

**MINUTE ITEM**

This Calendar Item No. C13  
was approved as Minute Item  
No. 13 by the State Lands  
Commission by a vote of 3  
0 at its 9-9-93  
meeting.

**CALENDAR ITEM**

**C13**

A 6  
S 3

09/09/93  
WP 7226 PRC 7226  
Jones

**GENERAL LEASE - PUBLIC AGENCY USE**

**APPLICANT:**

City of Novato  
Novato Police Department  
909 Machin Avenue  
Novato, California 94945

**AREA, TYPE LAND AND LOCATION:**

A 3.076-acre parcel of filled State-owned tide and submerged  
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.

**CURRENT LEASE TERMS:**

Lease period:

Five (5) years beginning August 1, 1988.

Public liability insurance:

Combined single limit coverage of \$500,000.

Consideration:

The 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.

**PROPOSED LEASE TERMS:**

Lease period:

Three (3) years beginning August 1, 1993.

Public liability insurance:

Combined single limit coverage of \$500,000.

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**Consideration:**

The 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.

**Special:**

1. The lease premises will only be used by public law enforcement agencies and not by the general public.
2. Since the site is being considered as a marsh restoration site, the Commission reserves the right to terminate the lease upon providing sixty (60) days written notice to Lessee, after which Lessee shall remove all improvements at its sole expense and risk and the site will be restored to its original condition.
3. Section 4, Paragraph 12(e) is amended to require Lessee to remove or remediate, if required by Lessor or other public agency, the lead from the firing range, as well as the other substances described in said paragraph.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is permittee 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. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**

11/19/93.

**OTHER PERTINENT INFORMATION:**

1. The City of Novato obtained a five-year lease from the Commission in 1988 to maintain a law enforcement firing range. The limited lease term was imposed because the State Department of Fish and Game had expressed interest in leasing the parcel for wildlife purposes,

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but had no objection to the five year lease term. The site is now being considered as a marsh restoration site using dredged material. The U.S. Army Corps of Engineers, San Francisco District, is currently preparing a marsh restoration plan for the site; however, to date, funding has not been obtained for its implementation. Staff of the Commission contacted the State Department of Fish and Game, the San Francisco Bay Conservation and Development Commission, and the U.S. Army Corps of Engineers to determine if they had any objections to issuing a three-year lease to the City for this continued, existing use. None of the agencies expressed objection since 1) it was for a limited term, 2) the lease contains a 60-day termination clause, and 3) the Commission's standard lease provisions require that the lease premises be restored as nearly as possible to its original condition.

2. 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 "environmentally 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.
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 under Class 4, 14 Cal. Code Regs. 15304(d).

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15304, and 2 Cal. Code Regs. 2905.

