

**CALENDAR ITEM
C79**

A	16	02/09/16 AD 617 W 25109 G 01-01
S	9	R. Boggiano J. Porter

**CONSIDER REVISED PHASE AREA BOUNDARIES FOR THE SECOND CLOSING
PHASE AS REQUIRED BY THE NAVAL AIR STATION ALAMEDA TITLE
SETTLEMENT AND EXCHANGE AGREEMENT**

PARTIES:

City of Alameda

State of California, acting by and through the California State Lands Commission

INTRODUCTION:

The California State Lands Commission (Commission) approved the Naval Air Station Alameda Title Settlement and Exchange Agreement (Agreement) on October 19, 2012 (Calendar Item 94). The Agreement was executed by both parties, the City of Alameda (City) and the Commission, and was recorded on June, 30, 2014.

The subject property of the Agreement includes lands within and adjacent to the former Naval Air Station Alameda (NAS Property) located in the City and County of Alameda. The Agreement authorizes an exchange of lands that will impress the public trust on certain lands within the NAS Property (Trust Addition Lands) and terminate the public trust in other lands within the NAS Property (Trust Termination Lands). The Agreement settles and establishes certain boundary lines and settles and confirms the character of certain lands within the NAS Property as either subject to the public trust (Agreed Trust Lands) or as free from the Trust (Agreed Non-Trust Lands). The total Trust Termination Lands are approximately 304 acres. The total Trust Addition Lands are approximately 121 acres. The total Agreed Trust Lands are approximately 1,478 acres and the total Agreed Non-Trust Lands are approximately 197 acres.

The conveyances authorized by the Agreement occur in phases. Because the land included in the second closing phase does not substantially conform to the

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Phase Area boundary in Exhibit 1 of the Agreement, the Commission is required to consider the revised Phase Area boundaries.

STAFF ANALYSIS:

Each closing phase must have a configuration of Trust Termination Lands and Trust Addition Lands that substantially conform to the Phase Area boundaries in Exhibit I of the Agreement, as determined by the Commission's Executive Officer. Because the second closing phase does not substantially conform to the Phase 2 boundaries as depicted in the Agreement, the Commission must approve the revised Phase 2 boundaries before conveyance. The Commission must also find that, after each closing phase under the revised phase area boundaries, the cumulative lands or interests in lands that have been exchanged into the Public Trust will be configured in a way that furthers the purposes of the overall exchange.

The Navy has not yet transferred to the City all the land that was originally anticipated to be exchanged in Phase 2. Phase 2 was originally anticipated to include five (5) acres of Trust Addition Lands and 22 acres of Trust Termination Lands. The Phase 2 boundaries will need to be modified. The Trust Addition Lands will remain at five (5) acres but the Trust Termination Lands will decrease in this phase to include two (2) acres. The 20 acres of Trust Termination Land that will no longer be transferred in Phase 2 will be transferred in Phase 3. Phase 4 will remain unchanged. The configuration of the Public Trust Lands will not change; therefore, the cumulative lands or interests in lands that will be exchanged into the Public Trust will continue to be configured in a way that furthers the purposes of the overall exchange.

OTHER PERTINENT INFORMATION:

1. The State, acting by and through the Commission, is authorized under Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011, to enter into the Agreement.
2. The Commission approved the first closing phase for the Agreement on February 21, 2014 (Calendar Item 62).
3. As a condition precedent to the closing of Phase 2, the Commission will need to make a finding that all remedial action necessary to protect human health and the environment with respect to hazardous substances on the land has been completed in accordance with the Federal Facility

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Agreement for Alameda Naval Air Station. The Commission will consider this finding at a later meeting.

4. This activity is consistent with Strategy 1.1 to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
5. The staff recommends that the Commission find that the subject approval of the revised phase area boundaries finding does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBIT:

