

MINUTE ITEM

This Calendar Item No. 25  
was approved as Minute Item  
No. 25 by the State Lands  
Commission by a vote of 3  
to 0 at its 3-25-76  
meeting.

MINUTE ITEM

3/25/76  
GH  
DC  
WC

25. 66-YEAR PUBLIC AGENCY PERMIT, WESTERN PORTION OF SAN PABLO BAY, IN MARIN AND SONOMA COUNTIES, LOCATED BETWEEN THE MOUTHS OF PETALUMA AND GALLINAS CREEKS; CALIFORNIA DEPARTMENT OF FISH AND GAME - W 20996, PRG 5097.

During consideration of Calendar Item 25, Mr. Robert C. Hight, Staff Counsel, requested the recommendation before the Commission be amended to include additional language relating to the categorical exemption of the project from the preparation of an Environmental Impact Report. The language is as follows:

"Find the permit is categorically exempt under 14 Cal. Adm. Code, Sections 15107 and 15108, and to Cal. Adm. Code, Section 2907, Classes 7 and 8."

Based on Mr. Hight's request, the Commission unanimously approved the following resolution, as amended:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTION BECAUSE IT IS NOT A PROJECT AS DEFINED IN AND PURSUANT TO PUBLIC RESOURCES CODE 21065: 14 CAL. ADMINISTRATIVE CODE 15037.
2. FINDS THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. FINDS, PURSUANT TO 2 CALIFORNIA ADMINISTRATIVE CODE 2004, THAT THE LEASE TERM OF 66 YEARS IS IN THE BEST INTERESTS OF THE STATE AND IS NECESSARY FOR THE PROTECTION AND PRESERVATION OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. FINDS THE PERMIT IS CATEGORICALLY EXEMPT UNDER 14 CAL. ADM. CODE, SECTIONS 15107 AND 15108, AND CAL. ADM. CODE, SECTION 2907, CLASSES 7 AND 8.
5. AUTHORIZES THE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 66-YEAR PERMIT FROM APRIL 1, 1976, A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF THE STATEWIDE 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

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MINUTE ITEM NO. 25. (CONTD)

THE STATE'S BEST INTERESTS; FOR THE MANAGEMENT OF THE PARCELS, FOR THE PRESERVATION OF THE STATUS QUO; FOR WILDLIFE AND FLOVA STUDY, MANAGEMENT AND PROTECTION; FOR PROTECTION OF THE ENVIRONMENT; AND FOR OTHER LIKE PURPOSES WITHIN THE PUBLIC SOVEREIGN TRUST, INCLUDING PUBLIC RECREATION, NOT INCONSISTENT WITH THE WILDLIFE AND ENVIRONMENTAL VALUES.

Attachment:

Calendar Item 25 (6 pages)

CALENDAR ITEM

3/76

25

GH

DC

WC

PUBLIC AGENCY PERMIT

W 20996

APPLICANT: California Department of Fish and Game  
1416 - Ninth Street, 12th Floor  
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:

Western portion of San Pablo Bay, in Marin and Sonoma Counties, located between the mouths of Petaluma and Gallinas Creeks.

LAND USE:

For the management of the parcels, for the preservation of the status quo; for wildlife and flora study, management and protection; for protection of the environment; and for other like purposes within the public sovereign trust, including public recreation, not inconsistent with the wildlife and environmental values.

TERMS OF PROPOSED LEASE:

60 years from April 1, 1976.

CONSIDERATION:

The statewide public use and benefit in the management of the parcels, for the preservation of the status quo; for wildlife and flora study, management and protection; for protection of the environment; and for other like purposes within the public sovereign trust, including public recreation, not inconsistent with the wildlife and environmental values; and with the Commission reserving the right, at any time, to set a monetary rental if such action is found to be in the best interests of the State.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 & 11.
- C. Fish and Game Code: Chapter 5, Art. II.

OTHER PERTINENT INFORMATION:

The California State Department of Fish and Game has applied for a lease of the State's right, title, and interest in tidelands and submerged lands along the westerly shore of San Pablo Bay, located in Marin and Sonoma Counties, for the proposed San Pablo Bay State Wildlife Area.

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CALENDAR ITEM NO. 25 (CONTD)

The purpose of the lease is to provide for the management of the parcels for the preservation of the status quo; for wildlife and flora study, management and protection; for protection of the environment; and for other like purposes within the public sovereign trust, including public recreation, not inconsistent with the wildlife and environmental values.

