

MINUTE ITEM

This Calendar Item No. C6
was approved as Minute Item
to 6 of the State Lands
Commission by a vote of 3
to 0 at its 9/25/86
meeting.

CALENDAR ITEM

C06

09/25/86
W 23704
Poe

PRC 7008

A 9
S 3.

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Marin County Flood Control and
Water Conservation District
P. O. Box 4186
Civic Center
San Rafael, California 94913

AREA, TYPE LAND AND LOCATION:
A 16.085+-acre parcel of sovereign land,
located along west bank of Novato Creek,
north of State Highway Route 37, near Novato,
Marin County.

LAND USE: Reconstruction and maintenance of the existing
flood control levee.

TERMS OF PROPOSED PERMIT:
Initial period: 25 years beginning
September 1, 1986.

CONSIDERATION: The public health and safety; with the 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.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been
received.

CALENDAR ITEM NO. C 0 6 (CONT'D)

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: 12/23/86.

OTHER PERTINENT INFORMATION:

1. The proposed bank levee reconstruction is designed to widen the existing flood plain within the confines of Novato Creek, thereby increasing the maximum flood control capability of the stream. By reducing the degree of turns within the creek, and straightening the overall levee alignment, desired hydraulics for maximum water flow can be attained.
2. A side benefit of the proposed levee realignment will be the creation of additional wetlands that provide for expanded wildlife habitat in this area. The California Department of Fish and Game currently leases the affected upland property from the State Lands Commission under lease PRC 5455 for wildlife management and conservation. That Department has indicated to staff in writing that it concurs with the proposed levee realignment and reconstruction, as well as the creation of additional wildlife habitat.
3. The annual rental value of the site is estimated to be \$3,060.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. C 0 6 (CONT'D)

5. A Negative Declaration was prepared and adopted for this project by County of Marin. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

APPROVALS OBTAINED:

United States Army Corps of Engineers, and
California Department of Fish and Game.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY COUNTY OF MARIN AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE ISSUANCE TO MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT OF A 25-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING SEPTEMBER 1, 1986; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE 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; FOR RECONSTRUCTION AND MAINTENANCE OF THE EXISTING LEVEE BANK OF NOVATO CREEK, NOVATO, MARIN COUNTY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 23704

A strip of California State lands along Novato Creek, Marin County, California, said strip of land being 105 feet in width, the southwesterly line of which is described as follows:

BEGINNING at a point from which the northeast corner of Parcel 1 of the map filed for record in 16-PM-67, Marin County Official Records, bears N 77° 11' 07" W, 127.87 feet; thence from said point of beginning S 76° 54' 25" E, 840.48 feet to the beginning of a tangent curve concave to the southwest and having a radius of 1540 feet; thence through a central angle of 32° 10' 25" along said curve 864.76 feet; thence tangent to said curve S 44° 44' 00" E, 553.69 feet to the beginning of a tangent curve concave to the northeast and having a radius of 1060 feet; thence through a central angle of 33° 57' 04" along said curve 628.11 feet; thence tangent to said curve S 78° 41' 04" E, 1386.82 feet to the beginning of a tangent curve concave to the southwest and having a radius of 1540 feet; thence through a central angle of 31° 04' 55" along said curve 835.42 feet; thence tangent to said curve S 47° 36' 09" E, 1175.28 feet; thence S 43° 47' 38" E, 388.27 feet to the northwesterly right of way line of State Highway 37 and the end of the herein described line.

This description is based on the California Coordinate System, Zone 3.

