MINUTE ITEM
This Calendar Item No. C19 was approved as Minute Item No. 19 by the California State Lands Commission by a vote of 3 to 0 at its 1-29-99 meeting.

CALENDAR ITEM
C19

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01/29/99
PRC 7952.1
J. Lam

ACCEPTANCE OF A QUITCLAIM DEED AND TERMINATION OF GENERAL LEASE - RIGHT OF WAY USE

LESSEES:

C. Stuart Welch and Joyce Welch
P.O. Box 613
La Conner, Washington 98257

AREA, LAND TYPE, AND LOCATION:

0.25 acres, more or less, of sovereign lands in Tomales Bay, near the town of Marshall, Marin County.

AUTHORIZED USE:

Use and maintenance of a two-inch diameter PVC water intake line and marker buoy.

LEASE TERM:

20 years, beginning April 1, 1997.

CONSIDERATION:

$150 per year, 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: Combined single limit coverage of no less than $300,000.

Bond:

$2,000 surety bond.

OTHER PERTINENT INFORMATION:

1. On May 12, 1997, the California State Lands Commission authorized a General Lease - Right of Way Use PRC 7952.1, effective April 1, 1997, for a term of 20 years to C. Stuart and Joyce Welch for the use and maintenance of a two-inch diameter PVC water intake line and marker

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buoy in Tomales Bay. The authorized improvements were utilized to supply bay water for an upland wet storage system used in the marketing of locally grown shellfish. On August 18, 1998, staff was notified by the Lessees that they had ceased operation of the wet storage system and requested their lease with the Commission be terminated. Staff has received written confirmation from the upland owner that the authorized improvements have been removed from the lease premises.

2. 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.

EXHIBITS:

A. Land Description
B. 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:

AUTHORIZE THE ACCEPTANCE OF A QUITCLAIM DEED FROM C. STUART WELCH AND JOYCE WELCH, AND TERMINATION OF GENERAL LEASE - RIGHT OF WAY USE, PRC 7952.1, APPROVED BY THE CALIFORNIA STATE LANDS COMMISSION ON MAY 12, 1997, EFFECTIVE APRIL 1, 1997, FOR A TERM OF 20 YEARS, FOR THE USE AND MAINTENANCE OF A TWO-INCH DIAMETER PVC WATER INTAKE LINE AND MARKER BUOY ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 25301

LAND DESCRIPTION

Two parcels of tide and submerged lands lying in the bed of Tomales Bay, Marin County, California, said parcels lying immediately beneath and adjacent to a two inch intake pipe and marker buoy, said parcels are situated adjacent to and westerly of that parcel of land described in that Grant Deed recorded August 5, 1954, in Book 880, Page 500, Official Records of Marin County, said parcels more particuarly described as follows:

Parcel 1 : Intake Pipe

A strip of land ten feet in width lying five feet on each side of the following described two inch PVC pipe, beginning at a pump house situated on the land described in the above mentioned grant deed, thence in a westerly direction 880 feet more or less to the end of said pipe and the end of strip.

Parcel 2 : Marker Buoy

A circular parcel of land having a diameter of fifty feet, the radius point of said parcel lying 880 feet more or less westerly of the above described pump house and at the westerly end of above described PVC pipe.

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

ALSO EXCEPTING THEREFROM those interests-in-land that might have passed by virtue of the patent issued to James W. Cochrane on February 19, 1947 for the land described in Tideland Location No. 241, Marin County, California.

END OF DESCRIPTION

Prepared December 3, 1996 by SFBCC.

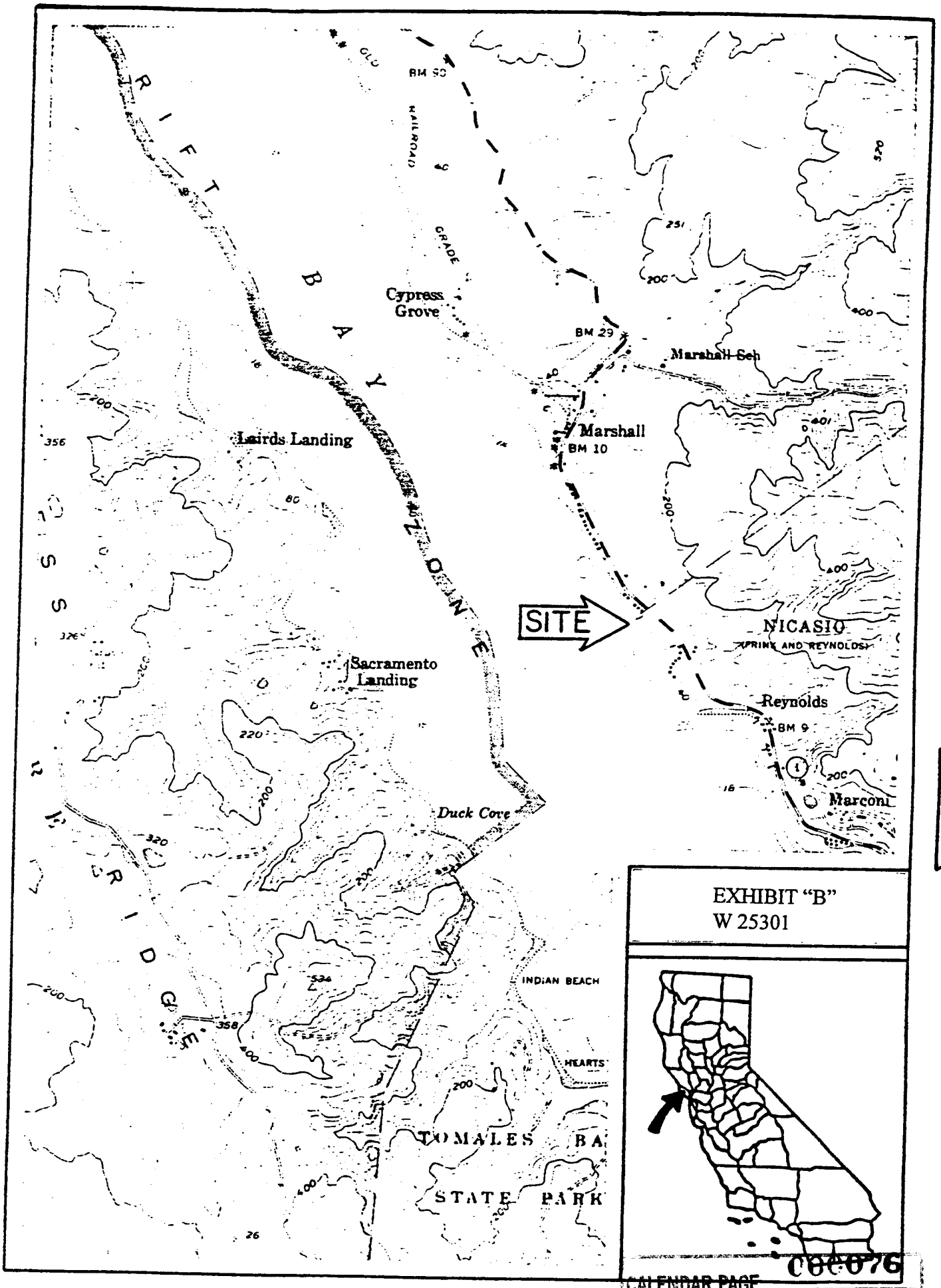

EXHIBIT "B"
W 25301

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