MINUTE ITEM
This Calendar Item No. C08 was approved as Minute Item No. 08 by the California State Lands Commission by a vote of 3 to 0 at its 11/07/97 meeting.

CALENDAR ITEM
C08

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11/07/97
PRC2549 WP 2549.1
L. Burks

NOTICE OF DEFAULT
GENERAL LEASE - COMMERCIAL USE

LESSEE:

Jeffrey R. Wagner
dba Anchor Marina
P.O. Box 515
Bethel Island, California 94511

AREA, LAND TYPE, AND LOCATION:

1.66 acres, more or less, of tide and submerged lands in Taylor Slough, at Bethel Island, Contra Costa County.

AUTHORIZED USE:

An approximate 68-berth marina and fuel dock.

LEASE TERM:

Thirty years, beginning February 1, 1992.

CONSIDERATION:

$3,500 minimum annual rent; five percent of gross income from berthing, one and one-half cents per gallon of fuel sold to a maximum of 100,000 gallons and two cents per gallon thereafter; and ten percent of the gross income from all other sources in the lease area, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than $1,000,000.

Bond:

$10,000.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.

2. The Lessee is in default of the lease covenants for his failure to pay his annual rental since 1993, submittal of annual percentage of gross receipts reports and annual income statements for the years 1993-1997, and submittal of the required surety bond and Certificate of Liability Insurance evidencing an effective insurance policy. The Lessee has been notified of these defaults and has failed to cure them. Failure to cure the defaults in accordance with the terms of the lease is cause for termination of the lease at the discretion of the Commission.

3. 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 because the activity is 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.

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

EXHIBITS:

A. Location Map

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 THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. FIND THAT LEASE NO. PRC 2549.1 IS IN DEFAULT.

2. AUTHORIZE COMMISSION STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY REGARDING SUCH DEFAULT.

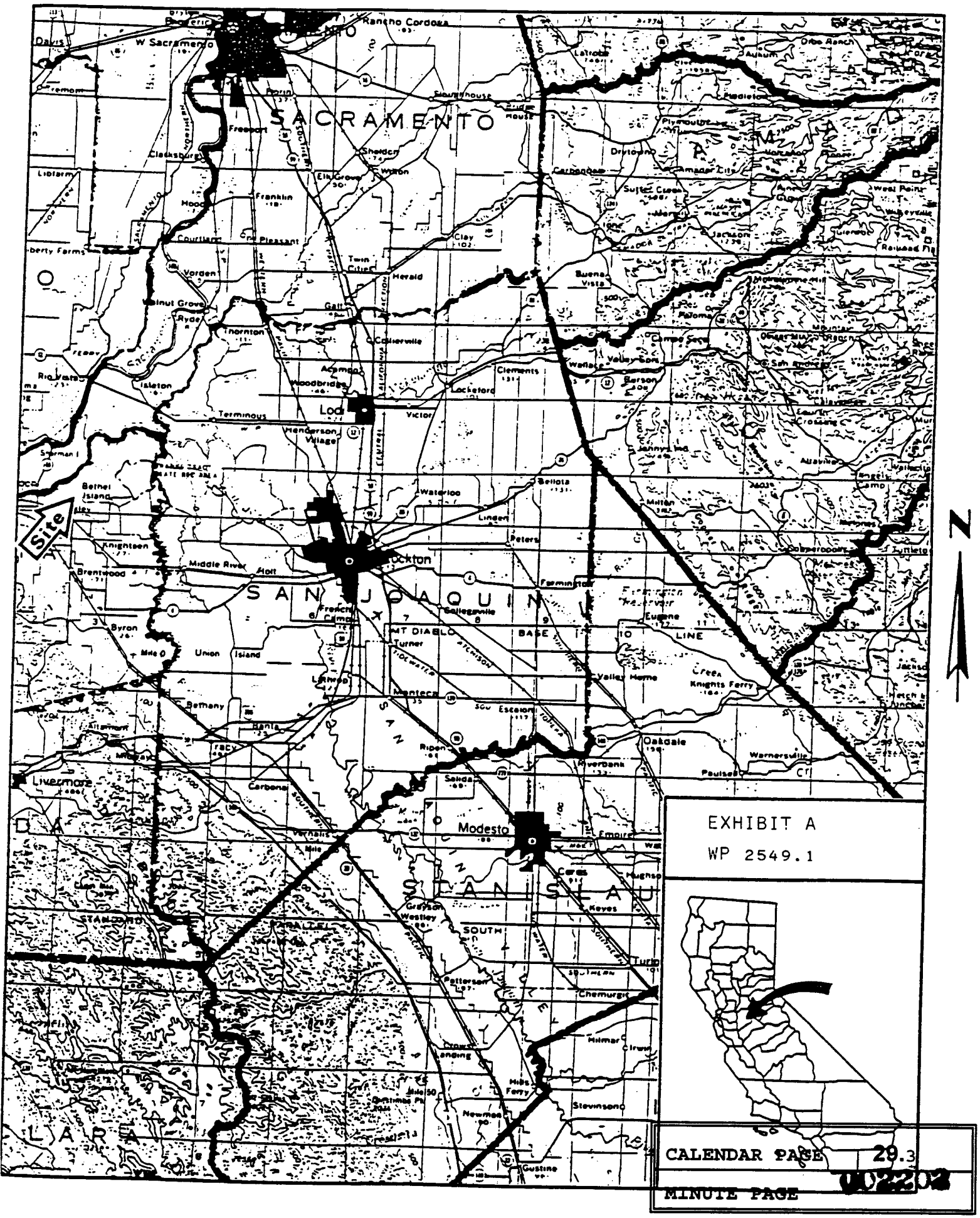

EXHIBIT A
WP 2549.1

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