

MINUTE ITEM

This Calendar Item No. 43 was approved by the State Lands Commission by a vote of 3 to 0 at its 6/30/77 meeting.

CALENDAR ITEM

C3.

6/77
W 20756
GRH

GENERAL PERMIT - PUBLIC AGENCY USE

PRC 5309

APPLICANT:

California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95816

AREA, TYPE LAND AND LOCATION:

Approximately 1,642 acres of coastal tide and submerged lands in Carmel Bay, Monterey County, shown as Site A and Pinnacles Sites on Exhibits "A" and "A2", on file with the office of the State Lands Commission.

LAND USE:

Establishment of Carmel Bay Ecological Reserve.

TERMS OF PROPOSED LEASE:

Initial period: 49 years, from July 1, 1977.

CONSIDERATION:

The public use and benefit with 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.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code, Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 6.5, 10 & 11.
- C. Fish and Game Code Section 1530.
- D. Administrative Code: Title 14, Section 630.

OTHER PERTINENT INFORMATION:

1. This transaction came to the Commission's attention in 1974 via a request from the State Department of Parks and Recreation to establish an "underwater park" in Carmel Bay. Considerable public interest both for and against the establishment of an "underwater park" was generated and the Commission authorized staff to conduct a public hearing in the area. As a result of the hearing, plans for establishment of an "underwater park" were abandoned.

Later the Legislature in 1975 passed SB 24 which urged the Department of Parks and Game to establish an ecological reserve.

at Carmel Bay to protect the fragile underwater ecosystem. The Department of Fish and Game has applied to the Commission for the necessary land use authorization to establish the reserve

Timely processing of the application has been delayed because part of the area to be included in the reserve had been granted by the Legislature to the Carmel Sanitary District. The Sanitary District, in 1953, quitclaimed most of the granted area to the State (Department of Parks and Recreation). The Commission, at its July 1976 meeting, found that those lands, ostensibly quitclaimed to the State, are ungranted tide and submerged lands under the Commission's jurisdiction. The Sanitary District has applied to the Commission for rights of way for existing and proposed sewer outfalls. These rights of way are shown at Sites A-2 and A-3 on the attached site map.

2. The Fish and Game Commission on April 2, 1976, adopted regulations governing the use of Carmel Bay as an ecological reserve. A copy of the regulation is on file in the office of the State Lands Division. The use of Carmel Bay is not severely restricted. Normal uses (fishing, boating, scuba diving, etc.) are allowed. Commercial fishing and the taking of invertebrates are prohibited.

This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class "A" which authorizes restricted use.

Inasmuch as this activity contemplates the lease of lands to the Department of Fish and Game (major nominating agency) for their protection and preservation, staff believes there will be no detrimental effect on the significant environmental values identified under Public Resources Code Section 6370.1.

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3. This project is exempt from CEQA because it is an activity which will regulate and protect the natural resources of the region.

Authority: 2 Cal. Adm. Code Section 2907.

4. This activity is fully consistent with the Commission's newly adopted Coastal Regulations in that the activity protects and enhances a sensitive marine environment.

EXHIBITS - A - A 2. Location Maps

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC SECTION 21085, 14 CAL. ADM. CODE SECTION 15100 ET SEQ., AND 2 CAL. ADM. CODE SECTION 2907.
2. FIND THAT GRANTING OF THE PERMIT OR LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6573.1 OF THE PUBLIC RESOURCES CODE.
3. DETERMINE THAT THIS PROJECT DOES NOT FALL WITHIN THE PROVISIONS OF ARTICLE 6.5 OF TITLE 2, CAL. ADM. CODE, BECAUSE THIS PROJECT IS NOT A DEVELOPMENT WITHIN THE PURVIEW OF SECTION 2503, 2 CAL. ADM. CODE AS DEFINED IN SECTION 70100 OF THE PUBLIC RESOURCES CODE.
4. AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 30-YEAR GENERAL PERMIT-FOR PUBLIC AGENCY USE, FROM JULY 1, 1977, BY CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH STATE RESERVING THE RIGHT AT ANY TIME TO SET A NEGOTIABLE FEEAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTERESTS FOR THE ESTABLISHMENT AND OPERATION OF THE CARMEL COAST GUARD RESERVE ON THE LAND DESCRIBED IN PARAGRAPH ONE OF THE GENERAL PERMIT OF THE COMMISSION AND BY PERMITTING SAID AGENCY TO USE SAID