

**CALENDAR ITEM
C26**

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08/14/12

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PRC 6090.1

N. Lavoie

**GENERAL LEASE – RECREATIONAL, PROTECTIVE STRUCTURE,
AND RIGHT-OF-WAY USE**

APPLICANT:

Larry M. McClure

AREA, LAND TYPE, AND LOCATION:

Sovereign filled and unfilled lands in Old River, adjacent to Eucalyptus Island, near Byron, Contra Costa County.

AUTHORIZED USE:

Continued use and maintenance of an existing fishing pier, breakwater structure, and submarine electrical cable previously authorized by the Commission and use and maintenance of existing fill and rip rap not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 14, 2012.

CONSIDERATION:

\$157 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with combined coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 3, 1999, the Commission authorized a General Lease – Right-of-Way Use to Wesley McClure and Larry M. McClure. That lease expired on January 31, 2010. On December 20, 2009, Wesley McClure passed away leaving Larry M. McClure as the sole owner. The Applicant is now applying for a new General Lease – Recreational, Protective Structure, and Right-of-Way Use.

CALENDAR ITEM NO. **C26** (CONT'D)

3. The existing fill and rip rap have been in place for many years as part of the breakwater structure, but were not previously authorized by the Commission. Staff recommends approval of the fill and rip rap within the lease premises.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C26** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational, Protective Structure, and Right-of-Way Use to Larry M. McClure, beginning August 14, 2012, for a term of 10 years, for the continued use and maintenance of an existing fishing pier, breakwater structure, fill, rip rap, and submarine electrical cable described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$157, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 6090.1

LAND DESCRIPTION

Three (3) parcels of tide and submerged land situate in the bed of Old River, adjacent to S & O Survey 125, Contra Costa County corrected patent issued June 26, 1908 in the County of Contra Costa, State of California, being more particularly described as follows:

PARCEL 1 Fishing Pier

BEGINNING at a point on the left bank of said river, hereafter referred to as "Point A", having CCS83, Zone III coordinates $N(y)=2137474.46$ feet, $E(x)=6253010.79$ from which a NGS monument "CONEY USE 1931" PID:HS4993 bears $N 80^{\circ}20'28'' E 4729$ feet more or less; thence along said bank $N 45^{\circ}44'01'' W 20$ feet; thence leaving said bank $N 45^{\circ}45'14'' E 30$ feet; thence $S 45^{\circ}44'01'' E 20$ feet; thence $S 45^{\circ}45'14'' W 30$ feet to the POINT OF BEGINNING.

PARCEL 2 Breakwater Structure

BEGINNING at previously described "Point A"; thence along the following eight (8) courses:

- 1) $N 45^{\circ}45'14'' E 30.00$ feet;
- 2) $S 42^{\circ}05'53'' E 153.05$ feet;
- 3) $S 09^{\circ}13'50'' E 29.10$ feet;
- 4) $S 13^{\circ}25'58'' W 22.18$ feet;
- 5) $S 42^{\circ}35'04'' W 24.27$ feet;
- 6) $S 72^{\circ}04'28'' W 11.51$ feet;
- 7) $N 79^{\circ}57'07'' W 12.92$ feet;
- 8) $N 54^{\circ}43'00'' W 51.50$ feet to a point on the historic bank of said river;

thence along said bank north and northwesterly 140 feet more or less to the POINT OF BEGINNING.

PARCEL 3 Submarine Cable

A 10 foot wide strip, lying 5 feet on each side of the following described line:

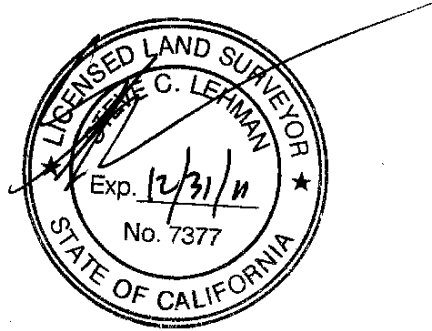
COMMENCING at previously described "POINT A" thence $S 04^{\circ}28'42'' W 247$ feet to POINT OF BEGINNING; thence 190 feet more or less to a point on the right bank of the old channel of said river and the terminus of said line.

Sidelines of said strip shall be lengthened and shortened so as to terminate at lines lying perpendicular to the beginning and end of the above described line.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said river.

