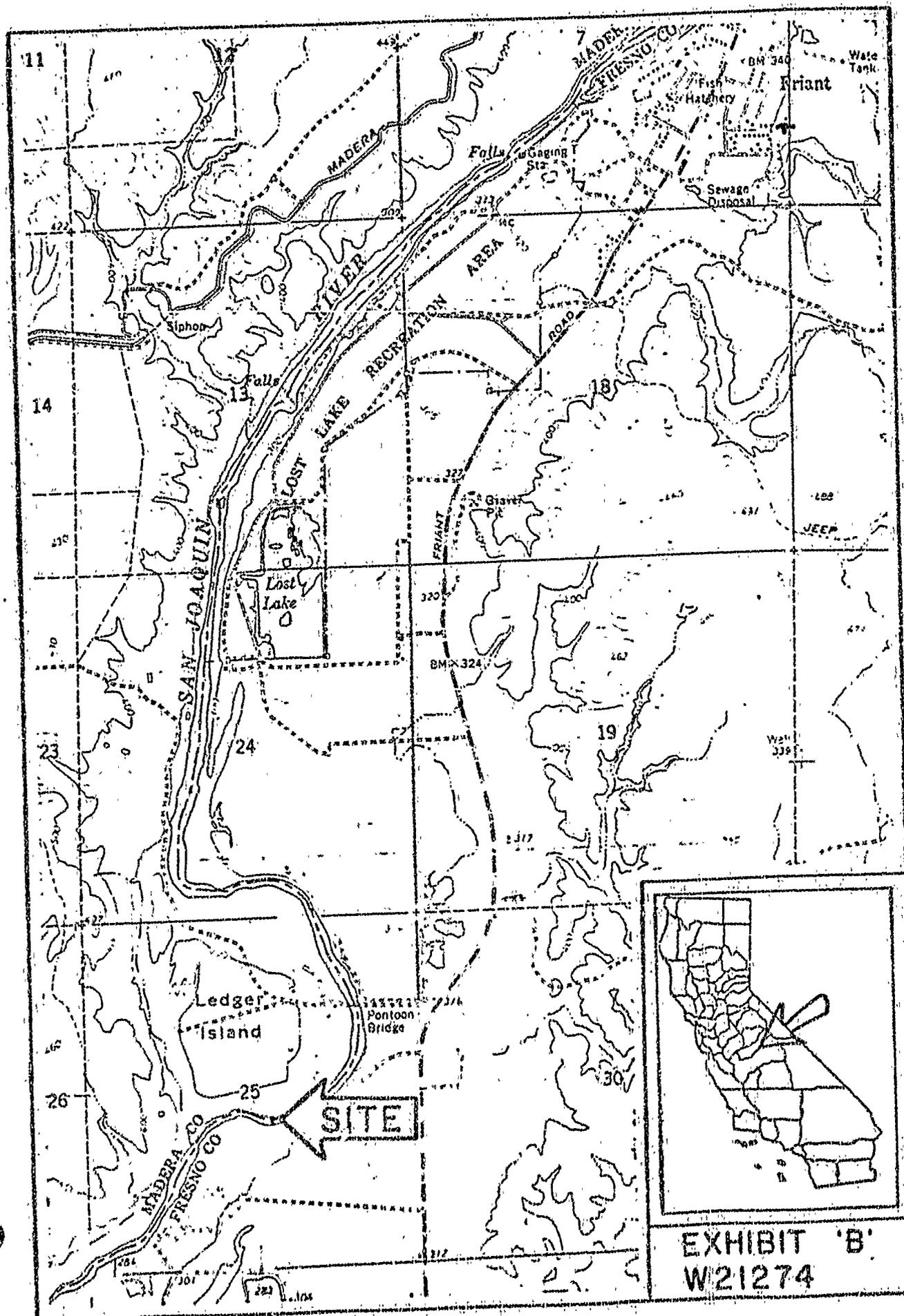


EXHIBIT 'B'
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EXHIBIT "C"

Exhibit "C" not available at time of printing.