- A. Location and Site Map of Public Trust and Trust Termination Parcels

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

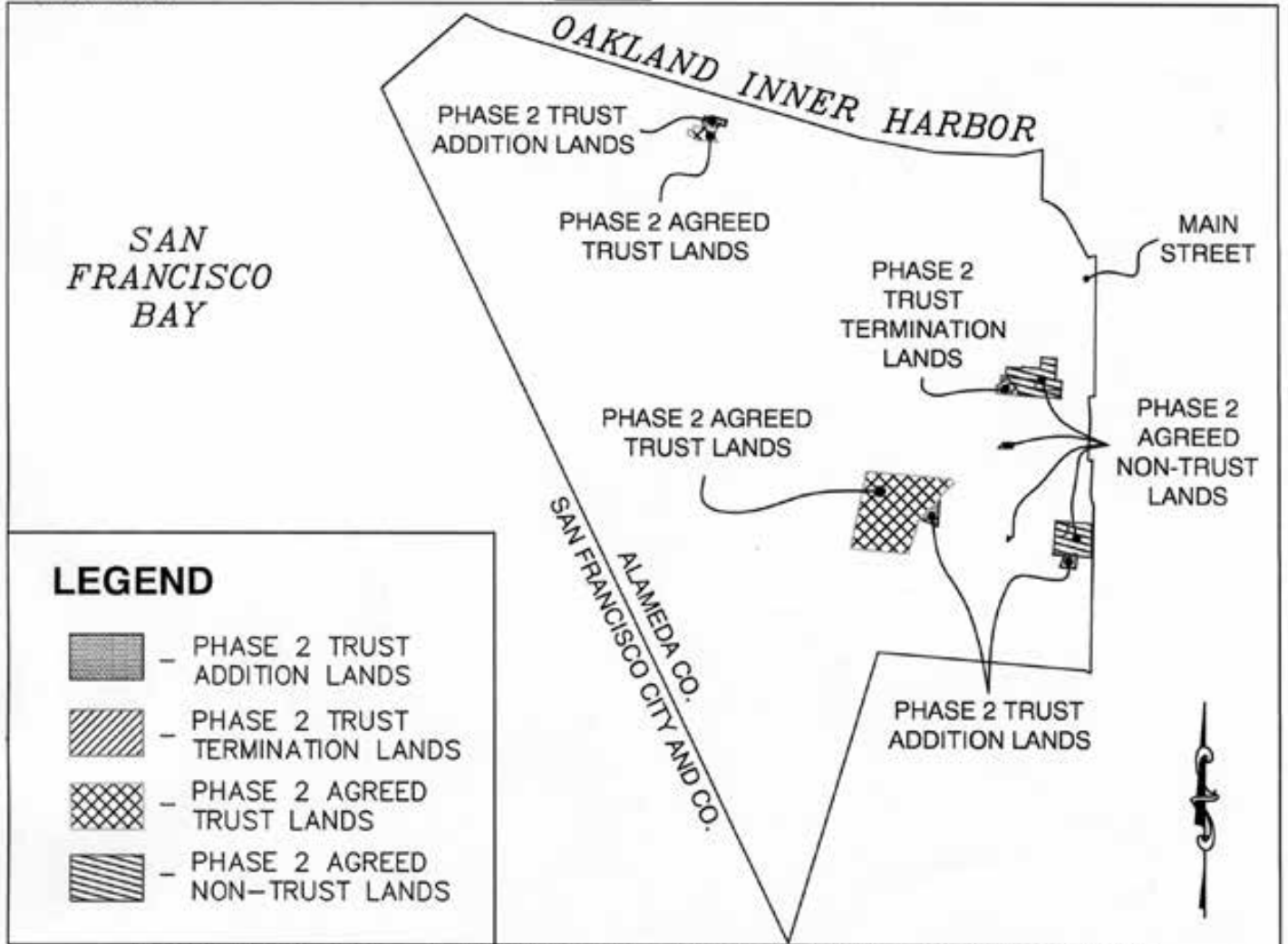
Find that the subject approval of a revised phase area boundaries finding is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revised phase area boundaries for the second closing phase at Naval Air Station Alameda and find that, after each closing phase under the revised phase area boundaries, the cumulative lands or interests in lands that have been exchanged into the Public Trust are configured in a way that furthers the purposes of the overall exchange.

NO SCALE

SITE



LEGEND

-  - PHASE 2 TRUST ADDITION LANDS
-  - PHASE 2 TRUST TERMINATION LANDS
-  - PHASE 2 AGREED TRUST LANDS
-  - PHASE 2 AGREED NON-TRUST LANDS

FORMER NAVAL AIR STATION ALAMEDA TITLE SETTLEMENT AND EXCHANGE AGREEMENT PHASE 2

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

G 01-01/ AD 617
 NAS ALAMEDA TITLE
 SETTLEMENT AND EXCHANGE
 AGREEMENT PHASE 2
 REVISED PHASE AREA
 BOUNDARIES
 ALAMEDA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.