

MINUTE ITEM

This Calendar Item No. 33 was approved as Minute Item No. 33 by the State Lands Commission by a vote of 3 to 0 at its 11/20/77 CALENDAR ITEM meeting.

33.

11/77
WP 3221
Atkins

WESTBAY-USE OF TIDELANDS IN SAN FRANCISCO BAY
FOR MARICULTURE, SOUTH SAN FRANCISCO BAY AND
TOMALES BAY; SAN MATEO AND MARIN COUNTIES

Westbay Community Associates, dba Morgan Oyster Company, has made an application to the Fish and Game Commission for approval to harvest clams from private water bottoms in San Francisco Bay, San Mateo County; for relaying to State tidelands in Tomales Bay, Marin County; for cleansing and subsequent public sale after meeting State Health Department standards. These lands are shown on Exhibits B-1a, B-1b, B-2 and B-3, and described in Exhibits A-1, A-2 and A-3 hereof. Pursuant to Article 7 of the Westbay Settlement Agreement, Westbay is required to notify the State Lands Commission of any specific use it proposes to make of certain tidelands in San Francisco Bay as to which the underlying fee title of Westbay has been recognized and confirmed subject to the public tidelands trust easement.

Public Resources Code Section 6502, together with Title 14, California Administrative Code Section 131, provide that no mariculture agreement will be valid until the State Lands Commission has certified that the proposed mariculture areas are unencumbered or the private ownership is properly described.

The Department of Fish and Game has worked with State and local agencies for the past two years to develop a clam harvesting industry in San Francisco Bay and have developed new regulations for such activities now under consideration by the Fish and Game Commission.

Pursuant to authority vested by the Secretary for Resources, the Department of Fish and Game has prepared an environmental report in connection with this project; Public Resource Code Section 21080.5; 14 Cal. Adm. Code Sections 15190-92. The State Lands Division has reviewed and considered the information contained in that document in making its recommendation to the Commission. Said report is on file with the State Lands Commission.

State Lands Division staff has reviewed Westbay's application and the descriptions of the lands in San Francisco Bay and Tomales Bay. Copies of all documents are on file in the State Lands Division office.

A 9, 19, 20

S 2, 6, 10

CALENDAR ITEM NO. 33. (CONTD)

EXHIBITS: A-1, A-2, A-3. Land Descriptions.
 B-1a, B-1b, B-2, B-3. Site Maps.
 C. Environmental Assessment.

IT IS RECOMMENDED THAT THE STATE LANDS 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 PRG 21065, 14 CAL. ADM. CODE 15037 AND 2 CAL. ADM. CODE 2903(d).
2. DETERMINE THAT THE USE OF PARCELS B-5, B-8, C-2, C-4 AND C-7, SITUATED IN SAN FRANCISCO BAY FOR CLAM HARVESTING IS NOT INCONSISTENT WITH PUBLIC TIDELANDS TRUST EASEMENT PURPOSED PROVIDED, HOWEVER, THAT THIS DETERMINATION IS WITHOUT PREJUDICE TO THE STATE LANDS COMMISSION'S POWER TO EXERCISE SAID PUBLIC TRUST EASEMENT OVER SAID PARCELS FOR PURPOSES NOT INCONSISTENT WITH CLAM HARVESTING. THIS DETERMINATION SHALL BE FOR A PERIOD OF THREE YEARS FROM THE DATE OF THIS DETERMINATION AND SO LONG AS CLAMS ARE HARVESTED PURSUANT TO THE PENDING APPLICATION OF WESTBAY COMMUNITY ASSOCIATES, DBA MORGAN OYSTER COMPANY BEFORE THE FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME AND SHALL BE SUBJECT TO WESTBAY OBTAINING ALL PERMITS REQUIRED BY GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER THIS MATTER.
3. CERTIFY THAT PARCELS B-5, B-8, C-2, C-4 AND C-7 IN SAN FRANCISCO BAY (SHOWN IN EXHIBITS B-1a AND B-1b ON FILE WITH THE STATE LANDS COMMISSION) ARE PROPERLY DESCRIBED AS TIDELANDS AS TO WHICH THE UNDERLYING FEE TITLE IS HELD BY WESTBAY COMMUNITY ASSOCIATES.
4. CERTIFY THAT THE STATE TIDELANDS IN TOMALES BAY (SHOWN IN EXHIBITS B-2 AND B-3) ARE PRESENTLY UNENCUMBERED WITH ANY STATE LEASE OR PERMIT WHICH WOULD PRECLUDE THE LEASING THEREOF BY THE FISH AND GAME COMMISSION FOR MARICULTURE PURPOSES.
5. FIND THAT THIS ACTION IN NO WAY PREJUDICES ANY PERMITS OR OTHER AUTHORIZATIONS WHICH MAY BE NECESSARY FROM B.C.D.C. OR HOLDERS OF LEGISLATIVE GRANTS.
6. AUTHORIZE STATE LANDS DIVISION STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE FOREGOING.

