

MINUTE ITEM  
This Calendar Item No. 19  
was approved as Minute Item  
No. 19 by the State Lands  
Commission by a vote of 3  
to 0 at its 7-16-87  
meeting.

CALENDAR ITEM

A 9, 17, 19, 20

19

07/16/87

W 22890

PRC 7112

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S 3, 8

APPROVAL OF A GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: United States of America, Acting by and through  
the National Park Service, (NPS) Golden Gate  
National Recreation Area (GGNRA)  
Building 201, Fort Mason  
San Francisco, California 94123

AREA, TYPE LAND AND LOCATION:

A 1,000-foot band of ungranted tide and  
submerged land waterward of the boundaries of  
GGNRA, totalling 3,714 acres in Marin,  
San Francisco, and San Mateo counties.

LAND USE: Management for park purposes.

TERMS OF PROPOSED PERMIT:

Initial period: 49 years beginning August 1,  
1987.

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 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

(ADDED 07/15/87)

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. The Applicant (NPS) and State Lands Commission (SLC) staff have agreed on the terms of a lease agreement for use of SLC lands adjacent to the existing park. Staff believes NPS has on-site skilled personnel who can capably manage and administer the area in a manner benefiting the public in compliance with Federal and State laws. NPS management objectives are summarized as follows: To enhance public safety, use and enjoyment, protect the environment and any cultural and historical resources, preserve and protect the leased lands, and provide for recreational and educational opportunities.

2. Special provisions covered by the lease:

(a) The agreement provides for rent-free status, although, the State reserves the right to review and set a monetary consideration if it is found the Lessee is deriving revenue from the leased area. In the event a rental is demanded, the Lessee may terminate the agreement.

(b) The lease recognizes that the Federal Government is self-insured and that NPS will consent to cooperate with the State pursuant to the Federal Tort Claims Act. In case any portion of the leased lands is subleased to a private party at a future date, the State could require bonding and insurance.

(ADDED 07/15/87)

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(c) To assist in the administration of any historical and cultural resources that may lie within the leased land, the parties shall employ a memorandum of understanding. The State shall continue to own, control, and grant salvage rights for those resources. Staff and NPS believe that NPS control will minimize adverse impacts to the affected lands.

3. The annual rental value of the site is estimated to be \$6,685,200.
4. As to the area within Marin and San Francisco counties, this activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.
5. For the lands located within San Mateo County, this activity involves lands identified as possessing significant environment values pursuant to P.R.C. 6370 et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

(ADDED 07/15/87)

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EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AS TO THE AREA WITHIN MARIN AND SAN FRANCISCO COUNTIES:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 16, TRANSFER OF OWNERSHIP OF LAND TO CREATE PARKS, 2 CAL. ADM. CODE 2905(9).
2. FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT. WITHIN SAN MATEO COUNTY, FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370 ET SEQ.
3. AUTHORIZE ISSUANCE TO UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE NATIONAL PARK SERVICE, GOLDEN GATE NATIONAL RECREATIONAL AREA, OF A 49-YEAR GENERAL PERMIT -- PUBLIC AGENCY USE BEGINNING AUGUST 1, 1987; 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 MANAGEMENT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(ADDED 07/15/87)

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**EXHIBIT "A"**

**LAND DESCRIPTION**

**W 22890**

A strip of tide and submerged land 1000 feet wide in the Pacific Ocean and San Francisco Bay, Marin County, San Mateo County and the City and County of San Francisco, California, said strip lying between the ordinary high water mark of said Pacific Ocean and San Francisco Bay and an envelope line lying 1000 feet waterward of said ordinary high water mark and adjacent to or within the Golden Gate National Recreation Area as shown on the National Park Service Drawing 641-80046 received April 6, 1987, and filed with the State Lands Commission.

**EXCEPTING THEREFROM** any portion lying within a State of California Legislative Grant of tide and submerged land to a municipality or a governmental agency.

**ALSO EXCEPTING THEREFROM** any portion adjacent to Angel Island in San Francisco Bay.

**END OF DESCRIPTION**

**REVISED JUNE 5, 1987. BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.**

**0300b —**

