

MINUTE ITEM

This Calendar Item No. 34
was recorded as Minute Item
No. 34 by the State Lands
Commission by a vote of 3
to 0 at its 6-27-79
meeting.

CALENDAR ITEM

34.

6/79
WP 5092
Maricle
PRC 5092.1

INDUSTRIAL LEASE - AMENDMENT

APPLICANT: Silverking Oceanic Farms, Inc.
P. O. Box 2184
Santa Cruz, California 95063

AREA, TYPE LAND AND LOCATION:
4.132 acre parcel of tide and submerged
land, Davenport Landing, Santa Cruz County.

LAND USE: 1. Present: Buried Fishway.
2. Proposed: Construct adjacent exposed
fishway within present lease
area.

TERMS OF ORIGINAL LEASE:

Initial period: 10 years from March 1,
1976.

Renewal options: 2 successive periods
of 10 years each.

Surety bond: \$5,000.

Public liability insurance: Single limit
coverage of \$300,000.

Consideration: \$450 per annum, with
5-year rent review.

TERMS OF PROPOSED AMENDMENT:

No change in terms and conditions. Lessee
to be operating an additional facility
within area presently under lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee and processing costs have been
received.

BACKGROUND AND COMMENTS:

A. The applicant conducts a fish breeding
operation under a lease authorized
by the Commission (Minute Item No. 10),

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on February 26, 1976. The activity includes the use of a buried, artificially lighted concrete pipeline for anadromous fish release and return.

The yields have been inadequate and it would appear that some characteristics of the enclosed concrete pipe have led to low fish returns. The artificial light within the pipe, flow velocity at the discharge point, and other unknown factors may be responsible. Although the pipe system can and will be used for fish release and for intake of seawater, it seems clear to the operators of Silverking that a surface fishway is necessary for successful fish returns.

The present proposal is to construct an exposed concrete fishway which would extend from the existing fish house across the south end of Davenport Landing Beach. The applicant advises that other exposed concrete fishways have been built at Coos Bay and Newport Bay, in Oregon, and that these have operated successfully.

The object of the applicant's business is to raise, release and recapture fish. A successful operation would increase fish population in the ocean and would provide more fish to the applicant to sell for commercial purposes.

- B. The applicant has advised that there is public use of the beach area and that the proposed facility would have minimal effect on such use. Staff has inspected the area, along with Coastal Commission staff, and concludes that applicant's advice seems reasonable considering the character of the surrounding terrain. However, the staff believes that the State should reserve the right to require the construction of a pedestrian bridge by lessee, if the public is unreasonably restrained by the new fishway.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 & 2.
- B. Cal. Adm. Code: Title 2, Div. 3.
- C. Cal. Adm. Code: Title 2, Art. 6.5.

OTHER PERTINENT INFORMATION:

1. This project is exempt from CEQA in that the proposed fishway is a minor alteration of an existing fish production facility which enhances the improvement of fish habitat and will increase fish production. (Categorical exemption Class 4(d): Minor Alterations to Land).
2. The project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes limited use. Staff has coordinated this project with those agencies who nominated the site as containing significant environmental values, and they have found this project to be compatible with their nomination. Agencies contacted include the Association of Monterey Bay Area Governments; County of Santa Cruz Planning Department; Department of Parks and Recreation; Office of Historic Preservation; California Coastal Commission; and the Department of Fish and Game.

Staff of the Department of Fish and Game's marine culture lab at Monterey expressed the Department's promotion of fish farming facilities such as Silverking Oceanic Farms as a method of increasing local anadromous fish populations thereby improving sport and commercial fishing.

Coastal Commission staff indicated approval of the proposed fishway, with the understanding that a pedestrian

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access bridge may be required under the circumstances previously described. The applicant has agreed to such a provision.

Pursuant to discussions with these agencies it has been determined that the proposed fishway will have no significant adverse affect on the quality of the environment.

APPROVALS OBTAINED:
United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:
State Fish and Game, County of Santa Cruz
(Building Permit), Coastal Commission.