Attachment: Exhibits A-1, A-2, A-3

EXHIBIT "A-1"

WP 3221

Five parcels of tide and submerged land in the San Francisco Bay, San Mateo County, California identified as B-5, B-8, C-2, C-4, and C-7 as shown on Record of Survey filed July 28, 1977, in Book 8 of Licensed Land Surveyors' Maps page 76, Official Records of San Mateo County.

DFB

File No. A-26.2
9/26/77
WBW/vb

EXHIBIT 'A-2'
LEGAL DESCRIPTION OF
PROPOSED CLAM RELAY BED

All that certain real property situate in the County of Marin,
State of California, described as follows:

BEGINNING at a point which is located S 85°29' E 6540.00 feet
from a 1" Iron Pipe Monument marked NPS 2-F-3 at the southerly
terminus of that certain course shown as S 33°18'25" E 616.12 feet
on Sheet 2 of 9 Sheets of that certain Map entitled, "Point Reyes
National Seashore", which Map was filed in Book 3 of Official
Surveys at Page 56 in the office of the County Recorder of Marin
County, California, and said 1" Iron Pipe having California
Zone 3 Coordinates North 606,084.87, and East 1,310,543.53;
thence from said Point of Beginning N 86°04' E 660.00 feet;
thence S 3°56' E 660.00 feet; thence S 86°04' W 660.00 feet;
thence N 3°56' W 660.00 feet to the Point of Beginning, and
containing 10 Acres of land, more or less.

The California Coordinate System, Zone 3, has been used as the
basis of bearings. All bearings given are grid bearings. All
distances given are grid distances. To convert grid distance
to ground distance, multiply grid distance by a scale factor
of 1.0000500.

APPROVED:

W. B. Wright

W. B. Wright
L.S. 2917

File No. A-26.2
9/26/77
WBW/vb

EXHIBIT 'A-3'
LEGAL DESCRIPTION OF
PROPOSED CLAM RELAY BED
ALTERNATE SITE

All that certain real property situate in the County of Marin, State of California, which real property is located within the Point Reyes National Seashore, in Tomales Bay, and which real property is described as follows:

BEGINNING at a point which is located S 88°14'30" E 5080.00 feet from National Geodetic Survey Monument "Tomales Bay (1855)", which Monument is located at California Zone 3 Coordinates North 621,544.08, and East 1,296,989.05, and said Monument being marked by a cross on copper bolt in top of 16" Masonary Monument; thence from said Point of Beginning N 52°26' E 660.00 feet; thence S 37°34' E 660.00 feet; thence S 52°26' W 660.00 feet; thence N 37°34' W 660.00 feet to the Point of Beginning and containing 10 Acres of land, more or less.

The California Coordinate System, Zone 3, has been used as the basis of bearings. All bearings given are grid bearings. All distances given are grid distances. To convert grid distance to ground distance, multiply grid distance by a scale factor of 1.0000500.

APPROVED:

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