

MINUTE ITEM

This Calendar Item No. 29
was approved as Minute Item
No. 29 by the State Lands
Commission by a vote of 2
to 0 at its 8-23-79
meeting.

CALENDAR ITEM
29.

8/79
G04-01
W 22108
De La Cruz
PRC 5712

ACCEPTANCE OF QUITCLAIM - CITY OF ARCATA
GENERAL PERMIT PUBLIC AGENCY USE

APPLICANT: City of Arcata
736 F Street
Arcata, California 95521

AREA, TYPE LAND AND LOCATION:
A 73.2643 acre parcel of tide and submerged
land in Humboldt Bay, City of Arcata, Humboldt
County.

LAND USE: Marsh restoration and enhancement; establish-
ment of a recreational area.

TERMS OF PROPOSED LEASE:
Initial period: 49 years from August 24,
1979.

CONSIDERATION: The public use and benefit, 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:
Title to adjacent upland property will
rest in the City of Arcata; property currently
in escrow.

Filing fee and processing costs have been
received.

STATUTORY AND OTHER REFERENCE:
A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

BACKGROUND: Chapter 344, Statutes of 1913, as amended
by Chapter 542, Statutes of 1917, granted
tide and submerged lands to the City of
Arcata solely for the establishment, improvement
and conduct of a harbor.

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CALENDAR ITEM NO. 29. (CONTD)

The City of Arcata proposes to use a portion of the granted lands for purposes not specified in the granting statutes. In November of 1978, the City of Arcata and the State Coastal Conservancy approved a marsh enhancement plan for the Arcata Freshwater Marsh. The plan calls for the utilization and enhancement of a former land fill dumpsite for park and recreational uses, nature study, preservation of wetlands, and restoration of marshes.

In order to facilitate implementation of the plan and to allow the City to use the tide and submerged lands for purposes other than those specified in the granting statutes, the City of Arcata has agreed to quitclaim to the State that portion of the granted lands to be occupied by the Marsh Enhancement Project and take the area back via a lease.

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be \$2,800.
2. A final EIR for the Marsh Enhancement Project was prepared by the City of Arcata, pursuant to CEQA and implementing regulations. A notice of determination has been received.
3. This project is situated on State land identified as possessing significant environmental values pursuant to PRC 6370.1, and is classified in a use category, Class C, which authorized Multiple Use.
4. Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found the project to be compatible with their nomination.
5. This project is consistent with Article 6.5 because this is a wetlands restoration project.

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6. The proposed use of the lands will be in the best interest of the State-wide general public.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
California Department of Fish and Game,
North Coast Regional Coastal Commission,
Humboldt Bay Harbor Conservation and Recreation
District, State Coastal Conservancy.

EXHIBITS:

- A. Legal Description.
- B. Site Map.
- C. Quitclaim Deed.
- D. EIR Summary.
- E. Notice of Determination.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE ACCEPTANCE OF A QUITCLAIM DEED BY THE CITY OF ARCATA FOR TIDE AND SUBMERGED LAND IN HUMBOLDT BAY, CITY OF ARCATA, HUMBOLDT COUNTY AS DESCRIBED IN THE QUITCLAIM DEED, ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
2. DETERMINE THAT AN EIR IS NOT REQUIRED FOR THE ACCEPTANCE OF A QUITCLAIM FROM THE CITY OF ARCATA AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISION OF P.R.C. 21065, 14 CAL. ADM. CODE 15037, AND 2 CAL. ADM. CODE 2903(d).
3. DETERMINE THAT AN EIR HAS BEEN PREPARED FOR THE MARSH ENHANCEMENT PROJECT AND CERTIFIED BY THE CITY OF ARCATA ON JULY 19, 1979.
4. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR OF THE CITY OF ARCATA HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
5. DETERMINE THAT THE PROJECT COULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, BUT THAT ADEQUATE PROVISIONS HAVE BEEN MADE BY THE CITY OF ARCATA TO PERMANENTLY PROTECT THE ENVIRONMENT.
6. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5 OF TITLE 2, OF THE CAL. ADM. CODE.
7. DETERMINE THAT THE PROPOSED USE OF THE LANDS IS IN THE BEST INTERESTS OF THE STATEWIDE GENERAL PUBLIC.

