

MINUTE ITEM

This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 1 at its 1-26-81
meeting.

CALENDAR ITEM

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WP 5251
Maricle
PRC 5251

TERMINATION OF EXISTING PERMIT AND
ISSUANCE OF REPLACEMENT GENERAL PERMIT
PUBLIC AGENCY USE

CO-APPLICANTS: County of San Mateo
County Government Center
Redwood City, California 94063
Attn: Mr. Robert E. Friday, Manager
Real Property Services

California Department of
Fish and Game
1416 Ninth Street
Sacramento, California 95814
Attn: Mr. Chester Hart
Executive Officer

AREA, TYPE LAND AND LOCATION:

A 3.573-acre parcel of tide and submerged
lands in San Francisco Bay, adjacent to
the San Mateo-Hayward Bridge, San Mateo
County.

LAND USE:

The operation and maintenance of a public
fishing pier.

TERMS OF ORIGINAL PERMIT:

Initial period: 49 years from March 1,
1977.

CONSIDERATION:

The public use and benefit, with the State
reservation of the right at any time to
set a monetary rental if the Commission
found such action to be in the State's
best interest.

TERMS OF PROPOSED PERMIT:

Initial period: 49 years from February 1,
1981.

CONSIDERATION:

The public use and benefit. The County
of San Mateo will establish a trust fund
for deposit of all revenue received from
the leased premises. Any revenue remaining
in this fund after deduction for allowed

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expenses will be transferred to the State.
(See Proposal, Item G)

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant (County of San Mateo) is owner
of upland.

Filing fees and processing costs have been
received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 & 2, Div. 13;
Div. 20.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

BACKGROUND:

- A. The Commission approved the issuance
of a Public Agency Permit to the County
of San Mateo on February 22, 1979,
(Minute Item No. 8). The Commission
also approved, at that time, a cooperative
agreement and a lease agreement previously
entered into between the County of
San Mateo and the State Wildlife Con-
servation Board. These documents provided
for rehabilitation and use of the structure
(an old highway bridge) by the Wildlife
Conservation Board as a public fishing
pier, in cooperation with San Mateo
County.
- B. On June 27, 1979, (Minute Item No. 16)
the Commission authorized the endorsement
of a sublease between the County of
San Mateo and the United States Department
of Commerce, National Oceanic and Atmospheric
Administration. The sublease provides
for the use of a Tidal Gauge Station,
to measure water level variations occasioned
by tidal action. Said station consists
of a 7' X 7' concrete block house and
two interior vertical float wells.
The sublease is for a 20-year term
effective June 1, 1979.

PRESENT SITUATION:

San Mateo County has recently advised that
diminishing revenues have impaired the

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County's ability to police and monitor activities at the pier. In addition, an increase in vandalism is resulting in spiraling maintenance costs. The proposal herein is presented as a remedy for such problems and as a possible source of future income for the State.

PROPOSAL:

The County of San Mateo and the California Department of Fish and Game, acting through the Wildlife Conservation Board, have joined as co-applicants and have requested that existing permit PRC 5251.9 be terminated and that such permit be replaced by a new Permit. The general provisions of the new permit include:

- A. Execution of this permit by the parties will terminate PRC 5251.9 signed March 12, 1979, and this new Lease PRC 5251.9 beginning February 1, 1981 will be substituted therefor.
- B. The County of San Mateo and the California Department of Fish and Game are the State's Co-Lessees.
- C. The existing Cooperative Agreement and Lease Agreement between the County and Fish and Game, and the existing sublease to the Federal Government, are re-confirmed.
- D. Authorized improvements include a fishing pier and a tidal gauge station.
- E. The Co-Lessee, California Department of Fish and Game, shall be exempt from the Provisions of Subsections 8 and 13 of Section 4, (Standard Covenants), which deal with indemnity and restoration of the premises.
- F. The Co-Lessees may grant concessions and leases within the demised area, for uses consistent with this agreement, but any construction or removal of improvements by concessionaires and sublessees is subject to the prior

express written approval of the Executive Officer of the State Lands Commission.

- G. The County shall establish a separate trust fund concerning revenues derived from the lease area and must report to the Commission on an annual basis detailing uses, subleases, future plans, and trust fund status on the subject premises. All revenues in excess of allowed expenses will be paid to the State within 90 days of termination of the permit.
- H. The permittee may use revenues from the leased premises for purposes of statewide benefit, including construction, improvement, repair, and other activities necessary for the development of the leased premises for the highest and best use in the public interest. These revenues will be accounted for the manner outlined earlier under "Consideration" of the proposed lease.
- I. If the Co-lessees issue a lease, they shall require that Lessee to obtain liability insurance, and shall further require said Lessee to provide a certificate of such insurance stating that the State Lands Commission, its officers, Agents and Employees are included as additional insureds. In no event shall the State Lands Commission be responsible for any premiums or assessments for said insurance policy.
- J. In the event that uplands are acquired with funds generated from the lease area, such lands shall be burdened with the Public Trust for commercial navigation and fisheries and become the property of the State at the termination of this Agreement.
- K. The State reserves the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

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OTHER PERTINENT INFORMATION:

1. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class "C", which authorizes Multiple Use.
3. Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

None.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 216c4, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE TERMINATION OF PRC 5251.9 SIGNED ON MARCH 12, 1979, EFFECTIVE FEBRUARY 1, 1981.
4. AUTHORIZE ISSUANCE TO THE COUNTY OF SAN MATEO AND CALIFORNIA DEPARTMENT OF FISH AND GAME (CO-LESSEES) OF A 49-YEAR

CALENDAR ITEM NO. 17 (CONTD)

GENERAL PERMIT - PUBLIC AGENCY USE - FROM FEBRUARY 1,
1981, AS DESCRIBED HEREIN AND ON FILE IN THE PRINCIPLE
OFFICE OF THE COMMISSION, FOR THE OPERATION AND MAINTENANCE
OF A PUBLIC FISHING PIER ON THE LAND DESCRIBED ON EXHIBIT "A"
ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

A parcel of land in the bed of San Francisco Bay, adjacent to Foster City, San Mateo County, California.

