This Calendar Item No. C28 was approved as Minute Item No. 28 by the California State Lands Commission by a vote of 3 to 0 at its 10-20-05 meeting.

CALENDAR ITEM
C28

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10/20/05
PRC 8640 W 25529
N. Quesada

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:
East Bay Regional Park District

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in the area known as the Bay Point Regional Shoreline, Bay Point, Suisun Bay, Contra Costa County.

AUTHORIZED USE:
Open space purposes.

LEASE TERM:
Ten years, beginning October 20, 2005.

CONSIDERATION:
The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland property adjoining the lease premises.

2. The East Bay Regional Park District (EBRPD) has adopted a Land Use Plan (LUP) for the Bay Point Regional Shoreline, a regional parkland located in unincorporated Contra Costa County near the community of Bay Point. In general, the LUP proposes land uses for the parkland consistent with the District's 1989 and 1997 Master Plans. The parkland is proposed to be managed to conserve natural resources, provide recreational opportunities, and improve public safety. The LUP includes a marsh restoration project, whose purpose is to conserve and enhance the site and assist in the local recovery of special-status species.

   The Bay Point Regional Shoreline consists of 51 acres of marsh, upland,

and a small portion of a J-shaped channel at the waterfront near Bay Point. North of the parkland, is an 80 acre-parcel of land owned by the State Lands Commission. This land is primarily upland area contianing non-native grasses, tidal marsh, seasonal non-tidal ponds, a few acres of bare land, and a portion of the J-shaped artificial channel.

3. The Applicant has applied to the State Lands Commission to obtain a lease of the above parcel for open space purposes and intends to maintain the property in its existing condition. No marsh restoration or physical changes will be made to the land owned by the State Lands Commission at this time. In the future, EBRPD proposes, when funding is available, to conduct marsh restoration within the lease premises. The lease will require the EBRPD to obtain approval of a lease amendment for any future activities.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 16, Transfer of Ownership of Land in Order to Create Parks; Title 14, California Code of Regulations, section 15316.

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all state school lands 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 Public Resources Code sections 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 Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

East Bay Regional Park District

EXHIBIT:

A. Site Map and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

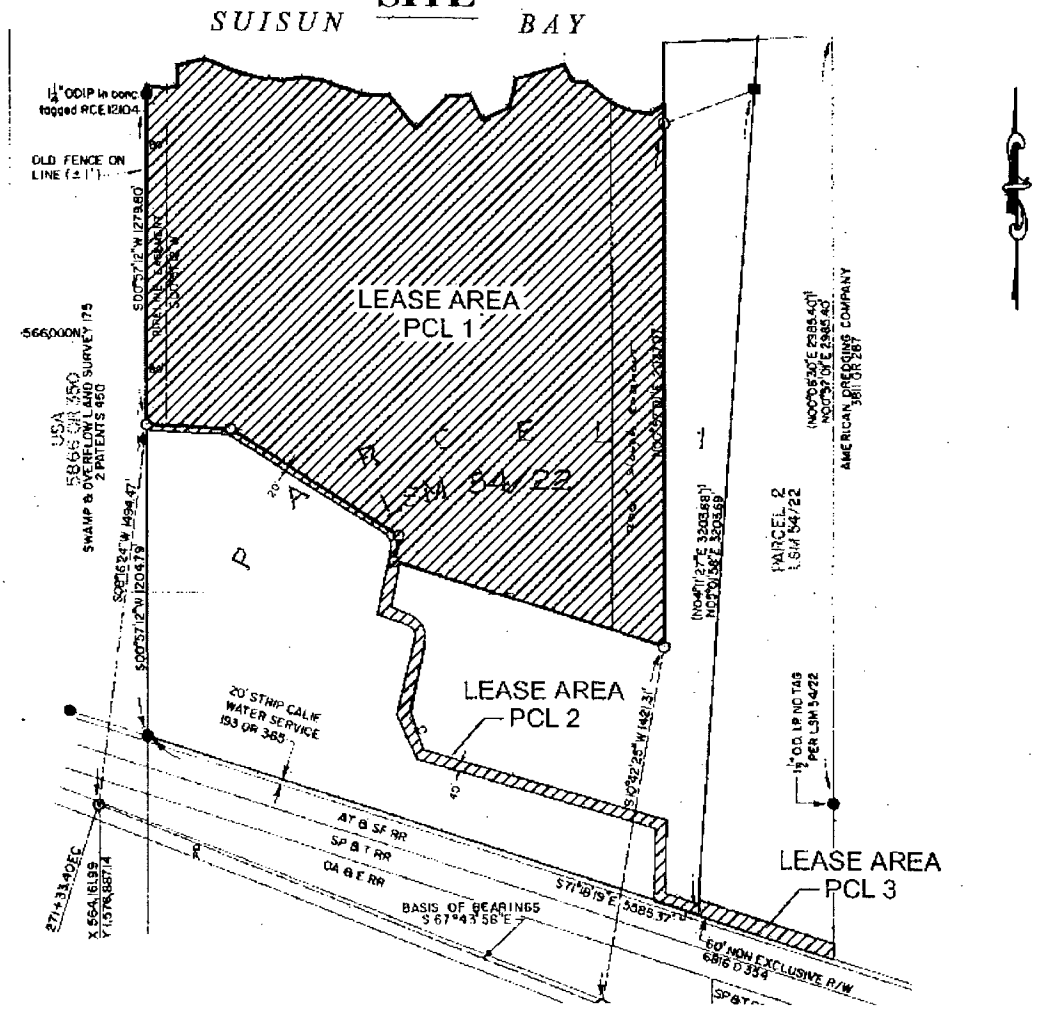
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 16, TRANSFER OF OWNERSHIP OF LAND IN ORDER TO CREATE PARKS; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15317.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO EAST BAY REGIONAL PARK DISTRICT OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING OCTOBER 20, 2005, FOR A TERM OF TEN YEARS, FOR OPEN SPACE PURPOSES AS REPRESENTED ON THE LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

NO SCALE

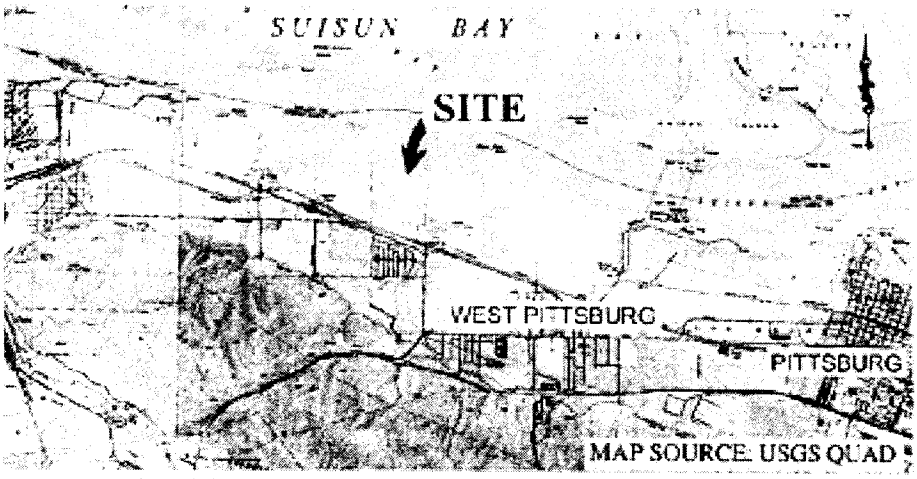
SITE



BAY POINT REGIONAL SHORELINE, SUISUN BAY

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

W25529

EAST BAY REGIONAL PARK DISTRICT

APN 098-020-022

GENERAL LEASE

SUISUN BAY

CONTRA COSTA COUNTY

MH 09/05