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8. FIND THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR THE PERMANENT PROTECTION OF THE SIGNIFICANT ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.
9. AUTHORIZE ISSUANCE TO THE CITY OF ARCATA OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM AUGUST 24, 1979; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE BEST INTEREST OF THE STATE; FOR MARSH ENHANCEMENT AND RESTORATION; ESTABLISHMENT OF A RECREATIONAL AREA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(Added 8/21/79)

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EXHIBIT "A"

File: W22108
August 15, 1979

DESCRIPTION

A parcel of land in projected Section 32, T6N, R1E, H.M., being a portion of the tide and submerged lands of the State of California granted in trust to the City of Arcata by Chapter 344, Statutes of 1913, page 699 of the California Legislature, as amended by Chapter 542, Statutes of 1917, page 541, more particularly described as follows:

BEGINNING at the point of commencement of the lands described in said grant to the City of Arcata from which the Center of Section 32, T6N, R1E, bears N 31° 52' E, 1073.82 feet and N 89° 30' E, 390.06 feet: thence along said grant NORTH 250.00 feet; thence N 75° 00' W, 650.00 feet: thence leaving said grant line the following three (3) courses:

S 15° 00' W, 1,742.00 feet;
S 62° 00' E, 1,800.00 feet;
N 30° 47' 15.8" E, 1,477.75 feet to the northeasterly line of said lands granted to the City of Arcata: thence along said line the following four (4) courses:

N 52° 30' W, 400.11 feet;
N 71° 30' W, 267.30 feet;
N 53° 30' W, 747.16 feet;
N 31° 30' W, 135.96 feet to the point of beginning.

Containing 73.26 Acres more or less.

END OF DESCRIPTION



Prepared by: D. Brittnacher

(Added 8/21/79)

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August 11, 1979

DESCRIPTION

A parcel of land in projected Section 32, T6N, R1E, H.M., being a portion of the tide and submerged lands of the State of California granted in trust to the City of Arcata by Chapter 344, Statutes of 1913, page 699 of the California Legislature, as amended by Chapter 542, Statutes of 1917, page 541, more particularly described as follows:

BEGINNING at the point of commencement of the lands described in said grant to the City of Arcata from which the Center of Section 32, T6N, R1E, bears N 31° 52' E, 1073.82 feet and N 89° 30' E, 390.06 feet; thence along said grant NORTH 250.00 feet; thence N 75° 00' W, 650.00 feet; thence leaving said grant line the following three (3) courses:

S 15° 00' W, 1,742.00 feet;
 S 62° 00' E, 1,800.00 feet;
 N 30° 47' 15.8" E, 1,000.75 feet to the northeasterly line of said lands granted to the City of Arcata; thence along said line the following four (4) courses:

N 52° 30' W, 400.11 feet;
 N 71° 30' W, 267.30 feet;
 N 53° 30' W, 743.16 feet;
 N 31° 30' W, 135.96 feet to the point of beginning.

Containing 77.864 Acres more or less.

END OF DESCRIPTION



Prepared by: D. Brittnacher

EXHIBIT "A"

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(Added 8/21/79)

