

MINUTE ITEM

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1/22/86

CALENDAR ITEM

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C 0 4

01/23/86  
WP 194 PRC 194  
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APPROVE ACCEPTANCE OF QUITCLAIM DEED  
FOR EXPIRED LEASE PRC 194; AND AUTHORIZE  
A GENERAL PERMIT - PUBLIC AGENCY USE  
AND AUTHORIZATION OF A SUBLEASE

FORMER LESSEE:

Arena Cove Sport Center  
P. O. Box 6759  
Incline Village, Nevada 89450

APPLICANT:  
(New Lessee)

City of Point Arena  
P. O. Box 67  
Point Arena, California 95468

SUBLESSEE:

State of California  
Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:

A 2.893-acre parcel of tide and submerged land  
located in the Pacific Ocean at Point Arena,  
Mendocino County.

LAND USE:

Construction and operation of a public fishing  
pier facility and mooring buoys.

TERMS OF ORIGINAL LEASE:

Initial period: Ten years beginning  
October 28, 1975.

Renewal options: One successive period of ten  
years.

Surety bond: \$5,000.

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Public liability insurance: \$300,000 per occurrence for bodily injury and \$100,000 for property damage.

Consideration: \$550 per annum; five-year rent review.

Original Land Use Area: A 0.946-acre parcel of tide and submerged land.

**TERMS OF PROPOSED LEASE:**

Initial period: 30 years beginning July 1, 1985.

Public liability insurance: Combined single limit coverage of \$1,000,000.

**CONSIDERATION:** The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Adm. Code 2003.

**APPLICANT STATUS:**

Applicant is acquiring the upland by Condemnation.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs have been received.

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 12/24/85 plus x 90 days.

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OTHER PERTINENT INFORMATION:

1. The existing Point Arena Cove pier was originally constructed in 1950 and was used as a fish receiving station until 1983, when a storm caused irreparable damage. Because the lessee was unwilling to rebuild despite the local residents need for such a facility, an ad hoc committee was formed to acquire needed funds to rebuild. At this point the funds have been received from Federal and State Agencies for construction of a new facility and acquisition of a 1.463-acre upland parcel. Construction of the facility is slated for March 1986. The proposed lease requires the Applicant to remove the present hazardous structure. The Applicant also eventually proposes to place up to 25 buoys within the lease use area for public use.

Because Wildlife Conservation Board is funding \$250,000, a sublease to the Department of Fish and Game is required pursuant to Section 1348 and 1350 of the Fish and Game Code. The requirement is for a 25-year sublease to cover the lease use area shown on Exhibit "A" for fishery and habitat protection.

Also, the State is named as a party to litigation filed by the City of Point Arena to condemn the upland parcel by eminent domain. The primary reason is the involved tide and submerged lands are subject to Tidelands Survey No. 115 which may be an invalid sale per People vs. Morrill, 26 Cal 336.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such

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declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

3. As to the pier replacement and the placement of the buoys, pursuant to the Commission's Delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that the activity is exempt from the requirements of CEQA as a categorical exempt project. The project is exempt under Class 2, Replacement or Reconstruction (pier), 2 Cal. Adm. Code 2905(b) and Class 4, Minor Alteration of Land (buoy placement), 14 Cal. Adm. Code 15304.

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

4. As to the acceptance of the quitclaim deed and the authorization of the City of Point Arena to enter into a 25-year sublease with the Department of Fish and Game, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that these actions are exempt from the requirements of CEQA because these activities are not "projects" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

**APPROVALS OBTAINED:**

California Coastal Commission, Department of Fish and Game, United States Army Corps of Engineers.

CALENDAR ITEM NO. C 0 4 (CONT'D)

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE PIER RECONSTRUCTION AND THE PLACEMENT OF THE BUOYS THAT WOULD BE AUTHORIZED BY ITEM NO. 5 BELOW, FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS EXEMPT PROJECTS, CLASS 2, REPLACEMENT OR RECONSTRUCTION (PIER), 2 CAL. ADM. CODE 2905(b), AND CLASS 4, MINOR ALTERATION TO LAND (BUOY PLACEMENT), 14 CAL. ADM. CODE 15304.
2. AS TO THE ACCEPTANCE OF THE QUITCLAIM DEED (ITEM NO. 4 BELOW) AND THE AUTHORIZATION TO ENTER INTO A SUBLEASE (ITEM NO. 5 BELOW), FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
3. FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.
4. AUTHORIZE THE ACCEPTANCE OF A QUITCLAIM DEED, EFFECTIVE JUNE 30, 1985, FOR LEASE PRC 194.
5. AUTHORIZE ISSUANCE TO CITY OF POINT ARENA OF A 30-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING JULY 1, 1985; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR CONSTRUCTION AND OPERATION OF A PUBLIC FISHING PIER FACILITY AND PLACEMENT OF MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
6. AUTHORIZE THE CITY OF POINT ARENA TO ENTER INTO A 25-YEAR SUBLEASE WITH DEPARTMENT OF FISH AND GAME FOR FISHERY AND HABITAT PROTECTION ON THE LANDS AS DESCRIBED ON EXHIBIT "A"; WHICH SUBLEASE IS ON FILE IN THE PRINCIPAL OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF.

(REVISED 01/17/86)

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EXHIBIT "A"

LAND DESCRIPTION

WP 194

A parcel of tide and submerged land in Arena Cove, Mendocino County, California, described as follows:

COMMENCING at the Section Corner common to Sections 11, 12, 13, and 14, T12N, R17W, MDM, as shown on that Record of Survey Map filed for record in Map Case 2, Drawer 42, Page 61, Mendocino County Records; thence N 37° 43' 26" W, 1192.70 feet; thence N 61° 12' 32" W, 308.71 feet; thence N 73° 43' 51" W, 564.50 feet to the TRUE POINT OF BEGINNING; thence S 13° 25' 06" E, 211.98 feet; thence S 77° 30' 00" W, 449.28 feet; thence N 8° 35' 11" W, 319.62 feet; thence N 85° 19' 38" E, 400.00 feet; thence S 40° 25' 22" E, 59.36 feet to the point of beginning.

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

END OF DESCRIPTION

REVISED NOVEMBER 26, 1935 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

