

MINUTE ITEM

This Calendar Item No. C12
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 3
to 0 at its 5/29/80
meeting.

CALENDAR ITEM

C12.

5/80
WP 5092
Maricle

INDUSTRIAL LEASE - AMENDMENT

APPLICANT: Silverking Oceanic Farms, Inc.
P.O. Box 2184
Santa Cruz, California 95063

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

- LAND USES:
1. Initial: Buried Fishway; 6-foot diameter concrete fishway (Minute Item No. 10, February 1976).
 2. Present: 6-foot diameter concrete fishway, and adjacent, exposed fishway within present lease area (Minute Item No. 34, June 1979).
 3. Proposed: Construct addition to presently exposed fishway.

TERMS OF ORIGINAL LEASE:

Initial period: 10 years from March 1, 1976.

Renewal options: 2 successive periods of 10 years each.

Surety bond: \$5,000.

Public liability insurance: Single limit coverage of \$300,000.

Consideration: \$450 per annum, with 5-year rent review.

PURPOSE OF FIRST AMENDMENT: (1979)

To establish an open, exposed fish capture system.

A 28

S 17

CALENDAR ITEM NO. C12. (CONTD)

PURPOSE OF SECOND AMENDMENT: (as presently proposed)
Change design of present, open fish capture system, by adding an "L" shaped terminous.

CONSIDERATION: \$550 per annum.

BASIS FOR CONSIDERATION:
Minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.
Filing fee has been received.

BACKGROUND AND COMMENTS:

- A. The applicant conducts a fish breeding operation under a lease authorized by the Commission (Minute Item No. 10), on February 26, 1976. The activity included the use of a buried, artificially lighted concrete pipeline for anadromous fish release and return.
- B. The fish yields proved inadequate for the lessee under the methods originally used, and upon the applicant's request the Commission approved an amendment to the lease (Minute Item No. 34, on June 27, 1979). Under the amended lease, a portion of the fishway system was to be changed from a pipeway to a partially open, exposed channel projecting straight into the Pacific Ocean.
- C. Fish yields have remained inadequate and the lessee now requests a second amendment to Lease PRC 5092.1. The lessee's proposal is to construct additional exposed fishway as a continuation of the present channel, with an "L" shaped waterward terminous. The purpose of the "L" shaped terminous is to protect the open swim channel from direct wave action which apparently confuses fish already in the channel, causing them to return to the ocean. The terminous proposed is shown on Exhibit "A".

CALENDAR ITEM NO. C12.(CONTD)

- D. This project is unique to California and is still in the experimental stage. The object of the applicant's business is to raise, release and recapture fish. A successful operation would increase fish population in the ocean and would provide more fish to the applicant to sell for commercial purposes.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.
C. Cal. Adm. Code: Title 2, Art. 6.5.

OTHER PERTINENT INFORMATION:

1. This project is exempt from CEQA in that the proposed fishway is a minor alteration of an existing fish production facility which enhances the improvement of fish habitat and will increase fish production. (Categorical exemption Class 4(d): Minor Alterations to Land).
2. The project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes limited use. Staff has coordinated this project with those agencies who nominated the site as containing significant environmental values, and they have found this project to be compatible with their nomination. Agencies contacted include the Association of Monterey Bay Area Governments; County of Santa Cruz Planning Department; Department of Parks and Recreation; Office of Historic Preservation; California Coastal Commission; and the Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers and the Coastal Commission.