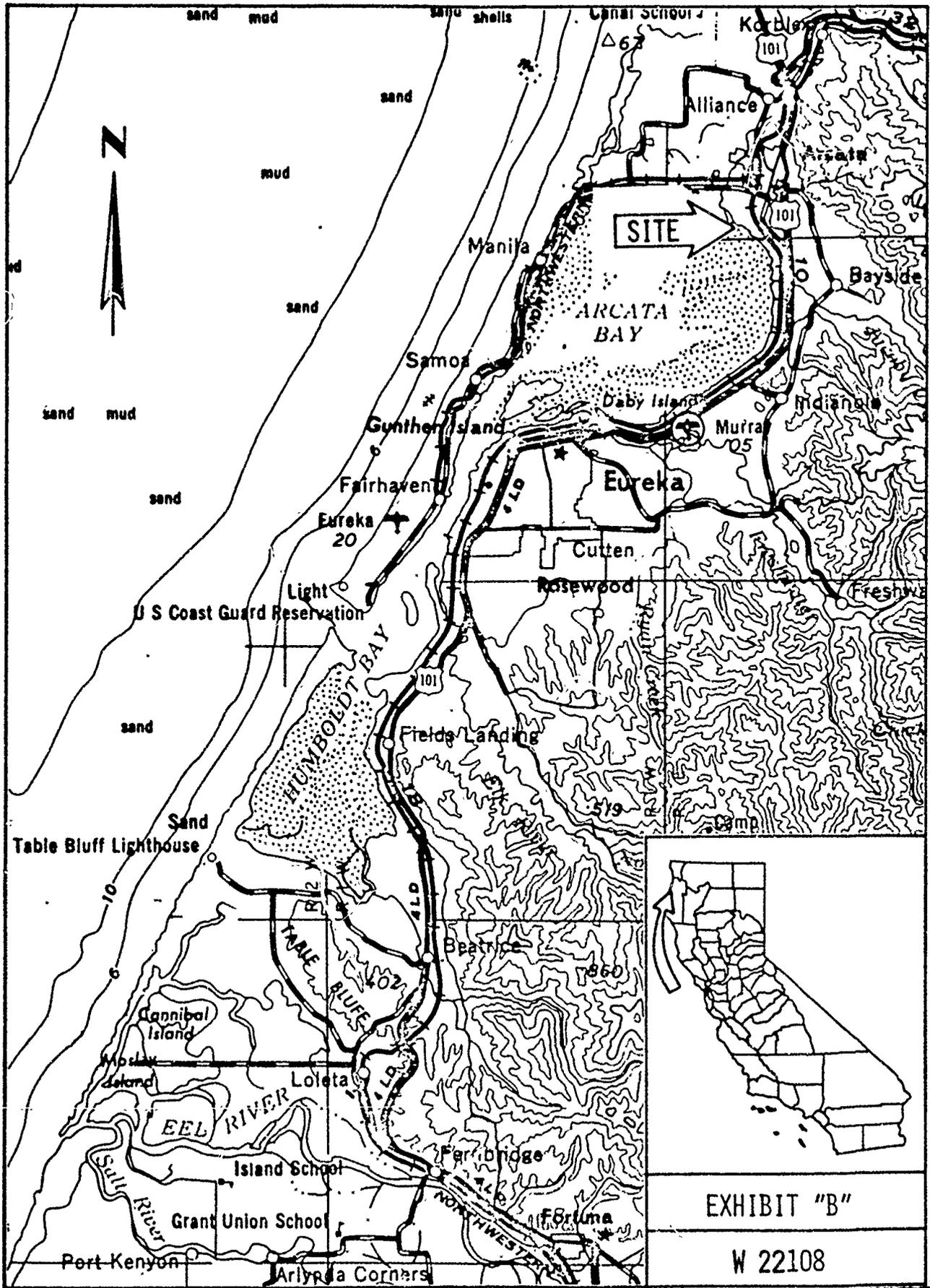


EXHIBIT "B"

W 22108

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(Added 8/21/79)

RECORDED AT REQUEST OF:

EXHIBIT "C"

State of California
State Lands Commission

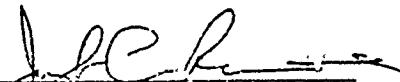
WHEN RECORDED, MAIL TO:

State Lands Commission
1807 - 13th Street
Sacramento, California 95814

OFFICIAL STATE OF CALIFORNIA BUSINESS
Document entitled to free recordation
pursuant to Government Code Section
27383.

