

CALENDAR ITEM

C58

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MINUTE ITEM
This Calendar Item No. C58
was approved as Minute Item
No. 58 by the State Land
Commission by a vote of 3
to 0 at its 11/15/94
meeting.
11/15/94
WP 6617
PRC 6130
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PRC 6617

TERMINATION OF GENERAL LEASE - RIGHT OF WAY USE PRC 6130
AND ACCEPTANCE OF LEASE QUITCLAIM DEED
TERMINATION OF GENERAL LEASE - RIGHT OF WAY USE PRC 6617
AND ISSUANCE OF GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Bodega Farms
1750 Montgomery Street
San Francisco, California 94111

AREA, TYPE LAND AND LOCATION:

A 0.02 acre parcel of tide and submerged land located in Estero Americano and a 0.46 acre of tide and submerged land located in the Pacific Ocean at Bodega Bay, Sonoma County.

LAND USE:

Maintenance and use of one 12 inch diameter polyethylene saltwater intake pipeline at Estero Americano, one 8 inch diameter polyethylene saltwater intake pipeline and one 8 inch diameter polyethylene outfall pipeline at Bodega Bay to support an onshore fish farm facility.

TERMS OF ORIGINAL LEASE PRC 6617:

Initial Period:
15 years beginning April 1, 1989.

Surety bond:
\$1,000.

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

Consideration:
\$144 per annum; five-year rent review.

TERMS OF PROPOSED LEASE PRC 6617:

Initial period:
15 years beginning August 1, 1994.

Surety bond:
\$5,000.

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

CONSIDERATION:

\$124 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. Code Regs. 2003.

APPLICANT STATUS:

Applicant is lessee of upland.

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. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

12/03/94

OTHER PERTINENT INFORMATION:

1. At its March 23, 1982 meeting (Minute Item 14), the Commission authorized issuance of General Lease - Right-of-Way Use PRC 6130 to California Fish Growers, Inc. (now known as Bodega Farms) to construct intake and outfall pipelines in the Pacific Ocean at Bodega Bay to support an onshore fish farm facility.

In 1992, staff was informed by Lessee that they did not proceed with the construction of the intake and outfall pipelines within the lease premises of PRC 6130. Lessee has executed a quitclaim deed dated February 2, 1993. Instead, Lessee has submitted as-built plans showing the intake and outfall pipelines located south of the PRC 6130 lease area.

2. At its May 7, 1984 meeting (Minute Item 9), the Commission also authorized issuance of General Lease - Right-of-Way Use PRC 6617 to California Fish Growers, Inc. for construction and maintenance of intake pipelines in Estero Americano located about 800 feet east of the PRC 6130 lease area to serve the same fish

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farm facility. This lease was extended by the Commission per Minute Item 21 on December 13, 1988.

3. Staff recommends the Commission: 1) accept the lease quitclaim deed and terminate lease PRC 6130, 2) terminate lease PRC 6617, and 3) issue a new lease to include the existing intake and outfall pipelines in the Pacific Ocean at Bodega Bay, along with the existing intake pipeline at Estero Americano.
4. As to the termination of lease PRC 6130, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.
5. As to the intake and outfall pipelines, the California Coastal Commission granted permit #2-82-8 for the intake and outfall pipelines in the Pacific Ocean at Bodega Bay on April 20, 1982, and also granted permit #2-82-8A for the intake pipeline at Estero Americano on February 22, 1984 under its certified regulatory program (14 Cal. Code Regs 15251(c)).
6. Staff has reviewed the documents and determined that the conditions, as specified in 14 Cal. Code Regs. 15253(b), have been met for the Commission to use the environmental analysis documents certified by the Coastal Commission as a Negative Declaration substitute in order to comply with the requirements of CEQA.
7. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Sonoma County Planning Commission, United States Army Corps of Engineers, Regional Water Quality Control Board, Department of Fish and Game and California Coastal Commission.