A title review by the Division found that in portions of the proposed Wildlife Area the nature and extent of the State and private titles has not been established, and that there may be disputes as to the extent and location of the State property rights. For example, the Division records indicate that the State is the owner of portions of Hamilton Air Force Base within the proposed Wildlife Area boundaries.

The title review also showed that about 80% of the proposed Wildlife Area would be in an area in which the State's title appears to be undisputed.

It is therefore being recommended that the areas of clear title more particularly described in the attached Exhibit "A" (approximately 10,350 acres) be leased to the Department as the first stage of establishment of the Wildlife Area, with other parcels to be added later as the nature and extent of State ownership is established.

The lease includes 438.93 acres of Board of Tide Land Commissioners lots which the records show were never conveyed by the State. The State thereby retains full sovereign fee title to these lots. The State's ownership is reflected in the records of the Marin County Assessor.

The County of Marin, by resolution dated August 12, 1975 to create a San Pablo Bay State Wildlife Area, is in accord with the establishment of this Wildlife Area.

The Commission will reserve sufficient jurisdiction to permit it to meet its future responsibilities, including the right to grant permits for other purposes not inconsistent with the

CALENDAR ITEM NO. 25 (CONT'D)

the purposes of the Wildlife Area. Current navigational channels, together with a 200' buffer zone adjacent to the channels, will be excluded from the permit to insure that maintenance and improvements to the channels can take place with minimal disturbance to the Wildlife Area.

By reason of the lease, the Department will be in a position to maintain constant observation and management of the area, thereby ensuring against the possibility of unlawful filling or other trespasses.

At this time an environmental impact report is not required as the lessee does not contemplate any construction of facilities or alteration or modification of the physical, aesthetic, scenic, or other environmental qualities of the land. The lease, by its terms, affirmatively provides for direct protection of the environmental qualities of San Pablo Bay. Accordingly, pursuant to 14 Cal. Adm. Code, Section 15037, the proposed action is not a project and an environmental impact report is, therefore, not required. However, as a further precaution that all the requirements of the California Environmental Quality Act of 1970 (CEQA) are met, a lease provision requires that the appropriate environmental impact reports must be prepared if at some time in the future any substantial changes are then proposed.

This area has been identified as possessing significant environmental values, pursuant to Public Resources Code Section 6370.1, and is classified in a significant use category, Class C: Limited Use. The intent of this lease is to preserve environmental values; therefore there will be no significant adverse effect on the quality of the environment.

As the lease will serve to preserve sensitive habitat and provide protection of endangered species of wildlife, the Division staff recommends that the Commission find an extended lease term of 66 years is in the best interests of the State, pursuant to Title 2, Section 2004, California Administrative Code.

CALENDAR ITEM NO. 25 (CONTD)

- EXHIBITS:
- A. Real Property Description.
  - B. Vicinity Map.
  - C. Parcel Map.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTION BECAUSE IT IS NOT A PROJECT AS DEFINED IN AND PURSUANT TO PUBLIC RESOURCES CODE 21065; 14 CALIFORNIA ADMINISTRATIVE CODE 15037.
2. THE COMMISSION FINDS THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ; OF THE PUBLIC RESOURCES CODE.
3. FIND, PURSUANT TO 2 CALIFORNIA ADMINISTRATIVE CODE 2004, THAT THE LEASE TERM OF 66 YEARS IS IN THE BEST INTERESTS OF THE STATE AND IS NECESSARY FOR THE PROTECTION AND PRESERVATION OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZE THE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 66-YEAR PERMIT FROM APRIL 1, 1976, A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF THE STATEWIDE 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 INTERESTS; FOR THE MANAGEMENT OF THE PARCELS, FOR THE PRESERVATION OF THE STATUS QUO; FOR WILDLIFE AND FLORA STUDY, MANAGEMENT AND PROTECTION; FOR PROTECTION OF THE ENVIRONMENT; AND FOR OTHER LIKE PURPOSES WITHIN THE PUBLIC SOVEREIGN TRUST, INCLUDING PUBLIC RECREATION, NOT INCONSISTENT WITH THE WILDLIFE AND ENVIRONMENTAL VALUES.