S.L.C. NO. W 22108

NO TAX DUE


JOSEPH C. RUSCONI
Staff Counsel

Above Space for Recorder's Use

QUITCLAIM DEED

City of Arcata to State Lands Commission,
State of California

WHEREAS, the City of Arcata (hereinafter "City") received State sovereign lands in Humboldt County, City of Arcata, under Chapter 344, Statutes of 1913, as amended by Chapter 542, Statutes of 1917, solely for the establishment, improvement, and conduct of a harbor; and

WHEREAS, the City now proposes to use a portion of said sovereign lands for certain purposes not specified in Chapter 344, Statutes of 1971, as amended by Chapter 542, Statutes of 1917; and

WHEREAS, the staff of the State Lands Commission has recommended that the State Lands Commission determine that the

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(Added 8/21 '79)

proposed use of the lands is in the best interest of the statewide general public; and

WHEREAS, pursuant to Public Resources Code section 6301, all jurisdiction and authority remaining in the State of California as to tidelands and submerged lands as to which grants have been made is vested in the State Lands Commission.

NOW, THEREFORE, the City of Arcata does hereby remise, release, and forever quitclaim unto the State of California, by and through the State Lands Commission, any and all right, title and interest it may have to previously granted tide and submerged lands whether filled or unfilled in the County of Humboldt, and as described in Exhibit "A" attached hereto and by reference made a part hereof.

IN WITNESS WHEREOF, this deed is signed and executed pursuant to Public Resources Code section 6301 and by resolution of the City Council of the City of Arcata on this _____ day of _____, 1979.

(Signature)

(Title)
of the City of Arcata

[Attach appropriate Notary Public acknowledgment]

(Added 8/21/79)

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ENVIRONMENTAL IMPACT REPORT SUMMARY

I. Introduction
The following is a summary of an EIR submitted by the City of Arcata for proposed marsh enhancement on the northeast shore of Arcata Bay between Janes and Jolly Giant Creeks, Humboldt County.

II. Project Description
The proposed project consists of the restoration and enhancement of freshwater marsh over 36 acres of the project site, and conversion of the existing catch basin and abandoned sanitary landfill into a recreational lake and observation area. Conversion of the catch basin to a recreational lake would restore approximately 17 acres to a productive water habitat, and the land conversion would add about ten acres to the entire project. Control of water within the marsh system would be accomplished by the integrated use of levees, weirs, and culverts. A system of culverts and ditches linking the marshes, recreational lake and a neighboring slough would assist in drainage and maintenance requirements if one or more of the marshes necessitates these functions. Levees with steep slopes and appropriate riprap, would assist in controlling vegetative growth on marsh banks and erosion by wave action. A crosshatched ditching system is proposed for the interior of the individual marshes to provide deep water areas which would assist in the control of emergent vegetation. All newly constructed marsh islands and dikes would be seeded to provide wildlife cover and to reduce erosion possibilities.

I. Environmental Setting
The project site is located at the margin of northeastern Humboldt Bay and the relatively level Arcata bottomlands. Drainage on the site is divided between Jolly Giant Creek (Butcher Sl.) and Janes Creek (McDaniel Sl.). The waters of Arcata Bay, in the vicinity of the proposed marsh site, are affected by runoff, leachate from the old sanitary landfill, and by wastewater discharges.

The project site hosts a number of vegetative communities due to the location and the variety of past human activities. The relatively undisturbed salt marsh vegetation in this area consists of salt grass, pickle weed, alkali grass, statico, gum plant and cordgrass. Due to the relative lack of disturbance in the salt marsh area on the site, plants listed as rare or endangered in the Inventory of Rare and Endangered Vascular Plants of California that are likely to occur at the site include Saltmarsh bird's beak and the Pt. Reyes bird's beak. Generally, the project site is of relative unimportance to wildlife, however, it is located within the Humboldt Bay area which is second only to San Francisco Bay in species diversity and the overall wildlife numbers served. The Bay itself provides a variety of estuarine environments which are supplemented and magnified in value by the presence of the variety of terrestrial, riparian and freshwater habitats nearby. Wildlife use of the terrestrial portions of the site is relatively low at the present, limited mainly to use by a few species of wrens, sparrows and other land birds. Small mammal populations occasionally attract raptorial birds and deer are seen occasionally on the site. The bulk of the proposed lake site is also restricted in wildlife use due to a rather limited food chain. In spite of its location adjacent to the heavily used Arcata Oxidation Pond winter use of this area is limited by the lack of habitat as loafing islands are covered by rising waters. The bulk of the use of this area occurs during the fall and spring migration periods. The anadromous fish of the area include King Salmon, Silver Salmon, Steelhead and the Coastal Cutthroat Trout all of which utilize the Bay as a nursery area.

