

MINUTE ITEM

11/19/70
EWC

7. TWO-YEAR NONCOMMERCIAL LEASE, SUBMERGED LAND IN CARQUINEZ STRAIT NEAR MARTINEZ, CONTRA COSTA COUNTY; SHELL OIL COMPANY - W 8904, PRC 4540.1.

After consideration of Calendar Item 6 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO SHELL OIL COMPANY OF A TWO-YEAR NONCOMMERCIAL LEASE FROM NOVEMBER 19, 1970, IN CONSIDERATION OF THE PUBLIC BENEFIT AND A NOMINAL ANNUAL RENT IN THE AMOUNT OF \$50.00, FOR THE INSTALLATION AND MAINTENANCE OF A FLOATING OIL BOOM, PUMP AND OIL RETURN LINE FOR THE COLLECTION OF OIL SPILLAGE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND "B" ON FILE WITH THE STATE LANDS DIVISION AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 6 (3 pages)

CALENDAR ITEM

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6.

NONCOMMERCIAL LEASE

APPLICANT: Shell Oil Company.

LOCATION: A 0.34-acre parcel of submerged land in Carquinez Strait near Martinez, Contra Costa County.

LAND USE: The construction and maintenance of a floating oil boom, pump and oil return line for collection of oil in the event of accidental spillage.

TERMS: 2 years from November 19, 1970.

CONSIDERATION: \$50.00 per annum.

BASIS FOR CONSIDERATION:

The applicant represents that this facility will directly benefit the public by containing oil spillage; a nominal rental is indicated.

PREREQUISITE ITEMS:

U.S. Army Corps of Engineers permit is being applied for; this lease will be made conditional upon the lessee obtaining the permit. Applicant is permittee of upland, owned by the City of Martinez.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1 & 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be \$300.
2. The applicant wishes to install an anchored floating membrane to contain accidental oil spillage from its operations upstream at its oil dock. The boom will be in front of property of the City of Martinez, from whom the State is obtaining permission for the boom. It could work a substantial public benefit if it prevents oil damage in the immediately adjacent Martinez City marina area. This application is separate from the existing Shell Oil Company oil dock lease (P.R.C. 543.1), and the proposed agreement will specify that the rent is nominal only and is not based upon market value, so as not to prejudice ongoing negotiations with the Western Oil and Gas Association.

CALENDAR ITEM 6. (CONTD.)

EXHIBITS: A. Land description. B. Sketch. C. Location map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO SHELL OIL COMPANY OF A TWO-YEAR NONCOMMERCIAL LEASE FROM NOVEMBER 19, 1970, IN CONSIDERATION OF THE PUBLIC BENEFIT AND A NOMINAL ANNUAL RENT IN THE AMOUNT OF \$50.00, FOR THE INSTALLATION AND MAINTENANCE OF A FLOATING OIL BOOM, PUMP AND OIL RETURN LINE FOR THE COLLECTION OF OIL SPILLAGE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND "B" ON FILE WITH THE STATE LANDS DIVISION AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

W-8904

EXHIBIT "A"

A parcel of submerged land situate in the Carquinez Strait, County of Contra Costa, State of California, said parcel being a strip of land 10 feet in width as delineated on Exhibit "B" on file with the State Lands Division and by reference made a part hereof.