MINUTE ITEM
This Calendar Item No. C61 was approved as Minute Item No. 61 by the California State Lands Commission by a vote of 3 to 0 at its 5/12/97 meeting.

CALENDAR ITEM
C61

A 11

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05/12/97
WP 5026.1
PRC 7066.1
W 25378
N. Smith

AMEND GENERAL LEASE - INDUSTRIAL USE NO. WP 5026.1
TERMINATE GENERAL LEASE - INDUSTRIAL USE NO. PRC 7066.1
ISSUANCE OF LETTER AGREEMENT W 25378

LESSEE:

California and Hawaiian Sugar Company, Inc.
Attn: Ms. Sandra H. Stevens
830 Loring Avenue
Crockett, California 94525-1199

APPLICANT:

Carquinez Regional Environmental Education Center
Attn: Mr. David J. Hicks
P.O. Box 65
Crockett, California 94525

BACKGROUND INFORMATION:

California & Hawaiian Sugar Company, Inc. (C&H) operates a sugar refinery in the city of Crockett in Contra Costa County. Portions of the refinery operation occupy filled and unfilled State owned sovereign lands in the Carquinez Strait, as authorized by Commission Lease Nos. PRC 5026.1 and PRC 7066.1. These leases authorize the use of the State owned lands for a wastewater treatment facility and related structures, liquid sugar tanks, a truck washing station, storage of trailers used for transporting dry sugar shipments, a water pipeline, and two power conduits.

Commission staff and C&H propose to consolidate these two leases by amending Lease No. PRC 5026.1 to include the land previously leased to C&H under Lease No. PRC 7066.1, and to correct errors in the land description of the leased premises.

In addition, C&H proposes to delete a portion of the current leased premises which they do not need for their operations, so that the these lands may be used by the Carquinez Regional Environmental Education Center (CREEC) for storage and maintenance of containerized native trees and plants in conjunction with environmental restoration and enhancement projects along the Strait.

PROPOSED AMENDMENT OF LEASE NO. PRC 5026.1:

1. The land description will be amended to include lands previously leased under Lease No. PRC 7066.1, to correct errors in the previous land description, and to delete lands to be used by CREEC in conjunction with its environmental restoration and enhancement projects along the Carquinez Strait. The amended land description is attached hereto and by reference incorporated herein as Exhibit A.

2. The consideration will be $78,369 per year, with the State reserving the right to fix a different rental periodically during the term of the lease, as provided in the lease. (The current annual rent for Lease Nos. PRC 5026.1 and PRC 7066.1 is $44,910 per year.)

3. Lessee will provide liability insurance for combined single limit coverage of $5,000,000.

4. All other terms and conditions of Lease No. PRC 5026.1 shall remain in effect without amendment.

PROPOSED TERMINATION OF LEASE NO. PRC 7066.1:

Upon consolidation of Lease No. PRC 7066.1 into Lease No. PRC 5026.1, Lease No. PRC 7066.1 will be terminated.

PROPOSED LETTER AGREEMENT:

After deletion of the lands described in Exhibit C attached hereto and by reference incorporated herein from Lease No. PRC 5026.1, a Letter Agreement will be issued to the Carquinez Regional Environmental Education Center; authorizing the use of the lands in conjunction with environmental restoration and enhancement projects along the Carquinez Strait.

The Letter Agreement will have a term of ten years beginning April 1, 1997, and will require liability insurance with coverage of no less than $500,000.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA, as follows:

As to the consolidation of Lease Nos. PRC 5026.1 and PRC 7066.1, and the deleting specified land from Lease No. PRC 5026.1, the activity is exempt because it not a "project" as defined by the CEQA and the State CEQA Guidelines.
Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

As to the correction of the land description for Lease No. PRC 5026.1, the activity is exempt because it involves an "ongoing project" as defined by CEQA and the State CEQA Guidelines.
Authority: Public Resources Code section 21169 and Title 14, California Code of Regulations, section 15261.