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(Added 8/21/79)

The area has been extensively surveyed and is identified as having low archaeological sensitivity and cultural significance.

V. Environmental Impacts

1. Minor disturbance of existing native and introduced vegetation where diking and grading would occur.
2. Loss of all terrestrial plant life and a gradual shift from terrestrial to aquatic vegetation.
3. Topographic changes could potentially impair future productivity of the marsh due to soil compaction by construction equipment.
4. Potential increased flooding problems due to reduced volume of storage available.
5. Creation of improved freshwater marsh, recreational lake and aquaculture facility.
6. Increased public use of the site could adversely affect adjacent agricultural lands.
7. Potential groundwater effects resulting from introduction of standing water on the project site and its effects on the groundwater regime.

V. Alternatives

Of six major alternatives analyzed in the City of Arcata Facility Plan and Project Report, the project being proposed was considered to be the most advantageous.

VI. Unavoidable Adverse Impacts

1. Removal of pastureland from productivity.
2. Increase in flood stage in the area.
3. Utilization of energy as required for pumping purposes.

II. Mitigation Measures

1. Establishment of plant life in the project area.
2. The project will exclude sensitive areas to avoid significant effects on rare or endangered plants.
3. Due to the low infiltration rates of the soils underlying the site, the introduction of waters to the silt should not have significant effects on the groundwater regime on adjacent lands.
4. Regulation of public use of the area has been presented which should mitigate the negative aspects of increased public concentration of the area.
5. Pumps will be designed and utilized in a way that will minimize energy consumption.

VIII. Irreversible Environmental Changes

1. Wildlife preservation and enhancement.
2. Use of energy and materials.

IX. Short-term v. Long-term

The proposed project was specifically planned and designed for its long-term beneficial effects on the environment. Thus the project will expand the range of beneficial uses of the environment while posing no significant risks to the health or safety of humans or wildlife.

X. Growth-Inducing Impact

The proposal is not expected to have any significant growth-inducing effects on the local area.

(Added 8/21/79)

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NOTICE OF DETERMINATION

EXHIBIT "E"

RECEIVED
JUL 25 1979
TERRACON

TO: Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, California 95814

FROM: City of Arcata
(Lead Agency)
Planning Department
736 "F" Street
Arcata, CA 95521

County Clerk
County of Humboldt

SUBJECT: Filing of Notice of Determination in compliance with
Section 21108 or 21152 of the Public Resources Code

Project Title

Marsh Enhancement Plan and Final Environmental Impact Report

State Clearinghouse Number (If submitted to State Clearinghouse)

SCH 78041757

Contact Person

Mark A. Leonard

Telephone Number

(707) 822-5951

Project Location

one the NE shore of Arcata Bay between Janes and Jolly Giant Creeks

Project Description

Restoration and enhancement of freshwater marsh over 36 acres of the project site, and conversion of existing catch basin and abandoned sanitary landfill into recreational lake and observation area.

This is to advise that the City of Arcata
Lead Agency

has made the following determinations regarding the above described project:

1. The project has been approved disapproved by the Lead Agency.
2. The project will will not have a significant effect on the environment.
3. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
4. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is attached.

