

MINUTE ITEM

This Calendar Item No. C3
was approved as Minute Item
3 by the State Lands
Commission by a vote of 3
to 0 at its 12/16/82
meeting.

CALENDAR ITEM

003 #.

12/16/82

W 22818

PRC 6362

W 22888

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PRC 6362

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

A. P. Berding,
Douglas E. Safreno,
Pete Lunardi,
Emil Vallerga, and
Constance Lunardi
1333 Broadway, Suite 840
Oakland, California 94612

AREA, TYPE LAND AND LOCATION:

Parcel 1 located in Cache Slough,
Solano County and Parcel 2 located
in Shag Slough, Solano County,
covering a combined 0.17 acres
of tide and submerged land.

LAND USE:

Maintenance and use of existing
boathouses and boat docking
facilities.

TERMS OF PROPOSED LEASE:

Initial period: 20 years from
November 1,
1982.

A 4 Revised 12/15/82

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Public liability insurance: Combined single limit coverage of \$200,000.

CONSIDERATION: \$250 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

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

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant has easement over upland as to parcel 1 and is owner of upland as to parcel 2. Filing fee and first year's rent 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: 1/7/83.

OTHER PERTINENT INFORMATION:

1. The docking facilities under the proposed lease are the only means of ingress/egress with respect to French Island, an island in the Delta, owned by the applicants, as tenants in common. Because the docks were existing prior to 1968, they qualified under the nationwide permit with the U. S. Army Corps of Engineers.
2. The proposed lease will be issued by the State and accepted by the lessee without prejudice to either party regarding any claims of right title or interest which may be asserted presently or in the future.

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3. This project is exempt from CEQA because it is within the purview of 14 Cal. Adm. Code, Section 15101, Class 1, which exempts maintenance and use of existing facilities.
4. The Cache Slough project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in a use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values. The Shag Slough project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy.

APPROVALS OBTAINED:

State Reclamation Board
U.S. Army Corps of Engineers under
Nationwide General Permit.

FURTHER APPROVALS REQUIRED: None.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2905; AND FIND THAT THE CACHE SLOUGH PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.

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2. FIND THAT THE SHAG SLOUGH ACTIVITY IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS ACTIVITY IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.

3. AUTHORIZE ISSUANCE TO A. P. BERDING, DOUGLAS E. SAFRENO, PETE LUNARDI, EMIL VALLERGA, AND CONSTANCE LUNARDI, OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE FROM NOVEMBER 1, 1982; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$250, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF \$200,000 FOR COMBINED SINGLE LIMIT COVERAGE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

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PARCEL 1

A parcel of tide and submerged land in Cache Slough within projected Section 24, T5N, R2E, MDM, Solano County, California, described as follows:

BEGINNING at the intersection of the northeasterly extension of the westerly bank of Wright Cut with the top of stone bank protection on the right bank of Cache Slough having approximate California Coordinate System, Zone 2 coordinates of $X = 2,088,100$ and $y = 215,210$; thence northeasterly along a line northwesterly of and parallel to an existing boat ramp to the northerly corner of an existing boat shed, as said boat ramp and boat shed are shown on Exhibit "A" of that certain Judgment No. 54134 of the Superior Court of California recorded February 10, 1978, in Book 22, Page 104, Official Records of Solano County; thence southeasterly at right angles 40 feet; thence southeasterly at right angles 22 feet more or less to the top of said stone bank protection; thence along the top of said stone bank protection to point of beginning.

PARCEL 2

A parcel of tide and submerged land lying beneath the piers, docks, landings, boathouses, floats, overhanging buildings, piles and water tower, within historical Shag Slough adjacent to French Island in Section 19, T5N, R3E, MDM, Solano County, California, lying easterly and adjacent to following described line:

BEGINNING at a point in the ordinary high water mark of Shag Slough having approximate California Coordinate System Zone 2 coordinates $X = 2,088,270$ and $y = 217,050$; thence southerly and easterly along said water mark to a point of approximate California Coordinate System Zone 2 Coordinates of $X = 2,088,500$ and $y = 216,500$.

