

MINUTE ITEM

4/4/74
JR

5. 66-YEAR PUBLIC AGENCY PERMIT, SOVEREIGN LANDS ON BAIR ISLAND, REDWOOD CITY, SAN MATEO COUNTY; DEPARTMENT OF FISH AND GAME - W 20401, PRC 4891.9.

After consideration of Calendar Item 3 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTION, BECAUSE IT IS NOT A PROJECT AS DEFINED IN AND PURSUANT TO PUBLIC RESOURCES CODE SECTION 21065, 14 CAL. ADM. CODE SECTION 15037, AND CAL. ADM. CODE SECTION 2910(d).
2. FINDS, PURSUANT TO 14 CAL. ADM. CODE SECTION 2004, THAT THE LEASE TERM OF 66 YEARS, WHICH IS IN EXCESS OF THE REGULAR 49-YEAR TERM, IS IN THE BEST INTEREST OF THE STATE AND IS NECESSARY FOR THE PROTECTION AND PRESERVATION OF BAIR ISLAND.
3. AUTHORIZES THE ISSUANCE TO THE STATE DEPARTMENT OF FISH AND GAME OF A 66-YEAR LEASE FROM APRIL 4, 1974, A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE COMMISSION RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF SUCH ACTION IS FOUND TO BE IN THE STATE'S BEST INTEREST; FOR THE USE OF WILDLIFE MANAGEMENT, PUBLIC RECREATION OR OTHER LIKE PURPOSES CONSISTENT WITH THE PUBLIC TRUST; ON THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 3 (6 pages)

CALENDAR ITEM

3/74

JR

W 20401

3.

PUBLIC AGENCY PERMIT

APPLICANT: Department of Fish and Game.

LOCATION: An area of approximately 800 acres of sovereign lands on Bair Island, Redwood City, San Mateo County.

LAND USE: Wildlife management, public recreation or other like purposes consistent with the public trust.

TERM OF PROPOSED LEASE:
Initial period: 66 years, from April 4, 1974.

CONSIDERATION: The public use and benefit, with the Commission reserving the right at any time to set a monetary rental if such action is found to be in the State's best interest.

OTHER PERTINENT INFORMATION:
The Bair Island lands were acquired by donation from Mobil Oil Estates Limited under the terms of a donation agreement previously approved by the State Lands Commission at its regular September 1973 meeting. In consideration for the donation, the State agreed to accept and hold title to the property in sovereign capacity and subject to the public trust for commerce, navigation, and fisheries.

The lessee, the State Department of Fish and Game, intends to study, manage, and maintain the natural state of wildlife and flora. The lease of these lands will provide a valuable adjunct to the proposed South San Francisco Bay National Wildlife Refuge.

At this time, an environmental impact report is not required as the lessee does not contemplate any construction of facilities or alteration or modification of the physical, aesthetic, scenic, or other environmental qualities of the land. The lease, by its terms, shall affirmatively provide for direct protection of the environmental qualities of Bair Island. Accordingly, pursuant to 14 Cal. Adm. Code, Section 15037 and 2 Cal. Adm. Code Section 2910(d), the proposed action is not a project and an environmental impact report is, therefore, not required. However, as a further precaution that all the requirements of the California Environmental Quality Act of 1970 (CEQA) are met, a lease provision requires that the appropriate environmental impact reports must be prepared if at some time in the future any substantial changes are then proposed.

CALENDAR ITEM NO. 3. (CONTD)

As the lease will serve to preserve sensitive habitat and provide protection of endangered species of wildlife, the Division staff recommends that the Commission find an extended lease term of 66 years is in the best interest of the State pursuant to Title 2, Section 2004, California Administrative Code. The annual rental value of the site is estimated to be \$60,000.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1, 2 and 10.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTION, BECAUSE IT IS NOT A PROJECT AS DEFINED IN AND PURSUANT TO PUBLIC RESOURCES CODE SECTION 21065, 14 CAL. ADM. CODE SECTION 15037, AND CAL. ADM. CODE SECTION 2910(d).
2. FIND, PURSUANT TO 14 CAL. ADM. CODE SECTION 2004, THAT THE LEASE TERM OF 66 YEARS, WHICH IS IN EXCESS OF THE REGULAR 49-YEAR TERM, IS IN THE BEST INTEREST OF THE STATE AND IS NECESSARY FOR THE PROTECTION AND PRESERVATION OF BAIR ISLAND.
3. AUTHORIZE THE ISSUANCE TO THE STATE DEPARTMENT OF FISH AND GAME OF A 66-YEAR LEASE FROM APRIL 4, 1974, A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE COMMISSION RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF SUCH ACTION IS FOUND TO BE IN THE STATE'S BEST INTEREST; FOR THE USE OF WILDLIFE MANAGEMENT, PUBLIC RECREATION OR OTHER LIKE PURPOSES CONSISTENT WITH THE PUBLIC TRUST; ON THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20401