As to the Letter Agreement, the activity is exempt under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information to it, that there is no possibility that this project may have a significant effect on the environment.
Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

EXHIBITS:

A. Land Description - WP 5026
B. Location Map
C. Land Description - W 25378

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE:

1. THE CONSIDERATION OF LEASE NOS. PRC 5026.1 AND PRC 7066.1 AND THE DELETION OF SPECIFIED LANDS FROM LEASE NO. PRC 5026.1 ARE NOT A PROJECT AS DEFINED BY

PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378;

2. THE CORRECTION OF THE LAND DESCRIPTION FOR LEASE NO. PRC 5026.1 IS AN ONGOING PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21169 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15261; AND

3. THERE IS NO POSSIBILITY THAT THE ISSUANCE OF THE LETTER AGREEMENT TO CARQUINEZ REGIONAL ENVIRONMENTAL EDUCATION CENTER MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 1506(b)(3).

AUTHORIZATIONS:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 5026.1, A GENERAL LEASE-INDUSTRIAL USE, TO AMEND THE LAND DESCRIPTION AS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART THEREOF, AND TO SET THE CONSIDERATION AT $78,369 PER YEAR; EFFECTIVE APRIL 1, 1997; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $5,000,000; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

AUTHORIZE TERMINATION OF LEASE NO. PRC 7066.1, A GENERAL LEASE - INDUSTRIAL USE, EFFECTIVE MARCH 31, 1997.

AUTHORIZE ISSUANCE TO CARQUINEZ REGIONALENVIRONMENTAL EDUCATION CENTER OF A LETTER AGREEMENT, EFFECTIVE APRIL 1, 1997, FOR A TERM OF TEN YEARS FOR THE STORAGE AND MAINTENANCE OF CONTAINERIZED NATIVE TREES AND PLANTS ON THE LAND DESCRIBED ON EXHIBIT C ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $500,000.

EXHIBIT A

WP5026

LAND DESCRIPTION

PARCEL I

A parcel of tide and submerged land in the Carquinez Straits, Contra Costa County, California, described as follows:

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps Engineers as their Harbor line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence S 30° 20' 05" W, 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O. R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W, MDM; thence N 79° 51' W, 986.54 feet; to the **TRUE POINT OF BEGINNING**, being a point on the northeasterly line of parcel three described in deed from A. Dowrelio and I. Dowrelio as tenants in common, recorded in Book 2651, page 395 of Official Records, in the office of the Contra Costa County Recorder; thence N 42° 25' 24" E, 246.0 feet; thence S 82° 35' 07" E, 268.0 feet; thence N 07° 24' 53" E, 98.42 feet to a point on a line that is parallel with and distant southerly 51.23 feet measured at right angles from the centerline of the existing east bound main track of the Southern Pacific Railway; thence along said line S 81° 06' 16" E, 378.07 feet to the intersection with the westerly line of the 3.229 acre parcel described in agreement made June 15, 1944, between the Southern Pacific Railroad Company and Southern Pacific Company, parties of the first part, and State of California, party of the second part, recorded in Book 663, page 428 of Official Records, in the office of the Contra Costa County Recorder also being the westerly line of that 5.09 acre parcel described in the indenture by and between Southern Pacific Company and State of California recorded in Book 3052, page 412 of Official Records, in the office of the Recorder of Contra Costa County; thence along said parallel line S 81° 06' 16" E, 383.59 feet to the easterly line of said 5.09 acre parcel; thence along said parallel line S 81° 06' 16" E, 421.90 feet; thence S 85° 48' 25" E, 71.84 feet; thence along the arc of a curve to the left having a radius of 1324.55 feet, the center of which bears N 04° 11' 35" E, through a central angle of 13° 32' 41", an arc distance of 313.12 feet; thence N 80° 38' 54" E, 191.64 feet to most westerly corner of that certain 0.59 acre parcel of land described in the deed, dated April 9, 1886, from Mary Edwards, et al., to the Northern Railway Company, recorded April

