MINUTE ITEM
This Calendar Item No. C11
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 2-0 at its 10-30-80
meeting.

CALENDAR ITEM

C11.

10/80
W 20241
Graham
PRC 5414

RESCISSION OF PRIOR AUTHORIZATION
AND ISSUANCE OF GENERAL LEASE
COMMERCIAL USE

APPLICANT: David G. Puder
P. O. Box 218
Albion, California 95410

AREA, TYPE LAND AND LOCATION:
0.634-acre parcel of tide and submerged land in the Albion River, Mendocino County.

TERMS OF PROPOSED LEASE:
Initial period: 30 years from August 1, 1977.

Surety bond: $2,000.

Public liability insurance: combined single limit coverage of $300,000.

CONSIDERATION: $225 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the lease. Staff has investigated the area and lease and feels that it is unnecessary to require a percentage of gross rental.

BASIS FOR CONSIDERATION:
$225 minimum rental for this type of lease (2 C.A.C., 2005).

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13; Div. 20.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

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OTHER PERTINENT INFORMATION:

1. By Calendar Item No. 17 on November 30, 1977, the State Lands Commission granted authorization of Lease PRC 5414.1, a 15-year General Lease - Commercial Use from August 1, 1977 with Lessee's option to renew for 3 successive periods of 10 years each to Northern Headlands, a partnership, comprised of Mr. David G. Puder and his brother Mr. Paul R. Puder, and covering a 0.634-acre parcel of tide and submerged land in the Albion River, Mendocino County.

2. In February 1980, prior to the bonding and insurance requirements being satisfied, the partnership was dissolved, and Mr. Paul R. Puder sold his portion of the upland which fronted on a portion of the proposed lease area. This effectively reduced the lease area to 0.241 acres from the original 0.634-acre parcel. The lease was never executed.

3. Mr. David Puder wishes to lease the 0.241-acre parcel of tide and submerged land in the Albion River, Mendocino County.

4. A final EIR was prepared by the staff of the Commission, pursuant to CEQA and the State EIR Guidelines and certified by the Commission on November 30, 1977.

5. This 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 and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

6. The preparation of the EIR and application of the lease was extensively coordinated with the Coastal Zone Commission, Fish and Game, Regional Water Quality Control Board, Army Corps of Engineers, and U.S. Fish and Wildlife Service.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A FINAL EIR HAS BEEN CERTIFIED FOR THIS PROJECT BY THE COMMISSION AT ITS MEETING ON NOVEMBER 30, 1977, FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES HAVING JURISDICTION BY LAW; INCLUDING ALL RESPONSIBLE AND TRUSTEE AGENCIES, AND THAT ADDITIONAL ENVIRONMENTAL DOCUMENTATION FOR THIS ACTIVITY IS NOT REQUIRED.

2. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.

3. FIND THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR THE PERMANENT PROTECTION OF THE SIGNIFICANT ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1. OF THE P.R.C.

4. RESCIND RECOMMENDATION NO. 6, MINUTE ITEM NO. 17, DATED NOVEMBER 30, 1977.

5. AUTHORIZE ISSUANCE TO DAVID G. PUDER OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM AUGUST 1, 1977; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE, PROVISION OF PUBLIC LIABILITY INSURANCE WITH A A $2,000 SURETY BOND; PROVISION OF COMBINED SINGLE LIMIT COVERAGE OF $300,000; FOR OPERATION AND MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A" W 20241

A parcel of tide and submerged land in the bed of Albion River, situated in Section 21, T16N, R17W, MDM, Mendocino County, California, said parcel more particularly described as follows:

A rectangular parcel of land, 300 feet by 60 feet, the southerly edge of said rectangular parcel being parallel with and ten feet southerly of the most southerly edge of a 280 feet by four feet floating dock and the westerly edge of said rectangular parcel being perpendicular to the above-mentioned southerly edge of said parcel and ten feet westerly of the most westerly edge of said 280 feet by four feet floating dock, said floating dock being adjacent to and southerly of that land described as "Parcel 1" on the Grant Deed recorded March 22,1974 in Book 956, page 721, Mendocino County Records.

