

MINUTE ITEM

This Calendar Item No. 61
was approved as Minute Item
No. 1 by the State Lands
Commission by a vote of 3
to 0 at its 7/23/81
meeting.

CALENDAR ITEM

C 0 1

7/81
W 20832
Townsend
PRC 6032

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Pacific Gas and Electric Company
P. O. Box 2669
San Rafael, California 94901
Attention: Mr. Harry Irwin
Commercial Representative

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands located in the
Novato Creek flood plain, north of State
Highway Route 37, in the City of Novato,
Marin County; for the installation of two
temporary power poles and approximately
1,180 feet of conductor line, to provide
the necessary power for an electric crossing
gate, as required by Northwestern Pacific
Railroad of Novato Center, in the transporting
of excavated fill from the State's Parcel B,
across the railroad tracks, to Novato Center's
Parcel A, as more particularly shown on
the attached Exhibit "A".

TERMS OF ORIGINAL PERMIT:
Initial period: 15 months from August 1,
1981.

CONSIDERATION: The public health and safety; with the
State reserving the right to set a monetary
rental if the Commission finds such action
to be in the State's best interest. This
is necessary as an incident to the easement
for extraction and transportation of fill
material from the State's parcel established
by BLA 150, for which the State is receiving
royalty.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2005 and 2006.

PREREQUISITE TERMS, FEES AND EXPENSES:
All filing fees and processing costs are
being waived. This project is a necessary
and integral part of the State's plan and
specifications for Novato Center's offsite

A 9
S 2

CALENDAR ITEM NO. C 0 1 (CONTD)

mitigation which is being performed on the State's Parcels B and C.

AB 884: N/A.

PERTINENT BACKGROUND:

On April 28, 1976, the Commission entered into a Compromise Title Settlement (BLA 150) with Novato Center, receiving fee title to 278 acres of land (Parcels B and C) and clearing title to 127 acres in Novato Center (Parcel A), located in the Novato Creek flood plain north of State Highway Route 37, in the City of Novato, Marin County.

As a part of the Agreement, and later amended by Commission action on April 7 and June 24, 1981 (Minute Items 24 and 28 respectively), Novato Center reserved an easement to extract 500,000 cubic yards of fill material from Parcel B, to be used to raise the elevation of the Novato Center parcel for construction of a regional shopping center. The resulting pond, to be created by the extraction would serve as a holding pond for flood control for water purity, and for other environmental concerns.

Novato Center has obtained a temporary right-of-way crossing from Northwestern Pacific Railroad in order to transport the excavated fill from State-owned land to property being developed by Novato Center. However, as a condition of the temporary crossing, the Railroad is requiring Novato Center to install an electric crossing gate.

Pursuant to the Railroad's requirement, and in order for Novato Center to commence excavation and transporting of fill during the remaining summer months, it is therefore necessary for Pacific Gas and Electric Company to provide power for the electric crossing gate.

A final EIR was prepared by the City of Novato, pursuant to CEQA and the State EIR Guidelines; a Notice of Determination has been received.

CALENDAR ITEM NO. C 0 1 (CONTD)

This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. Section 6370.1, and is classified in a use category, Class C, which authorizes Multiple Use.

Staff review indicates that there will be no significant effect upon the identified environmental values.

APPROVALS OBTAINED:

Northwestern Pacific Railroad.

EXHIBITS:

- A. Plat of Settlement Parcels.
- B. Project Drawing.
- C. EIR Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF NOVATO, ON MARCH 9, 1979.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, PURSUANT TO P.R.C. SECTION 6370.1.
4. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 15-MONTH GENERAL PERMIT - PUBLIC AGENCY USE, FROM AUGUST 1, 1981, IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE INSTALLATION OF TWO TEMPORARY POWER POLES AND APPROXIMATELY 1,180 FEET OF CONDUCTOR LINE, FOR AN ELECTRIC RAILROAD CROSSING GATE; ON THE LAND SHOWN ON THE ATTACHED EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

- (A) - cleared to Novato Center
- (B) - to State subject to easement to extract fill material
- (C) - to State

