

19. 66-YEAR PUBLIC AGENCY PERMIT, SOVEREIGN LANDS IN NAPA AND SOLANO COUNTIES; STATE DEPARTMENT OF FISH AND GAME - W 8848, PRC 5052.

During consideration of Calendar Item 17 attached, Assemblyman Alfred Siegler, Eighth District, appeared. Speaking on behalf of Senator John Dunlap and himself, he emphasized their enthusiasm with the work being done by the Office of the Attorney General, the State Lands Commission, and the Department of Fish and Game in the area of wildlife protection and management of state-owned lands in Napa and Sonoma Counties.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2907.
2. FINDS, PURSUANT TO 14 CAL. ADM. CODE 2004, THAT THE PERMIT TERM OF 66 YEARS, WHICH IS IN EXCESS OF THE REGULAR 49-YEAR TERM, IS IN THE BEST INTEREST OF THE STATE.
3. AUTHORIZES THE ISSUANCE TO THE STATE DEPARTMENT OF FISH AND GAME OF A 66-YEAR PERMIT FROM SEPTEMBER 29, 1975; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE COMMISSION RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF SUCH ACTION IS FOUND TO BE IN THE STATE'S BEST INTEREST; FOR THE USE OF WILDLIFE MANAGEMENT AND PROTECTION, PUBLIC RECREATION OR OTHER LIKE PURPOSE CONSISTENT WITH THE PUBLIC TRUST: ON THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 17 (4 pages)

CALENDAR ITEM

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W 8848

17.

PUBLIC AGENCY PERMIT

APPLICANT: State Department of Fish and Game  
1416 Ninth Street, 12th Floor  
Sacramento, California

AREA, TYPE LAND AND LOCATION: Approximately 216 acres of sovereign lands in Napa and Solano Counties.

LAND USE: Wildlife management and protection, public recreation, or other like purposes consistent with the public trust.

TERM OF LEASE: Initial period: 66 years, from September 29, 1975.

CONSIDERATION: The public use and benefit, with the Commission reserving the right at any time to set a monetary rental if such action is found to be in the State's best interest.

OTHER PERTINENT INFORMATION:

Sovereign title to portions of the Cullinan Ranch in Solano and Napa Counties was clarified in the Cullinan Ranch Boundary and Exchange Agreement (BLA 142) approved by the State Lands Commission at its February 28, 1974, meeting. Coon Island was later received by the State pursuant to an option portion of the agreement.

Together, the properties represent approximately 216 acres of valuable wildlife habitat. Also included are over five miles of easements for public access and use of Dutchman and South Sloughs.

The permittee, the Department of Fish and Game, intends to study, manage, and maintain the natural benefits of the marsh and upland areas. The permit will serve to protect these lands and assure managed protection of the environment, consistent with the public trust.

The Napa Marsh area has historically been a wintering and feeding area for large numbers of waterfowl, raptors, shorebirds and other water associated birds. Practically all species of waterfowl on the Pacific Flyway are found on the Napa marshes at times throughout the year.

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Among the wildlife are two endangered species, the California clapper rail and the salt marsh harvest mouse. The black rail, currently on the rare list, inhabits portions of the marsh.

Mammals inhabiting the marsh include: muskrat, mink, raccoon, black-tailed jack rabbit, and numerous rodents. The endangered salt marsh harvest mouse inhabits fringing zones of pickleweed along levees.

Estuarine fisheries include jacksmelt, threadfin shad, tuleperch, Oriental goby, starry flounder, and striped bass. Sturgeon are frequently caught by anglers along the lower section of the Napa River. Sloughs and narrow waterways provide irreplaceable nursery areas vital to striped bass production.

The greatest assets of the Napa marshes are the vegetative cover, feeding and loafing areas available for waterfowl and shorebird use. Transient and resident raptors rely upon the marshes' vast number of microtine and crecetine mice for food.

The permit does not include any immediate plans for the modification, alteration, or construction of facilities which would detract from the physical, aesthetic, scenic, or other environmental qualities of the land. The permit, by its terms, shall affirmatively provide for the direct protection of the environmental qualities of the subject lands.

Accordingly, pursuant to Public Resources Code Section 21085, implemented by 14 Cal. Adm. Code Section 15100, et seq. and 2 Cal. Adm. Code Section 2907, as the action is for the preservation and enhancement of natural resources and the environment, it is thereby categorically exempt from the environmental impact report requirements. As a further precaution that all requirements of the California Environmental Quality Act of 1970 (CEQA) are met, a permit provision requires that if at some time in the future, substantial changes are proposed by the permittee, appropriate environmental documents must be prepared.

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As the permit will serve to preserve sensitive habitat and provide protection for many species of wildlife, the Division staff recommends that the Commission find that an extended permit term of 66 years is in the best interests of the State as provided by 2 Cal. Adm. Code, Section 2004. The annual rental value of the lands is estimated to be \$21,440.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 & 2, Section 21085.
- b. Administrative Code: Title 14, Sections 15100, et seq.; Title 2, Sections 2004 and 2907.

EXHIBITS:           A. Land Description.                   B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2907.
2. FIND, PURSUANT TO 14 CAL. ADM. CODE 2004, THAT THE PERMIT TERM OF 66 YEARS, WHICH IS IN EXCESS OF THE REGULAR 49-YEAR TERM, IS IN THE BEST INTEREST OF THE STATE.
3. AUTHORIZE THE ISSUANCE TO THE STATE DEPARTMENT OF FISH AND GAME OF A 66-YEAR PERMIT FROM SEPTEMBER 29, 1975; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE COMMISSION RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF SUCH ACTION IS FOUND TO BE IN THE STATE'S BEST INTEREST; FOR THE USE OF WILDLIFE MANAGEMENT AND PROTECTION, PUBLIC RECREATION OR OTHER LIKE PURPOSE CONSISTENT WITH THE PUBLIC TRUST; ON THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8848

The following described real property situate partly in the County of Solano and partly in the County of Napa, State of California, and more particularly described as follows:

PARCEL ONE:

Parcels A and D, as shown upon that certain Record of Survey filed for record on June 17, 1974, in Book 12 of Surveys, page 92, Solano County Records, and in Book 18 of Surveys, page 74, Napa County Records.

PARCEL TWO:

Two perpetual nonexclusive 40-foot wide public road easements over those parcels shown as Public Road Easement "A" and Public Road Easement "B" as shown upon that certain Record of Survey filed for record on June 17, 1974, in Book 12 of Surveys, page 92, Solano County Records, and in Book 18 of Surveys, page 74, Napa County Records.

PARCEL THREE:

A perpetual easement over that certain parcel shown as Public Water Access Easement "A", "B", and "C" upon that certain Record of Survey filed for record on June 17, 1974, in Book 12 of Surveys, page 92, Solano County Records, and in Book 18 of Surveys, page 74, Napa County Records.

PARCEL FOUR:

Swamp and Overflowed Land Survey No. 126 as described in the Patent to George Rutledge, recorded June 12, 1875, in Book B of Patents at page 86 in the office of the County Recorder of Napa County, together with any accretions or other additions thereto.