

MINUTE ITEM
This Calendar Item No. C10
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 3
to 0 at its 12/13/88
meeting.

CALENDAR ITEM

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12/13/88

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PRC 7226

Townsend

AMENDMENT OF GENERAL LEASE - PUBLIC AGENCY USE

LESSEE: City of Novato
901 Sherman Avenue
Novato, California 94945

AREA, TYPE LAND AND LOCATION:
A 3.076-acre parcel of State-owned land located
at the Hamilton Air Field, City of Novato,
Marin County.

LAND USE: Continued use and maintenance of an existing
law enforcement firing range.

TERMS OF ORIGINAL LEASE:
Initial period: Five years beginning August 1,
1988.

Public liability insurance: Combined single
limit coverage of \$500,000.

Consideration: Public health and safety;
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.

TERMS OF PROPOSED AMENDMENT:

Amend Section 1 of Lease Agreement, PRC 7226,
Authorized Improvements, to provide for the
rehabilitation of the target range including
the removal of brush in the range field area
and the demolition of two existing buildings,
located on the lease premises.

CALENDAR ITEM NO. C 10 (CONT'D)

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is lessee of upland.

STATUTORY AND OTHER REFERENCES:

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

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

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. By its action on August 10, 1988, the State Lands Commission authorized the issuance of a five-year General Lease - Public Agency Use, to the City of Novato for the continued use and maintenance of an existing law enforcement firing range located on State-owned land at Hamilton Air Field. The range has been in a state of disuse for some time and will require some rehabilitation work by the City to put it back in operation.

The City has requested that its permit be amended to provide for the removal of brush that has grown in the range field, as well as the demolition of two of three existing buildings, which have become dilapidated from age, weather, and various training exercises. The Novato Fire District has agreed to burn the brush and two buildings as an exercise to train recruits enrolled in a Fire Academy which is currently in session. The remains will be bulldozed away by the City's Department of Public Works.

Comments were received from staffs of the Department of Fish and Game and the Marin Audubon Society. Based on their comments, the following changes have been incorporated into the City's proposed activities:

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- a. The City shall protect all other existing structures and poplar trees, located on the Lease Premises, from damage;
- b. To avoid a "take" of non-game bird species, the project must take place between December 1, 1988 and February 15, 1989; provided, however, if the project occurs after January 1, 1989, the buildings will be inspected by a warden of the California Department of Fish and Game no earlier than two days prior to the proposed burning. Burning will only be permitted if nests with eggs or young are not found; and
- c. If the City is unable to complete the project between December 1, 1988 and February 15, 1989, it will undertake the project between the dates of December 1, 1989 and February 15, 1990, subject to the same conditions.

Staff of the Commission recommends approval of the amendment of Lease PRC 7226 as described above, effective December 1, 1988. All other terms and conditions of the lease shall remain unchanged and in full force and effect.

Staff further recommends that the Commission waive the application filing fee and processing expense for the lease amendment. The two buildings in question are dilapidated in their present state and beyond repair. The City, in its rehabilitation of the target range, will remove what may in fact be a "hazardous nuisance" in the area, and ultimately provide a valuable resource to several law enforcement agencies.

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2. The annual rental value of the site is estimated to be \$415.
3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Code Regs. 2954 is not applicable.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land, 14 Cal. Code Regs. 15304.

Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

APPROVALS OBTAINED:

State of California Department of Fish and Game, City of Novato.

FURTHER APPROVALS REQUIRED:

Novato Fire District, United States Army Corps of Engineers, Bay Area Pollution Control District, and San Francisco Bay Conservation and Development Commission.

EXHIBITS:

- A. Land Description.
- B. Location Map.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND 14 CAL. CODE REGS. 15304.
2. AUTHORIZE THE AMENDMENT OF LEASE PRC 7226 TO THE CITY OF NOVATO, EFFECTIVE DECEMBER 1, 1988, TO PROVIDE FOR REHABILITATION OF THE FIRING RANGE, INCLUDING THE REMOVAL OF BRUSH AND TWO EXISTING BUILDINGS, TO BE PERFORMED BY THE NOVATO FIRE DISTRICT AND ITS TRAINING ACADEMY, ACCORDING TO THE METHODS DESCRIBED HEREIN, AND BETWEEN THE DATES OF DECEMBER 1, 1988 AND FEBRUARY 15, 1989, OR DECEMBER 1, 1989 AND FEBRUARY 15, 1990, ON THE THE STATE-OWNED LANDS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 23791

