

MINUTE ITEM
This Calendar Item No. C12 was approved as
Minute Item No. 12 by the California State Lands
Commission by a vote of 3 to 2 at its
06/28/07 meeting.

CALENDAR ITEM

C12

A	6		06/28/07
S	3	PRC 5000	WP 5000.9 B. Badeker

**TERMINATION OF A GENERAL LEASE – PUBLIC AGENCY USE 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:

Sovereign lands in the Petaluma River at Black Point, near the town of Novato,
Marin County.

AUTHORIZED USE:

The removal of an existing boat launch ramp, and boarding float; and the
construction, use and maintenance of a boat launch facility which includes the
following: a new concrete boat launch, boarding float, restrooms, boat wash
down area, fish cleaning station, storm water drainage, picnic area, shoreline
protection, and continued maintenance dredging of a maximum 200 cubic yards
per year of material from the Petaluma River. The material is to be disposed of
at the Redwood Landfill. Dredged material may not be sold.

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

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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.

OTHER PERTINENT INFORMATION:

1. Lessee has permission to use the uplands adjoining the lease premises.
2. On July 6, 1995 the Commission authorized to Marin County (County) a General Lease - Public Agency Use for a term of 20 years beginning on March 1, 1995. That lease will expire on February 28, 2015. The County has since received a monetary grant from the California Department of Boating and Waterways to refurbish the existing boat launching facility at Black Point. As part of that grant, it was stipulated that the County obtain control of the lease premises for 20 years. The County is now applying for a new General Lease - Public Agency Use for the removal of the existing boat launch ramp, and boarding float; and the construction, use and maintenance of a boat launch facility which includes the following: a concrete boat launch, boarding float, restrooms, boat wash down area, fish cleaning station, storm water drainage, picnic area, and shoreline protection.
3. Additionally, in order to maintain access to the boat launch facilities, the County has requested to continue its annual maintenance dredging program as previously authorized. The dredged material will be disposed of at the Redwood Landfill. The dredged material may not be sold.
4. **Termination of Existing Lease:** 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. **Launch Ramp and Boarding Float:** 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 as a categorically

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exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. **Shoreline Protection:** 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 as a categorically exempt project. The project is exempt under Class 4, Minor alterations to land; Title 2, California Code of Regulations, section 2905 (d)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. **Maintenance Dredging:** 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 CEQA as a categorically exempt project. The project is exempt under class 4, Minor alterations to land; Title 2, California Code of Regulations, section 2905 (d)(4).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

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PERMIT STREAMLINING ACT DEADLINE:

August 28, 2007

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: 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.

LAUNCH RAMP AND BOARDING FLOAT: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2 CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (b).

SHORELINE PROTECTION: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

MAINTENANCE DREDGING: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(4).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

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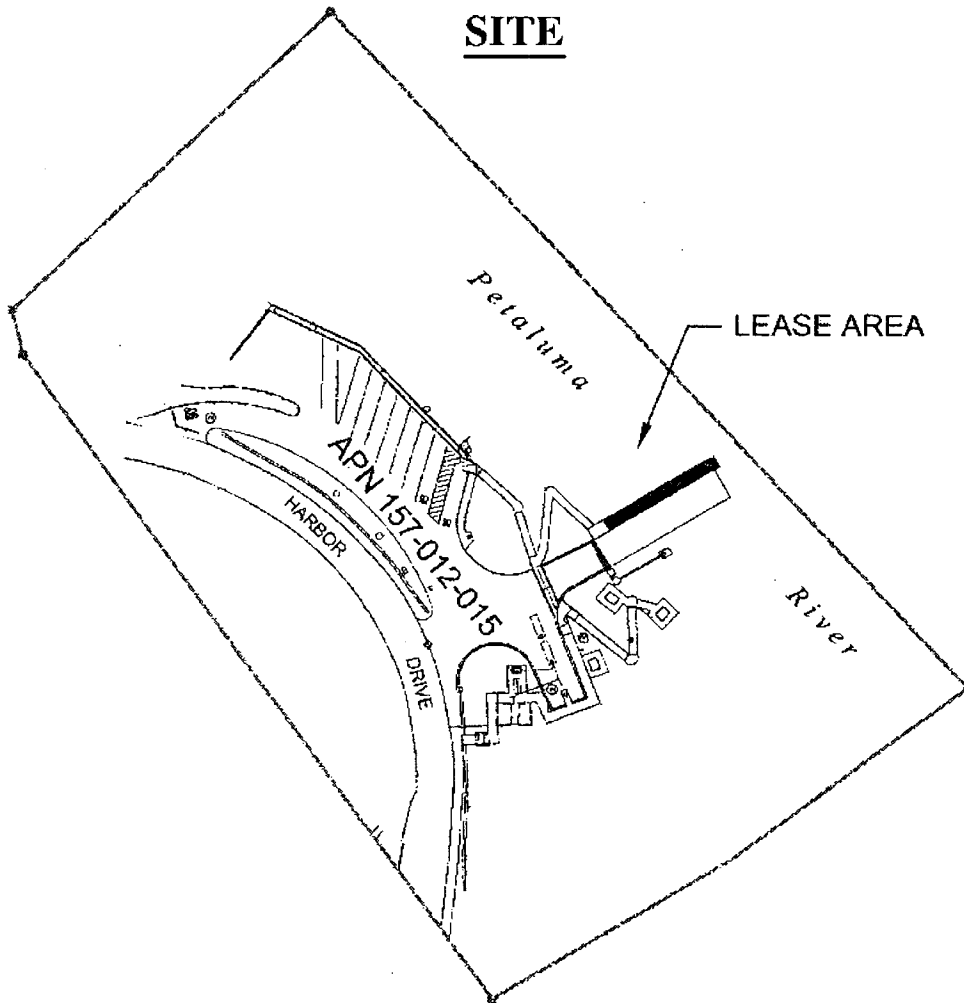
AUTHORIZATION:

1. AUTHORIZE THE TERMINATION, EFFECTIVE JUNE 27, 2007, OF LEASE NO. PRC 5000.9, A GENERAL LEASE – PUBLIC AGENCY USE, ISSUED TO 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 BOAT LAUNCH RAMP, AND BOARDING FLOAT; AND THE CONSTRUCTION, USE AND MAINTENANCE OF A BOAT LAUNCH FACILITY WHICH INCLUDES THE FOLLOWING: A CONCRETE BOAT LAUNCH, BOARDING FLOAT, RESTROOMS, BOAT WASH DOWN AREA, FISH CLEANING STATION, STORM WATER DRAINAGE, PICNIC AREA, SHORELINE PROTECTION, AND CONTINUED MAINTENANCE DREDGING OF A MAXIMUM OF 200 CUBIC YARDS OF MATERIAL PER YEAR FROM THE PETALUMA RIVER; THE DREDGED MATERIAL WILL BE DISPOSED OF AT THE UPLAND REDWOOD LANDFILL, AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS 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. THE DREDGED MATERIAL MAY NOT BE SOLD.

NO SCALE

SITE



PROPOSED BLACK POINT BOAT LAUNCHING FACILITY IMPROVEMENTS,
UNDER HIGHWAY 37 BRIDGE, NOVATO

NO SCALE

LOCATION

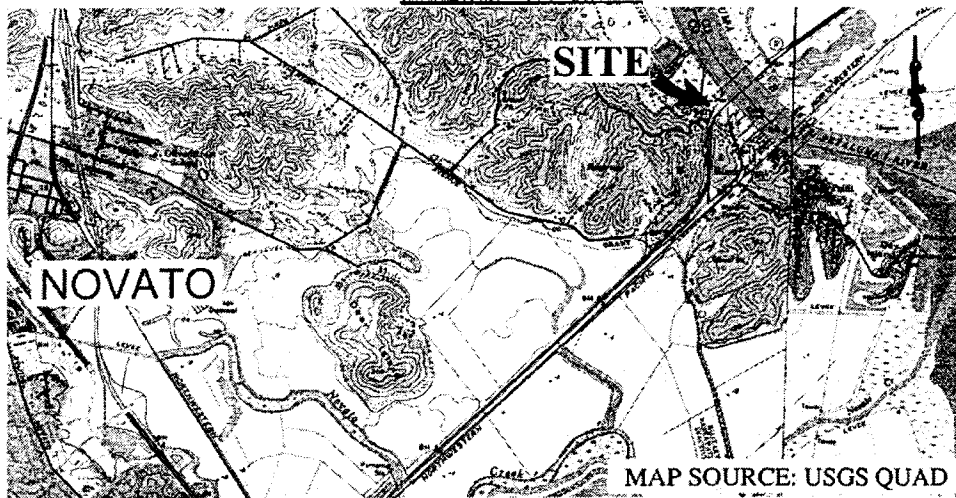


Exhibit A
WP 5000.9
 BLACK POINT BOAT
 LAUNCHING FACILITIES
 APN 157-012-015, 016, &
 APN 157-011-017
 GENERAL LEASE
 PUBLIC AGENCY USE
 MARIN COUNTY.



MT 06/07

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
LAND DESCRIPTION

WP 5000.9

A parcel of tide and submerged land in the bed of Petaluma Creek, County of Marin, State of California, more particularly described as follows:

BEGINNING at the easterly terminus of that certain course described as N 61° 05' 00" E 1.58 feet in Parcel 3, in the Relinquishment of State Highway to the County of Marin dated September 13, 1948, and recorded in Book 1344 Page 189, Official Records of said county; thence N 35° 40' 49" W 506.67 feet to the easterly line of Parcel 2 as described in said Relinquishment; thence N 13° 52' 02" W 29.00 feet to the northwesterly right-of-way line of the State of California highway known as Black Point Highway; thence along said highway N 46° 56' 33" E 277.40 feet; thence leaving said highway S 43° 03' 27" E 589.15 feet; thence S 53° 59' 43" W 185.42 feet; thence S 59° 33' 00" W 176.84 to the point of beginning.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water mark.

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

END OF DESCRIPTION

Prepared *RON*

Checked *J. Collins*

Reviewed *[Signature]*

Date *1/3/75*



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