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MINUTE ITEM

10/28/76  
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21. PUBLIC AGENCY PERMIT, UNITED STATES NAVY, NAVAL FACILITIES  
ENGINEERING COMMAND - W-503.628.

The attached Calendar Item 21, was withdrawn from the agenda  
prior to the meeting.

Attachment: Calendar Item 21 (5 pages)

CALENDAR ITEM

21

10/76  
W 503.628  
SJS

PUBLIC AGENCY PERMIT

APPLICANT: United States Navy  
Naval Facilities Engineering Command  
P. O. Box 727  
San Bruno, California 94066

AREA, TYPE LAND AND LOCATION:  
18.914 acres of tide and submerged land, in  
Hastings Slough, Contra Costa County, near  
Concord.

LAND USE: For construction of a barrier to prevent  
public access to Hastings Slough.

TERMS OF PROPOSED LEASE:  
Initial period: 49 years from August 1, 1976.  
Special: Processing fee will be billed in  
arrears.

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.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of upland.  
Processing fee to be billed  
in arrears.

STATUTORY AND OTHER REFERENCES:  
A. Public Resources Code: Div. 6, Parts 1 & 2.  
B. Administrative Code: Title 2, Div. 3,  
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:  
1. The annual rental value of the site is  
estimated to be \$1,280.  
2. An Environmental Impact Report is not re-  
quired. This transaction is within the  
purview of 2 Cal. Adm. Code 2903(d) which  
exempts a project undertaken as immediate  
action necessary to prevent or mitigate  
an emergency.

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CALENDAR ITEM NO. 21 (CONTD)

3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class A.

Staff has determined that the restriction of public access will not adversely impact the identified values.

Inasmuch as the lease is to close off the area from public use, all environmental values will be protected. It is determined that the lease will have no significant environmental effects.

4. The Department of Fish and Game opposes the closing of Hastings Slough without first investigating all possible alternatives to the closure. It is probable the closing of the Slough would result in the loss of approximately 4,000 man days fishing which, in the Department's view, is a substantial loss.
5. There do appear to be reasonable alternatives to the closing of the Slough, such as fencing all access areas to the weapon station and by adding additional security patrols. Even if the Slough was closed, the public would still have access to the Navy's property if the Navy did not fence along the shoreline, at the county road and railroad right of way.
6. During the 1974-1975 condemnation proceedings involving the weapon station site, Hastings Slough was specifically negotiated out of the settlement because of the public trust and public use.
7. Because of the present public use of Hastings Slough, staff has serious reservations as to the approval of the permit without first reevaluating the alternatives. Staff does, however, recognize that national defense security problems must be considered by the Commission and that those problems could outweigh the public trust considerations.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION DEFER ACTION ON THIS APPLICATION UNTIL THE NAVY SUBMITS SIGNIFICANT EVIDENCE THAT THE PROPOSED CLOSING OF HASTINGS SLOUGH IS THE ONLY ACCEPTABLE SECURITY METHOD OF AVAILABLE ALTERNATIVES;

OR  
IN THE ALTERNATIVE, THE COMMISSION MAY:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRE 21172, 14 CAL. ADM. CODE 15071 2 CAL. ADM. CODE 290.3(D).
2. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO THE UNITED STATES NAVY OF A 49-YEAR PUBLIC AGENCY PERMIT FROM AUGUST 1, 1976; 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 CONSTRUCTION OF A BARRIER TO PREVENT PUBLIC ACCESS TO HASTINGS SLOUGH ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 503.628

A parcel of tide and submerged land in the State owned bed of Hastings Slough, situated in Sections 2 and 11, T 2 N, R 2 W, M.D.M, as shown on Township plat dated December 7, 1870, Contra Costa County, California, more particularly described as follows:

BEGINNING at Station 9 as shown on that map filed in book 25 of L.S.M. at page 21, Contra Costa County Records, said Station 9 having California Coordinate System Zone 3 coordinates of X = 1,552,323.54 and Y = 568,484.89 thence the following 46 courses.

S 18° 16' 09" W	213.25'
S 29° 56' 39" W	367.53'
S 25° 54' 00" W	280.00'
S 30° 45' 00" W	149.00'
S 37° 25' 00" W	304.00'
S 24° 31' 00" W	142.00'
S 0° 35' 00" E	84.00'
S 23° 57' 00" E	129.00'
S 46° 16' 00" E	140.00'
S 59° 42' 00" E	162.00'
S 77° 05' 00" E	181.00'
N 88° 53' 00" E	188.00'
N 82° 08' 00" E	168.00'
N 77° 26' 08" E	1259.27'
S 89° 11' 53" E	139.32'
S 71° 09' 00" E	117.00'
S 47° 42' 00" E	175.00'
S 32° 34' 00" E	142.00'
S 21° 52' 00" E	201.00'
S 9° 12' 00" E	168.00'
S 4° 22' 00" E	168.00'
S 8° 48' 00" W	360.00'
S 18° 01' 00" W	240.00'
S 3° 52' 00" E	240.00'
S 12° 12' 00" E	500.00'
S 8° 27' 39" E	201.93'
S 71° 20' 04" W	198.97'
N 14° 49' 23" E	104.91'

N	0°	46'	42"	E	145.04'
N	9°	37'	20"	W	512.71'
N	14°	12'	00"	W	200.00'
N	22°	18'	00"	E	400.00'
N	9°	48'	00"	E	280.00'
N	18°	12'	00"	W	330.00'
N	31°	42'	00"	W	270.00'
N	69°	12'	00"	W	210.00'
S	88°	18'	00"	W	215.00'
S	73°	18'	00"	W	440.00'
S	77°	48'	00"	W	350.00'
S	78°	15'	00"	W	586.00'
N	76°	42'	00"	W	275.00'
N	59°	57'	00"	W	400.00'
N	13°	42'	00"	W	280.00'
N	20°	48'	00"	E	250.00'
N	40°	48'	00"	E	250.00'
N	27°	02'	52"	E	875.71'

thence N 08° 24' 40" E, 154.29 feet to Station 50 as shown  
on said map, thence S 84° 59' 38" E, 136.03 feet to the point  
of beginning.

Bearings distances and coordinates in this description are based upon  
the California Coordinate System, Zone 3.

END OF DESCRIPTION

Prepared *A. K. Kunnecke* Checked *R. L. Blake*  
Reviewed *D. Brittnacher* Date *6/17/76*

