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 6/30/87
meeting.

CALENDAR ITEM

A 11 | 29 | 06/30/87 W 23665 PRC 7099
S 7 | | Lane

RESCIND PRIOR LEASE APPROVAL AND AUTHORIZE
GENERAL PERMIT-PUBLIC AGENCY USE

APPLICANT: Contra Costa County Flood Control
And Water Conservation District
255 Glacier Drive
Martinez, California 94553

AREA, TYPE LAND AND LOCATION:
2.70 acres of a land bank parcel held as sovereign land at Wildcat Creek in Richmond, Contra Costa County.

LAND USE: Construction and maintenance of a flood control project and environmental enhancement.

TERMS OF PROPOSED PERMIT:
Initial period: 49 years beginning July 1, 1987.

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 adjoining land.

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

(ADDED 06/30/87)

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. This calendar item is to reapportion use of a five-acre land bank parcel acquired in 1986. The State Lands Commission authorized its purchase on March 27, 1986, as Calendar Item No. 26, to be used in part for an environmentally enhanced flood control project and in part for recreation and public access. Because the users', Contra Costa County Flood Control and Water Conservation District and East Bay Regional Park District, projects will be compatible but differing, staff requests that prior authorization given to the latter agency for permit rights over the entire parcel at the March 27, 1986 meeting be rescinded and each agency will ultimately receive a permit for a specific use area.

   Though a multi-agency planning effort, a Consensus Plan has been developed for an environmentally enhanced flood control project to be constructed jointly by Contra Costa County and the United States Army Corps of Engineers in the Wildcat-San Pablo Creeks drainage system. The State parcel is a key segment of the project's redesign to avoid damaging valuable existing riparian habitat in the floodplain. Upon completion of the flood control project, EBRPD plans to obtain a permit to create public access trails and recreational facilities on a portion of the parcel. This integrated effort is integral to successful implementation of the Consensus Plan concept.

(ADDED 06/30/87)

2. To ensure conformance with public trust purposes, the permit shall be subject to the following conditions:

   A. Approval by Commission staff of detailed plans which shall provide for long-term maintenance.

   B. All activities performed within the parcel will conform to the design concepts and limitations of the Consensus Plan written.

   C. Notification to State Lands Commission from EBRPD that the area and use applied for by Contra Costa County is compatible with their intended uses.

   D. Notification to State Lands Commission and other interested agencies 30 days in advance of all maintenance activities.

   E. Provisions regarding authorized responses to emergencies.

   F. Provision requiring the permittee to furnish copies of Department of Fish and Game Streambed Alteration permits to State Lands Commission relative to long-term maintenance within 30 days of receiving such documents.

   G. An EIR (SCH #81051016) was prepared and adopted by Contra Costa County for Phase I of a flood control project for Wildcat and San Pablo creeks and a supplemental EIS II (SCH #84121107) was prepared and adopted by the United States Army Corps of Engineers, Sacramento District for Wildcat and San Pablo Creeks, Contra Costa County, California. Contra Costa County, as State lead agency, has circulated a Notice of Intent (SCH #86122306) to

use both the prior EIR and SEIS II to satisfy the environmental review requirements of CEQA for the project as presently proposed. In addition, Bay Area Conservation and Development Commission (BCDC), with a permit process functionally equivalent to the EIR process has made its own determination of the project impacts, as presented in a staff report (February 20, 1986). The State Lands Commission's staff has reviewed such documents and believes that they complies with the requirements of the CEQA.

3. The annual rental value of the site is estimated to be $25,740.

APPROVALS OBTAINED:

Bay Area Conservation and Development Commission and United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game (for long-term maintenance only); and East Bay Regional Park District.

EXHIBITS:

A. Land Description.
B. Location Map.
C. Notice of Intent/Use of Previous EIR and EIS.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR PREPARED AND ADOPTED FOR THIS PROJECT BY CONTRA COSTA COUNTY, AN SEIS II WAS PREPARED AND ADOPTED BY THE UNITED STATES ARMY CORPS OF ENGINEERS, AND A FUNCTIONALLY EQUIVALENT STAFF REPORT WAS PREPARED AND ADOPTED BY BCDC FOR THIS PROJECT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THERE. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

(ADDED 06/30/87)

2. RESCIND AUTHORIZATION TO EAST BAY REGIONAL PARK DISTRICT OF A 49-YEAR PUBLIC AGENCY LEASE APPROVED BY CALENDAR ITEM NO. 26 AT THE STATE LANDS COMMISSION'S MARCH 26, 1987 MEETING.

3. AUTHORIZE ISSUANCE TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT OF A 49-YEAR GENERAL PERMIT-PUBLIC AGENCY USE BEGINNING JULY 1, 1987; 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 FLOOD CONTROL PROJECT AND ENVIRONMENTAL ENHANCEMENT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Wildcat Creek
W 23665

EXHIBIT "A"

A parcel of land in Contra Costa County, State of California, described in the deed to the State of California as Parcels 1 & 2, and recorded June 30, 1986 in Book 12969 of Official Records at Page 560 records of said county.

EXCEPTING THEREFROM the following described parcel of land:

Beginning at the most northwesterly corner of said State of California Parcel 1, (12969 O.R. 560); thence leaving said point of beginning along the northwesterly lines of said Parcels 1 & 2 N 68°50'00" E, 443.01 feet to the most northerly corner of said Parcel 2; thence along the northeasterly line of said Parcel 2, S 28°40'00" E, 257.01 feet; thence leaving said line along the arc of a non-tangent curve concave to the north the center of which bears N 27°35'28" W, having a radius of 570.37 feet through a central angle of 41°38'44", an arc distance of 414.58 feet to the point of a compound curve; thence northwesterly along the arc of a tangent curve to the northeast having a radius of 286.02 feet, through a central angle of 31°12'38", an arc distance of 155.80 feet to the west line of said Parcel 1 (12969 O.R. 560); thence along said line North 37.19 feet to the point of beginning.