13, 1886, in Volume 49 of Deeds, page 350, Records of Contra Costa County, said corner is marked by an iron pipe monument with brass center stamped "C&H 22", from which corner a brass cap in concrete referred to in the indenture recorded in 3052 O. R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W, MDM, bears S 77° 14' 00" W, 1246.23 feet, and the original located line of the Northern Railway at Engineer Station 2817+07 bears N 24° 39' 32" W, 56.43 feet; thence from said point S 65° 20' 45" W, 374.0 feet along the northwesterly line of Block "C", Town of Crolona and along the southwesterly prolongation thereof as shown on the "Map of the Town of Crolona" filed October 7, 1907, in Book 1 of Maps, Page 12 in the office of County Recorder of Contra Costa County to the ordinary high water mark of Carquinez Straits; thence along said ordinary high water mark as follows:

N 74° 30' W, 28.0 feet;
S 89° 00' W, 56.0 feet;
N 80° 30' W, 35.0 feet;
N 71° 00' W, 98.0 feet;
N 89° 30' W, 47.0 feet;
S 67° 00' W, 50.0 feet;
S 42° 37' 30" W, 34.27 feet;
S 50° 00' W, 67.0 feet;
S 44° 00' W, 50.0 feet;
S 58° 00' W, 110.0 feet;
S 48° 00' W, 63.0 feet;

S 36° 23' 22" W, 131.14 feet to the northeasterly line of said "Map of the Town of Crolona" thence along said northeasterly line along the arc of a curve to the right, having a radius of 1212.93 feet, the center of which bears N 16°06'28" W, through a central angle of 1°10' 51", an arc distance of 25.00 feet; thence N 0°19'18" E, 10.37 feet to the arc of a curve to the right, having a radius of 1202.93 feet, the center of which bears N 15°03'25" W, through an central angle of 4°23'23", an arc distance of 92.16 feet to a point in the northerly line of Block "J"as said block is shown on the map of the Town of Valona, filed July 12, 1887 , in Book C of Maps, page 55 in the office of the Recorder of Contra Costa County, said point of beginning also being the southeasterly corner of the above mentioned 5.09 acre parcel; thence in a general westerly direction along the southerly line of said 5.09 acre parcel along the arc of a curve to the right, having a radius of 1202.93 feet, the center of which bears N 10° 40' 12" W, through an angle of 33° 52', an arc distance of 711.03 feet to the ordinary low water mark of Carquinez Straits; thence leaving said line along the ordinary low water mark N 50° 51' 22" W, 44.01 feet to the intersection with the westerly line of said 5.09 acre parcel; thence along said ordinary low water mark

N 49° 00' W, 36.0 feet;
N 57° 30' W, 100.00 feet;
N 64° 00' W, 108.0 feet;
N 60° 37' 49" W, 65.83 feet to a point on the aforesaid northeasterly line of parcel three described in Book 2651 O. R. Page 395; thence leaving said ordinary low water mark along said line of parcel three, westerly on the arc of a non-tangent curve to the right, having a radius of 1202.93 feet, the center of which bears N 40° 02' 31" E, through an angle of 02° 22' 53", an arc distance of 50.00 feet; thence N 47° 34' 36" W, 92.43 feet more or less to the true point of beginning.