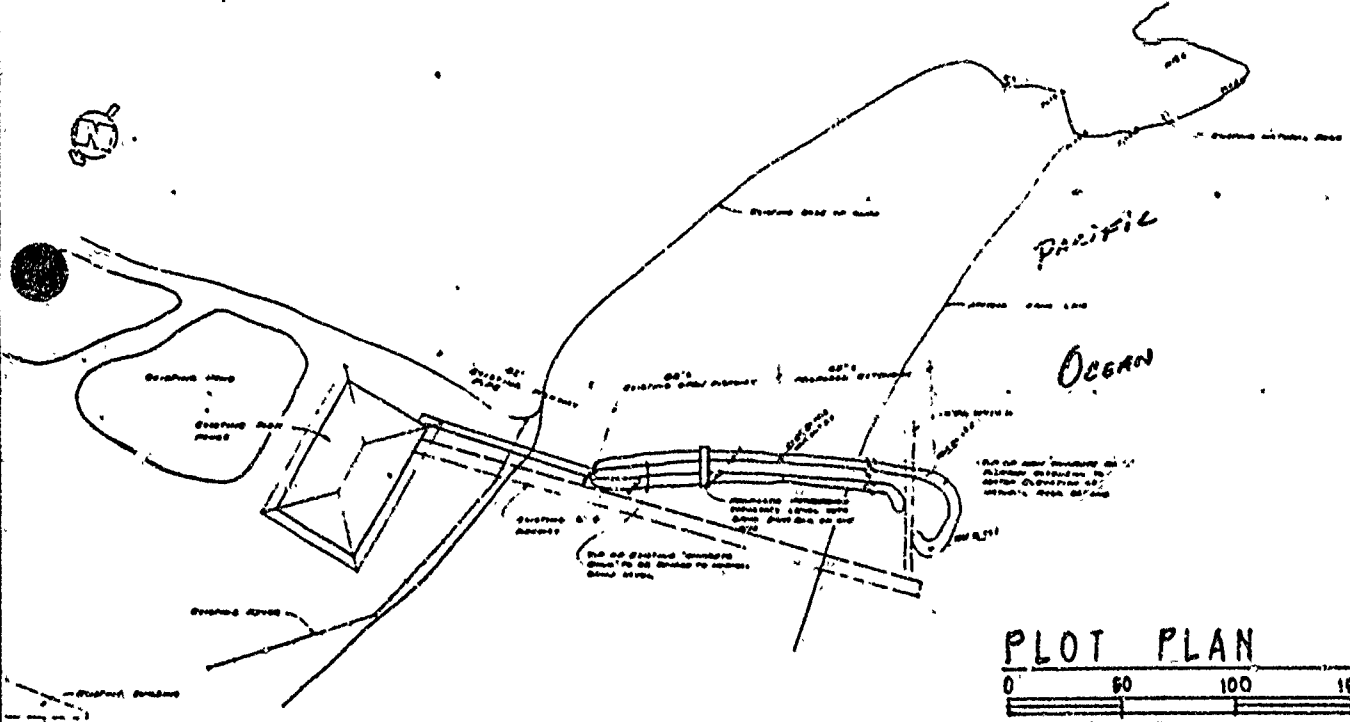
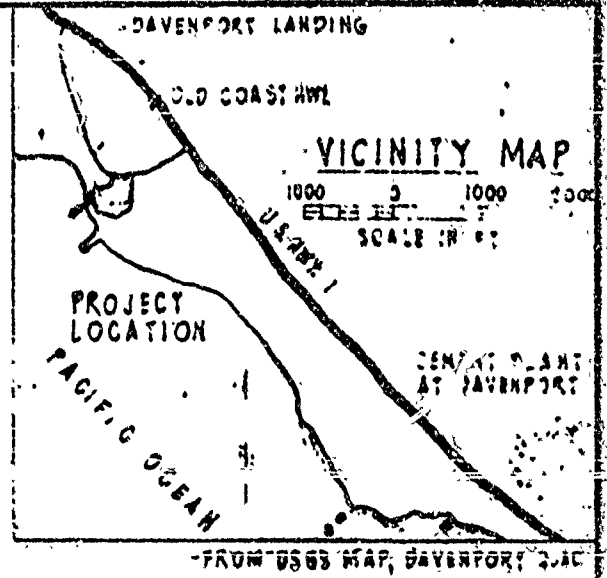
CALENDAR ITEM NO. C12 (CONTD)

EXHIBITS: A. Site Plat. B. Location Map.

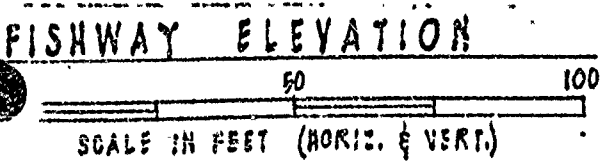
IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.
3. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
4. AUTHORIZE ISSUANCE OF AN AMENDMENT OF LEASE PRC 5092.1 TO SILVERKING OCEANIC FARMS INC., EFFECTIVE MAY 29, 1980, TO PROVIDE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF AN EXPOSED FISHWAY WITHIN THE PREMISES DESCRIBED IN LEASE PRC 5092.1, SUCH CONSTRUCTION TO BE IN THE LOCATION AND DESIGN SHOWN ON EXHIBIT "A" ATTACHED HERETO; AND TO INCREASE THE RENTAL FROM \$450 PER ANNUM TO \$550 PER ANNUM.