END OF DESCRIPTION

REVISED JUNE 29, 1987 BY BOUNDARY DETERMINATION UNIT #1,
M. L. SHAFER, SUPERVISOR.

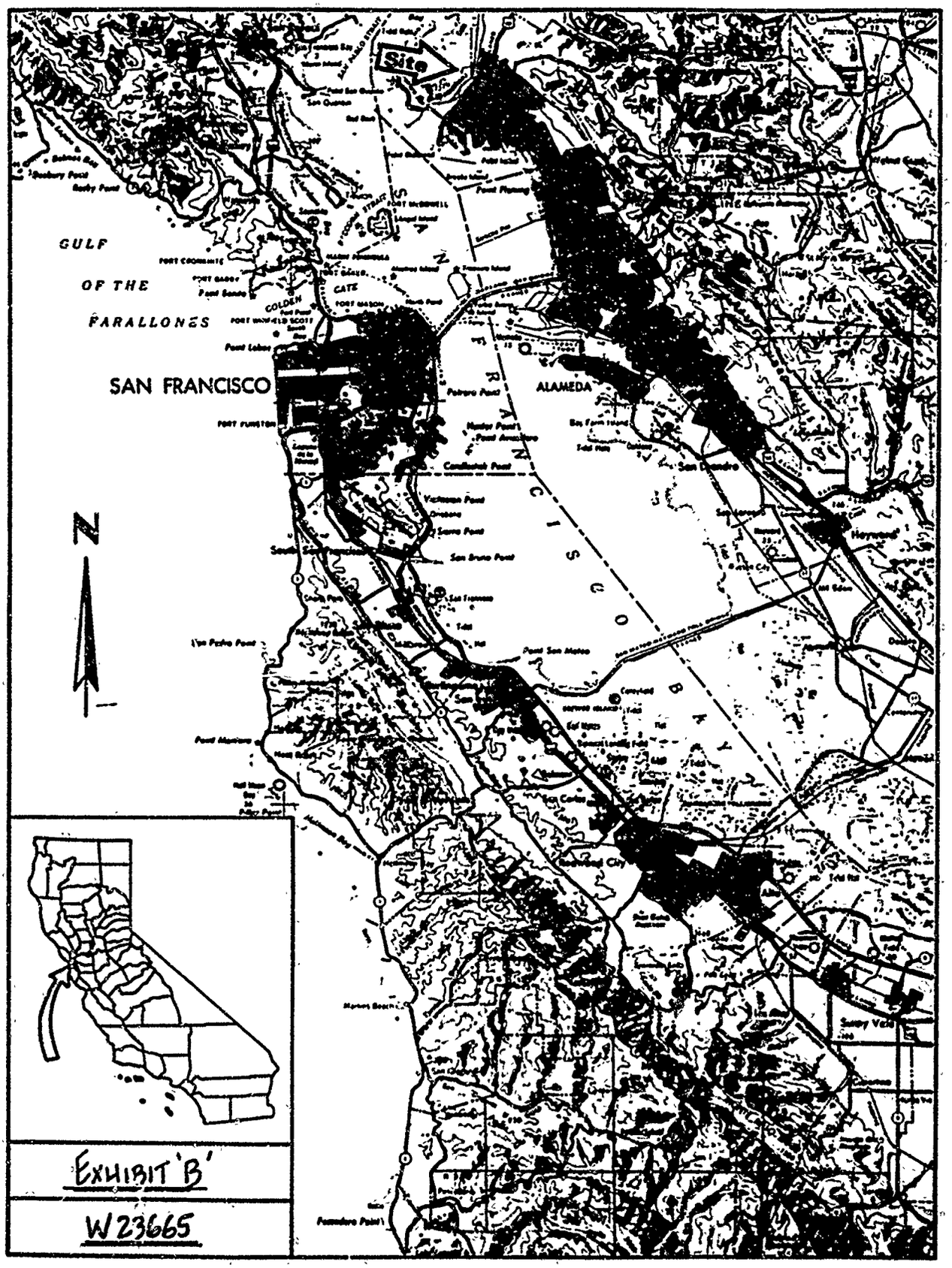

EXHIBIT 'B'

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EXHIBIT "C"

12-27-86

361223 06

Use of Prior Environmental Documents-Wildcat & San Pablo Flood Control Projects

Contra Costa County — Jim Cutler

651 Pine Street, No. Wing 4th Flr. — Martinez

Contra Costa — 94553 — (415) 372-2035

Contra Costa — North Richmond

various — Wildcat & San Pablo Waterslide

Parr Blvd., Market Ave. — So. Pacific ATSF — San Pablo Bay

I-80

Prior EIR — NOTICE OF INTENT TO USE PRIOR EIRs

Flood Control Project

X Flood Control Project

X Flooding/Drainage

X Geologic/Seismic

X Cultural Zone

Reference: Corps of Eng. EIS - SCH # 84121107
Contra Costa Co. EIR - SCH # 81051916

This is for the use of the prior Federal EIS and prior County EIR for Wildcat San Pablo Flood Control projects. The EIR's will be used by the County and State agencies for implementation actions under the adopted projects. The Corp of Engineers has granted a construction contract the 1st phase of this project.

Norma Wood

12-23-86

1-30

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2-6-87

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(REVISED 12-83)