

**CALENDAR ITEM
C106**

A 1
S 2

06/23/11
WP 6617.1
J. Smith

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Bodega Farms
P.O. Box 6886
San Rafael, California 94903

AREA, LAND TYPE, AND LOCATION:

0.48 acre, more or less, of sovereign land in the Pacific Ocean at Estero Americano and Bodega Bay, near Bodega Bay, Sonoma County.

AUTHORIZED USE:

Continued use and maintenance of one 12-inch diameter polyethylene saltwater intake pipeline at Estero Americano; one 8-inch diameter polyethylene saltwater intake pipeline and one 8-inch diameter polyethylene outfall in Bodega Bay to support an onshore shellfish farm facility.

LEASE TERM:

15 years, beginning August 1, 2009.

CONSIDERATION:

\$251 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:

Insurance: Liability insurance with combined single limit coverage of no less than \$1,000,000.

Bond: \$5,000.

Other: The lease contains a provision that the Applicants must obtain and maintain continuous authorization from the littoral property owner to access and maintain the lease premises. The lease shall terminate if the consent lapses or is revoked.

CALENDAR ITEM NO. **C106** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. At its meeting on November 15, 1994, pursuant to Minute Item 58, the Commission authorized the issuance of a 15-year General Lease – Right-of-Way Use (Lease PRC 6617.1) to Bodega Farms for the maintenance and use of one 12-inch diameter polyethylene saltwater intake pipeline, one 8-inch diameter polyethylene saltwater intake pipeline, and one 8-inch diameter polyethylene outfall pipeline that support an onshore shellfish farm facility (red abalone rearing) in Bodega Bay. That lease expired on July 31, 2009. The Applicant is now applying for a new General Lease – Right-of-Way Use.
3. The Applicant has provided Commission staff with copies of its existing permits with the California Regional Water Quality Control Board, the California Department of Fish and Game, and the California State Water Resources Control Board.
3. On April 20, 1982, and February 22, 1994, the California Coastal Commission (CCC) granted Permits #2-82-8 and #2-82-8A, respectively, for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)).

Staff has reviewed the documents and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis documents certified by the CCC as Negative Declarations equivalent in order to comply with the requirements of CEQA.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

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

CALENDAR ITEM NO. **C106** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that environmental analysis documents, California Coastal Commission permits # 2-82-8 and #2-82-8A, were adopted for this Project by the CCC under its certified program (Title 14, California Code of Regulations, section 15251 (c)), and that the California State Lands Commission has reviewed and considered the information therein and concurs in the CCC's determinations.

SIGNIFICANT LANDS INVENTORY FINDING:

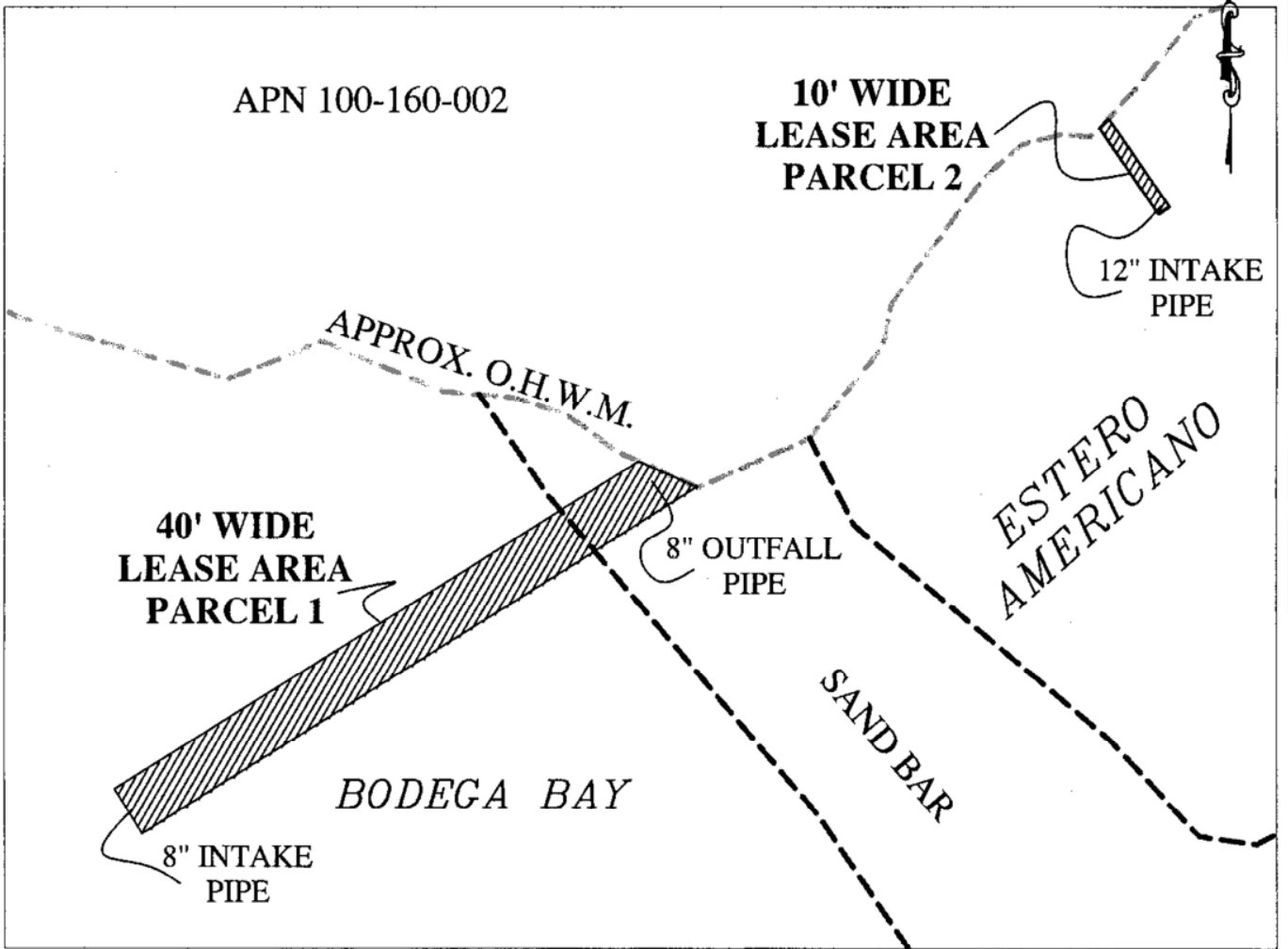
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease - Right-of-Way Use to Bodega Farms beginning August 1, 2009, for a term of 15 years, for continued use and maintenance of one 12-inch diameter polyethylene saltwater intake pipeline, one 8-inch diameter polyethylene saltwater intake pipeline, and one 8-inch diameter polyethylene outfall pipeline as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$251, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance for combined single limit coverage of no less than \$1,000,000; and surety bond in the amount of \$5,000.