PREPARED AUGUST 20, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

CALENDAR PAGE	44
MINUTE PAGE	2235

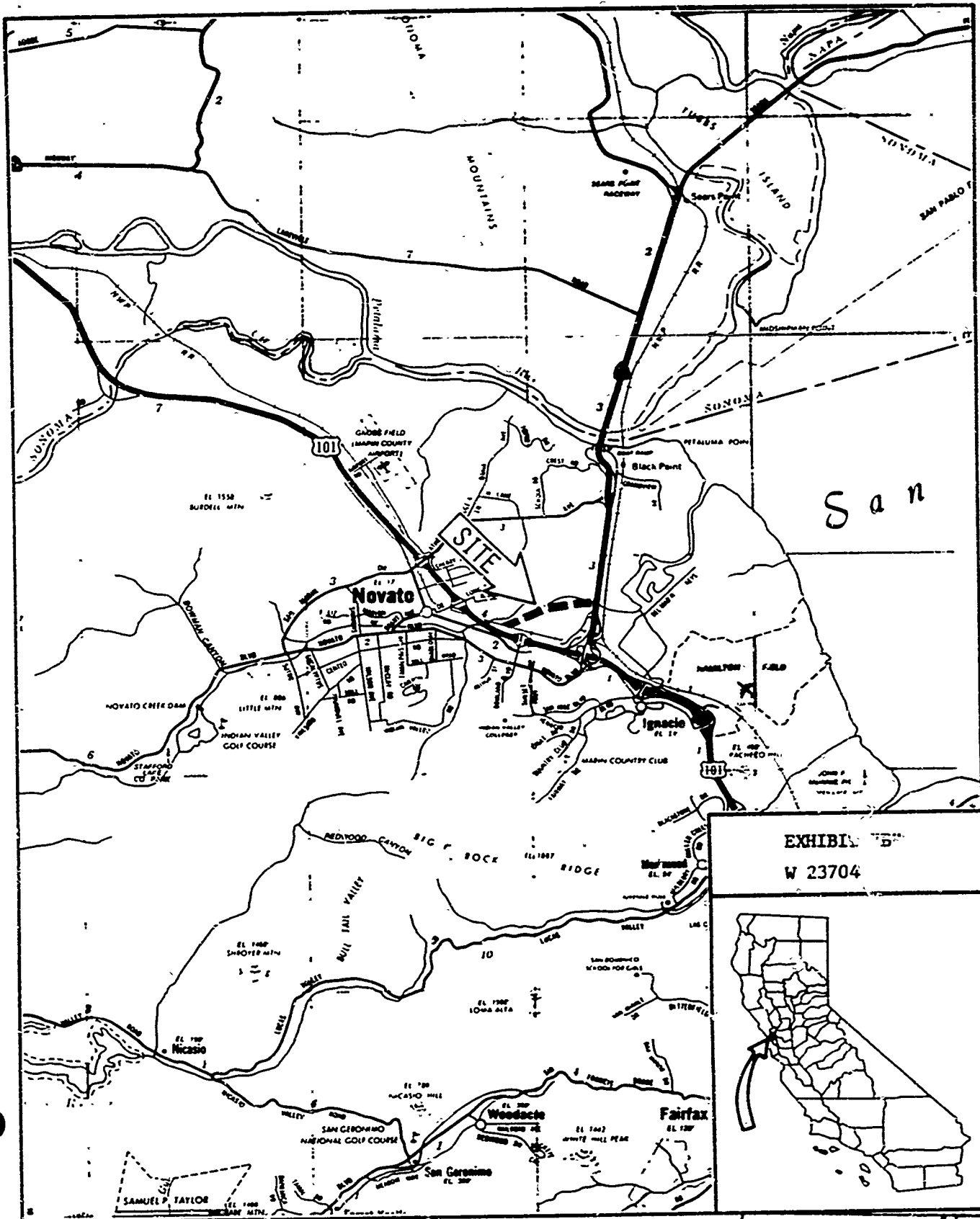


EXHIBIT "B"
W 23704



OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814*Signed, Enclosed study*
15

August 27, 1986

Rick Borgwardt
Marin County Planning Department
Civic Center, Room 308
San Rafael, CA 94903Subject: Novato Creek Levee Relocation .
SCH# 86072902

Dear Mr. Borgwardt:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Norma Wood at 916/445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

John B. Ohanian
Chief Deputy Director
Office of Planning and Research

NOTICE OF DETERMINATION

Marin County
Environmental Coordination and Review

TO: County Clerk
County of Marin

FROM: Department of Public Works / Flood Control
(Lead Agency)

Project Title	
Novato Creek Levee Relocation	
State Clearinghouse Number (if submitted to State Clearinghouse)	
Contact Person	Telephone Number
Bob Beaumont	499-6550
Project Location	
Adjacent to Novato right bank levee between Hwy 37 and NWP RR, Novato	
Project Description	
AP# 153-200-26,28; construct a new levee adjacent to the existing Novato creek right bank levee.	

