

MINUTE ITEM

This Calendar Item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 4
to 0 at its 4/2/87
meeting.

CALENDAR ITEM

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S 7

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04/23/87
W 23893
Lane
PRC 7066

**APPROVAL OF A GENERAL LEASE - RIGHT-OF-WAY USE
AND COLLECTION OF BACK RENT**

APPLICANT: California and Hawaiian
Sugar Company
Attn: Hillery S. Trippe
One California Street
San Francisco, California 94111

AREA, TYPE LAND AND LOCATION:
A 0.245-acre parcel of tide and submerged land,
located in Carquinez Strait at Crockett,
Contra Costa County.

LAND USE: Maintenance of an existing water pipeline and
two power conduits.

TERMS OF PROPOSED LEASE:
Initial period: 30 years beginning May 1,
1987.
Surety bond: \$2,000.
Public liability insurance: Combined single
limit coverage of \$300,000.

CONSIDERATION: \$675 per annum; with the State reserving the
right to fix a different rental on each
fifth anniversary of the lease.

SPECIAL: Collection of back rent at the rate of \$441 per
annum for the period August 20, 1984 through
April 30, 1987.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

CALENDAR ITEM NO. 31 (CONT'D)

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 05/09/87.

OTHER PERTINENT INFORMATION:

1. The proposed lease area was originally leased to the California and Hawaiian Sugar Company as a portion of Parcel "B" of Lease PRC 2546. That lease was subsequently assigned to Crockett Marine Service, effective August 20, 1984 and was simultaneously amended to delete Parcel "B". However, California and Hawaiian Sugar Company continued to occupy 0.245 acres of Parcel "B" for their existing facilities. They have agreed to a settlement for the continued use and obtain a lease for future use of the premises. The negotiated settlement did not include collection of interest or penalty and staff recommends this be waived.
2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

CALENDAR ITEM NO. 21 (CONT'D)

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal Adm Code 15300, and 2 Cal Adm Code 2905.

- EXHIBITS: A. Land Description
 B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM CODE 15061 AS A CATEGORICAL EXEMPT PROJECT CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2)
2. FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.
3. AUTHORIZE ISSUANCE TO CALIFORNIA AND HAWAIIAN SUGAR COMPANY OF A 30-YEAR GENERAL LEASE - RIGHT-OF-WAY USE BEGINNING MAY 1, 1987, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$675, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000, FOR RETENTION OF A WATER PIPELINE AND TWO ELECTRICAL POWER CONDUITS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. APPROVE ACCEPTANCE OF FULL COMPENSATION IN THE AMOUNT OF \$441 ANNUALLY FOR BACK RENT ON STATE-OWNED LANDS DURING THE PERIOD AUGUST 20, 1984 THROUGH APRIL 30, 1987 WITH WAIVER OF INTEREST AND/OR PENALTY ON SUCH COMPENSATION.

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EXHIBIT "A"

LAND DESCRIPTION

W 23893

A parcel of tide and submerged land in the Carquinez Straits, Contra Costa County, California, described as follows:

COMMENCING at a monument set and marked by the California and Hawaiian Sugar Refining Corporation as Number 258, but since adopted by the United States Army Engineers as their Harbor Line Monument Number 33, and so marked by them on a brass plate set on the concrete filling of a six inch pipe, and shown on that certain map entitled "Harbor Line for Carquinez Strait, California", dated June 10, 1924, and marked File 4, Div. 4, Sheet 6, which said Harbor Line Monument is located 435.28 feet North and 254.71 feet East of the corner common to Sections 31 and 32, T3N, R3W, and Sections 5 and 6, T2N, R3W, MDM, said corner common to said Sections 31, 32, 5 and 6 being marked by a point in a bronze plate set in the top of a concrete pyramid approximately 10 feet high resting on piles driven into the earth; running thence North $83^{\circ}15'30''$ West, 150.42 feet to the TRUE POINT OF BEGINNING; thence from said point of beginning North $2^{\circ}24'$ East along the West line of that certain Tidelands Lease from State of California to George M. Rolph, dated April 15, 1930, 99.59 feet; thence North $83^{\circ}15'30''$ West 109.77 feet to a point on the West line of the Right of Way of the Southern Pacific Railroad, said line also being the line common to Sections 31 and 32, T3N, R3W, MDM; thence South 100 feet to a point on the North Right-of-Way line of the Southern Pacific Railroad; thence South $83^{\circ}15'30''$ East, 105.54 feet along said North Right-of-Way line to the point of beginning.

