

**MINUTE ITEM**  
This Calendar Item No. C11 was approved as  
Minute Item No. 11 by the California State Lands  
Commission by a vote of 3 to 0 at its  
06/28/07 meeting.

**CALENDAR ITEM  
C11**

A 6 06/28/07  
S 3 PRC 2268 WP 2268.9  
B. Badeker

**TERMINATION OF LIFE-OF-STRUCTURE PERMIT AND  
ISSUANCE OF A NEW GENERAL LEASE – PUBLIC AGENCY USE**

**LESSEE/APPLICANT:**

County of Marin  
3501 Civic Center Drive, Room 415  
San Rafael, California 94903

**AREA, LAND TYPE, AND LOCATION:**

2.89 acres, more or less, of sovereign lands in Tomales Bay, near Nick's Cove at  
Miller Park Boat Launch Facility, Marin County.

**AUTHORIZED USE:**

The removal of an existing pier, piles, floating boat dock and boat launch ramp;  
and the construction, use and maintenance of a new concrete boat launch ramp,  
boarding float, pile-supported float; and the continued use and maintenance of an  
existing rock jetty.

**LEASE TERM:**

20 years, beginning June 28, 2007.

**CONSIDERATION:**

The public use and benefit, with the State reserving the right at any time to set a  
monetary rent if the Commission finds such action to be in the State's best  
interest.

**SPECIFIC LEASE PROVISIONS:**

The lease contains provisions that the Lessee must implement the Commission's  
"Best Management Practices for Marina Owners/Operators", including additional  
Best Management Practices (BMPs) the Commission subsequently deems  
appropriate for either of the above categories. The Lessee shall post such  
publication in the prominent places within the lease premises. The Lessee shall  
provide the Commission, on the first anniversary of the lease and tri-annually  
thereafter, a report on compliance with all BMPs.

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**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On December 11, 1958, the Commission authorized a Life-of-Structure Permit for a term of 49 years beginning on October 28, 1958 to the County of Marin (Applicant). That lease will expire on October 27, 2007. The Applicant is now applying for a new General Lease – Public Agency Use for the removal of an existing pier, piles, floating boat dock and boat launch ramp; and the construction, use and maintenance of a new concrete boat launch ramp, boarding float, pile-supported float; and the continued use and maintenance of an existing rock jetty.

**3. Repair and Reconstruction of Facilities**

The Applicant's proposed rehabilitation within the existing boat launch facility at Miller Park will improve the function and the public health and safety of the facility and Tomales Bay while preserving the same purpose and capacity as the structures being replaced. The proposed construction consists primarily of: 1) removing the existing pier, piles and floating boat dock, by full extraction or by cutting at or below the mud-line; 2) rebuilding the existing concrete boat ramp using the existing foundation as a base; 3) replacing the existing boarding float with a new boarding float, and installing a second pile-supported float; and 4) repairing or installing several upland structures which will improve the overall function and safety of the facility.

The construction protocols meet the California Department of Fish and Game, NOAA Fisheries, North Coast Regional Water Quality Control Board, U.S. Army Corps of Engineers (Corps) and the California Coastal Commission (CCC) permit requirements.

The Biological Assessment Report concluded that no jurisdictional wetlands exist on the site, and that the proposed improvements would not significantly affect any sensitive biological or wetland resources.

The Applicant is required to implement a Stormwater and Pollution Prevention Plan (SWPPP) and must use best management practices and routine maintenance to avoid any potential sedimentation from entering Tomales Bay.

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4. **Termination of Existing Permit:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. **Issuance of New Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

6. **Significant Lands:** These activities involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activities will not affect those significant lands.

**APPROVALS OBTAINED:**

U.S. Army Corps of Engineers  
California Coastal Commission  
California Regional Water Quality Control Board  
California Department of Fish and Game

**EXHIBITS:**

- A. Site and Location Map  
B. Land Description

**PERMIT STREAMLINING ACT DEADLINE:**

August 28, 2007

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**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**TERMINATION OF EXISTING PERMIT:** FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**ISSUANCE OF NEW LEASE:** FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THESE ACTIVITIES WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ., BUT THAT SUCH ACTIVITIES WILL HAVE NO DIRECT OR INDIRECT EFFECT ON THOSE RESOURCES FOR WHICH SUCH LANDS ARE IDENTIFIED.