The Project was Approved
 Disapproved

By: _____ On: _____

- The project in its approved form will not have a significant effect on the environment. No Environmental Impact Report was prepared and pursuant to the provisions of CEQA, a Negative Declaration is attached.
- The project in its approved form will not have a significant effect on the environment. An Environmental Impact Report was prepared for this project pursuant to CEQA and I certify that this EIR was carefully considered prior to this determination.
- The project in its approved form will have a significant effect on the environment. An Environmental Impact Report was prepared for this project pursuant to CEQA and I certify that this EIR was carefully considered prior to this determination. A statement of findings pursuant to Section 15091 of the State EIR Guidelines is attached.

A copy of the EIR is on file at:

Agency: _____

Address: _____

By: _____ Date: _____

Title: _____

The filing of this Notice of Determination starts a 30 day statute of limitations on court challenges to the approval under CEQA.

5/84

Ni 87-12

CALENDAR PAGE
MINUTE PAGE

47
2239

NEGATIVE DECLARATION

Marin County
Environmental Coordination and Review

Pursuant to: Section 21000 et seq of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Negative Declaration is hereby granted for the following project.

1. Project Name: Novato Creek Levee Relocation
2. Location and Description: AP # 153-200-25, 28; Adjacent to Novato right bank levee between Highway 37 and Northwest Pacific Railroad, Novato.
Construct a new levee adjacent to the existing Novato Creek right bank levee.
3. Project Sponsor: Department of Public Works - Flood Control
4. Finding:

a. Based on the attached Initial Study and without a public hearing, it is my judgment that:

() The project will not have a significant effect on the environment.

() The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

Environmental Coordinator

Date

b. Based on the attached Initial Study and the testimony received at a duly noticed public hearing, a Negative Declaration is granted.

Chairperson, Planning Commission

Environmental Hearing Officer

Chairperson, Board of Supervisors

Date

c. Appeal: Subsequent to an appeal of the granting of a Negative Declaration and based on the testimony received at a duly noticed public hearing on the appeal, the record of the public hearing on the Negative Declaration and the Initial Study, a Negative Declaration is granted.

Chairperson, Board of Supervisors

Date

U-87-12

INTER-OFFICE MEMORANDUM
MARIN COUNTY PLANNING DEPARTMENT

TO: Environmental Clerk

FROM: Rick Borgwardt, Environmental Coordinator DATE: 9-4-86

PLEASE:

- Log
- Prepare Negative Declaration
- Prepare Notice of Determination
- File Categorical Exemption with County Clerk.
- File Negative Declaration/Notice of Determination with County Clerk
- Return to: C STUMP PLANNING
- Other: _____

INITIAL STUDY

ROUTE TO:

Marin County
Environmental Coordination and Review

- Planning Dept.
 - Parks, Rec., Open Space
 - Public Works
 - Environmental Health
 - Other _____
- Return by: _____
(date)

I. PROJECT DESCRIPTION

- A. Project Name: NOVATO CREEK LEVEE RELOCATION
- B. Type of Application: Flood Control Project
- C. Assessor's Parcel No: 153-200-26, 28
- D. Existing Zoning: A-60 CWP Desig.: Urban Open Space
- E. Description: Construct a new levee adjacent to the existing Novato Creek right bank levee.
- F. Location: Adjacent to Novato right bank levee between Hwy. 37 and Northwest Pacific Railroad, Novato
- G. Environmental Setting: Diked lands presently in agricultural use.
- H. Other agencies which require approval: State Lands, Fish and Game
- I. Applicant's Name: Marin County Flood Control Dist. Phone: 499-6550
Address: PO Box 41510, San Rafael, CA 94913
- J. Initiated by: Bob Beaumont Date: 10-25-86
Department/Agency: Public Works / Flood Control

(11/11)

N. 87-12.

II EVALUATION OF ENVIRONMENTAL IMPACTS: Please check the box indicated wherein the proposed project will have or potentially have a significant adverse impact on the environment, either individually or cumulatively with other projects. All phases of project planning, implementation and operation must be considered. All items checked must be discussed as noted in Section III.