Attachments: Exhibit "A"

REAL PROPERTY DESCRIPTION

PARCEL A:

BEGINNING at the Northeast corner of that parcel of land described in that deed recorded March 17, 1932 in Book 246 of Official Records at page 175, Marin County Records; thence along the Easterly line of TRACT NO. I, as described in the Final Judgment of Case No. 22540-R, District Court of the United States in and for the Northern District of California, Southern Division, North 40° 00' East, 16.38 feet to the Southerly line of said TRACT NO. I, PARCEL TWO, as described in that Final Judgment of Case No. 23288-R in said District Court; thence Easterly, Northerly, and Southwesterly along said Parcel Two to that "common boundary line" as described in that Judgment Quieting Title in Case No. 16468 recorded December 26, 1946 in Book 499 of Official Records at page 341, Marin County Records; thence Northerly along said common boundary line to a point from which monument No. ten, as described in last said Judgment bears South 23° 40' 30" East, 50 feet; thence on a direct line Northeasterly to the intersection of the Northerly prolongation of the Easterly line of a navigation channel between the mouth of Novato Creek and the mouth of the Petaluma River as indicated by a row of markers shown on National Ocean Survey Chart No. 18654, 23rd Ed., dated June 15, 1974, with a line between the centers of those black navigation markers numbered "17" and "19" on the Southerly edge of the Petaluma River channel as shown on said Chart No. 18654; thence from said intersection to the center of said marker "17"; thence continuing from marker to marker through the center of markers "15", "13", "11", "9", "7", "5", "3", to the center of flashing green marker "1", as shown on said Chart No. 18654; thence from said marker "1" Westerly on a direct line to the Southeast corner of that parcel described in deed recorded March 17, 1932 in Book 246, Official Records, at page 175, Marin County Records; thence Northerly along the Easterly line of last said parcel to the point of beginning.

PARCEL B:

BEGINNING at the center of that flashing green navigation marker numbered "1" at the entrance to the Petaluma River navigation channel shown on National Ocean Survey Chart No. 18654, 23rd Ed., dated June 15, 1974; thence from said marker "1" Southerly on a direct line with the angle point in the Northeasterly line of Lot 21, Section 19, T. 2 N., R. 5 W., M.D.M., as shown on Map No. 3, Salt Marsh and Tide Lands Situate in the County of Marin, dated 1871, filed in records of the State Lands Commission at Sacramento and given map file reference number LRT 18, to the line between the Southeasterly end of Course No. 1 and the Northeasterly end of Course No. 87 as said courses are tabulated on said Map No. 3 in the Table entitled "Meanders of Gallinas Canal"; thence along last said line, being also the Easterly boundary of Parcel B in that grant to the County of Marin described in Chapter 497, Statutes of California, 1959, at page 2436; to said Northeasterly end of Course No. 87, being also a point on a line shown as the "Limit of Jurisdiction of Tide Land Commissioners" on said Map No. 3; thence Westerly along said Limit of Jurisdiction line to the East line of PARCEL SIX as described in deed

PARCEL B:  
(continued)

recorded March 4, 1946 in Book 513 of Official Records at page 1, Marin County Records; thence North along said East line to the edge of vegetation on the shore of San Pablo Bay; thence Northerly along said edge of vegetation to the intersection with a direct line between the point of beginning and the Southeast corner of that parcel described in deed recorded March 17, 1932 in Book 246, Official Records, at page 175, Marin County Records; thence Easterly along last said direct line to the point of beginning.

PARCEL C:

Lots 17, 28, 29, 30, 31 and 32, Section 11, T. 2 N., R. 6 W., M.D.M., as shown on Map No. 3 of Salt Marsh and Tidelands Situate in the County of Marin, dated 1871, and filed in the Records of the State Lands Commission at Sacramento and given map file reference LRT 18.

PARCEL D:

Lots 7, 8, 9, 10, 11, 23 and 24, Section 13, T. 2 N., R. 6 W., M.D.M., as shown on Map No. 3 of Salt Marsh and Tidelands Situate in the County of Marin, dated 1871, and filed in the records of the State Lands Commission at Sacramento and given map file reference LRT 18.

PARCEL E:

Lots 29, 30, 31 and 32, Section 12, and Lots 1, 2, 3, 4, 13, 14, 15, 16 and 20, Section 13, T. 2 N., R. 6 W., M.D.M., as shown on Map No. 3 of Salt Marsh and Tidelands Situate in the County of Marin, dated 1871, and filed in the Records of the State Lands Commission at Sacramento and given map file reference LRT 18.