

MINUTE ITEM

This Calendar Item No. C21 was approved as Minute Item No. 21 by the California State Lands Commission by a vote of 3 to 0 at its 12/7/95 meeting.

CALENDAR ITEM

C21

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12/07/95

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PRC7865

W 25182

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GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

Cargill, Inc.
7220 Central Avenue
Newark, California 94560

AREA, TYPE LAND AND LOCATION:

Three parcels of tide and submerged land totaling 0.777 acre, located in San Francisco Bay, Mud Slough and Coyote Creek, Alameda County.

LAND USE:

Use and maintenance of three existing dredge locks for the ingress and egress of the Cargill Salt dredge to maintain the levees around the perimeter of the adjacent salt evaporator ponds.

PROPOSED LEASE TERMS:

Lease period:

Twenty years beginning November 1, 1995.

Surety bond:

\$5,000.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

CONSIDERATION:

\$350.00 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

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BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Division 6, Parts 1 and 2; Division 13.
- B. Cal. Code Regs.: Title 3, Division 3; Title 14, Division 6.

AB 884:

03/29/96

OTHER PERTINENT INFORMATION:

1. The proposed project involves the use and maintenance of three existing dredge locks located along Cargill's bay front and internal levees adjacent to salt evaporation ponds in San Francisco Bay, Mud Slough and Coyote Creek. These locks are used approximately once every four or five years for the ingress and egress of the Cargill Salt dredge when it is necessary to maintain the levees to confine the salt brine in the salt evaporation ponds.
2. On March 14, 1995, the San Francisco Bay Conservation and Development Commission (BCDC) granted permit #4-93 for this project under its certified regulatory program (14 Cal. Code Regs. 15251(h)).
3. Staff has reviewed the document 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 document certified by the BCDC as a Negative Declaration substitute in order to comply with the requirements of CEQA.

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4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Section 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:

United States Fish and Wildlife Service, San Francisco Bay Conservation and Development Commission.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers, State Lands Commission.

EXHIBITS:

- A. Land Description
- B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (BCDC PERMIT #4-93), WAS CERTIFIED FOR THIS PROJECT BY THE BCDC UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS. 15251 (h), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS. 15253 (B) HAVE BEEN MET.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTION 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO CARGILL, INC. OF A 20-YEAR GENERAL LEASE - PROTECTIVE STRUCTURE USE BEGINNING NOVEMBER 1, 1995; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$350, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH

CALENDAR ITEM NO. C21 (CONT'D)

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 THE USE AND MAINTENANCE OF THREE EXISTING DREDGE LOCKS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

DREDGE LOCK A-2 SOUTH

W 25182

That portion of Tide Land Survey No. 106 which was quitclaimed by IDEAL BASIC INDUSTRIES, INC. to the STATE OF CALIFORNIA, in EXHIBIT E of the Settlement Agreement recorded November 15, 1985, Series No. 85245711, Alameda County Records described as follows:

Beginning at a point that bears North 67°24'31" West 10,543.57 feet from United States Coast & Geodetic (now National Geodetic Survey) Monument "RED HILL 1851"; thence South 40°24'00" West 61.72 feet and South 13°53'39" East 112.71 feet to the northwesterly line of Exception Parcel 4 to said portion of Tideland Survey No. 106 quitclaimed to the State of California; thence along said northwesterly line, North 34°49'59" East 192.27 feet to the westerly line of that portion of Tide Land Survey No. 106 conveyed by MORGAN OYSTER COMPANY to CALIFORNIA SALT COMPANY in that certain Agreement recorded February 2, 1918 in Book 2637 of Deeds, page 141; thence along said line, North 25°05'47" West 30.0 feet to a line that bears North 71°14'41" East from the point of beginning; thence along said line, South 71°14'41" West 88.88 feet to the point of beginning.

Containing 0.269 acres, more or less.

The California Coordinate System Zone 3 was utilized as the basis of bearings for this description. All distances are grid distances. To obtain ground distances, multiply the grid distance by 1.0000650.

dated January 22, 1995 by: Raymond B. Thinggaard
RAYMOND B. THINGGAARD, SLS 3820
expires 6-30-1996

Reviewed 7-31-1995 by SFBCC Team.

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DREDGE LOCK A-19

All that portion of Parcels N and S as described in the deed from LESLIE SALT CO. to the STATE OF CALIFORNIA, recorded February 1, 1968 on Reel 2119, Image 305, Alameda County Records described as follows:

Commencing at a concrete monument known as Leslie Salt Monument No. 91 from which United States Coast & Geodetic Monument "MALLARD" bears North 03°14'55" East 6271.5 feet; thence North 51°42'50" East 2914.8 feet to the Point of Beginning; thence along the following courses:

North 35°32'16" West 51.61 feet, North 25°56'32" West 41.14 feet, North 11°35'32" West 39.81 feet, North 22°31'14" West 44.38 feet, North 08°07'48" East 35.36 feet North 67°27'25" East 57.38 feet, and South 89°05'09" East 31.64 feet to the northeast corner of the aforementioned Parcel S conveyed by LESLIE SALT CO. to the STATE OF CALIFORNIA; thence along the easterly line of said Parcel S, South 29°32'20" West 34.50 feet, South 14°12'57" East 154.70 feet and South 0°21'21" East 42.0 feet; thence North 80°17'19 West 38.43 feet to the point of beginning.

Containing 0.366 acres, more or less.

The California Coordinate System Zone 3 was utilized as the basis of bearings for this description. All distances are grid distances. To obtain ground distances, multiply the grid distance by 1.0000586.

dated January 22, 1995

by: Raymond B. Thinggaard
 RAYMOND B. THINGGAARD, ~~2875~~ 3820
 expires 6-30-1996

Reviewed 7-31-1995 by SFBCC Team.

