

MINUTE ITEM

11.

3/22/84  
W 233 8  
Valentine/Griggs

CONSIDERATION OF MOST APPROPRIATE  
PUBLIC TRUST NEEDS AND USES AT  
SAN RAFAEL BAY, MARIN COUNTY

During consideration of Calendar Item 11, attached, the following people appeared:

Marilyn Borovoy, property owner  
Graham Gettemy, President, Sea-Street Development  
Norman Gilroy, Consultant, Basalt Rock Company  
Brian Wilson, Save San Francisco Bay Association

Mrs. Borovoy and Mr. Gettemy provided testimony to obtain an exception to the exercise of the public trust as recommended in the San Rafael Bay Staff Report.

Mr. Norman Gilroy and Mr. Brian Wilson provided testimony in support of the staff's report. A complete transcript of testimony is on file in the office of the State Lands Commission, Sacramento, California

Upon completion of testimony, the Commission unanimously approved Calendar Item 11, as presented, by a vote of 3-0.

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3/22/84  
W. 25318  
Valentine,  
Griegs  
PRC 6613

CONSIDERATION OF MOST APPROPRIATE PUBLIC TRUST NEEDS  
AND USES AT SAN RAFAEL BAY, MARIN COUNTY

At its December 1, 1983 meeting, the State Lands Commission authorized staff to conduct a public meeting on public trust needs and uses of San Rafael Bay, Marin County. The public meeting was held as authorized on December 15, 1983 at the San Rafael City Council Chambers. (The Bay lands subject to the study are depicted on the attached Exhibit "A"). The public meeting was transcribed by a certified shorthand reporter. A copy of this transcript is on file in the offices of the State Lands Commission. Commission staff completed its study, and prepared a preliminary report on appropriate public trust needs and uses of San Rafael Bay. At its February 23, 1983 meeting, the Commission authorized staff to distribute the preliminary report for public review and comment and directed staff to present its final report to the Commission at its regular March meeting, along with recommendations for Commission action.

Staff has received and reviewed the public comments on the preliminary report and has prepared its final report on the public trust needs and uses at San Rafael Bay. This final report has been distributed to the members of the Commission under separate cover. The report is incorporated into this Calendar Item by this reference.

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S 5

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CALENDAR ITEM NO. 17 (CONT'D)

A summary of the written comments concerning San Rafael Bay and its needs, along with extracts from the transcript of the public meeting, are in the staff report.

In general, the staff's study reveals that San Rafael Bay is an important resource in the San Francisco/San Pablo Bay estuarine system. This valuable asset is threatened by actions which are incompatible with recognized public trust needs. According to the members of the public representatives of governmental bodies participating in the staff analysis, the most pressing public needs for San Rafael Bay at the present time are preservation and enhancement of the Bay's recreational and ecological values. There was also comment to the effect that any action taken by the Commission as a result of these public needs should not interfere with San Rafael Bay's traditional role in support of water-borne or water-dependent commerce and navigation.

Staff has concluded that an exercise of the public trust interest, in those portions of the study parcel lying outside the legislative trust grant to the City of San Rafael, is necessary to preserve and enhance identified public trust needs.

**OTHER PERTINENT INFORMATION:**

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

AB 884:

N/A.

**EXHIBITS:**

- A. Plat of San Rafael Bay (Study Parcel).
- B. Plat of Proposed Trust Exercise Parcel.
- C. Land Description Trust Exercise Parcel.

CALENDAR ITEM NO. 77 (CONTD)