- | Yes | ??? | No | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. <u>Geophysical Factors:</u> Will the project or its related activities result in: |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Change in topography or unstable soil conditions due to excavating, grading or filling? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. The destruction, covering or modification of any unusual or unique geologic or physical features? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Any changes in wind or water erosion of soils or sands or any erosion which may modify the channel of a waterway or other body of water? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Exposure of people or property to geologic hazards such as earthquakes, tsunamis; landslides, mudslides, ground failure or similar hazards? |
| | | | B. <u>Biotic Community Factors:</u> Will the project or its related activities result in: |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Changes in the number or diversity of any plant or animal species or alteration or deterioration of their habitats? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Introduction of new plant or animal species into an area, or a barrier to normal dispersal or migration of any plant or animal species? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Reduction of the number of any rare or endangered plant or animal species? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Reduction in acreage of any agricultural crop or other agricultural activity? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Increase in the danger of fire hazard in areas with flammable grass, brush, or trees? |
| | | | C. <u>Hydrologic and Watershed Factors:</u> Will the project or its related activities result in: |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Changes in the course or direction of water movements or configuration of either marine or fresh waters? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Changes in percolation, run-off or drainage patterns including ground water supply and recharge in the watershed? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Exposure of people or property to flood hazard? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Generation of pollutants (human wastes, toxic wastes, fertilizers, dissolved oxygen, etc.) which would affect the water quality of surface or subsurface waters in the watershed? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Effect the quantity or quality of private or public water supplies? |
| | | | D. <u>Airshed Factors:</u> Will the project or its related activities result in: |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Generating pollutants (hydrocarbon, thermal, odor, dust, smoke, radiation, etc.) which would deteriorate ambient air quality? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Alteration of air movement, moisture, or temperature, or any change in climate locally or regionally? |

Yes ??? No
() () (✓)

3. Exposure of people or property to wind hazards?

E. General and Specific Plan Factors: Will the project or its related activities be inconsistent with:

- () () (✓) 1. CWP, City of Community Plan policies or land use designations?
() () (✓) 2. CWP population growth rates for its planning area in conjunction with other recently approved developments?
() () (✓) 3. CWP policies for housing or low, moderate and middle income housing mix?
() () () 4. Other: _____

specify

F. Community/Cultural Factors: Will the project or its related activities:

- () () (✓) 1. Result in a substantial conflict with the established character, aesthetics or functioning of the surrounding community?
() () (✓) 2. Be a part of a larger project involving a series of cumulative actions?
() () (✓) 3. Involve historical buildings, natural or cultural features which are unique?
() (✓) (✓) 4. Affect an area of archaeological, paleontologic, or other historic importance?
() () (✓) 5. Affect an officially designated scenic vista-point, scenic highway or corridor or other unique aesthetic value?
() () (✓) 6. Affect an important existing or potential community recreation area?
(✓) () () 7. Affect lands preserved under an agricultural, scenic, or open space contract or easement?
() () (✓) 8. Present a hazard to people or property from risk of explosion or release of hazardous substances either on site or in transit in the event of accident or otherwise?
(✓) () () 9. Result in increases in existing ambient or single event noise levels?
() () (✓) 10. Result in significant new light or glare impacts on the site or surrounding area?
() () (✓) 11. Result in displacement of people or business activity?
() () (✓) 12. Be expected to generate public controversy?

G. Natural Resources: Will the project or its related activities:

- (✓) () () 1. Affect the use, extraction or conservation of any natural resource?
() () (✓) 2. Use substantial amounts of fuel or energy to require the development of new sources of energy?

