

MINUTE ITEM

This Calendar Item No. C29 was approved as Minute Item No. 29 by the California State Lands Commission by a vote of 3 to 0 at its 5/12/97 meeting.

**CALENDAR ITEM
C29**

A 6
S 3

05/12/97
W 25301
J. Lam

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT::

C. Stuart and Joyce Welch
P.O. Box 776
Marshall, California 94940

AREA, LAND TYPE, AND LOCATION:

0.25 acres, more or less, of sovereign lands in Tomales Bay near the town of Marshall, Marin County.

AUTHORIZED USE:

Use and maintenance of a 2-inch diameter PVC water intake line and marker buoy to supply bay water for an upland wet storage system used in the marketing of locally grown shellfish.

LEASE TERM:

20 years, beginning April 1, 1997.

CONSIDERATION:

\$150 per year; with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of \$300,000.

Bond:

\$2,000 surety bond.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061),

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the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

3. 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 Department of Health Services, California Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

United States Department of Commerce, Regional Water Quality Control Board, California Coastal Commission, United States Army Corps of Engineers, California State Lands Commission.

EXHIBITS:

- A. Land Description
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

05/15/97

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3)).

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

AUTHORIZE ISSUANCE TO C. STUART AND JOYCE WELCH OF A GENERAL LEASE - RIGHT-OF-WAY USE, EFFECTIVE APRIL 1, 1997, FOR A TERM OF 20 YEARS, FOR USE AND MAINTENANCE OF A 2-INCH DIAMETER PVC WATER INTAKE LINE AND MARKER BUOY ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$150, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM; \$2,000 SURETY BOND; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000.

EXHIBIT "A"

W 25301

LAND DESCRIPTION

Two parcels of tide and submerged lands lying in the bed of Tomales Bay, Marin County, California, said parcels lying immediately beneath and adjacent to a two inch intake pipe and marker buoy, said parcels are situated adjacent to and westerly of that parcel of land described in that Grant Deed recorded August 5, 1954, in Book 880, Page 500, Official Records of Marin County, said parcels more particularly described as follows:

Parcel 1 : Intake Pipe

A strip of land ten feet in width lying five feet on each side of the following described two inch PVC pipe, beginning at a pump house situated on the land described in the above mentioned grant deed, thence in a westerly direction 880 feet more or less to the end of said pipe and the end of strip.

Parcel 2 : Marker Buoy

A circular parcel of land having a diameter of fifty feet, the radius point of said parcel lying 880 feet more or less westerly of the above described pump house and at the westerly end of above described PVC pipe.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Tomales Bay.

ALSO EXCEPTING THEREFROM those interests-in-land that might have passed by virtue of the patent issued to James W. Cochrane on February 19, 1947 for the land described in Tideland Location No. 241, Marin County, California.

END OF DESCRIPTION

Prepared December 3, 1996 by SFBCC.

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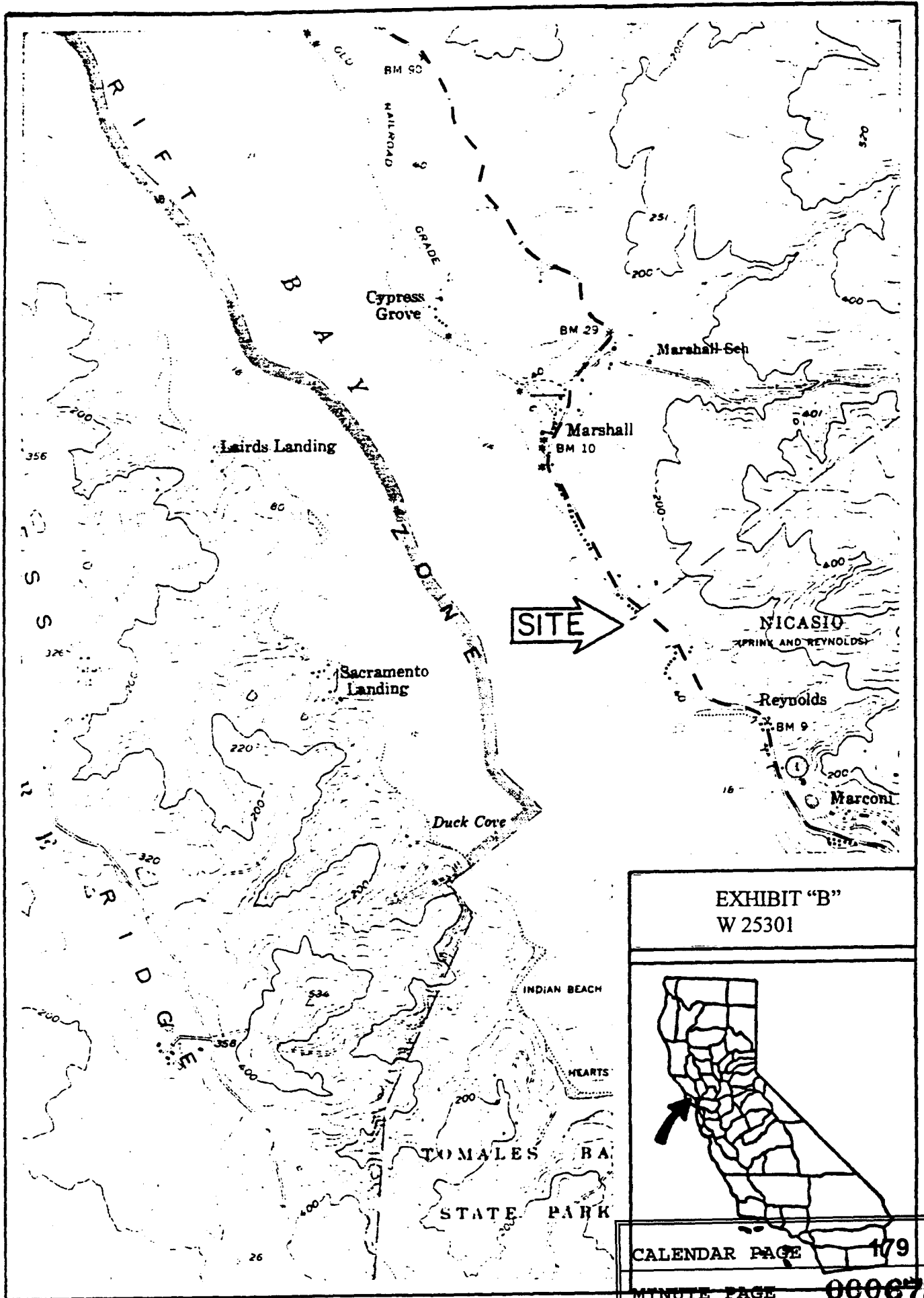


EXHIBIT "B"
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