**FURTHER APPROVALS REQUIRED:**  
State Lands Commission.

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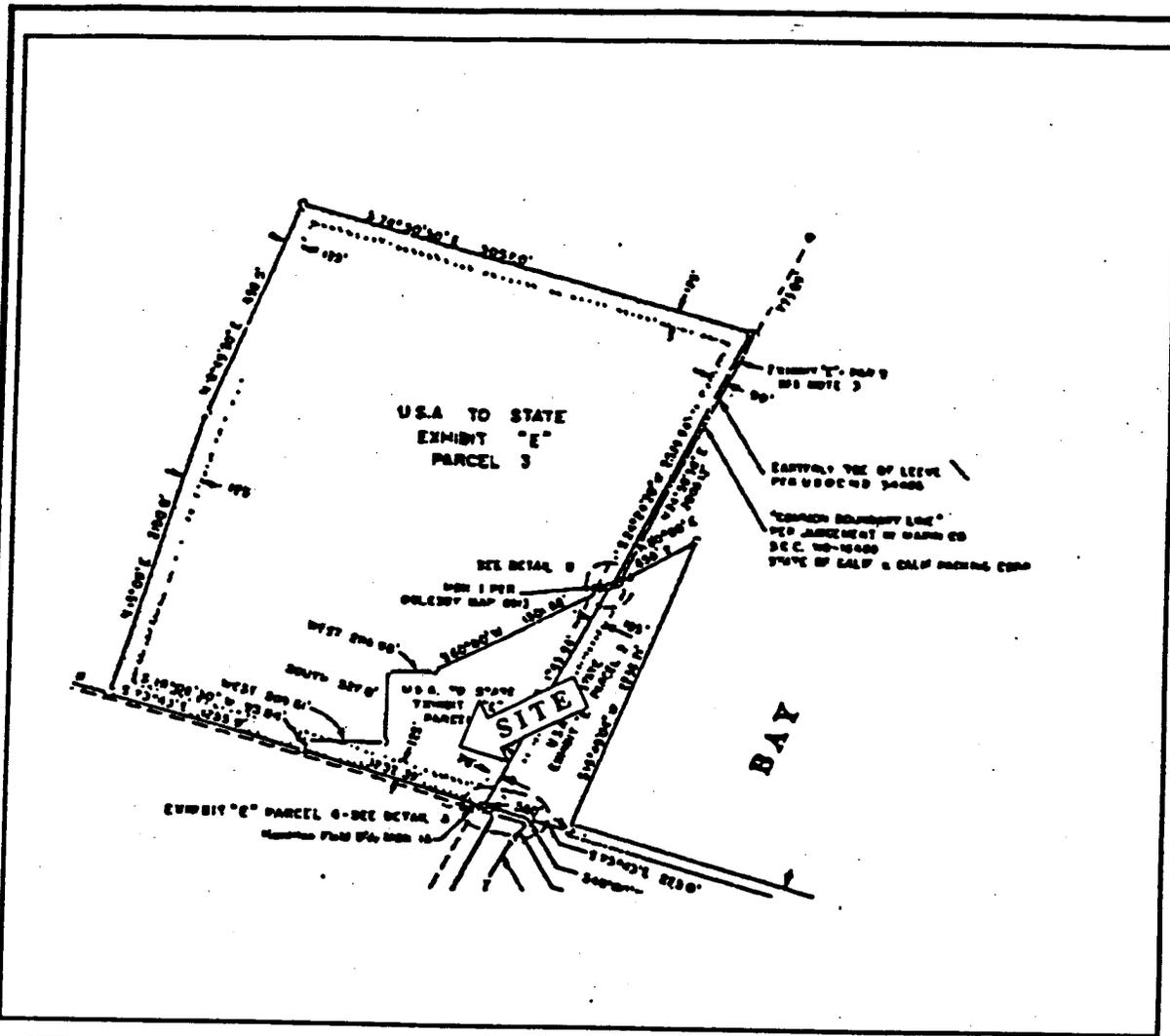
**EXHIBITS:**

- A. Site Map
- 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 4, 14 CAL. CODE REGS. 15304(d).
2. AUTHORIZE ISSUANCE TO THE CITY OF NOVATO OF A THREE-YEAR GENERAL LEASE - PUBLIC AGENCY USE, AS CONDITIONED, BEGINNING AUGUST 1, 1993; IN CONSIDERATION OF THE 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; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING LAW ENFORCEMENT FIRING RANGE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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**EXHIBIT "A"**  
**SITE MAP**  
**WP 7226**  
**HAMILTON AIR FIELD**  
**CITY OF NOVATO**  
**MARIN COUNTY**

