

CALENDAR ITEM

C44

A 6,12,13

06/01/09

WP 7112.9

S 3,8

J. Smith

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

PERMITTEE/APPLICANT:

United States of America, acting by and through
the National Park Service and the
Golden Gate National Recreation Area
1111 Jackson Street, Suite 700
Oakland, California 94607

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean north and south of the Golden Gate Bridge,
Marin and San Francisco counties.

AUTHORIZED USE:

Continued management of sovereign lands within the authorized boundaries of
the Golden Gate National Recreation Area, as part of the National Park system.

LEASE TERM:

49 years, beginning June 1, 2009.

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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On July 16, 1987, the Commission authorized the issuance of a General Permit - Public Agency Use (Permit No. PRC 7112.9) to the National Park Service (NPS) for a 1,000-foot wide band of sovereign lands waterward of the boundaries of the Golden Gate National Recreation Area (GGNRA) in Marin, San Francisco, and San Mateo counties.

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3. The GGNRA is managed by the NPS to enhance public safety, use and enjoyment, protect the environment and any cultural and historical resources, preserve and protect the leased lands, and provide the public with recreational and educational opportunities.
4. The federal regulations that govern the management of the GGNRA can be found in the Code of Federal Regulations, Title 36, Chapter 1, Parts 2 and 7. Hunting is not permitted within the GGNRA pursuant to federal regulations. Fishing is permitted in accordance with regulations imposed by the California Department of Fish and Game (DFG). Any restrictions on fishing can only occur after consultation with and concurrence by the appropriate State agencies, including the DFG and the Commission.
5. The NPS has submitted an application requesting that the permit area be extended from 1,000 feet offshore to 1,320 feet offshore, to be consistent with the federally established boundary of the GGNRA. The boundary of the lease is the Pacific Ocean offshore of Stinson Beach in Marin County to the north, around San Francisco Bay (west of the Golden Gate Bridge) and south along the coastline to Fort Funston in San Francisco County. In some areas (Fort Cronkite, Fort Barry and Fort Baker in Marin County, and the Presidio in San Francisco County), the lease boundary will be immediately adjacent to tide and submerged lands subject to the 300 yard grant to the United States (Chapter 81, Statutes of 1897, no minerals reserved). At those locations, the lease boundary will be adjusted to account for the 300 yard grant.
6. In addition, the NPS advised Commission staff that the offshore areas in San Mateo County previously included in Lease No. PRC 7112.9 are not within the established boundary of the GGNRA. Therefore, the band of tidelands offshore of San Mateo County will not be included in the new lease.
7. **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)], staff has determined that this activity is not subject to the provisions of 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.

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8. **Issuance of a 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 as a categorically exempt project. The project is exempt under Class 16, Transfer of Ownership of Land in Order to Create Parks; Title 2, California Code of Regulations, section 2905(g).

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

9. This activity involved lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, Section 2954 is not applicable.

EXHIBITS:

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

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.

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ISSUANCE OF A NEW LEASE: 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 16, TRANSFER OF OWNERSHIP OF LAND IN ORDER TO CREATE PARKS; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(g).

AUTHORIZATION:

1. AUTHORIZE TERMINATION, EFFECTIVE MAY 31, 2009, OF LEASE NO. PRC 7112.9, ISSUED TO THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE NATIONAL PARK SERVICE, GOLDEN GATE NATIONAL RECREATION AREA.

2. AUTHORIZE ISSUANCE OF A GENERAL LEASE - PUBLIC AGENCY USE TO THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE NATIONAL PARK SERVICE, GOLDEN GATE NATIONAL RECREATION AREA, BEGINNING JUNE 1, 2009, FOR A TERM OF 49 YEARS, FOR MANAGEMENT OF SOVEREIGN LANDS WITHIN THE ESTABLISHED BOUNDARY OF THE GOLDEN GATE NATIONAL RECREATION AREA, AS PART OF THE NATIONAL PARK SYSTEM; AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED ON EXHIBIT B, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF 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



GOLDEN GATE NATIONAL RECREATION AREA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 7112.9
NATIONAL PARK SERVICE
GENERAL LEASE - PUBLIC
AGENCY USE
MARIN AND SAN
FRANCISCO COUNTIES



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.