

MINUTE ITEM

This Calendar Item No. C3
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 3
to 0 at its 8/10/88
meeting.

CALENDAR ITEM

A 9
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C 03

08/10/88
W 23791 PRC 7226
Townsend

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT: City of Novato
Attn: Phillip Brown, City Manager
901 Sherman Avenue
Novato, California 94945

AREA, TYPE LAND AND LOCATION:
A 3.076-acre parcel of sovereign land located
at the Hamilton Air Field, City of Novato,
Marin County.

LAND USE: Continued use and maintenance of an existing
law enforcement firing range.

TERMS OF PROPOSED LEASE:
Initial period: Five (5) years beginning
August 1, 1988.

Public liability insurance: Combined single
limit coverage of \$500,000.

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.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is lessee of upland.

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PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

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: 07/30/88.

OTHER PERTINENT INFORMATION:

1. Staff of the Commission has received an application from the City of Novato for a General Lease - Public Agency Use, for the maintenance and operation of an existing small arms firing range located at the Hamilton Air Field, in the City of Novato, Marin County. The range will be available for use by the Novato City Police Department, as well as other local, State and federal law enforcement agencies, for fire arm proficiency. The City, as lessee, will be responsible for maintenance and scheduled use of the range. The lease agreement provides that the facility shall not be available for use by the general public.

The State of California, Department of Fish and Game, has expressed an interest in leasing State-owned lands in the vicinity of the firing range for salt marsh management for wildlife. Although the Department has not established a management plan for the area, its primary objective will be the preservation of wildlife. The Department has no objection to use of the range, but may ask the City to limit use of the range to reduce noise levels during shorebird nesting in the spring. The City is aware of the Department's concerns and will cooperate. In addition, use of the range is limited to small arms and the hours of operation of the range will be limited. Staff recommends issuance of the lease to the City of Novato for a term of five years.

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2. The annual rental value of the site is estimated to be \$415.
3. 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.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facility, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

FURTHER APPROVALS REQUIRED:

City of Novato, United States Army Corps of Engineers, State of California Department of Fish and Game, Bay Conservation and Development Commission.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

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 1, EXISTING FACILITY, 2 CAL. ADM. CODE 2905(a)(2).

CALENDAR ITEM NO. C 03 (CONT'D)

2. AUTHORIZE ISSUANCE TO CITY OF NOVATO OF A FIVE-YEAR GENERAL LEASE - PUBLIC AGENCY USE BEGINNING AUGUST 1, 1988; 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; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING LAW ENFORCEMENT FIRING RANGE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 23791

All that land lying immediately beneath an existing rifle range and related facilities near the north boundary of Hamilton Air Force Base, Marin County, California, said rifle range and related facilities lying near the south boundary of and within a parcel of California State proprietary land described as follows:

Parcel 1 of Exhibit E, as described in the Settlement Agreement, State of California vs. United States of America, U.S.D.C. N.D. No. C-79-1865-R.P.A., recorded January 17, 1985, in File No. 85002140, Official Records of Marin County.

END OF DESCRIPTION

PREPARED JANUARY 27, 1988 BY BIU 1.

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