EXHIBIT A



NO.	DESCRIPTION	DATE	BY	REVISION
1
2
3
4
5
6
7
8
9
10



ADDITION TO FISH RELEASE STATION
 NEAR DAVENPORT, COUNTY OF SANTA CRUZ, CA.
 APPLICATION BY SILVERKING OCEANIC FARMS
 SHEET 1 OF 1 SHEETS

4-05-80
 CALENDAR PAGE
 MINUTE PAGE
 915

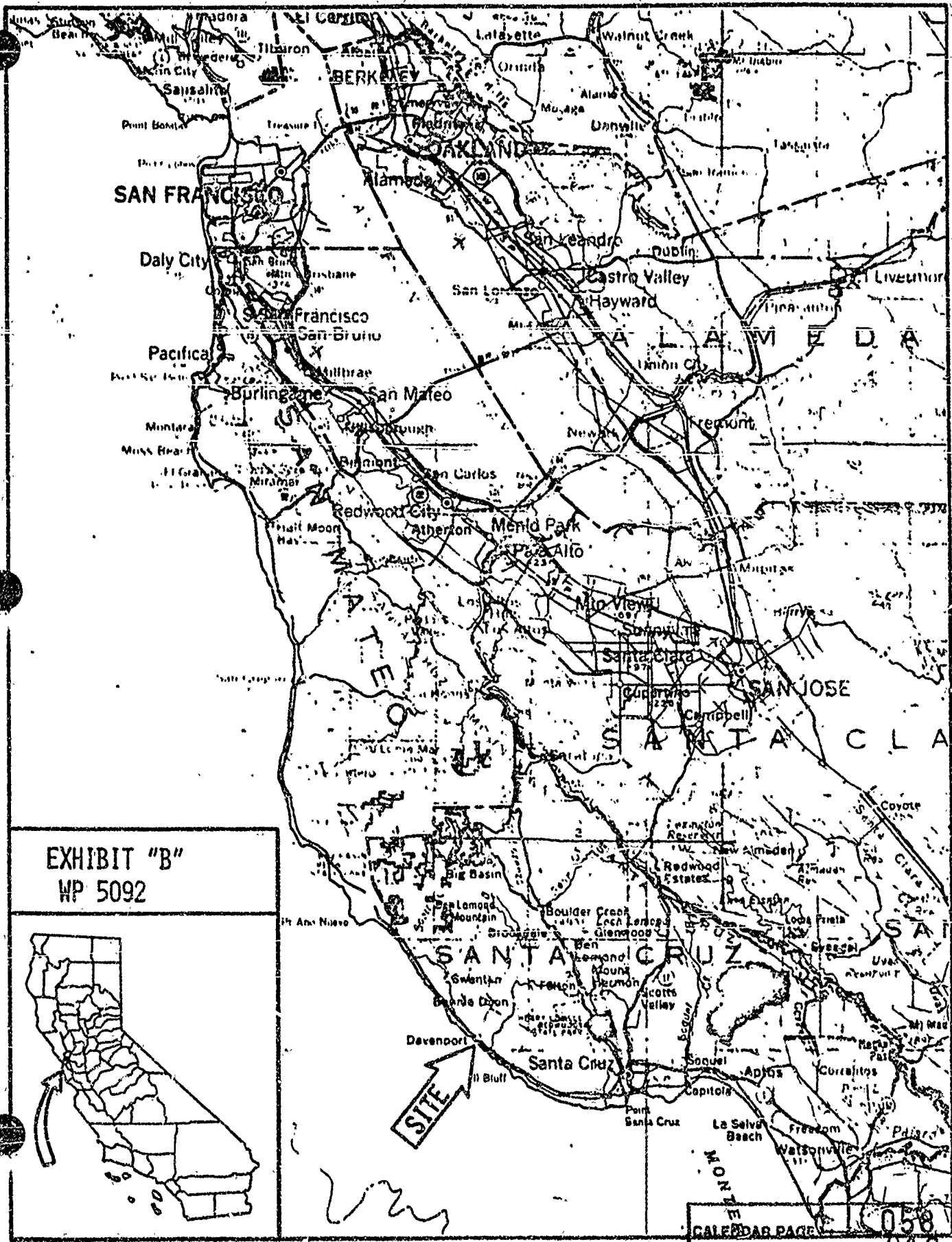


EXHIBIT "B"
WP 5092



MONTE
CALENDAR PAGE 058
MINUTE PAGE 916