Mark A. Leonard
Signature

Planning Director

Title

July 19, 1979

Date

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(Added 8/21/79)

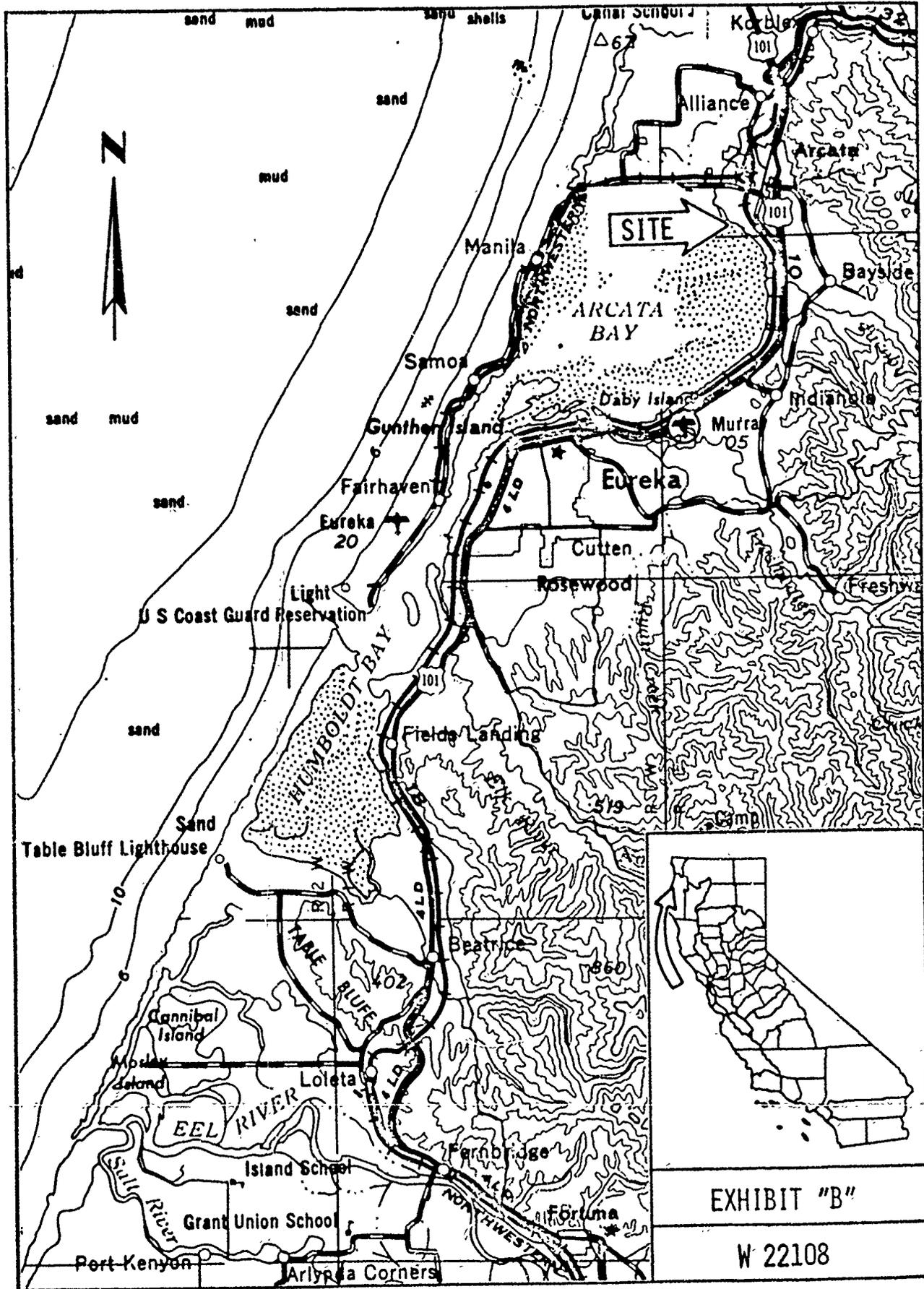


EXHIBIT "B"

W 22108

CALENDAR PAGE	202f
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(Added 8/21/79)