PARCEL II

A parcel of tide and submerged land in the Carquinez Straits, Contra Costa County, California, described as follows:

COMMENCING at a monument set and marked by the California and Hawaiian Sugar refining Corporation as Number 258, but since adopted by the United States Army Engineers as their Harbor Line Monument Number 33, and so marked by them on a brass plate set on the concrete filling of a six inch pipe, and shown on that certain map entitled "Harbor Line for Carquinez Strait, California", dated June 10, 1924, and marked File 4, Div. 4, Sheet 6, which said Harbor Line Monument is located 435.28 feet North and 254.71 feet East of the corner common to Sections 31 and 32, T3N, R3W, and Sections 5 and 6, T2N, R3W, MDM, said corner common to said Sections 31, 32, 5 and 6 being marked by a point in a bronze plate set in the top of a concrete pyramid approximately 10 feet high resting on piles driven into the earth; running thence N 83° 15' 30" W, 150.42 feet to the **TRUE POINT OF BEGINNING**; thence from said point of beginning N 2° 24' E, along the west line of that certain Tideland Lease from the State of California to George M. Rolph, dated April 15, 1930, 99.59 feet; thence N 83° 15' 30" W, 109.77 feet to a point on the west line of the right of way of the Southern Pacific Railroad, said line also being the line common to Sections 31 and 32, T3N, R3W, MDM; thence South 100 feet to a point on the north right of way line of the Southern Pacific Railroad; thence S 83° 15' 30" E, 105.54 feet along said north right of way line to the point of beginning.

EXCEPTING THEREFROM that portion of the above described Parcel I situated within the following described parcel, said parcel being a loading dock, building and fenced yard more particularly described as follows:

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps Engineers as their Harbor line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence S 30° 20' 05" W, 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O. R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W, MDM; thence N 86° W, 667 feet more or less to the **TRUE POINT OF BEGINNING**, said point being the northeasterly corner of said parcel and the northeasterly corner of an existing loading dock and building; thence along said loading dock, building and fence N 56° W, 380 feet to an angle point in said fence; thence continuing along said fence N 65° W, 40 feet to the most northerly corner of said fence; thence continuing along said fence S 25° W, 35.5 feet to the most westerly corner of said fence; thence continuing along said fence S 53° E, 414.5 feet the most southerly corner of said fence; thence along said fence and the southerly line of said building and loading dock, N 34° E, 63 feet more or less to the true point of beginning.

PARCEL III

A strip of land 20 feet in width in Carquinez Strait and lying 10 feet on each side of the following described center line, said center line being located approximately 670 feet northerly of the southwest corner of Section 32, T3N, R3W, MDM, Contra Costa County, California:

COMMENCING at a concrete monument set and marked by California and Hawaiian Sugar Company as No. 258 and since adopted and so marked by the United States Corps of Engineer as their Harbor Line Monument No. 33 and shown on those certain maps dated June 10, 1924, and August 31, 1965, respectively; thence N 37° 50' 21" W, 438.72 feet to the TRUE POINT OF BEGINNING of this description; thence N 47° 34' 54" W, 5.82 feet; thence N 02° 34' 54" W, 335.74 feet to the terminus of the herein described center line.