END OF DESCRIPTION

REVIEWED MARCH 3, 1987 BY BOUNDARY SERVICES UNIT, M. L. CHAFER, SUPERVISOR.

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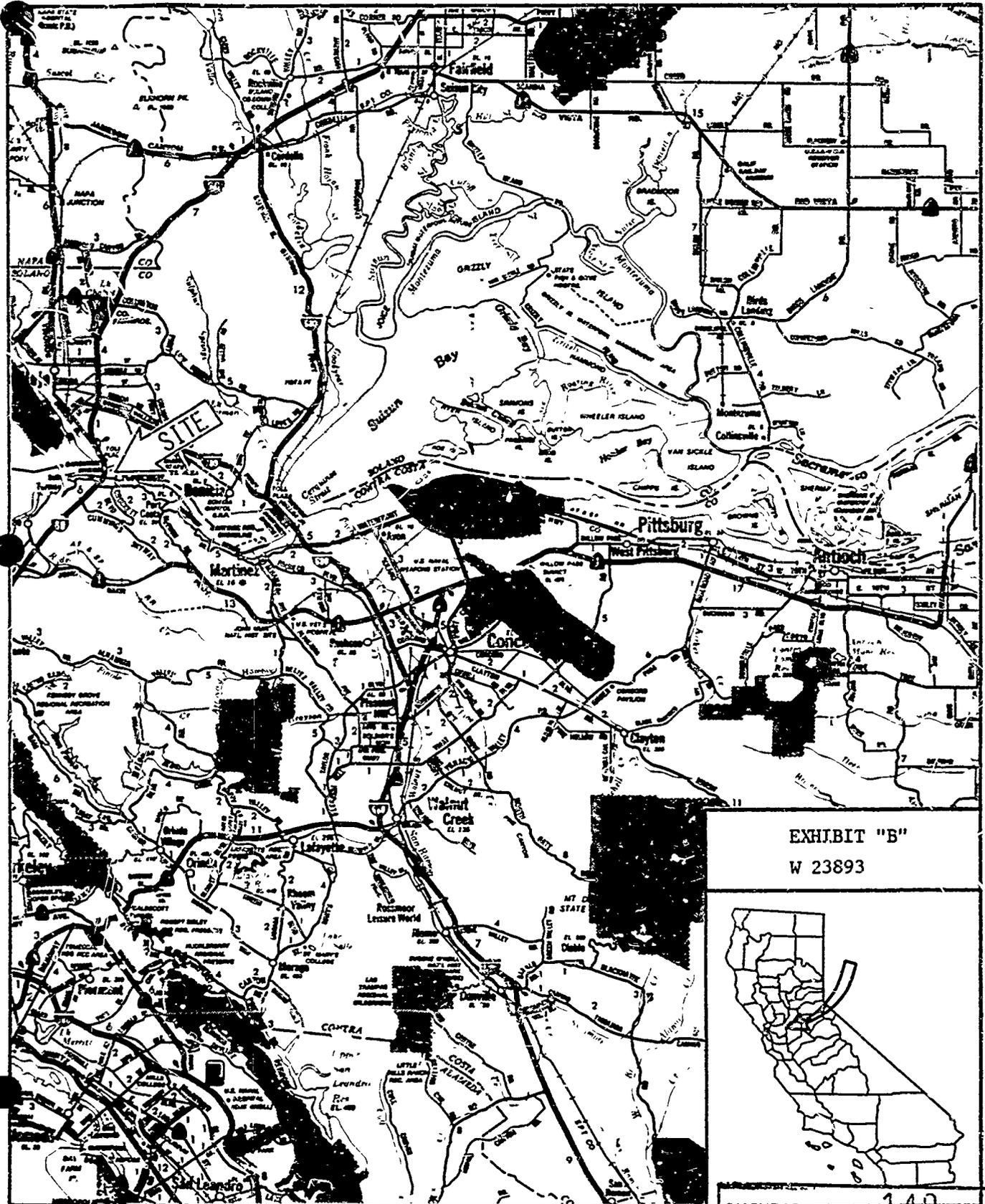


EXHIBIT "B"
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