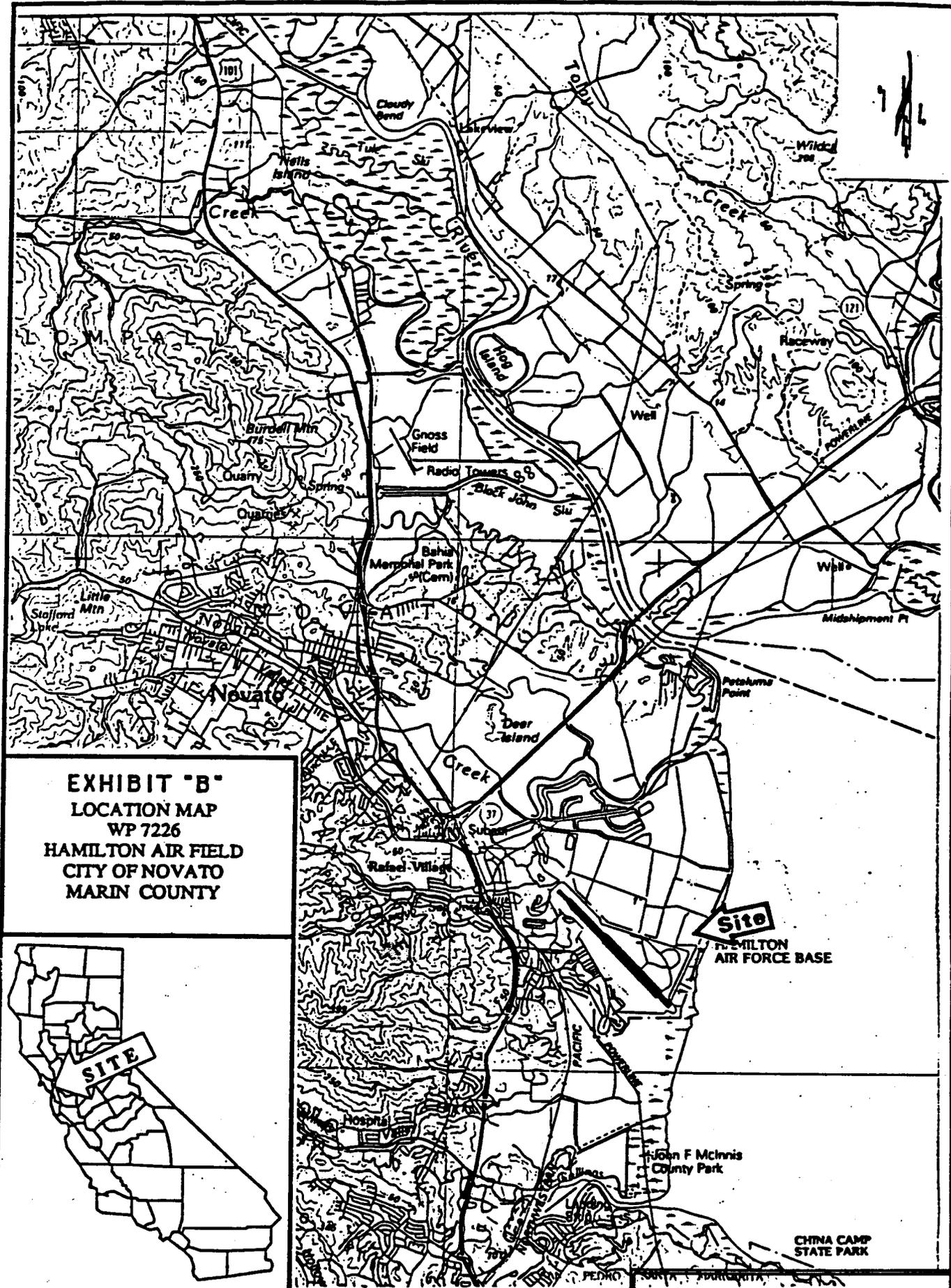


**LAND DESCRIPTION**

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, 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.

NOTE:  
 THIS EXHIBIT IS NOT A SURVEY, NOR  
 DOES ANY LINE APPEARING HEREON  
 REPRESENT A BOUNDARY LINE.



**EXHIBIT "B"**  
**LOCATION MAP**  
 WP 7226  
**HAMILTON AIR FIELD**  
**CITY OF NOVATO**  
**MARIN COUNTY**

