

MINUTE ITEM

This Calendar Item No. C7
was approved as Minute Item
No. C7 by the State Lands
Commission by a vote of 3
to 0 on its 9/30/76
meeting.

MINUTE ITEM

9/30/76
GRH

C7: ACCEPTANCE OF QUITCLAIM DEED AND ISSUANCE OF PUBLIC
AGENCY PERMIT - WP 2860, PRC 2860.

During consideration of Calendar Item C7, attached, Mr.
N. Gregory Taylor, Assistant Attorney General, stated that
an insertion is going to be put into the lease to the
Department of Fish and Game to retain the right to fix the
common boundary between this parcel and West Bay parcel, so
that we don't have to obtain the approval of the Department
of Fish and Game at a subsequent time. We just retain the
right to fix the boundary.

Upon motion duly made and carried, the resolution as presented
in Calendar Item C7 was approved by a vote of 3-0.

Attachment: Calendar Item C7 (5 pages)

CALENDAR ITEM

C7.

9/76
WP 2860
GRH

ACCEPTANCE OF QUITCLAIM DEED AND
ISSUANCE OF PUBLIC AGENCY PERMIT

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

AREA, TYPE LAND AND LOCATION:
Approximately 33.4 acres of tide and sub-
merged lands (filled and unfilled) in the
bed of Belmont Slough at Brewer Island, San
Mateo County.

LAND USE: For purposes consistent with the public
sovereign trust, including recreation, pro-
tection and enhancement of the environment
and other uses not inconsistent with the
wildlife and environmental values.

TERMS OF LEASE TO BE QUITCLAIMED:
Initial period: 49 years, from March 29, 1962.
Consideration: The public use and benefit.

TERMS OF PROPOSED LEASE:
Initial period: 66 years, from October 1, 1976.

CONSIDERATION: The state-wide public use and benefit in the
management of the parcel for purposes consistent
with the public sovereign trust including
preservation of the status quo, protection of
the environment and public recreation; and
with the Commission reserving the right, at
any time, to set a monetary rental if the
Commission finds such action to be in the
State's best interest.

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, Article II.

OTHER PERTINENT INFORMATION:
The State Department of Fish and Game has
applied to the Commission for a lease of the
State's interest in tide and submerged lands
in Belmont Slough, formerly leased to the City

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CALENDAR ITEM NO. C7. (CONTD)

of Foster City, and Estero Municipal Improvement District (EMID). The original lease on the site was granted to EMID for the construction, operation and maintenance of a public park and ancillary uses. Inasmuch as the 33-acre site was not improved as per the original agreement and the site is waterward of the existing major levee system protecting Foster City, the City and EMID have elected to return the site to the State. Both the City and EMID have executed a quitclaim deed to the site, a copy of which is on file in the office of the Commission.

The Department of Fish and Game proposes to lease the site for maintenance of the status quo and in conjunction with its nearby Bair Island wildlife area and for purposes consistent with the public sovereign trust.

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 management of the area for wildlife purposes.

An environmental impact report is not required for this activity since the lessee does not contemplate construction of any facilities or alteration of the environment. In addition, the lease provides for the protection of the environment and is therefore exempt from the EIR requirements of CEQA. Authority: 14 Cal. Adm. Code, Sections 15107 and 15108, and 2 Cal. Adm. Code, Section 2907, Classes 7, 8 & 13.

The area has been identified as possessing significant environmental values, pursuant to PRC Section 6370.1, and is classified in a significant use category, Class B: Limited Use. Inasmuch as the lease is to provide for the management and protection of the environmental values present, it is determined that the lease will have no significant environmental effects. Staff also recommends that the lease be issued for an extended term of 66 years since the lease is to preserve an environmentally sensitive area. The 66-year lease term is authorized under 2 Cal. Adm. Code, Section 2004, if the Commission finds such term to be in the best interests of the State.

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

CALENDAR ITEM NO. C7. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE TERMINATION OF LEASE PRC 2860.9, EFFECTIVE OCTOBER 1, 1976; AND ACCEPTANCE OF A QUITCLAIM DEED FOR SAME.
2. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC SECTION 21085, 14 CAL. ADM. CODE SECTION 15100 ET SEQ., AND 2 CAL. ADM. CODE SECTION 2907.
3. DETERMINE THAT THERE WILL NOT BE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON THE ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
5. FIND, PURSUANT TO 2 CAL. ADM. 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 LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
6. AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 66-YEAR PUBLIC AGENCY PERMIT FROM OCTOBER 1, 1976; IN CONSIDERATION OF THE STATE-WIDE USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE MANAGEMENT OF THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, FOR PURPOSES CONSISTENT WITH THE PUBLIC SOVEREIGN TRUST, INCLUDING RECREATION, PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT AND OTHER USES NOT INCONSISTENT WITH THE WILDLIFE AND ENVIRONMENTAL VALUES.

