

MINUTE ITEM

34 by the

8/21/84

CALENDAR ITEM

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08/21/84
W 21567.12
Maricle
PRC 6045.9

MEMORANDUM OF UNDERSTANDING

APPLICANT: Department of the Interior
United States Fish and Wildlife Service
Lloyd 500 Building, Suite 1692
500 North East Multnomah Street
Portland, Oregon 97232

AREA, TYPE LAND AND LOCATION: 250.62 acres, bay front lands, vicinity of Fremont, Coyote Creek, Alameda County.

LAND USE: Agreement to include incoming lands into Lease PRC 6045.9, when fully acquired.

TERMS OF ORIGINAL LEASE PRC 6045.9:

SIZE: 935 + acres in and along South San Francisco Bay in Alameda, San Mateo and Santa Clara Counties, being tidelands and submerged lands.

USE: National Wildlife Refuge.

TERM: Initial period: 66 years from September 1, 1981.

CONSIDERATION: The operation, management, protection, and maintenance of the leased premises.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13,

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB-884: N/A.

OTHER PERTINENT INFORMATION:

1. The United States Fish and Wildlife Service holds a 935-acre lease of State lands in South San Francisco Bay. Lands within the lease area have been put under a long term lease for the preservation of wetlands. At its meeting of August 20, 1981, the Commission approved the issuance of the lease, with the finding that the action was in the best interests of the State.
2. Property nearby the Alameda County portion of the lands described in Lease PRC 6045 was the subject of a Compromise Settlement and Exchange Agreement, and a Mitigation Agreement, between the Commission and Fremont International Partners. In the latter agreement, effective December 1, 1983, the State agreed to accept title to seven parcels of land. Five of those parcels, numbers 6, 7, 8, 9 and 11, as shown on Exhibit "A", are the lands which are the subject of the proposed Memorandum of Understanding. Parcels 6, 8, and 9 have since been deeded to the State; parcels 7 and 11 will be deeded to the State not later than December 1, 1993.
3. King and Lyons, a partnership, as assignee and successor to Fremont International Partners, has notified the staff of plans to build a new inner levee landward of parcels 6, 7, 8 and 9, and bayward of parcel 11. None of the construction will encroach on presently-owned State lands. After construction, an existing outer levee will be breached, restoring the first four parcels to tidal action; parcel 11 will be continued as pickleweed acreage, with periodic water intrusions allowed from a flap gate.

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4. There has been no known opposition to the levee project. However, other permitting agencies want (1) a public access strip atop the new levee, and (2) a public agency to manage the access strip. The United States Fish and Wildlife Service is willing to do so, but would like assurance that the parcels will eventually be made a part of Lease PRC 6045.9.
5. The United States Fish and Wildlife Service and the staff have agreed to the terms of a Memorandum of Understanding (MOU), on file in the offices of the Commission. The agreement acknowledges the Commission as the owner of parcels 6, 8 and 9, and that it is entitled to receive parcels 7 and 11 under the prior Mitigation Agreement. The MOU provides, also, when the State acquires the latter two properties, that all five parcels will be added by amendment to the 66-year lease.
6. This proposal is considered to be in the State's best interest because it will enhance wetlands preservation in the baylands and assure their long-term protection.
7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

None.