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FURTHER APPROVALS REQUIRED:
State Lands Commission

EXHIBITS:
A. Land Description
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE TERMINATION OF GENERAL LEASE - RIGHT-OF-WAY USE PRC 6130, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. ACCEPT A QUITCLAIM DEED FROM BODEGA FARMS DATED FEBRUARY 2, 1993 OF A GENERAL LEASE - RIGHT-OF-WAY USE, LEASE PRC 6130.
3. AS TO THE INTAKE AND OUTFALL PIPELINES, FIND THAT ENVIRONMENTAL ANALYSIS DOCUMENTS (COASTAL COMMISSION PERMITS #2-82-8 AND #2-82-8A), WERE CERTIFIED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS 15251(c)), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENTS AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS. 15253(b) HAVE BEEN MET.
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
5. TERMINATE GENERAL LEASE - RIGHT-OF-WAY USE PRC 6617 EFFECTIVE JULY 31, 1994.
6. AUTHORIZE ISSUANCE TO BODEGA FARMS OF A 15-YEAR GENERAL LEASE - RIGHT-OF-WAY USE BEGINNING AUGUST 1, 1994; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$124, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE AND USE OF ONE 12 INCH DIAMETER POLYETHYLENE SALTWATER INTAKE PIPELINE, ONE 8 INCH DIAMETER POLYETHYLENE SALTWATER INTAKE PIPELINE AND ONE 8 INCH DIAMETER POLYETHYLENE OUTFALL PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

WP 6617

LAND DESCRIPTION

PARCEL 1 (Estero Americano)

A strip of tide and submerged land 10 feet wide in Estero Americano, Sonoma County, California, lying approximately 800 feet northeast of the mouth of said Estero Americano and 5 feet on each side of the following described centerline:

COMMENCING at a 1/2" iron pipe and tag on the westerly boundary of the Bottarini lands, said pipe being the southerly end of that certain course bearing S 24° 12' 43" E 237.60 feet as shown on that "Record of Survey for Amos Simpson" filed in Book 114 of Maps, page 24, in the Sonoma County Records Office; thence S 34° 25' 04" E 5501.21 feet to a point on the north shore of Estero Americano at the ordinary high water mark and the TRUE POINT OF BEGINNING: thence S 34° 25' 04" E 100 feet and the end of the herein described line.

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

PARCEL 2 (Bodega Bay)

A strip of tide and submerged land 40 feet wide in Bodega Bay, (Pacific Ocean) Sonoma County, California, lying 20 feet on each side of the following described centerline:

BEGINNING at the intersection of the ordinary high water mark of Bodega Bay and the centerline of that certain 20 foot pipeline easement as shown on the "Plat Map - Bodega Bay Fish Farm" By Mogel Engineering, Inc., Petaluma, California; thence S 58° 00' 00" W 500.00 feet to the end of the herein described line.

