MINUTE ITEM

This Calendar Item No. C3 was approved as Minute Item No. 3 by the State Lands Commission by a vote of 3 to 0 at its 9/25/86 meeting.

CALENDAR ITEM

C03

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09/25/86
W 23762 PRC 7006
Pce

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Marin County Parks and Recreation Department
and
State of California Wildlife Conservation Board
Civic Center, Room 335
San Rafael, California 94903

AREA, TYPE LAND AND LOCATION:
A 2.984±-acre parcel of tide and submerged land, located at McNears Beach Park, in San Pablo Bay, San Rafael, Marin County.

LAND USE: Construction and maintenance of a public fishing pier.

TERMS OF PROPOSED PERMIT:
Initial period: 25 years beginning September 1, 1986.

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.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. The project is to construct a 500-foot long concrete public fishing pier, with a 120-foot tee at the end. The pier will be located at McNear's Beach Park, which presently contains public recreation facilities.

2. Funds for this project are being obtained from the State of California Wildlife Conservation Board. The Board is required to control some proprietary interest in this type project prior to the granting of any funds, therefore, the proposed public agency permit names the Board as a co-permittee.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

4. A Negative Declaration was prepared and adopted for this project by Marin County. The State Lands Commission staff has reviewed such document and believes that it complies with the requirements of the CEQA.

APPROVALS OBTAINED:

United States Army Corp of Engineers; and State Water Quality Control board.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission.

EXHIBITS:

A. Land Description.
B. Location Map.
C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

2. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY MARIN COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

3. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

4. AUTHORIZE ISSUANCE TO MARIN COUNTY PARKS AND RECREATION DEPARTMENT AND STATE OF CALIFORNIA WILDLIFE CONSERVATION BOARD, AS CO-PERMITTEES OF A 25-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING SEPTEMBER 1, 1986; 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 STATE'S BEST INTEREST; FOR CONSTRUCTION AND MAINTENANCE OF A PUBLIC FISHING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION W 23762

A parcel of tide and submerged land in the bed of San Pablo Bay adjacent to McNear's Beach, Marin County, California, said parcel being more particularly described as follows:

BEGINNING at a point in the northeasterly boundary of the lands conveyed to the County of Marin by a deed recorded August 20, 1970 in Book 2396 of the Official Records of Marin County at Page 281, said point lies N 40°50'02" W 302.37 feet from the most easterly point in the boundary of said lands as said boundary is shown on a Survey of McNear County Park filed for record in Book 12 of Surveys at Page 17, Official Records of Marin County; thence from said point of beginning along the northeasterly boundary of said lands of the County of Marin, N 40°50'02" W 177.46 feet, thence N 19°50'02" W 81.04 feet; thence leaving said boundary N 66°49'35" E 534.17 feet; thence S 23°10'25" E 250.00 feet; thence S 66°49'35" W 485.05 feet to the point of beginning.