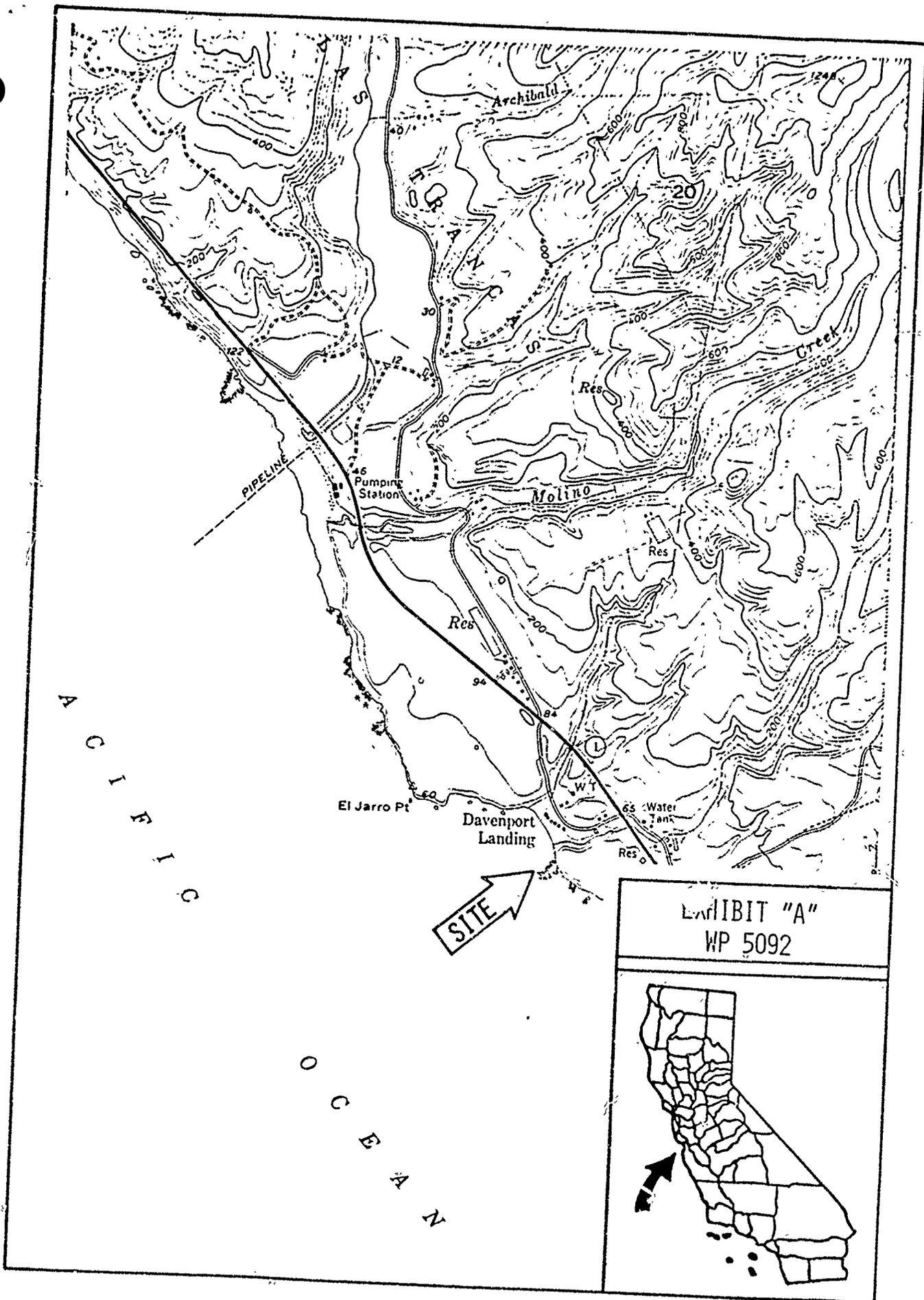
EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.
3. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
4. AUTHORIZE ISSUANCE OF AN AMENDMENT OF LEASE PRC 5092.1 TO SILVERKING OCEANIC FARMS, INC., TO PROVIDE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF AN EXPOSED CONCRETE FISHWAY WITHIN THE PREMISES DESCRIBED IN LEASE PRC 5092.1, SUCH CONSTRUCTION TO BE AT THAT LOCATION SHOWN ON A PLAT DATED JANUARY 10, 1979 PREPARED BY IFLAND ENGINEERS, INC.
5. DETERMINE THAT THIS PERMISSION BE GIVEN ON THE CONDITION FOLLOWING: SHOULD THE CONSTRUCTED FACILITY PROVE TO UNREASONABLY INTERFERE WITH PUBLIC USE OF THE BEACH

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AREA, LESSEE SHALL PROMPTLY CONSTRUCT, AT LESSEE'S OWN EXPENSE, A PEDESTRIAN BRIDGE FOR SAID BEACH USERS, AND SAID BRIDGE SHALL BE CONSTRUCTED IN A MANNER AND DESIGN SATISFACTORY TO THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND THE EXECUTIVE DIRECTOR OF THE CENTRAL COAST REGIONAL COASTAL ZONE CONSERVATION COMMISSION.



Pacific
Ocean

EXHIBIT "A"
WP 5092