

MINUTE ITEM

10/79
W 21821
De Lá Cruz

24. GENERAL LEASE - COMMERCIAL USE

Calendar Item 24., attached, was pulled from the agenda prior to the Meeting.

Attachment: Calendar Item 24. (4 Pages)

CALENDAR ITEM

24.

10/79
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De La Cruz

GENERAL LEASE
COMMERCIAL USE

APPLICANT: Andy Rossen, Jr.
P. O. Box 2451
Marysville, California 95901

AREA, TYPE LAND AND LOCATION:
A 116.58 acre parcel of sovereign land
in the former bed of the Yuba River,
Sections 26, 27 and 28, T16N, R5E, MDM,
Yuba County.

LAND USE: Operation and maintenance of a fish hatchery.

TERMS OF PROPOSED LEASE:
Initial period: 20 years from October 1,
1979.

Public liability insurance: Combined single
limit coverage of \$100,000
for bodily injury and
for property damage.

CONSIDERATION: \$225 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease.

BASIS OF CONSIDERATION:
\$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:
1. The applicant is licensed by the Department
of Fish and Game, as a domesticated
fish breeder.

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2. The fish hatchery, which has been in operation since May of 1976, is located within an area of the Yuba River where the boundary between private and State-owned lands has not been established.
3. The proposed lease is in an area where land title is also claimed by Yuba Goldfields, Inc. The Commission has authorized the filing of litigation to determine the extent State interest in the area.
4. The applicant does acknowledge the State's ownership interests within this area and has consented to lease the State's sovereign interests within this area identified as the former bed of the Yuba River.
5. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other type of environmental degradation.
6. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class A, which authorizes Restricted Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

APPROVALS OBTAINED:

California Department of Fish and Game.

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EXHIBITS: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1. OF THE P.R.C.
3. AUTHORIZE ISSUANCE TO ANDY ROSSEN, JR. WITHOUT PREJUDICE TO TITLE CLAIMS; OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE FROM OCTOBER 1, 1979; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR BODILY INJURY AND PROPERTY DAMAGE, WITH A COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR OPERATION AND MAINTENANCE OF A FISH HATCHERY ON THE LAND SHOWN ON EXHIBIT "A" ATTACHED.

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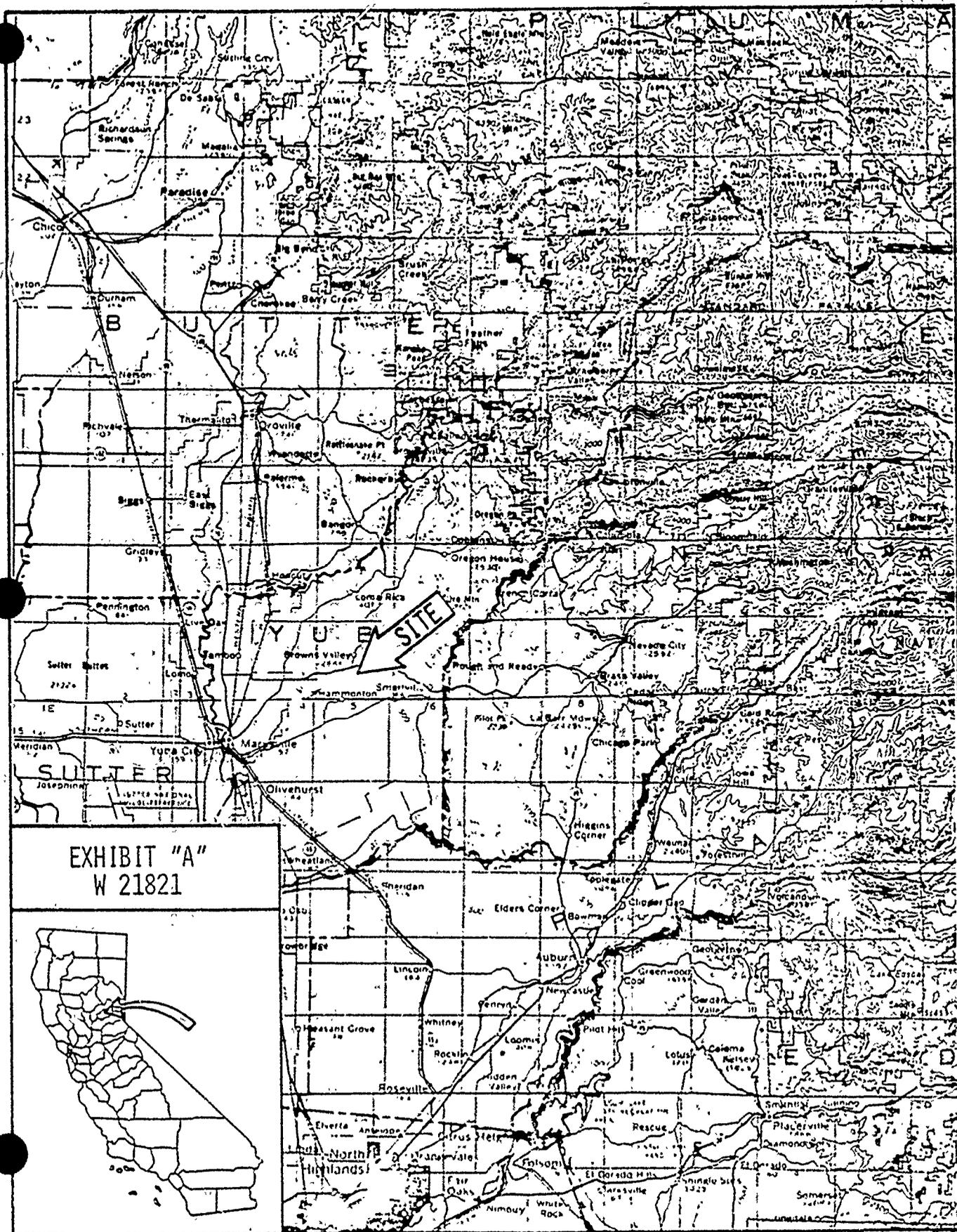


EXHIBIT "A"
W 21821

