

Calendar Item No. 16
Approved as Minute Item
No. 16 by the State Lands
Commission by a vote of 3
to 0 at its 1/26/77
meeting.

MINUTE ITEM

1/26/77

SJS

PRC 5230

16. PUBLIC AGENCY PERMIT - United States Navy - W 503.628.

During consideration of Calendar Item 16, attached, Assemblyman Dan Boatright, 10th District appeared, stating that the matter was actually two fold. The first being the problem with the right to erect a barrier. If a person is trespassing on the land they cannot be cited for trespassing. The Navy would like to close off the land to the public for security reasons.

Mr. James F. Trout, Manager, Land Operations, then read the provisions of the lease. It was then moved and seconded for the adoption of the amended lease. Assemblyman Boatright then brought up the one-year lease. It originally was a 49-year lease and felt coming back every year was unnecessary. Chairman Kenneth Cory asked if there was a cancellation clause in the lease. Mr. Robert C. Hight, Staff Counsel, replied it may be cancelled by either party in 30 days. Chairman Cory said a 10-year lease would seem in order.

Captain Joe Paulis, Commanding Officer of the Naval Weapons Station, appeared. He briefly explained about the people who enter into the area, not realizing the danger of carrying rifles with all the high explosives around.

At this time it was moved and second the adoption of a 10-year lease with a 30 day cancellation provision. Captain Paulis noted that the adoption would exclude people from trespassing in the area. Mr. N. Gregory Taylor, Assistant Attorney General, briefly explained the rights of the people and the jurisdiction of the land in question.

Upon motion duly made and carried, Calendar Item 16 was adopted with the following amendments:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21172, 14 CAL. ADM. CODE 15071, 2 CAL. ADM. CODE 2903(b).
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. AUTHORIZES ISSUANCE TO THE UNITED STATES NAVY OF A 10-YEAR PUBLIC AGENCY PERMIT FROM JANUARY 1, 1977; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY 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 CONSTRUCTION OF A TEMPORARY BARRIER TO

A 10

B 7

MINUTE ITEM 16: (CONTD)

PREVENT PUBLIC ACCESS TO HASTINGS SLOUGH ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

4. THE LESSEE SHALL HAVE ALL RIGHTS OF THE LEASEHOLDER TO HAVE QUIET POSSESSION AND USE OF THE PROPERTY; THE LEASE WILL PROVIDE FOR 30 DAYS CANCELLATION OF TERMS BY EITHER PARTY.

Attachment: Calendar Item 16 (4 Pages)

CALENDAR ITEM

16.

1/77
W 503.628
SJS
PRC 5230

PUBLIC AGENCY PERMIT

APPLICANT: United States Navy
Navy Facilities Engineering Command
P. O. Box 727
San Bruno, California 94018

AREA, TYPE LAND AND LOCATION: 18.914 acres of tide and submerged land in Hastings Slough, Contra Costa County, near Concord.

LAND USE: For construction of a barrier to prevent public access to Hastings Slough.

TERMS OF PROPOSED LEASE:
Initial period: One year from January 1, 1977.
Special: Processing fee will be billed in arrears.

CONSIDERATION: The public health and safety 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.

OTHER PERTINENT INFORMATION:
1. The annual rental value of the site is estimated to be \$1,280.
2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2903(d) which exempts a project undertaken as immediate action necessary to prevent or mitigate an emergency.
3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class A.

A 10

S 7

CALENDAR ITEM NO. 16. (CONTD)

Staff has determined that the restriction of public access will not adversely impact the identified values.

Inasmuch as the lease is to close off the area from public use, all environmental values will be protected. It is determined that the lease will have no significant environmental effects.

4. During the 1974-1975 condemnation proceedings involving the weapon station site, Hastings Slough was specifically negotiated out of the settlement because of the public trust and public use.

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 21172, 14 CAL. ADM. CODE 15071, 2 CAL. ADM. CODE 2903(D).
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 UNITED STATES NAVY OF A ONE-YEAR PUBLIC AGENCY PERMIT FROM JANUARY 1, 1977; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY 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 CONSTRUCTION OF A TEMPORARY BARRIER TO PREVENT PUBLIC ACCESS TO HASTINGS SLOUGH ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

H	00	46'	42"	E	145.04'
H	00	37'	30"	W	512.71'
H	00	12'	00"	W	200.00'
H	00	18'	00"	E	400.00'
H	00	48'	00"	E	200.00'
H	00	12'	00"	W	330.00'
H	00	42'	00"	W	270.00'
H	00	12'	00"	W	210.00'
H	00	18'	00"	W	215.00'
S	00	18'	00"	W	450.00'
S	00	48'	00"	W	350.00'
S	00	15'	00"	W	530.00'
S	00	42'	00"	W	275.00'
S	00	57'	00"	W	400.00'
H	00	42'	00"	W	200.00'
H	00	18'	00"	E	350.00'
H	00	48'	00"	E	250.00'
H	00	02'	52"	E	875.71'

Station 7 030 00' 00" N, 155.29 feet to Station 56 00' 00" E
 on said map, course S 30° 59' 38" E, 135.83 feet to the point
 of beginning.

Bearings distances and coordinates in this description are based upon
 the California Coordinate System, Zone 3.

END OF DESCRIPTION

Prepared by John J. [Signature] Surveyor 11717
 Date 11/17/71