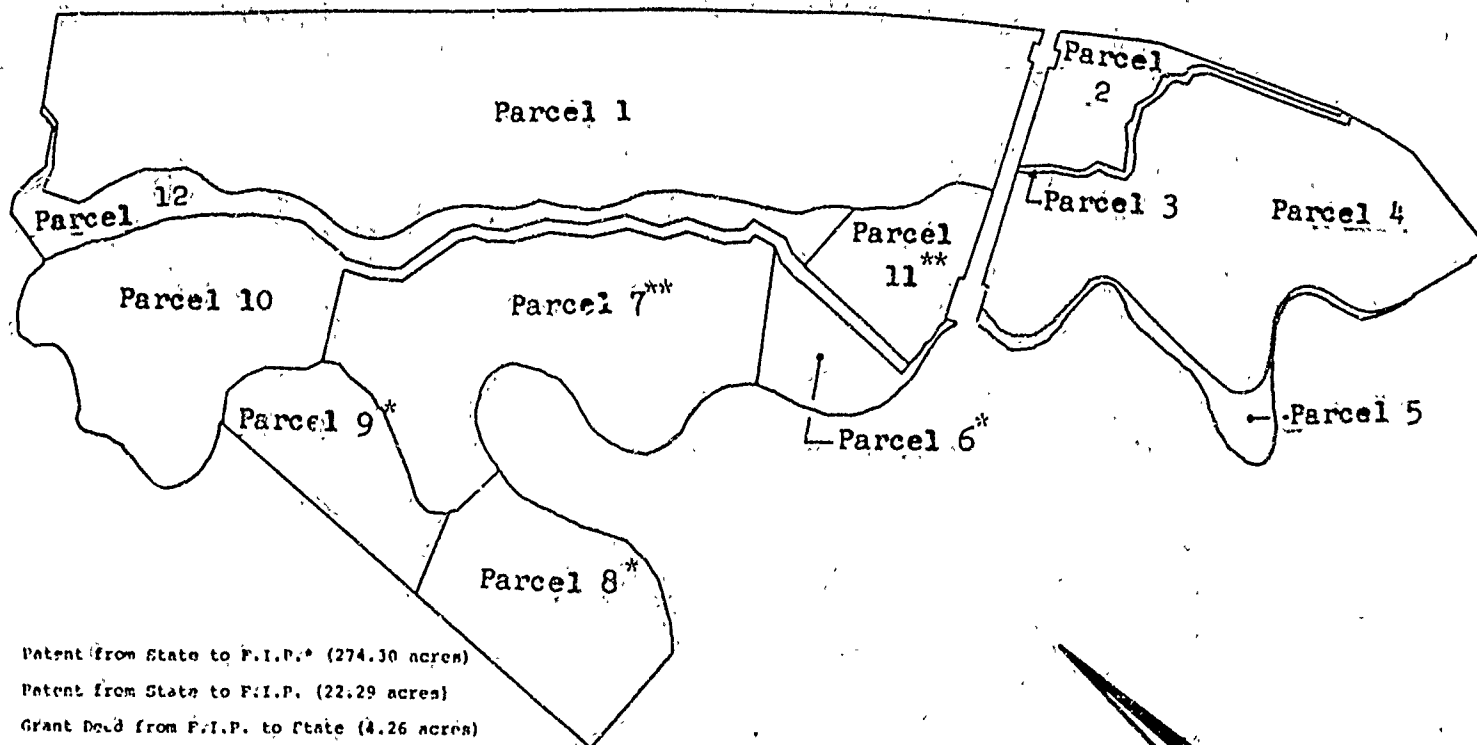
EXHIBITS:

- A. Parcel Map.
- B. Vicinity Map.

CALENDAR ITEM NO. 34 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE STAFF TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES FISH AND WILDLIFE SERVICE PROVIDING FOR THE ACTIONS HERETOFORE DESCRIBED.



- Parcel 1: Patent from State to F.I.P.* (274.30 acres)
 Parcel 2: Patent from State to F.I.P. (22.29 acres)
 Parcel 3: Grant Deed from F.I.P. to State (4.26 acres)
 Parcel 4: Patent from State to F.I.P. (130.42 acres)
 Parcel 5: Grant Deed from F.I.P. to State (12.59 acres)
 Parcel 6: Grant Deed from F.I.P. to State (19.10 acres)
 Parcel 7: Grant Deed from F.I.P. to State within a 10 year period (109.04 acres)
 Parcel 8 & 9: Grant Deed from F.I.P. to State (95.12 acres)
 Parcel 10: Title problems to remain unresolved at the present time (93.17 acres)
 Parcel 11: Grant Deed from F.I.P. to State within a 10 year period (27.46 acres)
 Parcel 12: Patent from State to F.I.P. with the State reserving the Public Trust Easement (40.27 acres)