**AUTHORIZATION:**

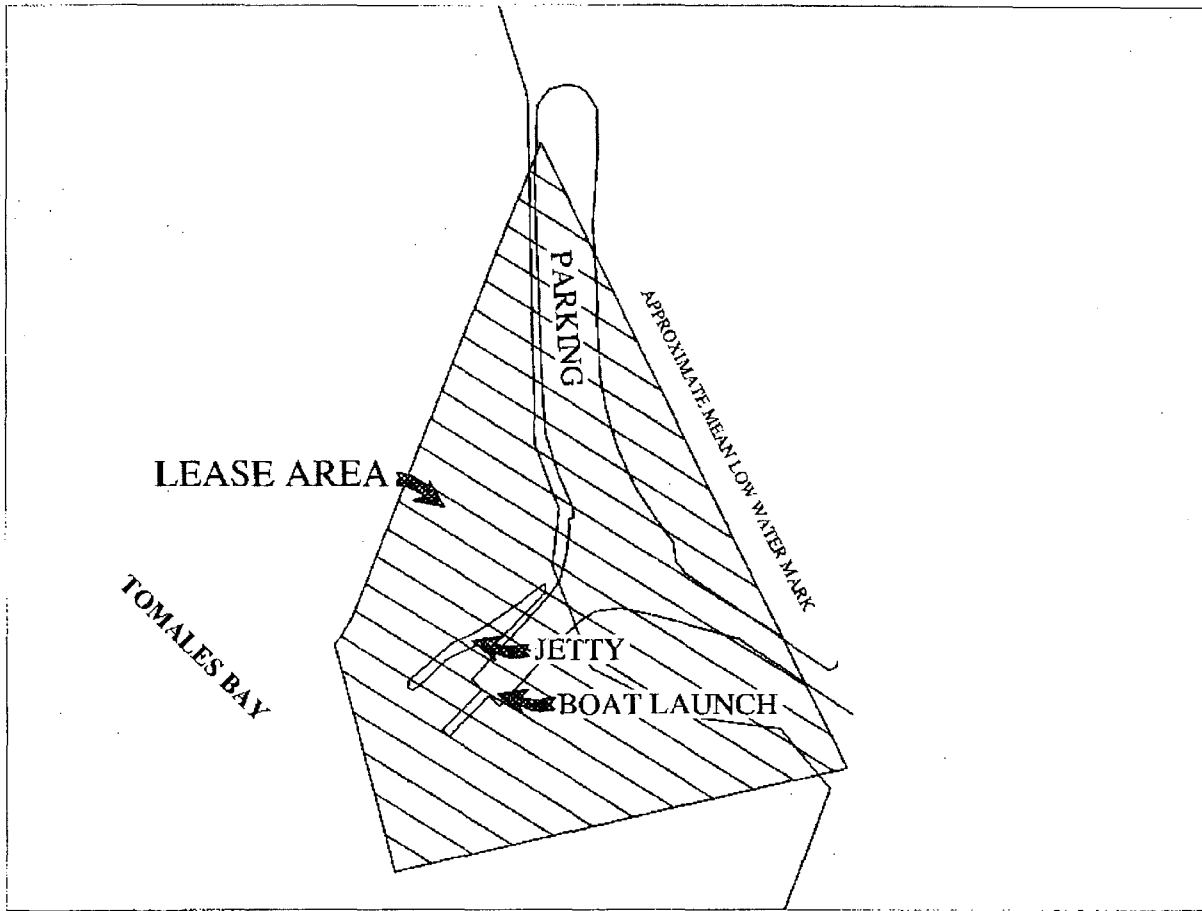
1. AUTHORIZE THE TERMINATION OF A LIFE-OF-STRUCTURE PERMIT, NO. PRC 2268.9, EFFECTIVE JUNE 27, 2007, ISSUED TO THE COUNTY OF MARIN .
2. AUTHORIZE ISSUANCE TO THE COUNTY OF MARIN A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING JUNE 28, 2007, FOR A TERM OF 20 YEARS, FOR THE REMOVAL OF AN EXISTING PIER, PILES, FLOATING BOAT DOCK AND BOAT LAUNCH RAMP; AND THE CONSTRUCTION, USE AND MAINTENANCE OF A NEW CONCRETE BOAT LAUNCH RAMP, BOARDING FLOAT, AND PILE-SUPPORTED FLOAT; AND THE CONTINUED USE AND MAINTENANCE OF AN EXISTING ROCK JETTY AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS

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REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

NO SCALE

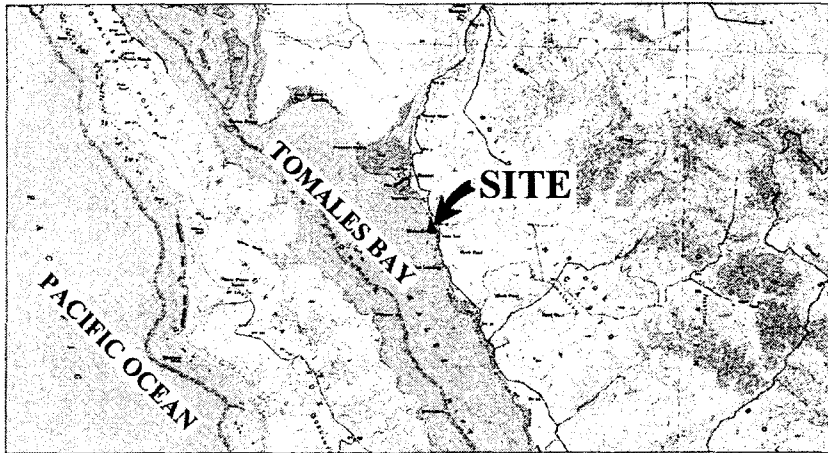
SITE



MILLER PARK BOAT LAUNCH, NICK'S COVE  
TOMALES BAY, MARIN COUNTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

**Exhibit A**

MARIN COUNTY DEPT. OF PARKS  
 WP 2268.9  
 APN 104-140-01  
 GENERAL LEASE  
 PUBLIC AGENCY USE  
 TOMALES BAY  
 MARIN COUNTY



HUSTEAD 6/1/2007

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT B

WP 2268.9

LAND DESCRIPTION

those certain tide and submerged lands situated in the County of  
Marin, State of California, and more particularly described  
as follows:

Commencing at the northerly terminus of that course of  
Tidelands Survey No. 226, Marin County, which bears  
N. 22° W. 11.10 chains, thence S. 22° E. 222.4 feet to  
the True Point of Beginning, thence N. 70° E. 376.5 feet,  
more or less, to the approximate Mean Low Water Mark, thence  
following the approximate Mean Low Water Mark in a north-  
westerly direction 600 feet more or less, thence, in a  
southwesterly direction 405 feet, more or less, to the  
point of commencement, thence continuing in a southwesterly  
direction on the previous course 28 feet, more or less,  
thence S. 22° E. 202.4 feet, thence N. 70° E. 20 feet to  
the point of beginning.

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