

MINUTE ITEM

This Calendar Item No. C3
was approved as Minute Item
No. 2 by the State Lands
Commission by a vote of 3
to 0 at its 8/26/76
meeting.

CALENDAR ITEM

8/76
W 21092
GRH

C3.

PUBLIC AGENCY PERMIT

APPLICANT: California Department of Fish and Game
1416 Ninth Street Wildlife Conservation Board
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION: A 7.89-acre parcel of tide and submerged lands in the bed of Tomales Bay, Marin County.

LAND USE: Management of the parcel consistent with the State sovereign trust as part of the Upper Tomales Bay Ecological and Public Fishing Access Area.

TERMS OF PROPOSED LEASE: Initial period: 49 years, from September 1, 1976.

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.

PREREQUISITE TERMS, FEES AND EXPENSES: Applicant is owner of upland.

- 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, Section 1580.

- OTHER PERTINENT INFORMATION:
- 1. The annual rental value of the site is estimated to be \$1,000.
 - 2. The California State Department of Fish and Game has applied for a lease of the State's interests in described tide and submerged lands in Tomales Bay for purposes consistent with the State sovereign trust and for management of the parcel as part of an ecological and public fishing area.

An environmental impact report is not required as the Lessee does not contemplate any construction of facilities or

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alteration to the environment. Accordingly, the Department of Fish and Game has pursuant to 14 Cal. Adm. Code, Section 15114, determined that the proposed action is categorically exempt from the EIR requirements of CEQA as an activity consisting of the acquisition of lands for fish and wildlife conservation and other purposes.

3. 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 B: Limited use. Inasmuch as the intent of this lease is to preserve environmental values and to provide public access to the area, there will be no significant adverse effect on the quality of the environment.

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 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. AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 49-YEAR PUBLIC AGENCY PERMIT FROM SEPTEMBER 1, 1976; IN CONSIDERATION OF 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; FOR THE MANAGEMENT OF THE PARCELS CONSISTENT WITH THE STATE SOVEREIGN TRUST AS PART OF AN ECOLOGICAL AND PUBLIC FISHING ACCESS AREA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21092

A parcel of tide and submerged land in the bed of Tomales Bay, in protracted Sections 22 and 23, T 3 N, R 9 W, M.D.M., Marin County, California more particularly described as follows:

Bounded on the north by Rancho Nicasio as Meandered by Course #47 and the westerly projection thereof, said course having a bearing of N 77° 30' W;

Bounded on the east by Rancho Nicasio as Meandered by Course #46, said course having a bearing of N 23° 45' E;

Bounded on the southwest by the southwesterly toe of an existing levee, said levee being the road bed of a former railroad.

EXCEPTING THEREFROM that portion thereof patented by the State of California to S. P. Taylor, July 24, 1876 as Tideland Location Survey No. 2, recorded in Book A of Patents page 404, Marin County Recorder's Office.

END OF DESCRIPTION

Prepared *Donald Bittman* Checked *R.L. Blake*
Reviewed *at. Kunnicks* Date *7/21/76*