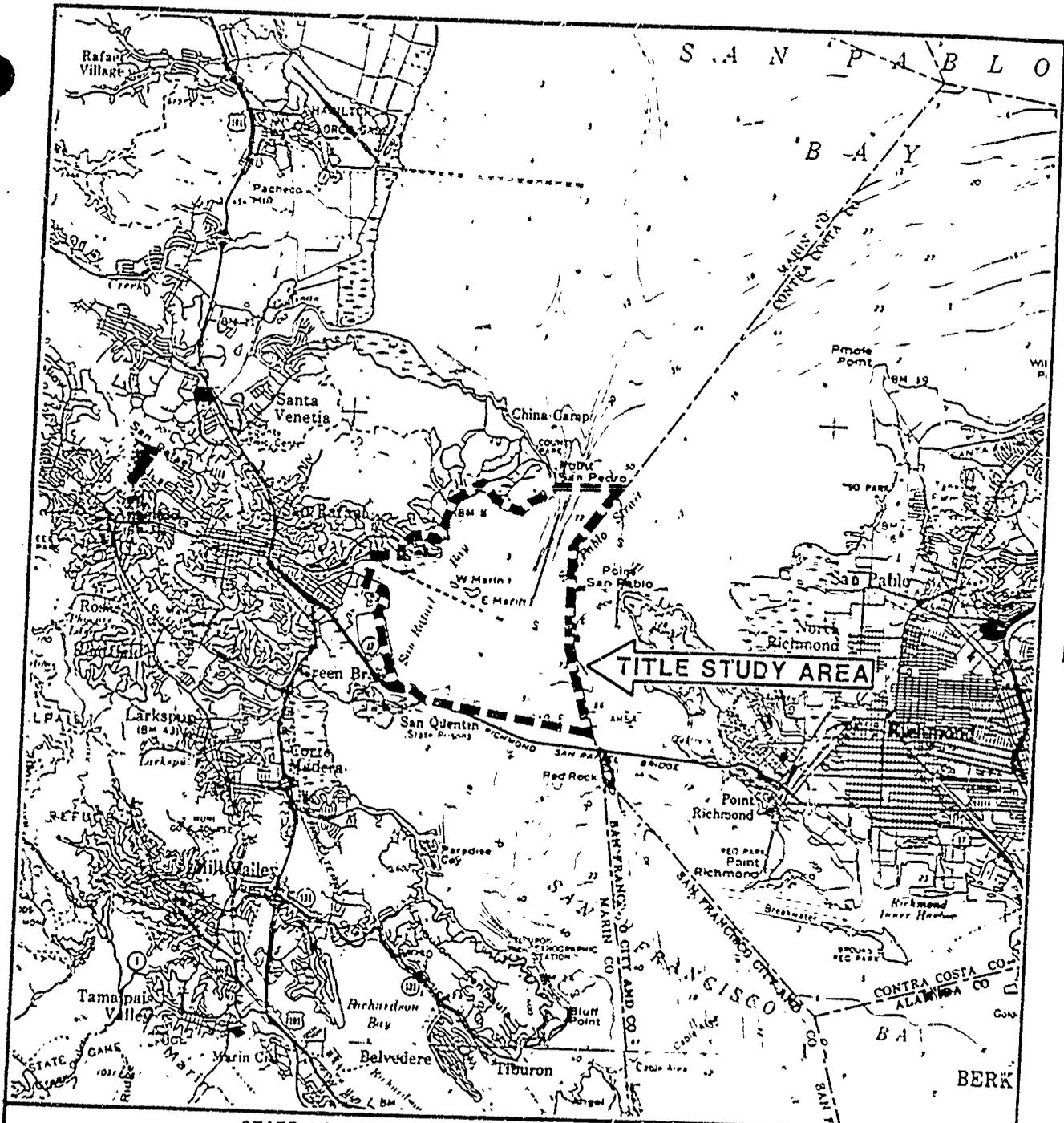
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. EXERCISE THE STATE'S PUBLIC TRUST INTEREST CONSISTING OF EITHER FEE OWNERSHIP OR AN EASEMENT FOR PUBLIC PURPOSES IN THE PROPOSED TRUST EXERCISE PARCEL FOR PUBLIC RECREATIONAL, ECOLOGICAL AND NAVIGATIONAL PURPOSES IN ORDER TO PRESERVE AND ENHANCE SAN RAFAEL BAY FOR THESE TRUST USES.
3. AUTHORIZE STAFF TO PREPARE, EXECUTE AND RECORD SUCH DOCUMENTS AS MAY BE NECESSARY TO GIVE PUBLIC NOTICE OF THIS COMMISSION ACTION.