EXCEPTING THEREFROM any portion lying landward of the present high water line of the Albion River.

END OF DESCRIPTION

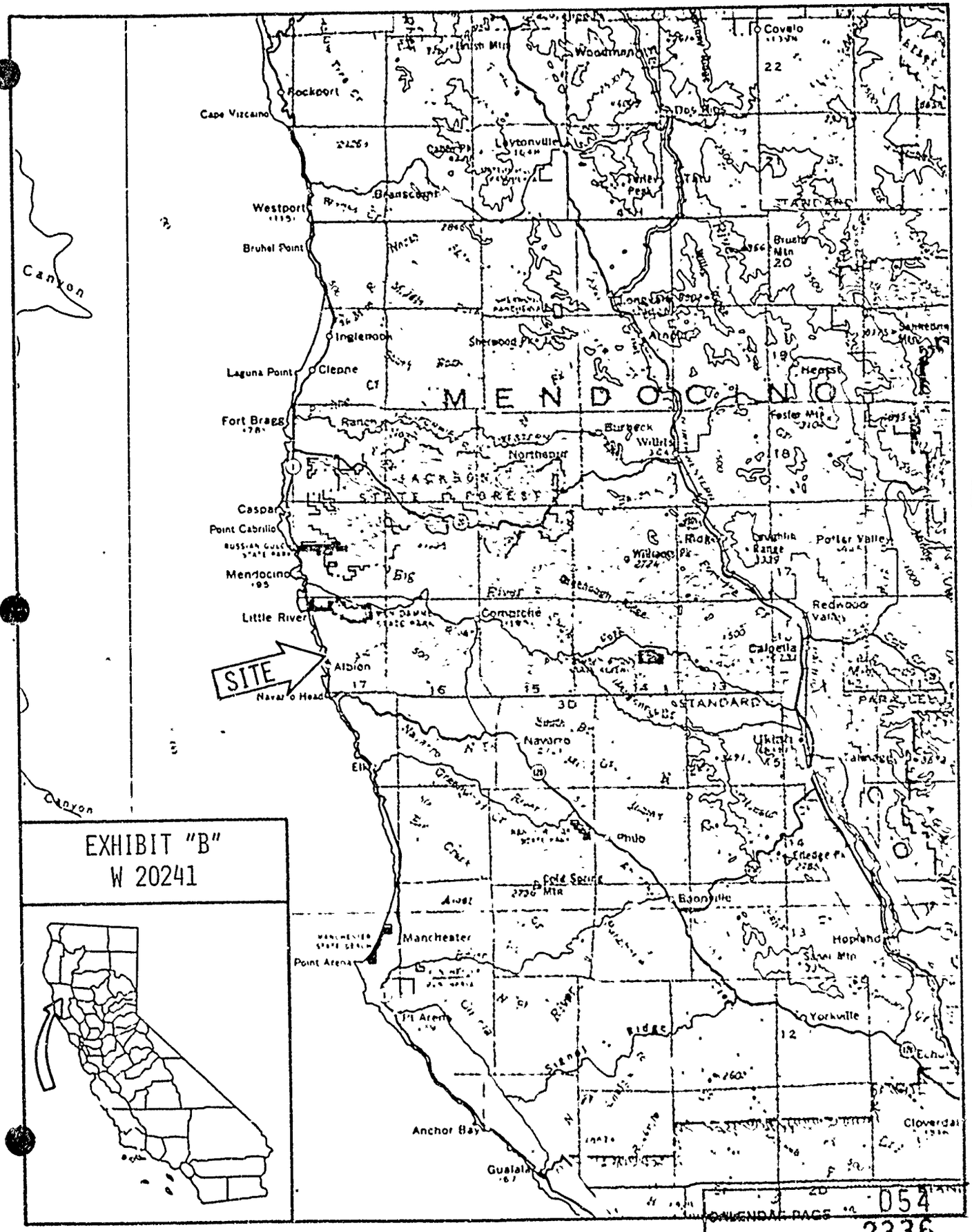

EXHIBIT "B"
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