COMMENCING at U.S.C. & G.S. triangulation station "Guano Island" (California Coordinate System, Zone 3, N 395,459.75 E 1,487,453.77); thence along the centerline of the former San Mateo-Hayward Bridge approach road N 42° 11' 42" E, 179.68 feet to the westerly end of the existing trestle; thence N 47° 48' 18" W, 18.00 feet to the POINT OF BEGINNING; thence along a line parallel with and 18.00 feet distant from, measured at right angles to the centerline of said trestle, N 42° 11' 42" E, 4055 feet; thence leaving said parallel line S 47° 48' 18" E, 36.00 feet; thence parallel with said centerline N 47° 11' 42" W, 4024.80 feet; thence leaving last said parallel line S 47° 48' 18" E, 132.00 feet; thence parallel with said centerline S 42° 11' 42" W, 97.89 feet; thence leaving last said parallel line N 25° 52' 05" W, 181.13 feet to the point of beginning.

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

END OF DESCRIPTION

Prepared *Robert Klein* Checked *M J Shaf*
Reviewed *J. J. Kinnick* Date *1/5/77*
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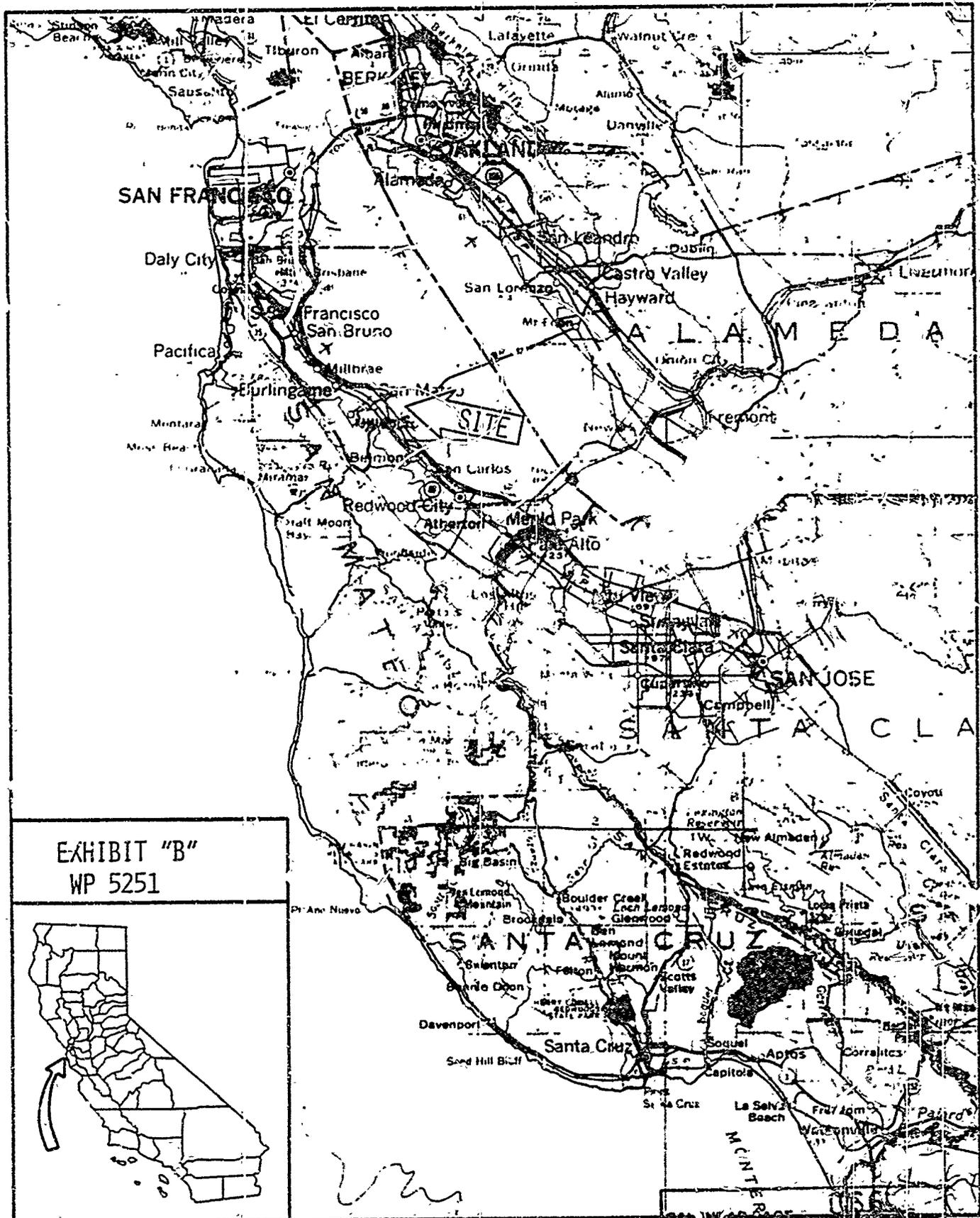


EXHIBIT "B"
WP 5251

