

MINUTE ITEM

This Calendar Item No. C4
was approved as Minute Item
No. 4 by the State Lands
Commission by a vote of 2
to 0 at its 8/20/81
meeting.

CALENDAR ITEM

C 0 4

8/20/81
RV 21567.12
Weldon

GENERAL LEASE
PUBLIC AGENCY USE

APPLICANT: United States Department of the Interior
Fish and Wildlife Service
Lloyd 500 Building, Suite 1692
500 N.E. Multnomah Street
Portland, Oregon 97232

AREA, TYPE LAND AND LOCATION:
935± acres in and along South San Francisco
Bay in Alameda, San Mateo and Santa Clara
Counties, being tidelands and submerged
lands.

LAND USE: National Wildlife Refuge.

TERMS OF PROPOSED LEASE:
Initial period: 66 years from September 1,
1981.

CONSIDERATION: The operation, management, protection,
and maintenance of the leased premises.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2005 and 2006.

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

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13;
Div. 20.
B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:
1. An EIR is not required. This transaction
is within the purview of 2 Cal. Adm.
Code 2907, Class 7(a) and 14 Cal. Adm.
Code 15107 which exempts leases to
and actions taken by regulatory agencies
for natural resources preservation.

A 15, 20, 25

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S 8, 10, 11

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2. This project is situated on land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in use categories, Classes "A" and "C" which authorize restricted and multiple use respectively. Staff review indicates that there will be no significant adverse effect upon the identified environmental values.
3. The proposed lease parcel is more particularly described in the attached Land Description of leased parcels. The terms of the proposed lease have been worked out to the satisfaction of the Commission Staff and the Federal Officials. It is in the form of a prior lease for San Pablo Bay National Wildlife Refuge, previously approved by the Commission by Minute Item 23 at its March 19, 1980 meeting.

The term is for a period of 66 years which staff believes is in the best interest of the State for the long term preservation of the wetlands to be leased as part of the Federal South San Francisco Bay Wildlife Refuge consistent with public policy as expressed in Federal and State law and Regulations.

In brief summary, the terms of the proposed lease provide for management of the parcel by the United States Fish and Wildlife Service as part of the National Wildlife Refuge system for a term of 66 years. A copy of the proposed lease is on file with the Commission.

Consideration specified in the proposed lease consists of the operation, management, protection, and maintenance of the parcel by the United States and the ensuing public benefit. Should the United States earn income from the parcel in excess of its cost of maintaining the parcel, the State reserves the right to charge a reasonable rental.

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The proposed lease will be subject to existing contracts, leases, licenses, easements, and encumbrances which may affect the leased land.

The State is the owner of the mineral, etc., rights and reserves the right of extraction. The proposed lease provides that the State will notify and involve the United States and the State Department of Fish and Game in planning for extraction.

The State is the owner in Fee Title to Parcels A, B, G, M, N, O, P, Q, and S, as described in Exhibit A. The above parcels were acquired in Exchange Agreement between the State and Leslie Salt Company in Sovereign Lands Location 43, dated February 1, 1968. The State acquired the Public Trust Easement for commerce, navigation and fisheries over Parcels 7 and 8 of said Exhibit A as part of the aforementioned Agreement and is hereby leasing that interest.

Hunting is permitted under the proposed lease, however, areas may be closed for safety, waterfowl protection or administration requirements.

The proposed lease is on file with the Commission. It is referred to for specific provisions.

EXHIBITS: A. Description. B. Plat.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE PROPOSED LEASE TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE IS IN THE BEST INTERESTS OF THE STATE.
2. FIND THAT IT IS IN THE INTERESTS OF THE STATE THAT THE LEASE SHOULD BE FOR A TERM OF 66 YEARS, AND AUTHORIZE SUCH 66-YEAR TERM.
3. APPROVE THE LEASE IN SUBSTANTIALLY THE FORM OF THE COPY ON FILE WITH THE STATE LANDS COMMISSION ON BEHALF OF THE STATE OF CALIFORNIA, AUTHORIZE ITS EXECUTION

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FOR THE COMMISSION BY ITS DULY DELEGATED STAFF; AND AUTHORIZE ITS RECORDATION WITH THE RECORDERS OF ALAMEDA, SAN MATEO AND SANTA CLARA COUNTIES.

