

MINUTE ITEM NO. 10  
APPROVED 2 26 76

CALENDAR ITEM  
10.

2/76  
GRH  
W 21025  
PRC 5092

INDUSTRIAL LEASE

APPLICANT: Silverking Oceanic Farms, Inc.  
Post Office Box 2184  
Santa Cruz, California 95060

AREA, TYPE LAND AND LOCATION: A 4.132 acre parcel of tide and submerged land offshore from Davenport Landing, Santa Cruz County.

LAND USE: Construction and maintenance of a 6-foot diameter concrete fishway.

TERMS OF PROPOSED LEASE:

Initial period: 10 years from March 1, 1976.

Renewal options: 2 successive periods of 10 years each.

Surety bond: Minimum of \$5,000.

Public liability Insurance: Minimum of \$300,000 combined single limit for bodily injury and property damage.

CONSIDERATION:

\$450 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Minimum rental for this type of lease or permit.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 and 11.
- c. Fish and Game Code: Section 6550, et seq.

A 28  
S 17

CALENDAR ITEM NO. 10. (CONTD)

OTHER PERTINENT INFORMATION:

1. The applicant (Silverking Oceanic Farms, Inc.) has applied to local and State agencies to construct a fish release and recapture station on a small creek at Davenport Landing in northern Santa Cruz County. The applicant has previously operated a similar facility at Waddel Creek (approx. 6 miles northerly of the subject site), by virtue of special legislation with subsequent amendments to the Fish and Game Code.

The applicant presently holds a fish breeders license issued by the Department of Fish and Game. The DFG has also issued a permit to allow the construction of fish holding ponds in the stream channel. The applicant is seeking additional legislative approval for operation of the Davenport Landing site. The applicant has presented the proposal to the Central Coast Regional Coastal Zone Commission. Staff of the Regional Commission is recommending approval of the project; however, final consideration of the project by the Regional Commission is awaiting affirmative action on the project by the State Lands Commission.

2. A Negative Declaration was prepared by the County of Santa Cruz, pursuant to CEQA and implementing regulations. A Notice of Determination has been received.
3. This project is situated on state land identified as environmentally significant, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B: Limited Use. The project is determined to be a compatible use not inconsistent with identified significant environmental values. The Division has contacted those agencies nominating this parcel for its significant environmental values: The Association of Monterey Bay Area Governments, Department of Fish and Game and the Regional Coastal Zone Commission believe that the project is fully compatible with the identified significant values.

CALENDAR ITEM NO. 10. (CONTD)

EXHIBITS:           A. Land description.    B. Location map.  
                  C. Plot Plan.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE COUNTY OF SANTA CRUZ, ON JUNE 25, 1975.
2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. DETERMINE THAT THE GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON THE IDENTIFIED SIGNIFICANT ENVIRONMENTAL VALUES.
5. AUTHORIZE ISSUANCE TO SILVERKING OCEANIC FARMS, INC. OF A 10-YEAR INDUSTRIAL LEASE FROM MARCH 1, 1976, WITH LESSEE'S OPTION TO RENEW FOR TWO SUCCESSIVE PERIODS OF TEN YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$450. WITH STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE: PROVISION OF AT LEAST A \$5,000 SURETY BOND: PROVISION OF PUBLIC LIABILITY INSURANCE IN THE MINIMUM AMOUNT OF \$300,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE: FOR THE CONSTRUCTION AND MAINTENANCE OF A 6-FOOT DIAMETER CONCRETE FISHWAY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21025

A 300 foot wide parcel of State owned tide and submerged land in the Pacific Ocean adjacent to San Vicente Rancho, Santa Cruz County, State of California, more particularly described as follows:

The TRUE POINT OF BEGINNING being the Ordinary High Water Mark of the Pacific Ocean at the southwestern corner of lands conveyed to Glenn A. Burris and Ferol B. Burris, his wife, by Deed dated and recorded October 5, 1965, in Volume 1721, Page 412, Official Records of Santa Cruz County, from which a ½-inch iron pipe on the southerly line of said parcel bears N 70° 45' E, 65.47 feet M/L thence from said true point of beginning, Southeasterly 600 feet along the Ordinary High Water Mark of the Pacific Ocean; thence Southwesterly 300 feet at a right angle to the Ordinary High Water Mark; thence Northwesterly 600 feet, more or less, parallel to the Ordinary High Water Mark; thence N 71° 37' 24" E, 300 feet to the true point of beginning.

END OF DESCRIPTION

Prepared Garry A. Wilson Checked A. H. Kunnecke  
Reviewed Donald W. Butcher Date 12/17/75