H. Economic Factors:

- () () (✓) Will the project or its related activities require expenditure of public funds in excess of public revenues generated by the project?

Yes ??? No I. Transportation/Circulation Factors: Will the project or its related activities result in:

- () () (✓)
() () (✓)
() () (✓)
() () (✓)
() () (✓)
1. Alterations to present patterns of circulation or movement of people and/or goods?
 2. Alteration of the level of service of streets and highways?
 3. Substantial impact on existing or proposed public transit systems including waterborne, rail and air traffic?
 4. Effects on existing parking facilities or demand for new parking not provided for by the project?
 5. Increase traffic hazards to motor vehicles, bicyclists, pedestrian or other traffic?

J. Public Service Factor: Will the project or its related activities have an effect upon or result in a need for new or altered governmental services in any of the following areas?

- () () (✓)
() () (✓)
() () (✓)
() () (✓)
() () (✓)
() () (✓)
1. Fire protection?
 2. Police protection?
 3. Schools?
 4. Parks and Recreation facilities?
 5. Maintenance of public facilities, including roads, canals, etc.?
 6. Other governmental services:

K. Public Utility Factors: Will the project or its related activities have an effect on or result in a need for new systems or substantial alterations to the following utilities:

- () () (✓)
() () (✓)
() () (✓)
(✓) () ()
() () (✓)
() () (✓)
() () (✓)
1. Sewer or septic systems?
 2. Water for domestic use and fire protection?
 3. Natural gas or electricity?
 4. Storm water drainage?
 5. Solid waste disposal?
 6. Communication systems?
 7. Plant facilities for any of the above (sewer plants, microwave station, water tanks, etc.)?

I. MANDATORY FINDINGS OF SIGNIFICANCE: Pursuant to Section 15382 of the State EIR Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true:

- | <u>Yes</u> | <u>???</u> | <u>No</u> | |
|------------|------------|--------------|--|
| () | () | (<u>✓</u>) | 1. The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. |
| () | () | (<u>✓</u>) | 2. The project has the potential to achieve short-term to the disadvantage of long-term environmental goals. |
| () | () | (<u>✓</u>) | 3. The project has possible environmental effects which are individually limited but cumulatively considerable. (Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). |
| () | () | (<u>✓</u>) | 4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly. |

V. SIGNIFICANT IMPACTS AND FEASIBLE MITIGATION MEASURES: All Significant or potentially significant impacts indicated in Section II above should be described and feasible mitigation measures recommended wherever possible. Any participant of the initial study may also make recommendation as to whether a Negative Declaration, a Negative Declaration with mitigation measures, more study in a particular area or an EIR should be prepared. Please indicate any source data relied upon and your name and date of comments in the space indicated. Use additional pages if necessary.

Reviewed by *Charles S. Stump*, on 9-2-86, Dept. BANNING
(date)

Reviewed by _____, on _____, Dept. _____
(date)

Reviewed by _____, on _____, Dept. _____
(date)

Returned to initiating department _____, rec'd by _____
(date)

DETERMINATION: (to be completed by the Environmental Coordinator) Pursuant to Sections 15081 and 15070 of the State Guidelines and the Initial Study evaluation:

- (4) 1. I find that the proposed project will not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- (4) 2. I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Exhibit "A" attached have been added to the project. A NEGATIVE DECLARATION will be prepared.
- () 3. I find that the proposed project may have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

W. B. B...
Environmental Coordinator

Sept 4 1986
Date

Sent to Clearinghouse ~~8/23~~ 7/23/86.

No comment per attached.

W.B.B.

July 18, 1986

COMMENTS ON INITIAL STUDY
NOVATO CREEK LEVEE RELOCATION

APPLICATION BY MARIN COUNTY FLOOD CONTROL DISTRICT

II.A.1. The proposed levee construction will, as a matter of course, result in a change of topography. The project will not result in unstable soil conditions.

MITIGATION: The change in topography will result in an increased riparian habitat which is a positive and beneficial effect.