The land herein referred to is situated in the State of California, County of San Mateo, City of Redwood City, and is described as follows:

A portion of the lands conveyed to Leslie Salt Co., a Delaware corporation, by that certain Deed recorded on May 27, 1949, in Book 1669 of Official Records at page 109 (File No. 92516-H); by that certain Deed recorded on September 15, 1949, in Book 1713 of Official Records at page 498 (File No. 9411-I); and by that certain Deed recorded on February 26, 1960, in Book 3754 of Official Records at page 372 (File No. 32367-S), Records of San Mateo County, California; said portion being more particularly described as follows:

BEGINNING at the point of intersection of the southwesterly line of that certain easement granted and established by that certain Agreement between Leslie Salt Co., a Delaware corporation, and Pacific Gas and Electric Company, a California corporation, recorded on February 15, 1966, in Book 5112 of Official Records at page 332 (File No. 38611-Z), Records of San Mateo County, California, with the southeasterly line of the lands conveyed to the State of California and described as Parcel H in that certain Deed from Leslie Salt Co., a Delaware corporation, et al., recorded on February 1, 1968, in Book 5426 of Official Records at page 109 (File No. 15987-AB), Records of San Mateo County, California, said point of intersection being distant on said southeasterly line S 21° 54' 11" W, 70.87 feet, more or less, from the northeasterly terminus of that certain course designated as "South 21° 54' 11" West 209.1 feet" in said Deed to the State of California; running thence from said point of beginning along said southeasterly line of the aforesaid Parcel H the following courses and distances:

| | |
|------------------|--|
| N 21° 54' 11" E, | 70.87 feet, more or less, to an angle point thereon; thence continuing |
| N 28° 48' 05" E, | 263.60 feet, |
| N 23° 49' 46" E, | 131.20 feet, |
| N 14° 24' 57" E, | 329.40 feet, |
| N 34° 25' 06" E, | 130.90 feet, |
| N 27° 51' 23" E, | 218.30 feet, |
| N 47° 54' 07" E, | 159.40 feet, |
| N 21° 48' 05" E, | 59.20 feet, |
| N 32° 28' 16" E, | 78.20 feet, |
| N 31° 20' 43" E, | 257.60 feet, |
| N 43° 33' 21" E, | 168.40 feet, |
| N 31° 06' 48" E, | 197.40 feet, thence |
| N 51° 02' 52" E, | 86.50 feet to the |

EXHIBIT "A" (CONTD)

northeasterly line of the lands conveyed to Leslie Salt Co. and described as Parcel B in that certain Deed recorded on May 27, 1949, in Book 1669 of Official Records at page 109 (File No. 92516-H), Records of San Mateo County, California, said northeasterly line being designated therein as "South 24° 57' 10" East 911.24 feet"; running thence along said northeasterly line S 23° 05' 37" E, 154.36 feet to the southeasterly terminus of that certain course designated as "South 52° 11' 30" East 555.00 feet" in that certain Deed to Leslie Salt Co. recorded on September 15, 1949, in Book 1713 of Official Records at page 498 (File No. 9411-I), Records of San Mateo County, California; running thence along the boundary line of said last mentioned lands being also the common boundary fixed by agreement between Morgan Oyster Company and S. I. Allard and P. W. Mathews, dated August 5, 1907, and recorded August 19, 1907, in Book 142 of Deeds at page 7, Records of San Mateo County, California, the following courses and distances:

N 54° 56' 23" E, 330.12 feet (called N 54° 57' E, 330.20 feet in said Deed to Leslie Salt Co.);
S 82° 19' 37" E, 1321.45 feet (called S 82° 19' E, 1321.79 feet in said Deed to Leslie Salt Co.);
N 85° 11' 43" E, 923.76 feet (called N 85° 11' E, 924 feet in said Deed to Leslie Salt Co.);
S 73° 41' 01" E, 658.39 feet (called S 73° 42' E, 658.50 feet in said Deed to Leslie Salt Co.);
S 88° 34' 41" E, 1640.50 feet (called S 88° 35' 30" E, 1640.89 feet in said Deed to Leslie Salt Co.);
S 60° 10' 54" E, 490.34 feet (called S 60° 12' E, 490.38 feet in said Deed to Leslie Salt Co.); and
S 48° 40' 52" E (called S 48° 42' E in said Deed to Leslie Salt Co.), 665 feet;