All that land lying immediately beneath an existing rifle range and related facilities near the north boundary of Hamilton Air Force Base, Marin County, California, said rifle range and related facilities lying near the south boundary of and within a parcel of California State proprietary land described as follows:

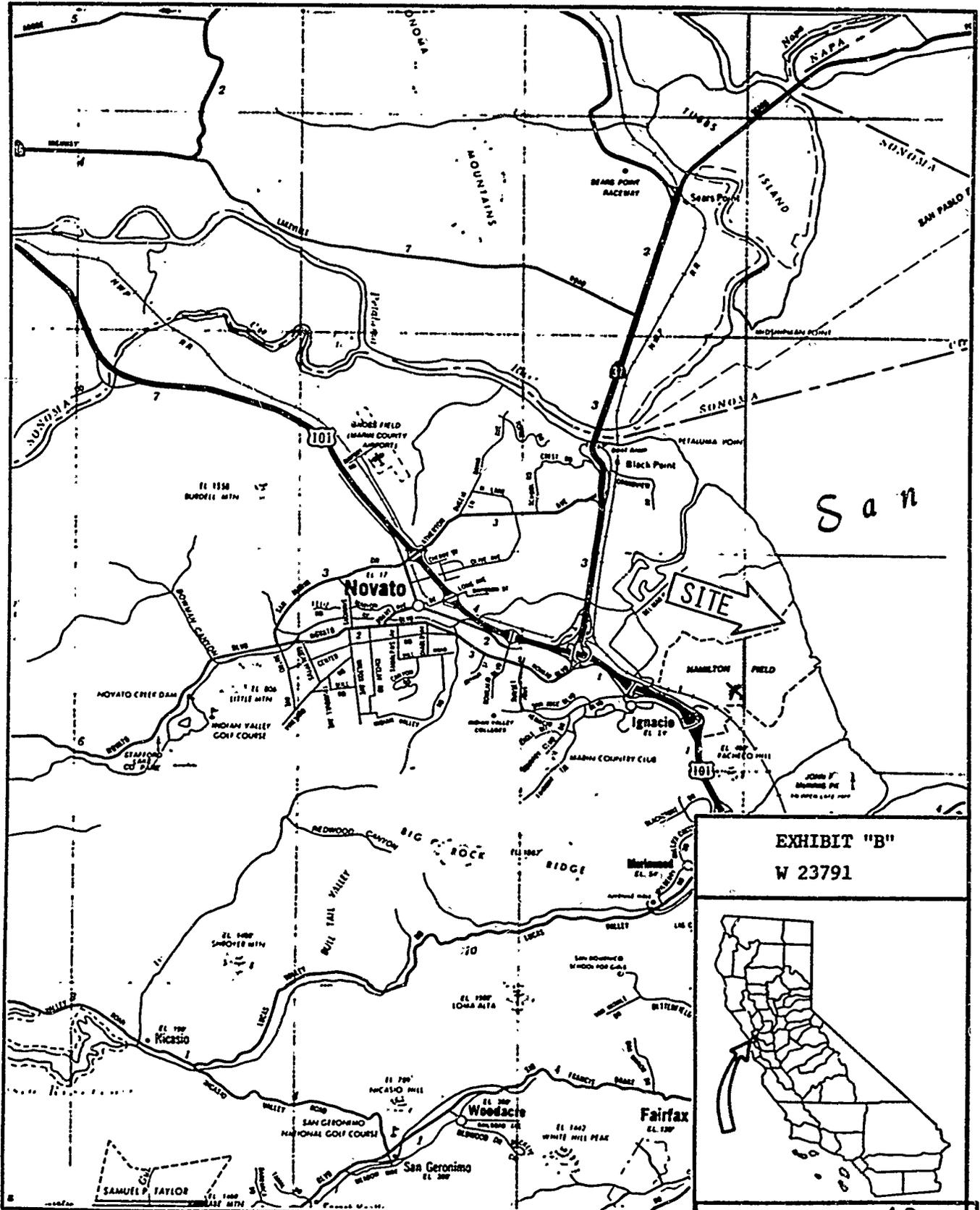
Parcel 1 of Exhibit E, as described in the Settlement Agreement, State of California vs. United States of America, U.S.D.C. N.D. No. C-79-1865-R.P.A., recorded January 17, 1985, in File No. 85002140, Official Records of Marin County.

END OF DESCRIPTION

PREPARED JANUARY 27, 1988 BY BIU 1.

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EXHIBIT "B"
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