II.B.1. The project will result in increased riparian habitat and, therefore, would result in an increase in riparian plant and animal species.

MITIGATION: An analysis shows that this effect is positive and beneficial.

II.B.4 The project may possibly result in a slight reduction in agricultural land under cultivation.

MITIGATION: The land in question is managed by Fish and Game which is terminating the agricultural activity on this land regardless of this project.

II.C.1. There will be a change in the boundaries of Novato Creek since the new levee will cause the creek to be widened.

MITIGATION: An analysis shows that this effect is positive and beneficial.

II.C.2. The project may result in a slight increase in ground water recharge due to a greater area between the Novato Creek levees.

MITIGATION: An analysis shows that this effect is positive and beneficial.

II.F.7. The new levee would affect a minor portion of lands which are managed by California Fish & Game. Part of this land is presently agricultural but will be converted to Fish & Game uses in the near future.

MITIGATION: Fish and Game has consented to the proposed project.

II.F.9. Construction of the levee will result in an increase in noise levels due to construction equipment during the construction period.

MITIGATION: The impact is considered minor due to the relatively remote project location and the temporary nature of the construction activities.

II.G.1. The project will positively benefit conservation of natural resources since the riparian corridor between the levees will be increased.

MITIGATION: Our analysis shows that this effect is positive and beneficial.

II.K.4. The project will have an affect on storm water drainage to the extent that it will provide a greater capacity to remove storm water drainage from the Novato area.

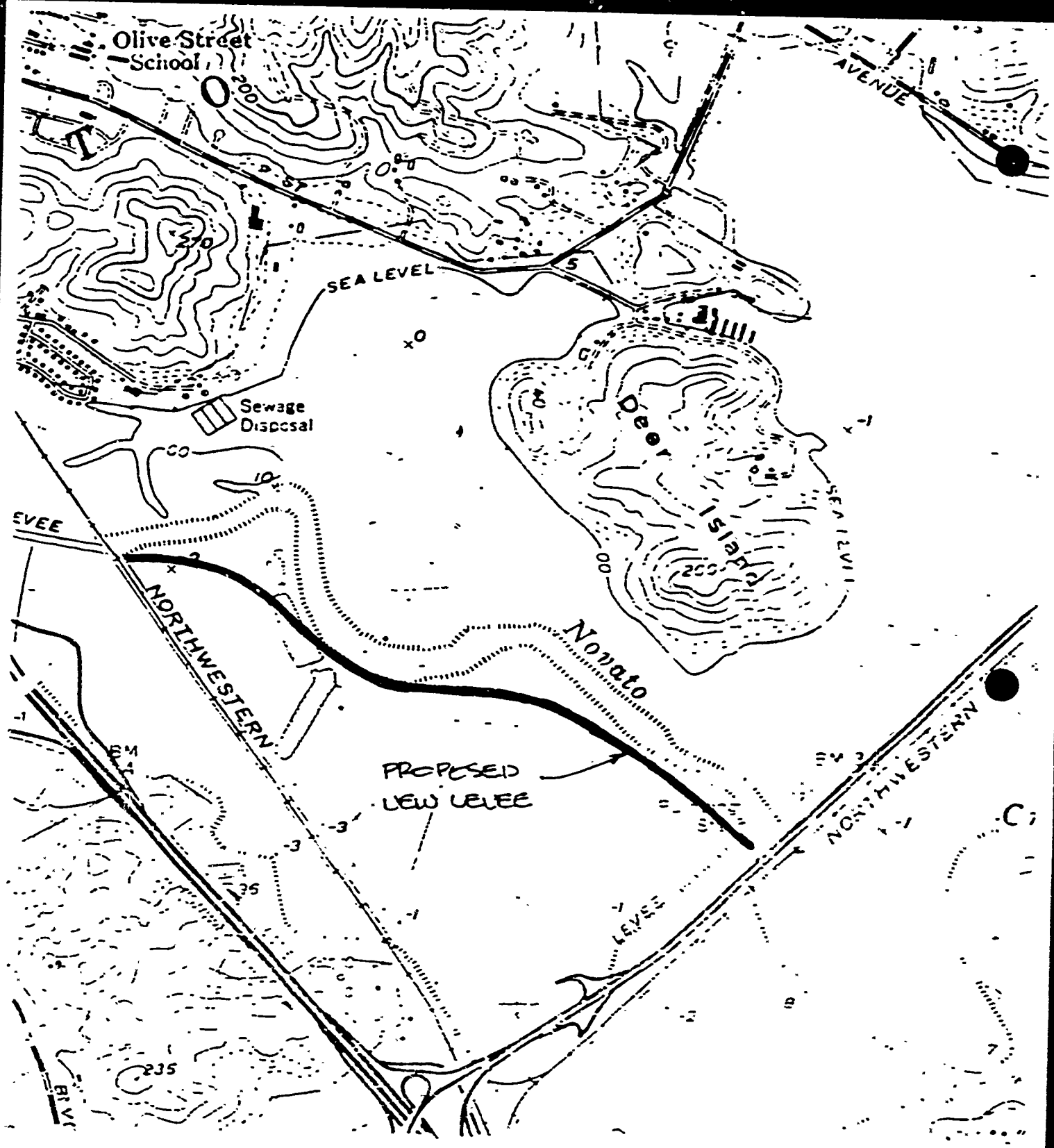
MITIGATION: Our analysis shows that this effect is positive and beneficial.