4. DETERMINE THAT AN EIR HAS NOT BEEN PROPOSED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
5. AUTHORIZE THE STATE LANDS COMMISSION STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS WHICH MAY BE REASONABLY NECESSARY OR CONVENIENT TO IMPLMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF DOCUMENTS OF TITLE, RECORDATION, ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL ADMINISTRATIVE OR OTHER PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
6. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5 OF TITLE 2 OF THE CAL. ADM. CODE.
7. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.

EXHIBIT A

LAND DESCRIPTION

U.S. Fish & Wildlife Service

Lease Parcels

Alameda County Parcels:

All that certain real property situate in the County of Alameda, State of California, described as follows:

Parcels M,N,O,P,Q and S as described in Grant Deed from Leslie Salt Company to the State of California, recorded on February 1, 1968 on Reel 2119, Image 305, Official Records of Alameda County, and Parcel 7 as described in Exhibit "B" of that certain patent from the State of California to Leslie Salt Company, recorded February 1, 1968 on Reel 2119, Image 325, Official Records of Alameda County.

EXCEPTING THEREFROM, that portion of the above described Parcel N lying northeasterly of a line connecting point numbers 3192 and 3270, as said points are shown on Record of Survey no. 551, filed on August 23, 1976 in Book 10 of Records of Survey at pages 29-85, Alameda County Recorders.

ALSO EXCEPTING THEREFROM, that portion of the above described Parcel Q lying easterly of a line connecting point numbers 4181 and 4182, said portion of Parcel Q being known as Newark Slough and northerly of a line connecting point numbers 1860 and 1861, said portion of Parcel Q being known as Plummer Creek, the above mentioned point numbers being shown on Record of Survey No. 551, filed on August 23, 1976 in Book 10 of Records of Survey at pages 29-85, Alameda County Recorders.

Santa Clara County Parcels:

All that certain Real Property situate in the County of Santa Clara, State of California, described as follows:

Parcels A,B and M as described in Grant Deed from Leslie Salt Company to the State of California recorded on February 1, 1968 in Book 8013 at page 378, Santa Clara County Official Records and Parcel 8 as described in that certain Patent from the State of California to Leslie Salt Company recorded February 1, 1968 in Book 8013 at page 394, Santa Clara County Official Records.

EXCEPTING THEREFROM, that portion of the above described Parcel 8 lying outside the boundaries of the San Francisco Bay National Wildlife Refuge as shown on that Record of Survey filed August 27, 1976 in Book 378 of Maps at pages 1-57, Santa Clara County Recorders.

San Mateo County Parcel:

All that certain real property situate in the County of San Mateo, State of California, described as follows:

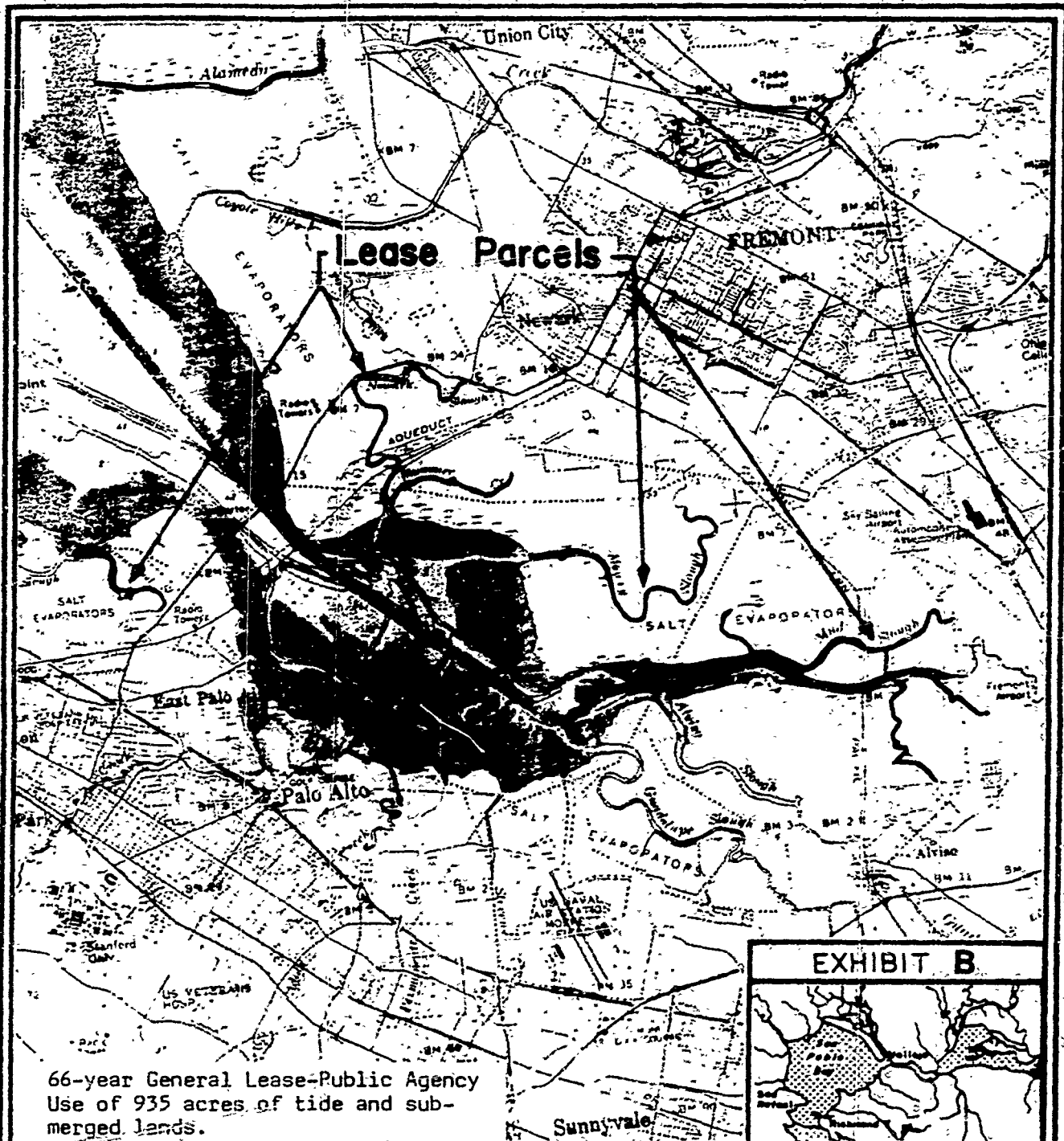
Parcel G as described in Grant Deed from Leslie Salt Company to the State of California, recorded February 1, 1968 in Volume 5426 at page 109, Official Records of San Mateo County.

EXCEPTING THEREFROM, that portion of the above described parcel lying westerly of a line connecting the westerly termini of those certain courses and distances, designated as N 42° 01' 00" E, 187.4 feet and S 89° 45' 04" W, 691.0 feet in the herein above mentioned Grant Deed and further designated as course Nos. 181 and 36 respectively on that certain unrecorded map entitled "Parcel G Exchange of Lands, State of California and Leslie Salt Company, San Mateo County" prepared by Hammon, Jensen & Wallen, dated February 21, 1957, revised June 15, 1967 and indexed in the State Lands Commission Records as CXA 2131.

END OF DESCRIPTION

PREPARED 8-11-81 BY TITLE SETTLEMENTS SECTION AND REVIEW BY
GARRY A. WELDON, LS 3752

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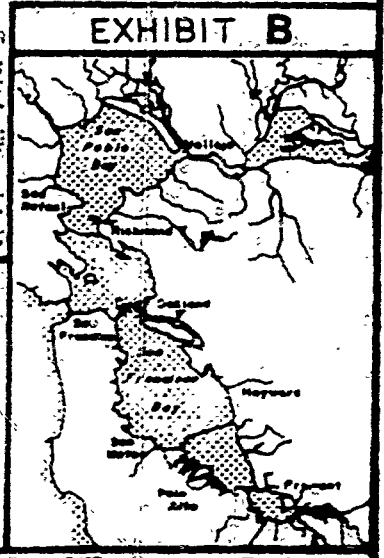
66-year General Lease-Public Agency
Use of 935 acres of tide and sub-
merged lands.

STATE LANDS COMMISSION

U.S. FISH and WILDLIFE SERVICE
LEASE PARCELS
SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Prepared by: Plummer Date: 8-4-81 A: 20 S: 10

Title Study: So. S. F. BAY U.S.F. & W.S. LEASE W 21567.12



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