

MINUTE ITEM

This Calendar Item No. C5  
was approved as Minute Item  
No. 5 by the State Lands  
Commission by a vote of 3  
0 at its 9/29/81  
meeting.

CALENDAR ITEM

C 0 5

9/29/81  
WP 3443  
Gordon  
PRC 3443

TERMINATION OF LEASE NO. 3443.1 AND  
ISSUANCE OF GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: New Island Farms  
c/o R. C. King  
1300 South 51st Street  
Richmond, California 94804

AREA, TYPE LAND AND LOCATION:  
A 0.138-acre parcel of tide and submerged  
lands in the bed of Connection Slough between  
Bacon and Little Islands, San Joaquin County.

LAND USE: Operation and maintenance of a submarine  
cable utilized for the transmission of  
electric energy.

TERMS OF ORIGINAL LEASE:  
Initial period: 15 years from January 26,  
1966.  
Renewal options: Three successive periods  
of ten years each.  
Consideration: \$100 for 15 year term.

TERMS OF PROPOSED LEASE:  
Initial period: 30 years from January 26,  
1981.

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:  
Pursuant to 2 Cal. Adm. Code 2005.

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

Filing fee has been received.

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

A 26

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

AB 884:

3/24/82.

OTHER PERTINENT INFORMATION:

1. The subject facility is utilized to conduct electricity to applicant's upland improvements. Applicant acquired the upland from the original lessee (Zuckerman-Mandeville Inc.) by a Corporation Grant Deed dated and recorded June 23, 1972. The original lessee has advised staff that it chooses to terminate its lease in lieu of processing an assignment of its leasehold interest to applicant. The proposed lease replaces an agreement which would necessitate an amendment action to conform it to current rules and regulations of the Commission. Termination of the original lease agreement is recommended.
2. As no portion of this facility is exposed on State lands and no annual maintenance is required, any exposure of loss or injury to the State is anticipated to be minimal. The proposed lease contains the standard indemnity provision. Staff recommends that no liability insurance be required.
3. An EIR 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.
4. 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.

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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.

APPROVALS REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the United States Army Corps of Engineers, California Department of Fish and Game, California Central Valley Regional Water Quality Control Board, California Reclamation Board and the County of San Joaquin. The proposed lease is conditioned on the approval of all agencies having jurisdiction.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT TERMINATION OF THE ORIGINAL LEASE AND GRANTING OF THE REPLACEMENT LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE TERMINATION OF LEASE "NO. 3443.1 P.R.C SERIES," DATED FEBRUARY 28, 1966, EFFECTIVE JANUARY 26, 1981, AND ISSUANCE TO NEW ISLAND FARMS OF A 30-YEAR GENERAL LEASE - RIGHT-OF-WAY USE FROM JANUARY 26, 1981; 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; FOR OPERATION AND MAINTENANCE OF A SUBMARINE CABLE UTILIZED FOR THE TRANSMISSION OF ELECTRIC ENERGY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 3443

A strip of tide and submerged land 20 feet wide across the natural bed of Connection Slough, San Joaquin County, California, lying 10 feet on each side of the following described center line:

BEGINNING at a point on the mean high tide line on the southerly side of the natural bed of Connection Slough which bears N 28° 06' W, 19,800 feet more or less from U.S.C. & G.S. triangulation station Bacon 1931; said station having California Zone 3 Coordinates of X = 1,703,500.35, Y = 531,950.58; thence N 30° 30' W 300 feet more or less to the mean high tide line on the northerly side of said slough; containing 0.138 acre more or less.

END OF DESCRIPTION

REVIEWED APRIL 6, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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