

**CALENDAR ITEM**

**C39**

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06/24/08  
SLL 111  
D. Plummer

**CONSIDER AN EXTENSION OF THE TERM FOR A RIGHT OF ENTRY**

**PARTY:**

California Coastal Conservancy  
1330 Broadway, 13<sup>th</sup> Floor  
Oakland, California 94612

**AREA, LAND TYPE, AND LOCATION:**

318 acres, more or less, of sovereign lands in the city of Novato, Marin County.

**AUTHORIZED USE:**

Ingress and egress and removal of up to 450,000 cubic yards of soil for adjacent wetland levee construction, demolition and removal of buildings, antenna towers and buried copper wire arrays, and construction of a temporary bridge.

**TERM:**

One year, beginning June 28, 2007.

**PROPOSED NEW TERM:**

One additional year beginning June 28, 2008.

**CONSIDERATION:**

The public use and benefit.

**OTHER PERTINENT INFORMATION:**

1. The Hamilton Wetland Restoration Project (Project) is located approximately 25 miles north of San Francisco, in the city of Novato, adjacent to San Pablo Bay. The Project includes 630 acres owned by the State Coastal Conservancy (Conservancy) and the adjacent 318 acre parcel owned by the State Lands Commission. The area was historically bay and salt marsh which was drained after the construction of levees and used for farming. The Conservancy assumed the lead in developing a wetland restoration plan for the site, in cooperation with, and funding provided by, the United States Army Corps of Engineers (Corps).

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2. The Project consists of restoring the site to a combination of tidal and non-tidal (seasonal) wetlands, which will restore and increase critical habitat lost throughout the Bay Area due to conversion to agriculture, salt production and other development. The wetlands are intended to provide habitat for several endangered species, including the Salt Marsh Harvest Mouse and California Clapper Rail, as well as a wide variety of migratory waterfowl, shorebirds and fishes. This project, in conjunction with other key restoration efforts, such as the adjacent 1,600 acre Bel Marin Keys Unit V property which is owned by the Conservancy, could become a link in the chain of bay wetlands extending from China Camp to Mare Island. The Project will also include the construction of a public access trail atop the inland levee, linking to the existing trail on the flood control levee. The trail is anticipated to be a link in the San Francisco Bay Trail and will provide additional public access and recreational opportunities.
  
3. On June 28, 2007, the Commission approved the issuance of a one-year Right of Entry to the Conservancy for various activities associated with the Project, which includes ingress and egress across the State's parcel, removal of soil for adjacent wetland levee construction, demolition and removal of various buildings, antenna towers, buried copper wire arrays, and construction of a temporary bridge. Due to delays in the Corps contracting process, the Project work is behind schedule and the Conservancy has requested that the Commission consider extending the term of the Right of Entry for an additional one-year period.
  
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060 (c) (3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.  
  
Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c) (3) and 15378.
  
5. This activity involves lands which have **NOT** been identified as possessing significant values pursuant to Public Resources Code sections 6370, et. seq. However, the Commission has declared that all lands are "significant" by the nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources code Sections 6370, et. seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the

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use classification as required by Title 2, California Code of Regulations, Section 2954 is not applicable.

**APPROVALS OBTAINED:**

United States Corps of Engineers, Regional Water Quality Control Board, and the San Francisco Bay Conservation and Development Commission

**EXHIBIT:**

A. Site Plan

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c) (3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**AUTHORIZATION:**

AUTHORIZE THE EXTENSION OF THE RIGHT OF ENTRY FOR AN ADDITIONAL ONE-YEAR PERIOD, BEGINNING JUNE 28, 2008. ALL OTHER TERMS AND CONDITIONS OF THE RIGHT OF ENTRY SHALL REMAIN IN EFFECT WITHOUT AMENDMENT.