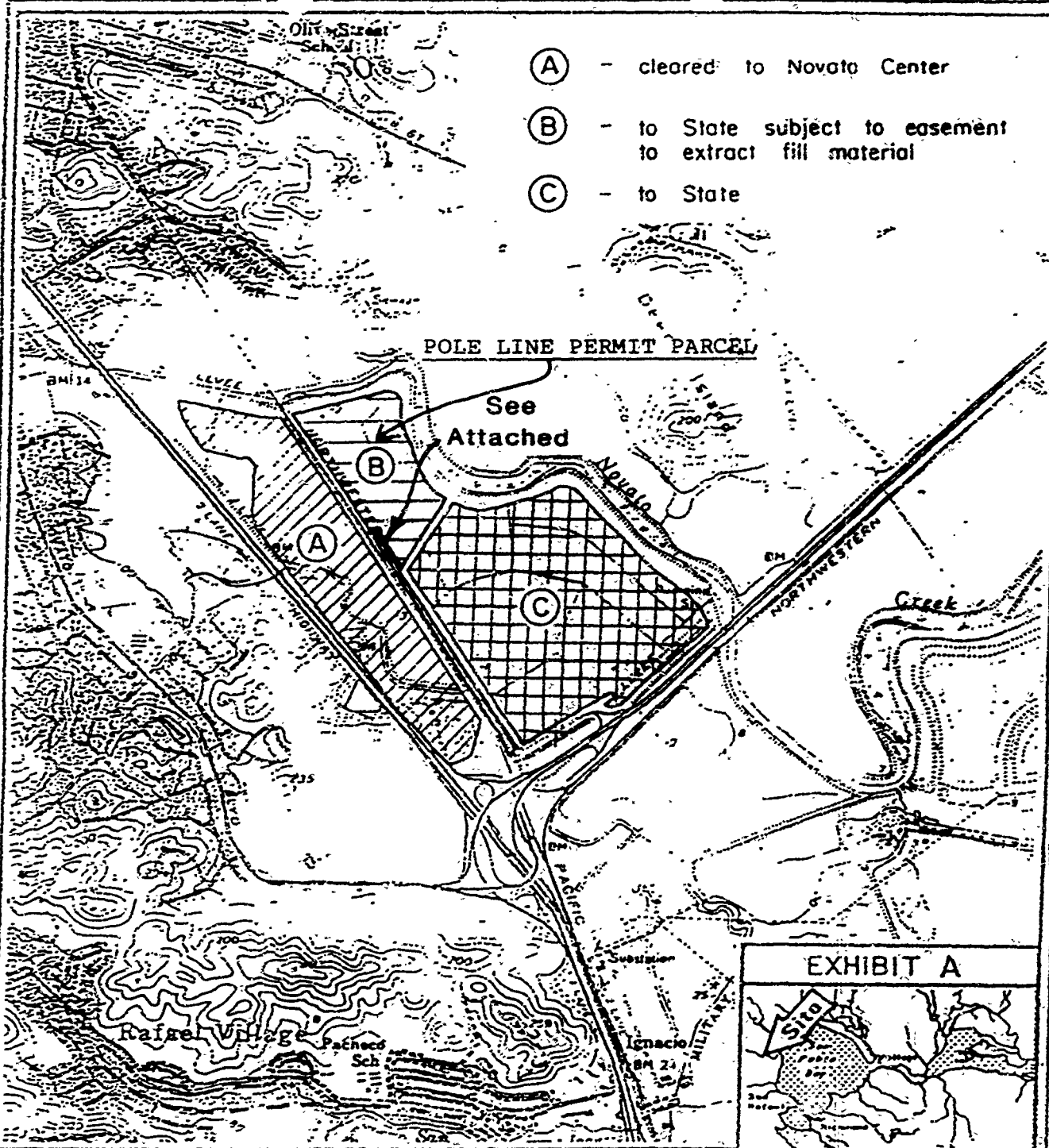
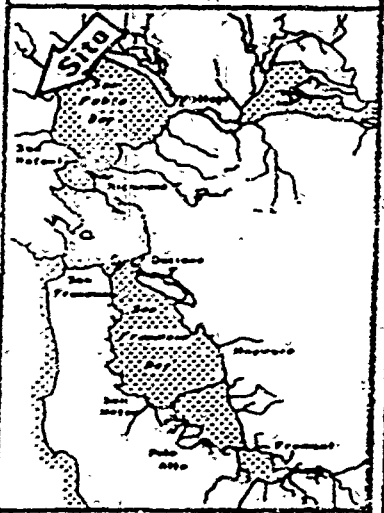


EXHIBIT A



STATE LANDS COMMISSION

PLAT OF SETTLEMENT PARCELS

Prepared by: jst

Rev. Date: 3-25-81 A: 9 S: 2

Title Study: Novato Center

W 20832

73-N 50-E 141

CALIFORNIA PAGE

MINUTE PAGE

1460

W 20832

WILDLIFE



PUMPS

HOLDING

POND

STATE LANDS

PARCEL B

LANDS

COMMISSION

PARCEL C

PG&E R/W

NEW LAKE

Temp. Overhead Power Line (2 Poles)

Temp. Railroad Crossing Signal

PG&E R/W

NORTHWESTERN

PACIFIC

RAIL ROAD

HAHN

OAK KNOLL PRESERVED

2

3

U.S. - 101

U.S.

101

REDWOOD

HWY.

EXHIBIT B

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1461

EIR Summary

The following is a summary of an environmental impact report (draft) by the City of Novato for the Novato Regional Shopping Center, published in March 1979.

1. Project Description. The proposed fill of approximately 396,000 cubic yards would be placed on about 56 acres of the property; it includes 12 acres of agricultural land on which some fill has been placed, and about 8 acres of a seasonal brackish marsh. The fill material would be obtained from the excavation area which would then become a 37-acre lake. The regional shopping center will consist of an enclosed mall with four major stores. Shops, a bank, savings and loan, restaurant and theatre will also be included. The entire shopping center, with the exception of the four major stores (two levels each), will be one level. The project will be heavily landscaped.
2. Environmental Impacts. Differing subsurface characteristics could cause settlement problems; carbon monoxide levels would increase by 20-25% over no-project levels; large flood flows could occur across the site should the culverts be obstructed by debris; the remnants of Lynwood Slough and the present realigned Lynwood Slough would be destroyed; new aquatic habitat would be created; approximately 1900 permanent jobs would be generated; land use would be changed at the site from open space to commercial use; additional demand for energy and city services.
3. Mitigation Measures. Prudent engineering design; culvert wing walls and debris screens to minimize obstruction; restoration of tidal marshland; various energy conservation measures during construction and operation; reduce volume of runoff water by maintaining open space and constructing detention and storage basins.
4. Alternatives. No project; development in accordance with City plans; alternative site location (downtown Novato, Hamilton AFB).
5. Unavoidable Adverse Effects. Potential exposure of structures to hazards associated with construction on bay mud; increased quantity and decreased quality of storm runoff; loss of diversity of wildlife habitat on-site; increased demands for energy and services; increased traffic and pollution; economic impacts on downtown Novato commercial area.
6. Short Term Vs. Long Term. Construction of the shopping center constitutes a long-term (30-50 years) commitment of the land to one specific use. The proposed development would conform to local and regional land use plans, yet would result in long-term adverse effects.