

MINUTE ITEM

This Calendar Item No. 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 1
to 0 at its 2/23/78
meeting.

CALENDAR ITEM

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LETTER OF UNDERSTANDING REGARDING TOMALES BAY

In June, 1977, the State Lands Commission in considering a permit application in the Inverness area of Tomales Bay recommended to the staff that in considering development on present and historical tide and submerged lands the Commission desired staff to develop a comprehensive plan for the entire bay. Pursuant to such recommendation the Commission's Staff began meeting in August, 1977, with representatives of the North Central Regional Coastal Commission, the California Department of Fish and Game and Marin County to ascertain whether a comprehensive study for the entire Tomales Bay was feasible.

Because of the impact of the California Coastal Act of 1976, it appears that the Marin County Local Coastal Program ("LCP") will provide a vehicle through which a comprehensive plan for land uses in the Tomales Bay area, including historic tide and submerged lands, can be designed. Once funded by the Coastal Commission, Marin County's LCP should be completed within 1 year. The Commission's Staff has been working closely with Marin County and the North Central Regional Coastal Commission to accomplish the efforts necessary to complete the recommended LCP and related trust determinations by this Commission. Further, the Department of Fish and Game is currently formulating plans for a study of existing and potential habitat and resource areas in Tomales Bay (however, such study will not be completed for approximately 18 months from this date).

In order to consider the permitting of development in this area, while not prejudicing the formulation of the LCP and to minimize the impact of development on critical habitat and resource areas within Tomales Bay during the formulation of the LCP, the Commission's Staff has proposed that the Commission execute a letter of understanding with the Coastal Commission and Marin County. This letter of understanding generally provides that the respective parties (1) will discuss and comment on all applications prior to action by anyone of the parties on such applications, (2) states the intention that permits should only be issued upon findings that the proposed development or activities are found to be:

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a) a continuation of either an existing use or an existing activity, which is consistent with the public trust, and which is also consistent with the objectives of the California Coastal Act of 1976 (PRC Section 30000 et seq.); and

b) consistent with uses of adjacent or affected tidelands, submerged lands or uplands as such uses are, at the time of consideration of such application, known or contemplated as part of the formulation of the LCP or ancillary determinations concerning the public trust. The letter of understanding would exempt from these considerations, minor alterations and repair to existing residences.

Once executed by all parties the letter of understanding will remain in effect until Marin County's LCP is adopted by the Coastal Commission, or the letter of understanding is terminated in writing by the parties.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A LETTER OF UNDERSTANDING WITH THE CALIFORNIA COASTAL COMMISSION AND MARIN COUNTY TO CONSIDER PERMITTING CERTAIN TYPES OF DEVELOPMENT IN TOMALES BAY, PENDING COMPLETION OF THE LOCAL COASTAL PROGRAM AND RELATED DETERMINATIONS BY THIS COMMISSION CONCERNING THE BAY.