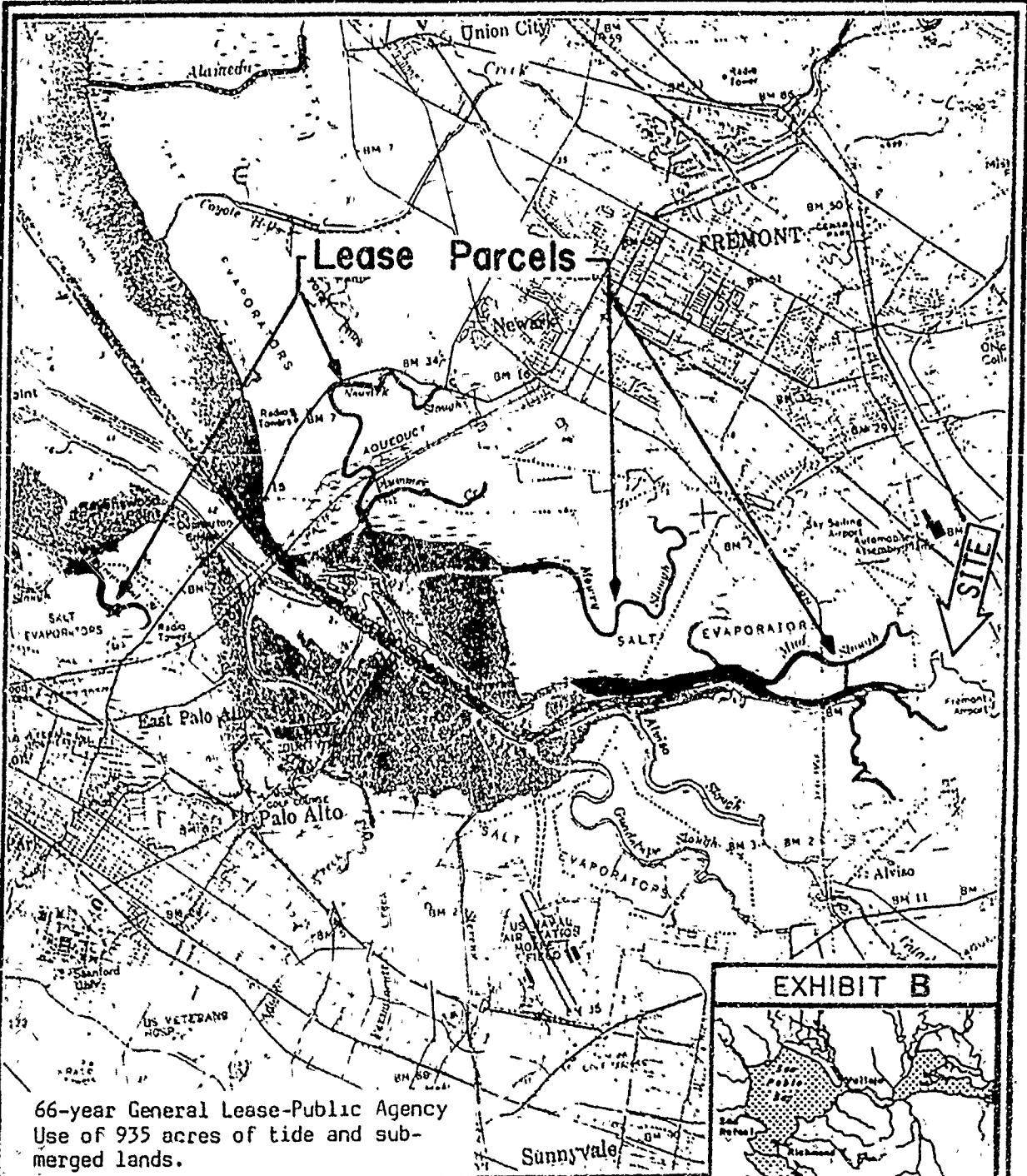
*F.I.P. - Fremont International Partners

* LANDS IN STATE OWNERSHIP
 ** LANDS TO BE ACQUIRED

Prepared by: D. Plummer Date: 3-31-82
 Compromise Settlement Plat

W 21567.12
 A:18 S:10

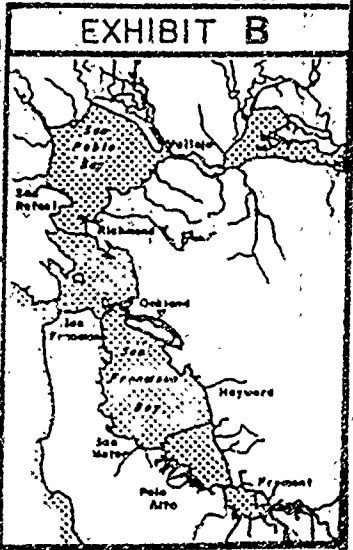
EXHIBIT A



66-year General Lease-Public Agency
Use of 935 acres of tide and sub-merged lands.

STATE LANDS COMMISSION

U.S. FISH and WILDLIFE SERVICE
LEASE PARCELS
SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE



Prepared by: Plummer

Date: 8-4-81

A:18 S:10

Title Study: So. S. F. BAY U.S.F. & W.S. LEASE W 21567.2

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N 34 - E 188 - 187 N 37 - E 183, 184

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