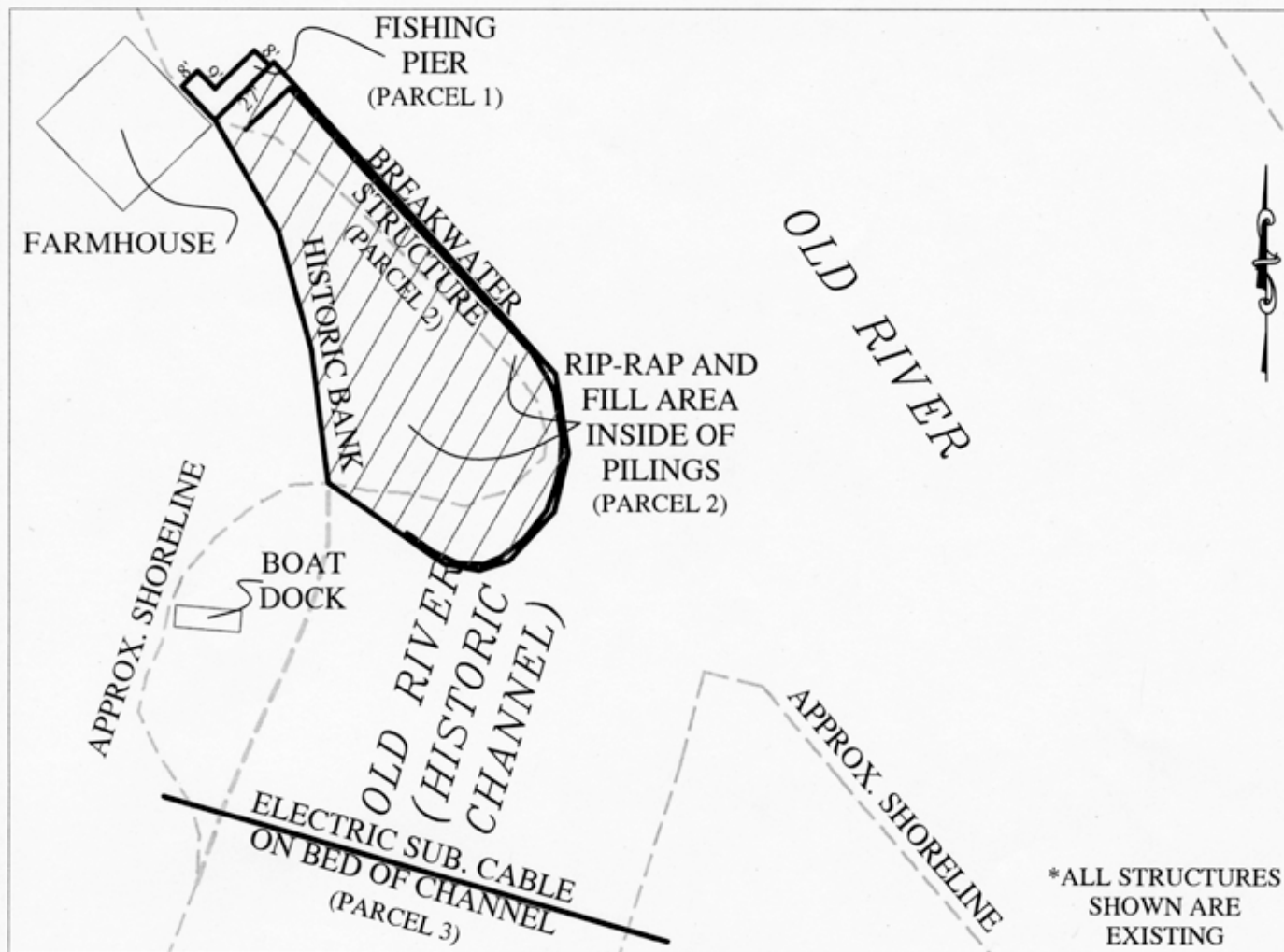
END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Unit 7/29/2011



NO SCALE

SITE



Old River, Byron

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 6090.1
 MCCLURE
 APN 001-101-001
 GENERAL LEASE - RECREATIONAL,
 PROTECTIVE STRUCTURE &
 RIGHT-OF-WAY USE
 CONTRA COSTA COUNTY



MJF 3/15/12