END OF DESCRIPTION

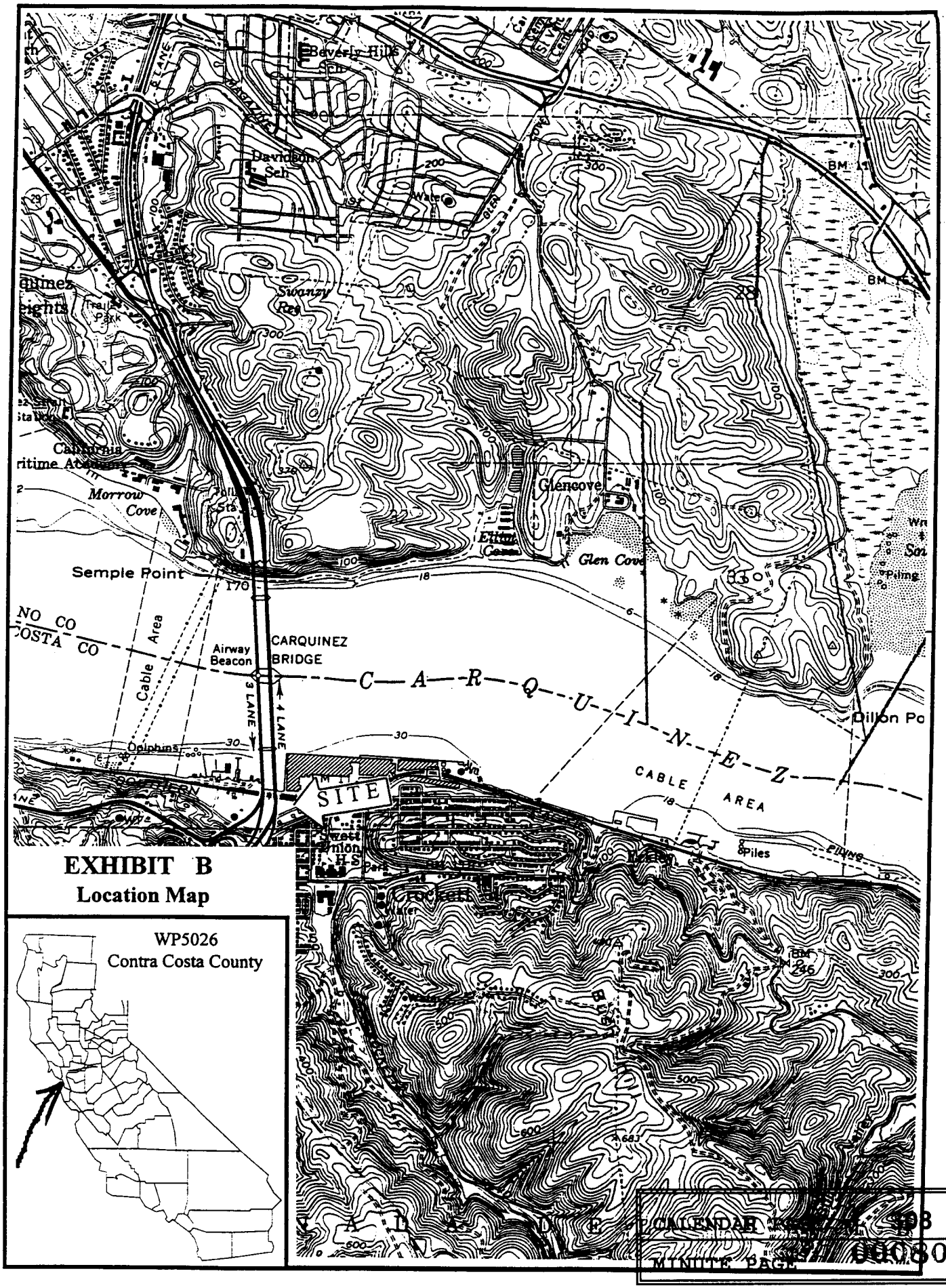

EXHIBIT B

Location Map

CALENDAR ITEM NO. 98

MINUTE PAGE 000802

Exhibit C

W25378

LAND DESCRIPTION

A parcel of tide and submerged land in the Carquinez Straits, Contra Costa County, California, said parcel being a loading dock, building and fenced yard more particularly described as follows:

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps Engineers as their Harbor line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence S 30° 20' 05" W, 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O. R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W, MDM; thence N 86° W, 667 feet more or less to the **TRUE POINT OF BEGINNING**, said point being the northeasterly corner of said parcel and the northeasterly corner of an existing loading dock and building; thence along said loading dock, building and fence N 56° W, 380 feet to an angle point in said fence; thence continuing along said fence N 65° W, 40 feet to the most northerly corner of said fence; thence continuing along said fence S 25° W, 35.5 feet to the most westerly corner of said fence; thence continuing along said fence S 53° E, 414.5 feet the most southerly corner of said fence; thence along said fence and the southerly line of said building and loading dock, N 34° E, 63 feet more or less to the true point of beginning.

END OF DESCRIPTION

REVISED APRIL, 1997 BY SFBCC STAFF