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STATE LANDS COMMISSION

**TITLE STUDY PLAT**



Prepared by: **B. Lee**      Date: 12-02-83 A: 9 S: 5

**EXHIBIT A**

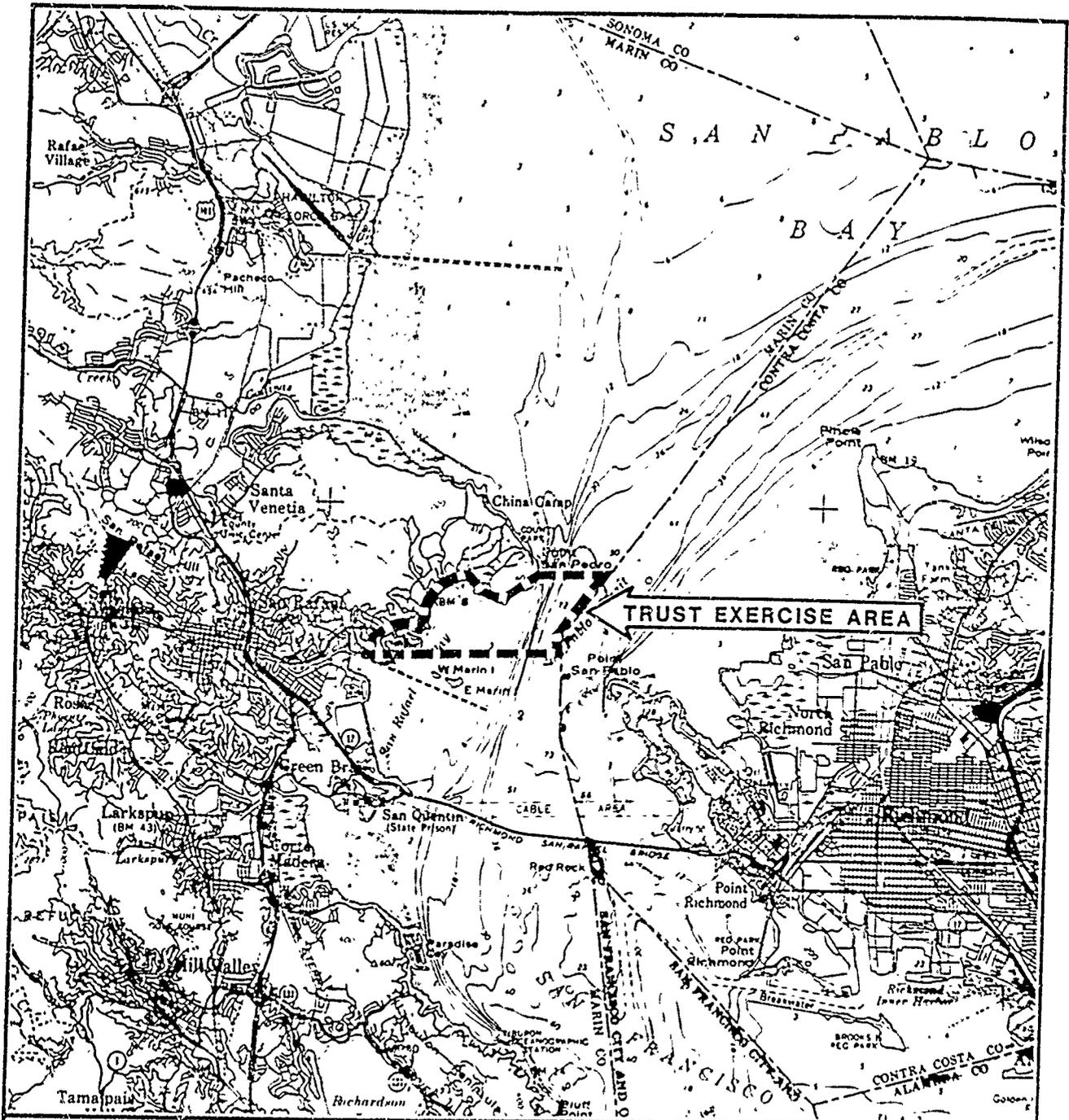
Title Study **SAN SAN RAFAEL BAY**      W 23318

Z 3 - N <sup>53</sup> - E 142,143,144

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STATE LANDS COMMISSION		
<b>TRUST EXERCISE PLAT</b>		
Prepared by: <b>B. Lee</b>	Date: <b>3-07-84</b> A: 9 S: 5	<b>EXHIBIT B</b>
Title Study <b>SAN RAFAEL BAY</b>	<b>W 23318</b>	<b>Z 3-N54-E142,143,144</b>

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EXHIBIT "C"

LAND DESCRIPTION  
TRUST EXERCISE PARCEL

W 23318

A parcel of tide and submerged land, being a portion of San Rafael Bay, a portion of San Pablo Bay, a portion of San Pablo Strait and a portion of San Francisco Bay, said parcel bounded as follows:

Bounded on the east by the common boundary of Marin County and Contra Costa County; bounded on the south by the northerly boundary line of the 11/3/1912 annexation by the City of San Rafael; bounded on the north by the line of latitude  $37^{\circ} 59' 08''$ ; and bounded on the west by the mean high tide line of San Rafael Bay.

END OF DESCRIPTION

PREPARED BY THE BOUNDARY AND TITLE SECTION, LEROY WEED, SUPERVISOR.

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