F. 4. THE NATIVE AMERICAN HERITAGE COMMISSION HAS EXPRESSED CONCERNS FOR CULTURAL RESOURCES.

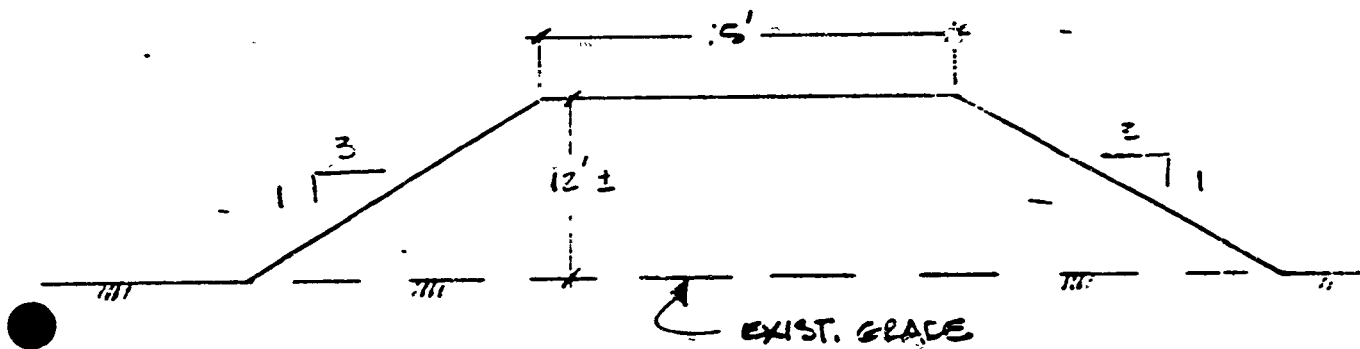
MITIGATION:

Beaumont-A-1

IF, DURING THE COURSE OF CONSTRUCTION, ANY SURFACE OR SUBSURFACE CULTURAL RESOURCES ARE DISCOVERED, ALL WORK SHALL BE HALTED, AND AN ARCHAEOLOGIST CONSULTED FOR A SITE REVIEW AND THE DEVELOPMENT OF MITIGATION MEASURES AS APPROPRIATE.



LOCATE CREEK LEVEE LOCATION
 LOCATE CREEK LEVEE LOCATION
 WATER CONVEYANCE IN DISTRICT



TYPICAL SECTION

DOVATO CREEK LEVEE RELOCATION
 MARIN CO. FLOOD CONTROL AND
 WATER CONSERVATION DISTRICT

6-25-86

RF