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DREDGE LOCK A-20 at RAILROAD

All that portion of Parcel M as described in the deed from LESLIE SALT CO. to the STATE OF CALIFORNIA, recorded February 1, 1968 on Reel 2119, Image 305, Alameda County Records described as follows:

Commencing at a concrete monument known as Leslie Salt Monument No. 91 from which United States Coast & Geodetic Monument "MALLARD" bears North $03^{\circ}14'55''$ East 6271.5 feet; thence South $32^{\circ}33'26''$ East 208.1 feet to the northerly line of said Parcel M; thence along said northerly line, North $84^{\circ}31'21''$ East 146.7 feet and North $76^{\circ}09'51''$ East 166.52 feet to the Point of Beginning; thence continuing along said northerly line, North $76^{\circ}09'51''$ East 243.25 feet; thence South $25^{\circ}49'18''$ East 20.69 feet, South $61^{\circ}26'37''$ West 104.71 feet, WEST 143.00 feet and North $44^{\circ}18'33''$ West 14.61 feet to the point of beginning.

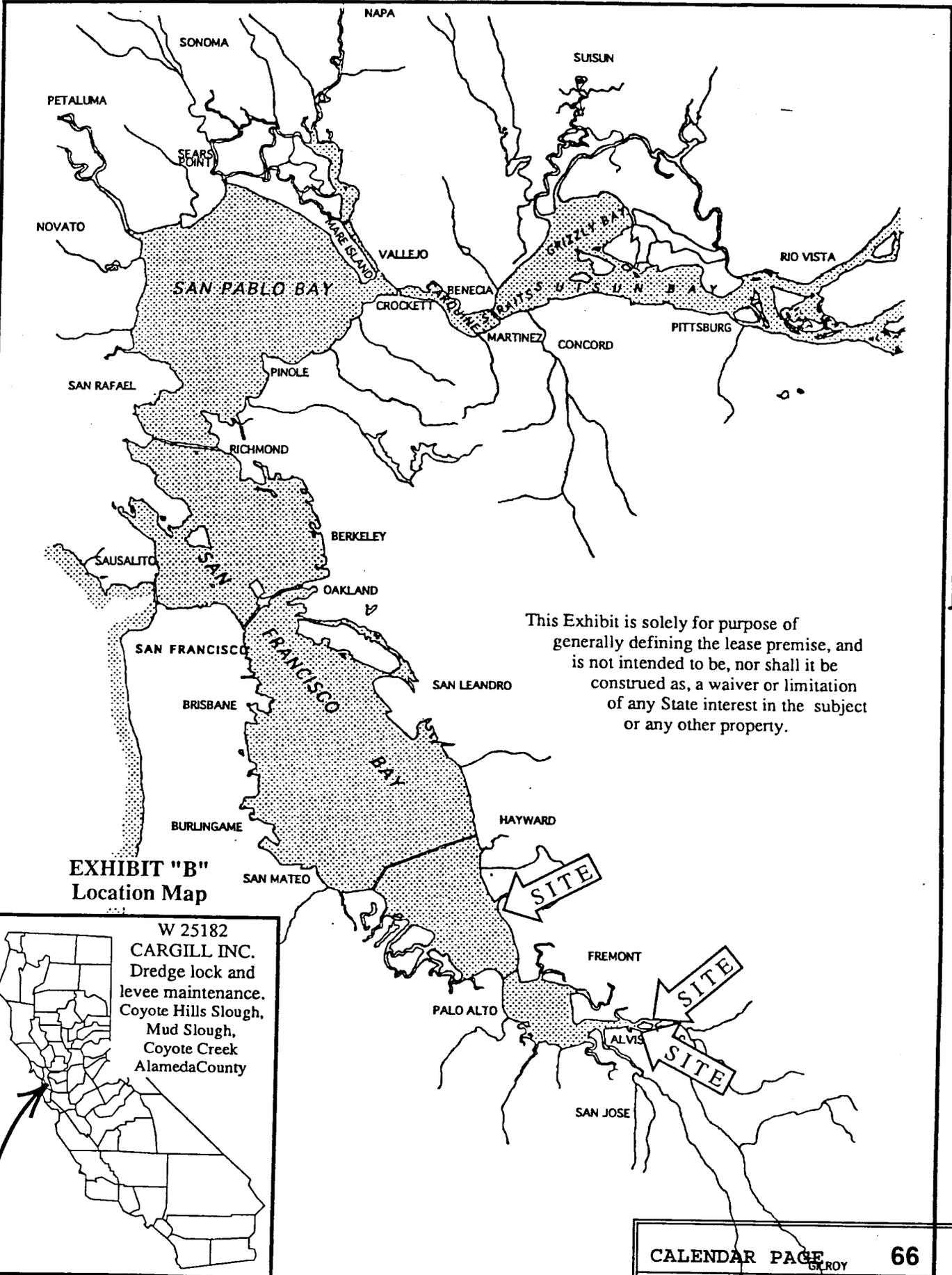
Containing 0.173 acres, more or less.

The California Coordinate System Zone 3 was utilized as the basis of bearings for this description. All distances are grid distances. To obtain ground distances, multiply the grid distance by 1.0000586.

dated January 22, 1995 by: Raymond B. Thinggaard
 RAYMOND B. THINGGAARD, ~~288~~ 3820
 expires 6-30-1996

Reviewed 7-31-1995 by SFBC Team.

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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.

EXHIBIT "B"
Location Map

W 25182
CARGILL INC.
Dredge lock and
levee maintenance.
Coyote Hills Slough,
Mud Slough,
Coyote Creek
Alameda County