thence leaving said last mentioned boundary line and running

S 41° 19' 08" W, 1200 feet; thence
S 48° 40' 52" E, 3442.63 feet; thence
S 41° 19' 08" W, 3651.58 feet; thence
S 29° 00' 54" W, 179.99 feet

to the centerline of Corkscrew Slough, said centerline also being the general southerly boundary line of the lands conveyed to Mobil Oil Estates (Bair Island Investments) Limited, a Delaware corporation, and described as Parcel 4 in that certain Deed recorded March 27, 1973, in Book 6350 of Official Records at page 425 (File No. 16249-AG), Records of San Mateo County, California; running thence along said centerline of Corkscrew Slough the following courses and distances:

EXHIBIT "A" (CONTD)

N 55° 00' 00" W, 1444.66 feet,
N 67° 48' 56" W, 444.68 feet,
N 80° 18' 06" W, 876.47 feet,
S 63° 05' 54" W, 397.71 feet,
S 10° 00' 54" W, 631.13 feet,
S 39° 43' 54" W, 370.43 feet,
S 70° 50' 54" W, 566.99 feet,
S 46° 01' 54" W, 250.00 feet,
S 7° 10' 00" W, 303.95 feet,
S 30° 45' 00" E, 1013.31 feet,
S 6° 55' 00" W, 340.00 feet,
S 54° 00' 00" W, 320.00 feet,

thence continuing along said centerline S 85° 40' 00" W, 294.42 feet to the northeast corner of the lands conveyed to Leslie Salt Co. and described as Parcel V in that certain Deed recorded on February 26, 1960, in Book 3754 of Official Records at page 372 (File No. 32367-S), Records of San Mateo County, California; running thence along the northerly prolongation of the easterly line of said Parcel V N 12° 35' 47" E, 140.87 feet to the northeast corner of the aforesaid lands conveyed to the State of California and described as Parcel H in that certain Deed from Leslie Salt Co., et al., recorded on February 1, 1968, in Book 5426 of Official Records at page 109 (File No. 15987-AB), Records of San Mateo County, California; running thence along the northerly line of said Parcel H, N 73° 30' 00" W, 172 feet; thence leaving said northerly line and running

N 6° 20' 00" W, 2350.00 feet; thence
N 54° 10' 00" E, 2030.00 feet; thence
N 85° 00' 00" E, 650.00 feet; thence
N 49° 00' 00" E, 410.52 feet

to a point in the aforesaid southwesterly line of that certain easement granted and established by that certain Agreement between Leslie Salt Co., a Delaware corporation, and Pacific Gas and Electric Company, a California corporation, recorded on February 15, 1966, in Book 5112 of Official Records at page 332 (File No. 38611-Z), Records of San Mateo County, California; running thence along said southwesterly line N 53° 40' 50" W, 5385.53 feet to the point of beginning.

EXCEPTING THEREFROM so much as may be included within the original Patent from the State of California to Morgan Oyster Company, dated May 22, 1896, and recorded May 29, 1896, in Book 2 of Patents at page 429, Records of San Mateo County, California.

The California Coordinate System, Zone 3, was used as the basis of bearings for this parcel described herein. All bearings given are grid bearings. All distances given are grid distances. To convert grid distance to ground distance, multiply grid distance by scale factor of 1.0000636.

EXHIBIT "A" (CONTD)

RESERVING THEREFROM a non-exclusive easement for ingress and egress and access purposes over a strip of land 100 feet wide, being measured at right angles northeasterly from the following described line:

BEGINNING at a point on the southwesterly line of that certain easement granted and established by that certain Agreement between Leslie Salt Co., a Delaware corporation, and Pacific Gas and Electric Company, a California corporation, recorded on February 15, 1966, in Book 5112 of Official Records at page 332 (File No. 38611-Z), Records of San Mateo County, California, distant thereon N 53° 40' 50" W, 400 feet from the southeasterly terminus of that certain course designated as "North 53° 40' 50" W, 5385.53 feet" in the above-described lands; running thence from said point of beginning S 53° 40' 50" E, 3050 feet, more or less, to the intersection thereof with the southeasterly line of the above described lands.

The side lines of said strip of land to be extended so as to form a continuous easement extending to the southeasterly line of said above described lands.

ALSO a right-of-way over and across that certain levee on Bair Island, San Mateo County, as said right-of-way is described in Paragraph "2" of that Real Property Donation Agreement recorded in Book 6526 of Official Records at page 671 in the Office of the County Recorder of San Mateo County.

END OF DESCRIPTION