MINUTE ITEM

This Calendar Item No. C03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 3 to 0 at its 09-09-03 meeting.

CALENDAR ITEM
C03

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09/09/03
PRC 8483 W 25936
N. Quesada

RECREATIONAL PIER LEASE

APPLICANT:
Charles H. Dana, Trustee of the Dana Trust under declaration dated June 3, 1985, and Charles H. Dana, Jr. and Katherine G. Dana Osterloh

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Tomales Bay, Inverness, Marin County.

AUTHORIZED USE:
Construction, use and maintenance of an existing pier and pilings.

LEASE TERM:
Ten years, beginning September 9, 2003.

CONSIDERATION:
No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:
Liability insurance in the amount of no less than $300,000.

OTHER PERTINENT INFORMATION:

1. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

2. The proposed project involves repairing an existing, deteriorated 6 foot by 270 foot long pier and pilings which have never been authorized by the Commission.

3. Based on the Department of the Army, San Francisco District Corps of Engineer's evaluation, the proposed project will not adversely affect the federally listed Central California Coast Steelhead and threatened Coho Salmon as long as all pile driving is completed by October 15.

4. 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

5. 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.

APPROVALS OBTAINED:

California Regional Water Quality Control Board; San Francisco District of the U.S. Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

California Coastal Commission; Gulf of Farallones National Marine Sanctuary

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

September 30, 2003

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, AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

SIGNIFICANT LANDS INVENTORY FINDING:

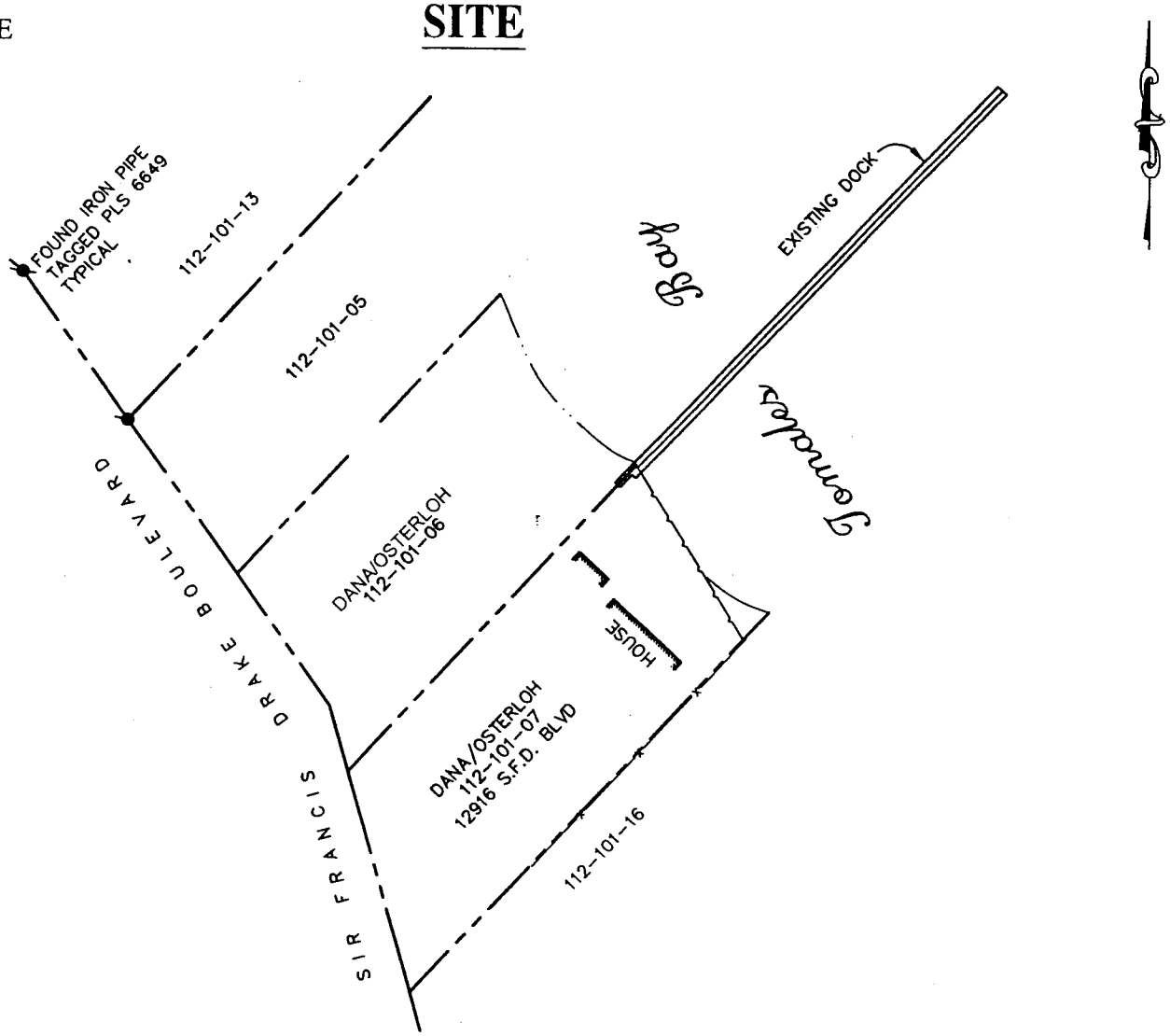
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO CHARLES H. DANA, TRUSTEE OF THE DANA TRUST UNDER DECLARATION DATED JUNE 3, 1985, AND CHARLES H. DANA JR. AND KATHERINE G. DANA OSTERLOH OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING SEPTEMBER 9, 2003, FOR CONSTRUCTION, USE AND MAINTENANCE OF A 6 FOOT BY 270 FOOT PIER AND PILINGS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $300,000.