NO SCALE

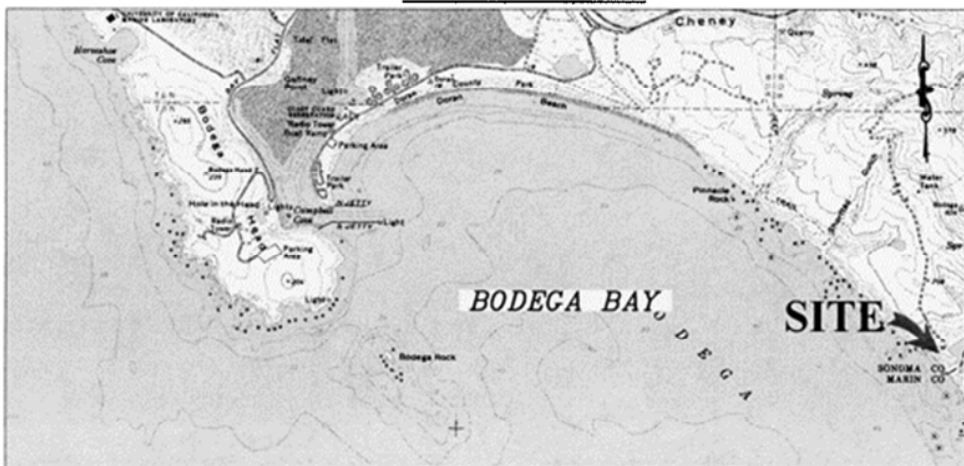
SITE



Mouth of Estero Americano and Bodega Bay

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 6617.1
 APN 100-160-002
 BODEGA FARMS
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SONOMA COUNTY



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

WP 6617.1

LAND DESCRIPTION

PARCEL 1 (Estero Americano)

A strip of tide and submerged land 10 feet wide in Estero Americano, Sonoma County, California, lying approximately 800 feet northeast of the mouth of said Estero Americano and 5 feet on each side of the following described centerline:

COMMENCING at a 1/2" iron pipe and tag on the westerly boundary of the Bottarini lands, said pipe being the southerly end of that certain course bearing S 24° 12' 43" E 237.60 feet as shown on that "Record of Survey for Amos Simpson" filed in Book 114 of Maps, page 24, in the Sonoma County Records Office; thence S 34° 25' 04" E 5501.21 feet to a point on the north shore of Estero Americano at the ordinary high water mark and the TRUE POINT OF BEGINNING: thence S 34° 25' 04" E 100 feet and the end of the herein described line.

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

PARCEL 2 (Bodega Bay)

A strip of tide and submerged land 40 feet wide in Bodega Bay, (Pacific Ocean) Sonoma County, California, lying 20 feet on each side of the following described centerline:

BEGINNING at the intersection of the ordinary high water mark of Bodega Bay and the centerline of that certain 20 foot pipeline easement as shown on the "Plat Map - Bodega Bay Fish Farm" By Mogel Engineering, Inc., Petaluma, California; thence S 58° 00' 00" W 500.00 feet to the end of the herein described line.

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

END OF DESCRIPTION

REVISED MAY 1994 BY SFBCC