END OF DESCRIPTION

PREPARED SEPTEMBER 17, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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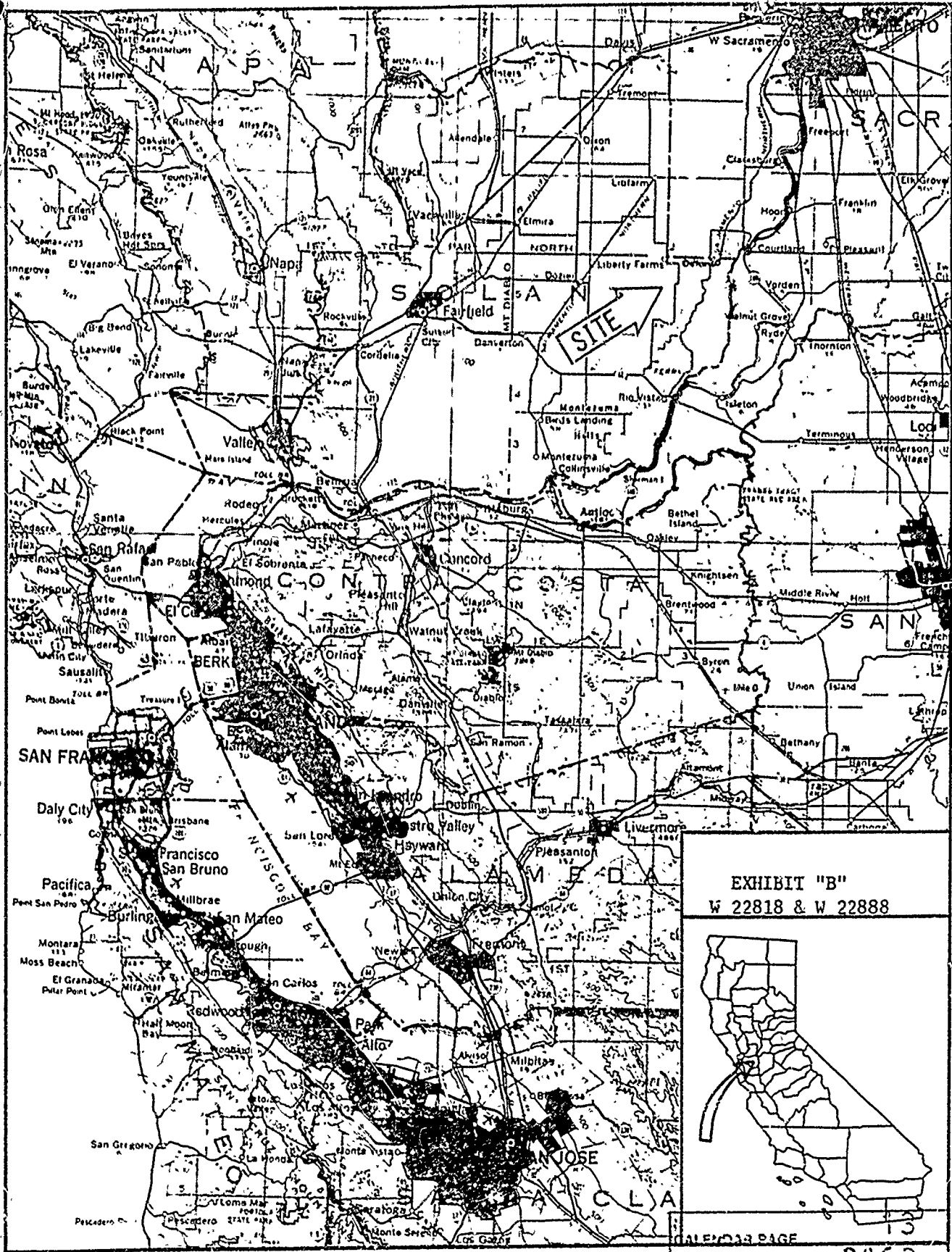


EXHIBIT "B"
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