

MINUTE ITEM

This Calendar Item No. C2  
was approved as Minute Item  
No. 2 by the State Lands  
Commission by a vote of 2  
0 at its 12-16-80  
meeting.

CALENDAR ITEM

1. 002

12/80  
W 22540  
Reese  
PRC 5922

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Marin County Park and Recreation Department  
Civic Center  
San Rafael, California 94903

AREA, TYPE LAND AND LOCATION:  
10.88 acre parcel of submerged land in  
Upper Richardson Bay, Marin County.

LAND USE: Multi-purpose path for bicycles, jogging,  
walking, etc.

TERMS OF PROPOSED PERMIT:  
Initial period: 49 years from January 1,  
1981.

CONSIDERATION: The public 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.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2005.

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

STATUTORY AND OTHER REFERENCES:  
A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.  
B. Cal. Adm. Code: Title 2, Div. 3; Title 14,  
Div. 6.

OTHER PERTINENT INFORMATION:  
1. Marin County proposes to construct  
two support trestles, reconstruct two  
existing trestles; and construct a  
10-foot wide, 7,200-foot long, multi-purpose  
public access pathway.  
2. Because of the uncertainty of the  
extent of the State's title in this  
area, it is recommended that expense  
and processing fees be waived.

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3. The annual rental value of the site is estimated to be \$1300.
4. A Negative Declaration was prepared by Marin County, Division of Environmental Services, pursuant to CEQA and the State EIR Guidelines.
5. This project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy.

**APPROVALS OBTAINED:**

Nationwide Army Permit (33 C.F.R. 323.4-3(a)4),  
Clean Water Act (33 U.S.C. 1344), Department  
of Fish and Game.

**FURTHER APPROVALS REQUIRED:**

Bay Conservation and Development Commission.

**EXHIBITS:**

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY MARIN COUNTY, DIVISION OF ENVIRONMENTAL SERVICES.
2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT THIS PROJECT IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS PROJECT IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
5. AUTHORIZE ISSUANCE TO MARIN COUNTY PARK AND RECREATION DEPARTMENT OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM JANUARY 1, 1981; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT

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AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR A MULTI-PURPOSE PATH FOR BICYCLES, JOGGING, WALKING, ETC. ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

6. WAIVE EXPENSE AND PROCESSING FEES FOR THIS TRANSACTION.

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EXHIBIT "A"

LAND DESCRIPTION

W 22540

A 60-foot-wide strip of tide and submerged land in upper Richardson Bay, Marin County, California, said strip lying 30 feet on each side of the following described center line:

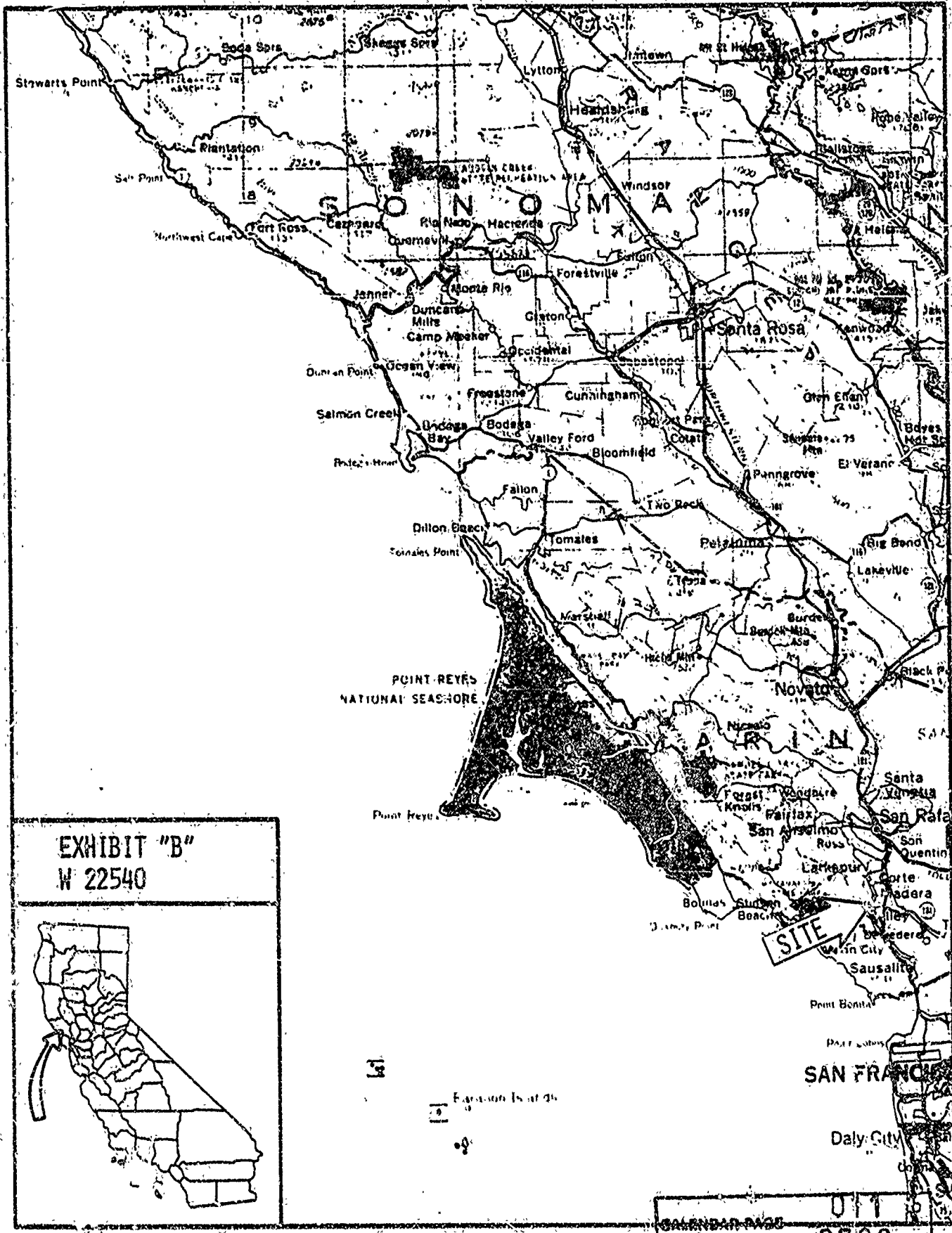
BEGINNING at the point of intersection of the boundary line being the northerly line of Lot C and the center line of the Northwestern Pacific Railroad Company, said point of intersection is described in that certain grant deed recorded 7/17/1980 in Book 3733, Page 596 (Sheet 2 of 4); thence along the center line of said railroad S 06°00'W 140 feet, more or less, to a curve to the left having a radius of 1243.57 feet, a distance of 347 feet; thence S 07°05'E 5000 feet, more or less, to a curve to the left having a radius of 1273.57 feet, a distance of 864.40 feet; thence S 46°26'E 1550 feet, and the end of the herein-described center line, said center line terminates at the northwesterly boundary of Coyote Canal, shown on Map No. 1 of salt marsh and tidelands.

EXCEPTING THEREFROM any portion lying landward of the mean high tide line of upper Richardson Bay.

END OF DESCRIPTION

PREPARED OCTOBER 16, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR

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**EXHIBIT "B"**  
**W 22540**

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EXHIBIT C  
NEGATIVE DECLARATION

Marin County  
Division of Environmental Services

Pursuant to: Section 21000 et seq of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Negative Declaration is hereby granted for the following project.

- 1. Project Name: NORTHWESTERN PACIFIC RAILROAD RIGHT-OF-WAY FEDERAL FUNDING
- 2. Location and Description: Acquisition & development of the abandoned NWPRR right-of-way between the south bank of Coyote Creek and the Scott Valley tunnel in Mill Valley. Will provide public access to recreation and conservation areas.
- 3. Project Sponsor: Parks & Recreation Dept.  
Marin County Civic Center, San Rafael
- 4. Finding:

a. Based on the attached Initial Study and without a public hearing, it is my judgment that:

- The project will not have a significant effect on the environment.
- The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

David S. Smith  
Environmental Coordinator

Date 5/30/78

b. Based on the attached Initial Study and the testimony received at a duly noticed public hearing, a Negative Declaration is granted.

\_\_\_\_\_  
Chairperson, Planning Commission  
Arnold M. Foytish  
\_\_\_\_\_  
Chairperson, Board of Supervisors

\_\_\_\_\_  
Environmental Hearing Officer  
Date 6-6-78

c. Appeal: Subsequent to an appeal of the granting of a Negative Declaration and based on the testimony received at a duly noticed public hearing on the appeal, the record of the public hearing on the Negative Declaration and the Initial Study, a Negative Declaration is granted.

\_\_\_\_\_  
Chairperson, Board of Supervisors

Date \_\_\_\_\_

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