

MINUTE ITEM

This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 3 to 0 at its 1-30-02 meeting.

CALENDAR ITEM

C25

A 25
S 12

01/30/02
PRC 5514 WP 5514.1
J. Smith

**ASSIGNMENT OF LEASE
TERMINATION OF GENERAL LEASE - RIGHT OF WAY USE
ISSUANCE OF A NEW GENERAL LEASE - PUBLIC AGENCY USE**

LESSEE/ASSIGNOR:

RMC Pacific Materials
P.O. Box 5252
Pleasanton, California 94566

ASSIGNEE:

San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, California 93727

AREA, LAND TYPE, AND LOCATION:

0.918 acres, more or less, of sovereign lands in the San Joaquin River, near Friant, Fresno and Madera counties.

AUTHORIZED USE:

Maintenance of an existing road-right of way, bridge crossing, approach embankments and associated riprap bank protection.

EXISTING LEASE TERMS:

Lease Term: 25 years, beginning July 1, 1977; with two successive ten-year renewal options.

Consideration: \$1,000 per year or the number of tons of bulk commodities (sand and gravel) passing over State land multiplied by \$0.002278; whichever is greater.

Surety Bond: \$2,000.

CALENDAR PAGE	000217
MINUTE PAGE	000235

CALENDAR ITEM NO. C25 (CONT'D)

Liability Insurance: Combined single limit coverage of \$500,000.

PROPOSED LEASE TERMS:

Lessee: San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, California 93727

Lease Term: 25 years, beginning February 1, 2002.

Consideration: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. The San Joaquin River Conservancy (Conservancy) is in the process of acquiring the uplands adjoining the lease premises north of the San Joaquin River Channel (Ledger Island).
2. RMC Pacific Materials, as successor in interest to Lone Star Industries, owns the mineral rights to Ledger Island. Lease No. PRC 5514 was originally issued to Lone Star Industries, Inc., for the construction of the Ledger Island Bridge to transport sand and gravel from Lone Star's extraction site on Ledger Island to its processing plant in Fresno County. Lone Star ceased its sand and gravel activities at this location in the late 1980s. RMC Pacific Materials has continued to maintain the bridge to monitor its reclamation activities. The bridge also provides access for patrol and emergency vehicles.

The Conservancy, through the Wildlife Conservation Board, is in the process of acquiring 161.17 acres at Ledger Island. As part of that acquisition, RMC Pacific Materials will quitclaim all of its right, title and interest in the bridge to the Conservancy. The bridge is an integral part of providing public access to and from Ledger Island as part of the overall San Joaquin River Parkway. An application has been submitted to assign the lease from RMC Pacific Materials to the Conservancy; to subsequently terminate the existing lease; and issue a new rent-free 25-year public agency lease to the Conservancy for continued use and maintenance of the bridge crossing, approach embankments and associated riprap bank protection.

CALENDAR ITEM NO. C25 (CONT'D)

Assignment

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it 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, sections 15060(c)(3) and 15378.

New Lease

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 a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

EXHIBITS:

- A. Land Description
- B. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

ASSIGNMENT

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

CALENDAR ITEM NO. C25 (CONT'D)

NEW LEASE

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2 CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

AUTHORIZATION:

AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 5514.1, A GENERAL LEASE - RIGHT OF WAY USE, FROM RMC PACIFIC MATERIALS TO THE SAN JOAQUIN RIVER CONSERVANCY; AUTHORIZE TERMINATION OF EXISTING LEASE NO. PRC 5514.1; AND ISSUANCE OF A NEW GENERAL LEASE - PUBLIC AGENCY USE, TO THE SAN JOAQUIN RIVER CONSERVANCY, BEGINNING FEBRUARY 1, 2002, FOR A TERM OF 25 YEARS, FOR MAINTENANCE OF AN EXISTING ROAD RIGHT OF WAY, BRIDGE CROSSING, APPROACH EMBANKMENTS, AND ASSOCIATED RIPRAP BANK PROTECTION, ON THE LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

CALENDAR PAGE	000220
MINUTE PAGE	000238

EXHIBIT A

A strip of Sovereign submerged land 100.00 feet in width lying in the bed of the San Joaquin River, and lying within the exterior boundaries of Section 25, T 11 S, R 20 E, M. D. M., situated in the County of Fresno and the County of Madera, State of California, the centerline of said strip is described as follows:

BEGINNING at a point in the Low Water Line on the left bank of the San Joaquin River as said line is shown on Sheet 6 of the Administrative Maps of the San Joaquin River, dated April 1992, on file in the Office of the State Lands Commission, Sacramento, California, distant along said Low Water Line S 65°18'33" W, 120.52 feet from point numbered 4219 as shown on said Administrative Maps, said point of beginning having California Coordinate System, Zone 4 (NAD 83) coordinates of N = 2,227,016.610 feet and E = 6,345,577.709 feet ; thence N 27°32'20" E, 68.76 feet; thence N 30°57'09" E, 181.31 feet; thence N 24°56'09" E, 194.40 feet; thence N 17°25'53" E, 92.82 feet; thence N 11°24'43" E, 57.25 feet; thence N 9°24'06" E, 78.80 feet; thence N 10°43'16" E, 144.10 feet to a point in the Low Water Line on the right bank of the San Joaquin River as shown on said Sheet 6, distant along last said line S 74°13'08" E, 24.92 feet from point numbered 7561 of last said line.

The side lines of said strip are to be prolonged or shortened to terminate on the said Low Water Lines.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, Zone 4 (NAD 83).

END OF DESCRIPTION

Prepared August 11, 1999

	000221
CALENDAR PAGE	
MINUTE PAGE	000239