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

END OF DESCRIPTION

REVIEWED AUGUST 22, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

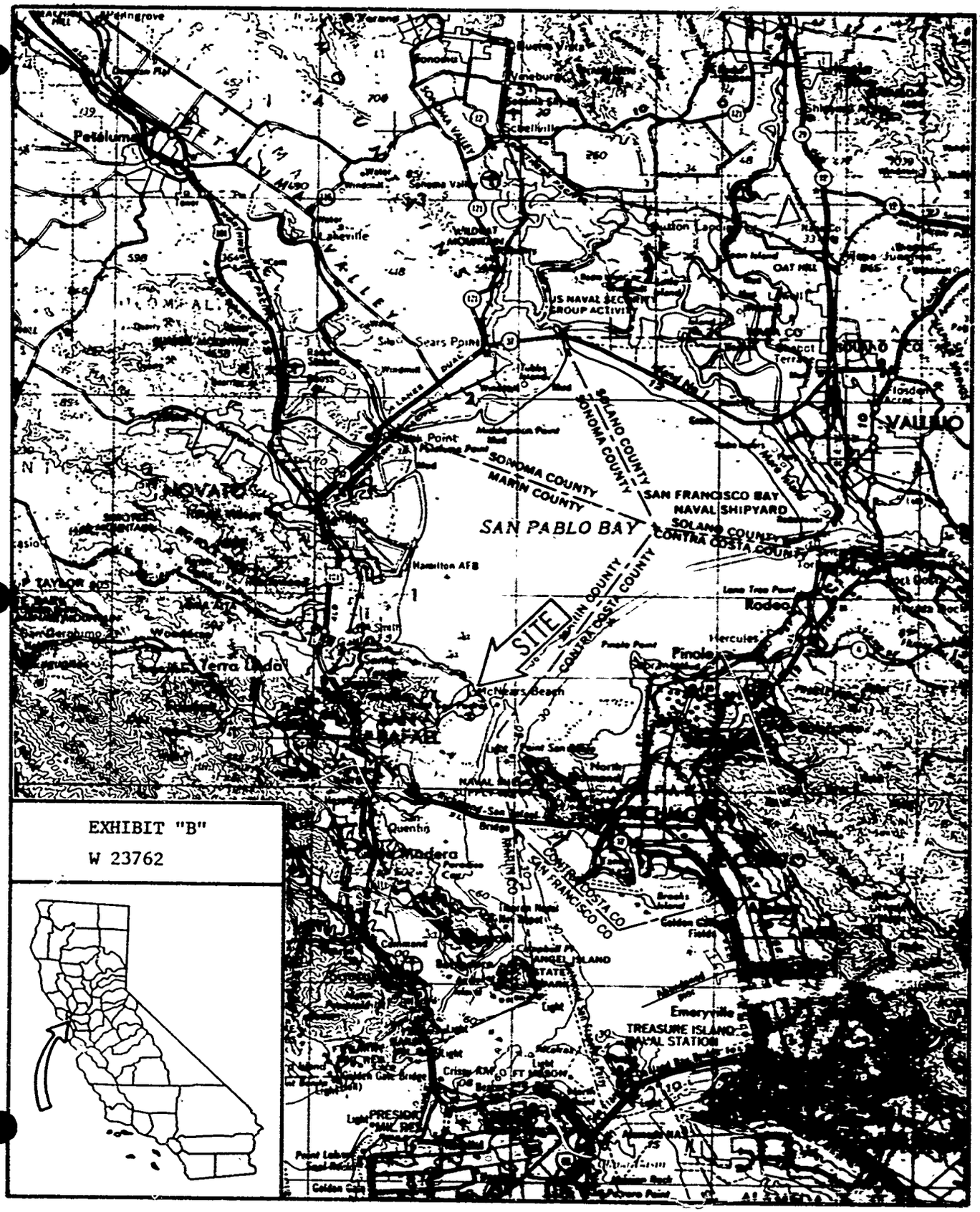

EXHIBIT "B"

W 23762

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EXHIBIT "C" W 23762

NEGATIVE DECLARATION

Marin County
Environmental Coordination and Review

Pursuant to: Section 21000 et seq of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Negative Declaration is hereby granted for the following project.

1. Project Name: McNears Beach Park Fishing Pier
2. Location and Description: McNears Beach Park, San Pedro Road and Canters Way in City of San Rafael. Construct a 500' concrete fishing pier approximately 22' wide & 190' tee at end of Pier. Square Footage 15,180
3. Project Sponsor: Park and Recreation
4. Finding:

a. Based on the attached Initial Study and without a public hearing, it is my judgment that:

(✓) The project will not have a significant effect on the environment.

( ) The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

[signature] Feb. 19, 1986
Environmental Coordinator Date

b. Based on the attached Initial Study and the testimony received at a duly noticed public hearing, a Negative Declaration is granted.

Chairperson, Planning Commission Environmental Hearing Officer

Chairperson, Board of Supervisors Date

c. Appeal: Subsequent to an appeal of the granting of a Negative Declaration and based on the testimony received at a duly noticed public hearing on the appeal, the record of the public hearing on the Negative Declaration and the Initial Study, a Negative Declaration is granted.

Chairperson, Board of Supervisors Date

N-86-22

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