NO SCALE

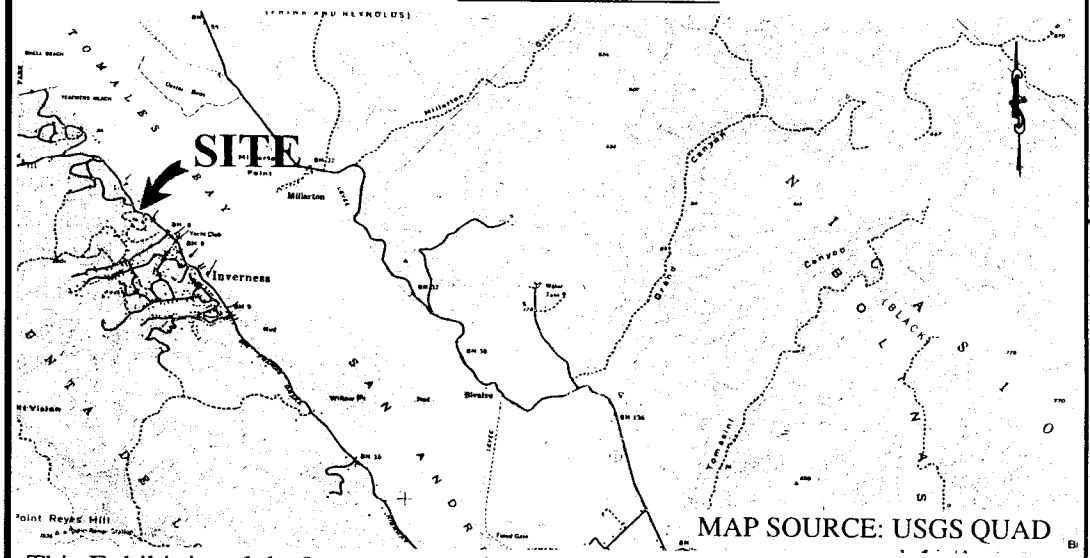
SITE



12916 SIR FRANCIS DRAKE BLVD
APN 112-101-06, 112-101-07

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 25936
CHARLES DANA
RECREATIONAL PIER
LEASE
MARIN COUNTY

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.

JAK 09/03