Attachment: Exhibit "A"

EXHIBIT "A"

WE 2860

PARCEL 1

All that certain real property situate in the County of San Mateo, State of California, being a portion of Section 25, T4S, R4W, MDB&M, more particularly described as follows:

BEGINNING at the southwest corner of said Section 25; thence along the southerly line of said Section 25, S 88° 57' 12" E 1,976.48 feet to the southeast corner of lands described as parcel four in the deed from Schilling Estate Company to T. Jack Foster, recorded September 2, 1960 in Volume 3854 of Official Records of San Mateo County at page 507; thence leaving said lands and continuing S 88° 57' 12" E 148.06 feet to a point on said southerly line of Section 25, which point is the true point of beginning of the parcel to be described herein; thence from said true point of beginning and leaving said southerly line, N 32° 38' 30" E 1,605.69 feet; thence N 62° 28' 00" E 661.61 feet; thence N 46° 50' 58" E 270.60 feet; thence N 25° 25' 07" W 306.88 feet; thence N 4° 10' 57" E 415.99 feet to an angle point in the easterly line of said parcel four in the deed to T. Jack Foster; thence along said easterly line S 38° 57' 12" E 659.96 feet; thence leaving said line N 23° 19' 00" E 691.84 feet to a point on the edge of marsh land at the westerly bank of Belmont Slough; thence along the westerly bank of said slough the following courses: S 7° 10' E 286.18 feet, S 18° 35' W 391.97 feet, S 28° 40' W 652.96 feet, S 44° 20' W 489.97 feet, S 53° 25' W 793.96 feet, S 43° 30' W 671.96 feet and S 35° 02' 48" W 236.98 feet to the southerly line of said Section 25; thence along said line N 88° 57' 12" W 222.23 feet to the true point of beginning, and containing 27,281 acres, more or less.

The California Coordinate System, Zone III, has been used as the basis of bearings for the above description, distances given are grid distances, and may be converted to ground distances by multiplying by scale factor of 1.0000653.

PARCEL 2

All of that certain real property situate in the County of San Mateo, State of California, lying within Sections 25 and 36, T4S, R4W, MDB&M, described as follows:

BEGINNING at the southwest corner of said Section 25; thence

along the line dividing Sections 25 and 36, S 88° 57' 12" E
1,976.48 feet to the southeast corner of lands described as
parcel four in the deed from Schilling Estate Company to T. Jack
Foster, recorded September 2, 1960 in Volume 3854 of Official
Records of San Mateo County at page 507; thence leaving said
lands and continuing S 88° 57' 12" E 370.29 feet to a point
on said line dividing Sections 25 and 36, which point is the
true point of beginning of the parcel to be described herein;
thence from said true point of beginning and leaving said line,
N 35° 02' 48" E 236.98 feet; thence N 43° 30' E 671.96 feet;
thence N 53° 25' E 793.96 feet; thence N 44° 20' E 489.97
feet; thence N 28° 40' E 652.96 feet; thence N 18° 35' E
391.97 feet; thence N 7° 10' W 286.18 feet; thence N 79° 02' 48" E
75.16 feet; thence S 07° 10' E, 308.28 feet; thence S 18° 35' W,
415.72 feet; thence S 28° 40' W, 669.89 feet; thence S 44° 20' W,
506.25 feet; thence S 53° 25' W, 793.41 feet; thence S 43° 30' W,
659.91 feet; thence S 35° 02' 48" W, 232.55 feet; and thence
N 54° 06' 34" W, 75.01 feet to the true point of beginning,
and containing 6.12 acres of land, more or less.

The California Coordinate System Zone 3, has been used as the basis of
bearings for the above description; bearings given are grid bearings;
distances given are grid distances, and may be converted to ground distances
by multiplying by scale factor of 1.0000653.

END OF DESCRIPTION

Prepared R. L. Blate Checked Neil Hoff
Reviewed H. A. Runnecke Date 8/25/76