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

END OF DESCRIPTION

REVISED MAY 1994 BY SFBCC

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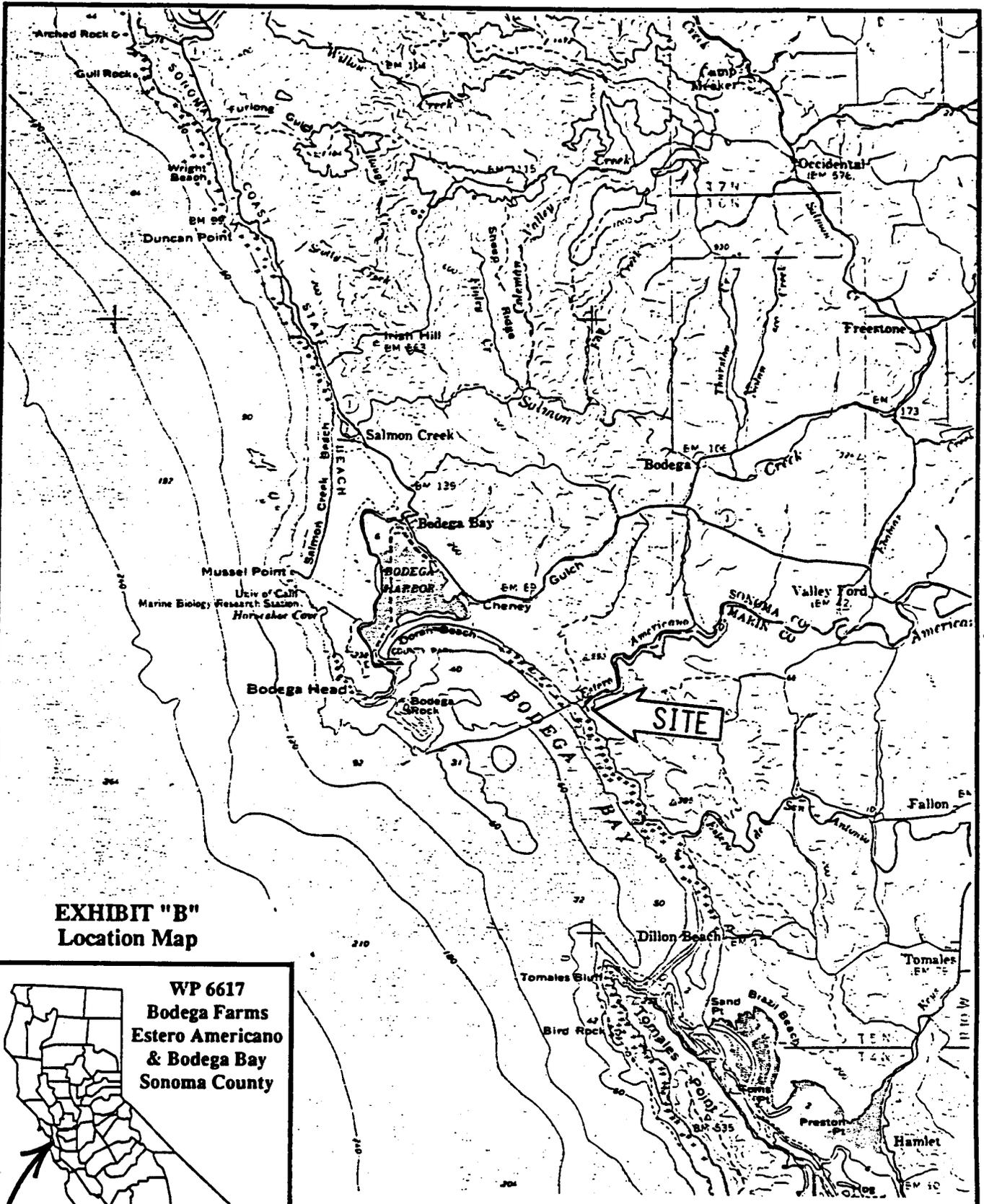
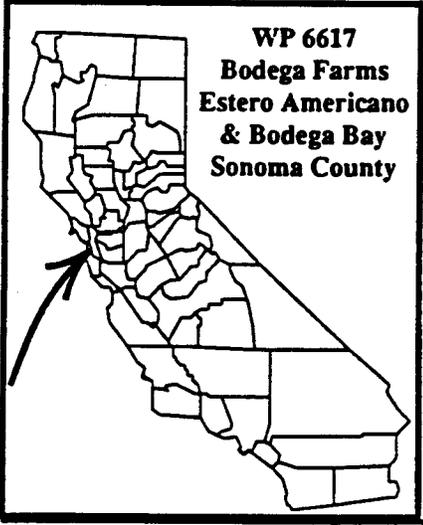


EXHIBIT "B"
Location Map



This Exhibit is solely for purpose of generally defining the lease premise, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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