

MINUTE ITEM  
This Calendar Item No. C14  
was approved as Minute Item  
No. 14 by the State Lands  
Commission by a vote of 3  
to 0 at its 9/23/92  
meeting.

CALENDAR ITEM

**C 1 4**

A 9

S 3

09/23/92  
W 24851  
N. Smith  
PRC 7647

**APPROVAL OF A GENERAL LEASE - PUBLIC AGENCY USE**

**APPLICANT:**

Department of Fish and Game  
Region 3  
P.O. Box 47  
Yountville, California 94599

**AREA, TYPE LAND AND LOCATION:**

A 22 $\frac{1}{2}$ -acre parcel of sovereign land in Gallinas Creek near Mitchell Boulevard, San Rafael, Marin County.

**LAND USE:**

Marsh restoration.

**TERMS OF PROPOSED LEASE:**

Initial period:  
Forty-nine (49) years beginning August 15, 1992.

**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. Code Regs. 2003.

**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. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

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AB 884:

02/13/93

**OTHER PERTINENT INFORMATION:**

1. The restoration project will result in a beneficial change to the tidelands of San Francisco Bay. An area of historic tidal marsh will be restored to tidal action and a section of non-tidal brackish marsh will be retained.
2. This restoration project will occur on a filled and degraded historic tidal marsh site of the North Fork Gallinas Creek within the City of San Rafael. The project goals are to create a diverse habitat by restoring tidal marsh and retaining the existing salt marsh and the current acreage of fresh/brackish wetlands.

Restoration would be accomplished through the excavation of 2,800 cubic yards of material on the northeastern portion of the site which would be deposited in depressed areas of the southwestern portion of the site to restore tidal action and to allow wetland vegetation to naturally recolonize.

No structures will be constructed. All earth moving activity will be conducted under the direction of the California Department of Fish and Game, Region 3, Yountville.

The project is favored by the Marin Audubon Society. The project is funded with monies from fines imposed by the Regional Water Quality Board on the City of San Rafael for water quality and habitat impacts from the spill of 400,000 gallons of raw sewage into the San Rafael Canal. Restoration of the San Rafael Canal was not proposed as the Corps was already proceeding with mitigation for the San Rafael tidal protection project.

3. 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

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under Class 7, Actions by Regulatory Agencies for Protection of Natural Resources, 14 Cal. Code Regs. 15307.

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

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**FURTHER APPROVALS REQUIRED:**

United States Army Corps of Engineers, Regional Water Quality Control Board, and City of San Rafael.

**EXHIBITS:**

- A. Land Description
- B. Location Map

**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 7, ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES, 14 CAL. CODE REGS. 15307
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C 6370 ET SEQ.
3. AUTHORIZE ISSUANCE TO DEPARTMENT OF FISH AND GAME OF A 49-YEAR GENERAL LEASE - PUBLIC AGENCY USE BEGINNING AUGUST 15, 1992; 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 MARSH RESTORATION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

**EXHIBIT "A"**

W 24851

**LAND DESCRIPTION**

Two parcels of State-owned land in Marin County, California, more particularly described as follows:

All that land as shown in APN 155 - 11 - 28 and 31, filed in Assessor's Map Book 155, Page 11, records of Marin County.

**END OF DESCRIPTION**

**PREPARED JULY, 1992 BY LLB.**

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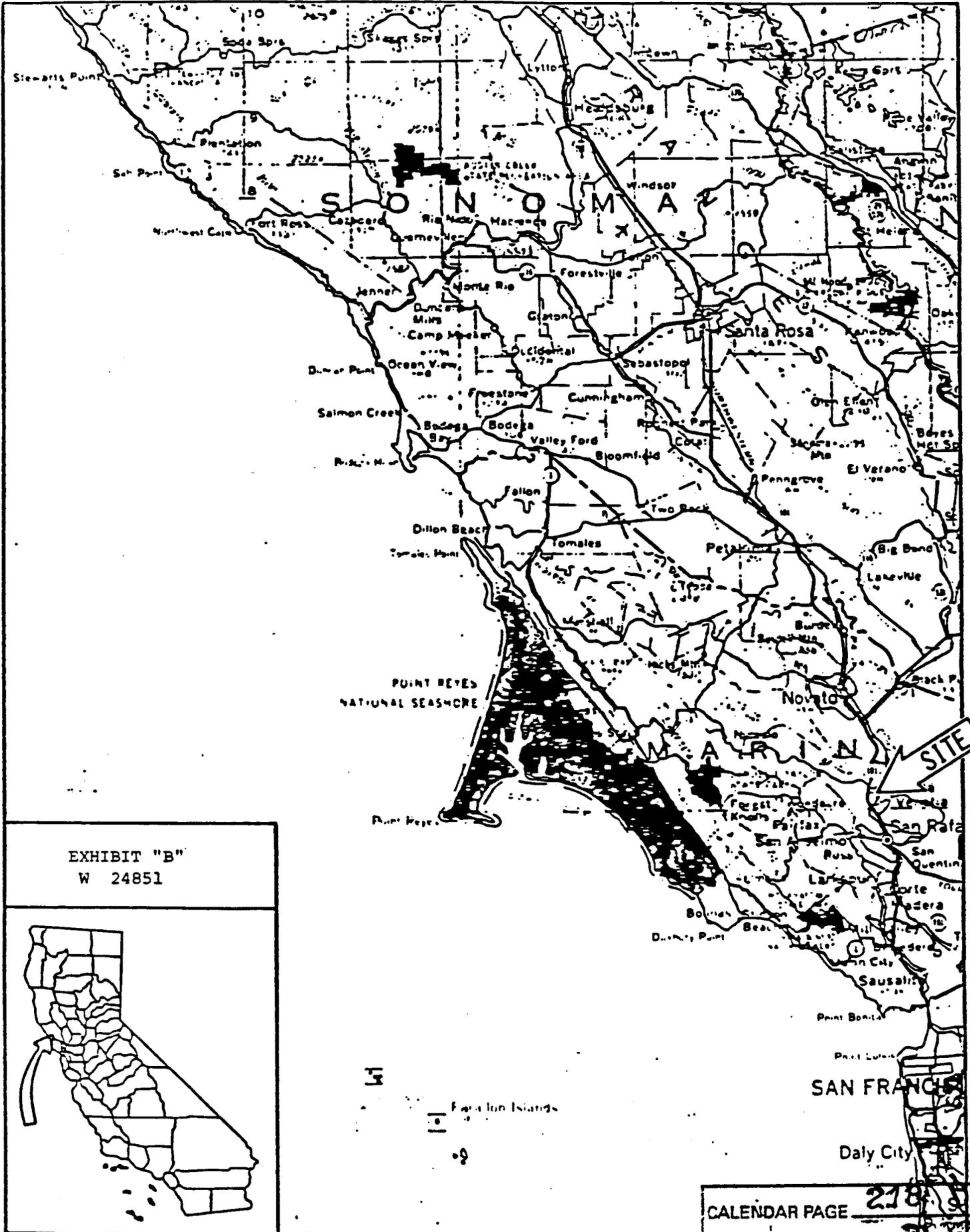


EXHIBIT "B"  
W 24851

