MINUTE ITEM
This Calendar Item No. C52 was approved as Minute Item No. 52 by the California State Lands Commission by a vote of 3 to 0 at its 06/28/07 meeting.

CALENDAR ITEM
C52

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S 11

06/28/07
SLL 111
D. Plummer
J. Clark

RIGHT OF ENTRY

PARTIES:
State Lands Commission
State Coastal Conservancy

AREA, LAND TYPE, AND LOCATION:
318 acres, more or less, of sovereign lands in the city of Novato, Marin County.

AUTHORIZED USE:
Ingress and egress and the removal of up to 450,000 cubic yards of soil for adjacent wetland levee construction; demolition and removal of buildings, antenna towers and buried copper wire arrays; and construction of a temporary bridge.

TERM:
One year, beginning June 28, 2007.

CONSIDERATION:
The public use and benefit.

OTHER PERTINENT INFORMATION:

1. The Hamilton Wetland Restoration Project (Project) is located approximately 25 miles north of San Francisco, in the city of Novato, adjacent to San Pablo Bay. The Project includes 630 acres owned by the State Coastal Conservancy (Conservancy) and the adjacent 318-acre parcel owned by the State Lands Commission. This 318-acre State Lands parcel was received by the Commission in 1985 as part of a settlement of land issues with the Federal Government at Hamilton Air Force Base. The area was historically bay and salt marsh which was drained after the construction of levees and used for farming. The Conservancy assumed the lead in developing a wetland restoration plan for the site, in

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cooperation with, and funding provided by, the United States Army Corps of Engineers (Corps).

2. The Project consists of restoring the site to a combination of tidal and non-tidal (seasonal) wetlands. The Project would result in an increase in tidal and seasonal wetlands, a critical habitat lost throughout the Bay Area due to conversion to agriculture, salt production and other development. The wetlands are intended to provide habitat for several endangered species including the Salt Marsh Harvest Mouse and California Clapper Rail, as well as a wide variety of migratory waterfowl, shorebirds and fishes. This Project, in conjunction with other key restoration efforts, such as the adjacent 1,600 acre Bel Marin Keys Unit V property, which is owned by the Conservancy, could become a link in the chain of bay wetlands extending from China Camp to Mare Island. The Project will also include the construction of a trail on top of the inland levee, linking to the existing trail on top of the flood control levee. The trail is anticipated to be a link in the San Francisco Bay Trail and will provide additional public access and recreational opportunities.

3. The initial phase of the Project includes the construction of inboard levees to prevent upland areas outside of the wetland project from being flooded when the outboard levees are breached. The adjacent State Lands parcel was identified as the best source of material for the levee work, which is scheduled to begin in August 2007. The Right of Entry will allow removal of up to 450,000 cubic yards of soil from the State Lands parcel to be used for adjacent levee construction. In addition, existing structures, which include former military buildings, antenna towers and buried copper wire arrays will be removed from the State Lands parcel without cost to the Commission. A temporary bridge will be built over an existing Novato Sanitary District pipeline to protect it from damage by construction equipment. The bridge will be removed at the end of the Project.

4. A joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and Supplemental EIR/EIS were prepared and certified for this project by the State Coastal Conservancy acting as lead agency. The California State Lands Commission's staff has reviewed such documents and Mitigation Monitoring Program adopted by the lead agency.

5. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento Office of the California State Lands Commission.

6. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento Office of the California State Lands Commission.

7. This activity involves lands which have **NOT** been identified as possessing significant values pursuant to Public Resources Code sections 6370, et. seq. However, the Commission has declared that all lands are "significant" by the 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:

United States Army Corps of Engineers, Regional Water Quality Control Board, and the San Francisco Bay Conservation and Development Commission.

EXHIBIT:

A. Site Plan

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A JOINT EIR/EIS AND SUPPLEMENTAL EIR/EIS WERE PREPARED AND CERTIFIED FOR THIS PROJECT BY THE STATE COASTAL CONSERVANCY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND

15096(h), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

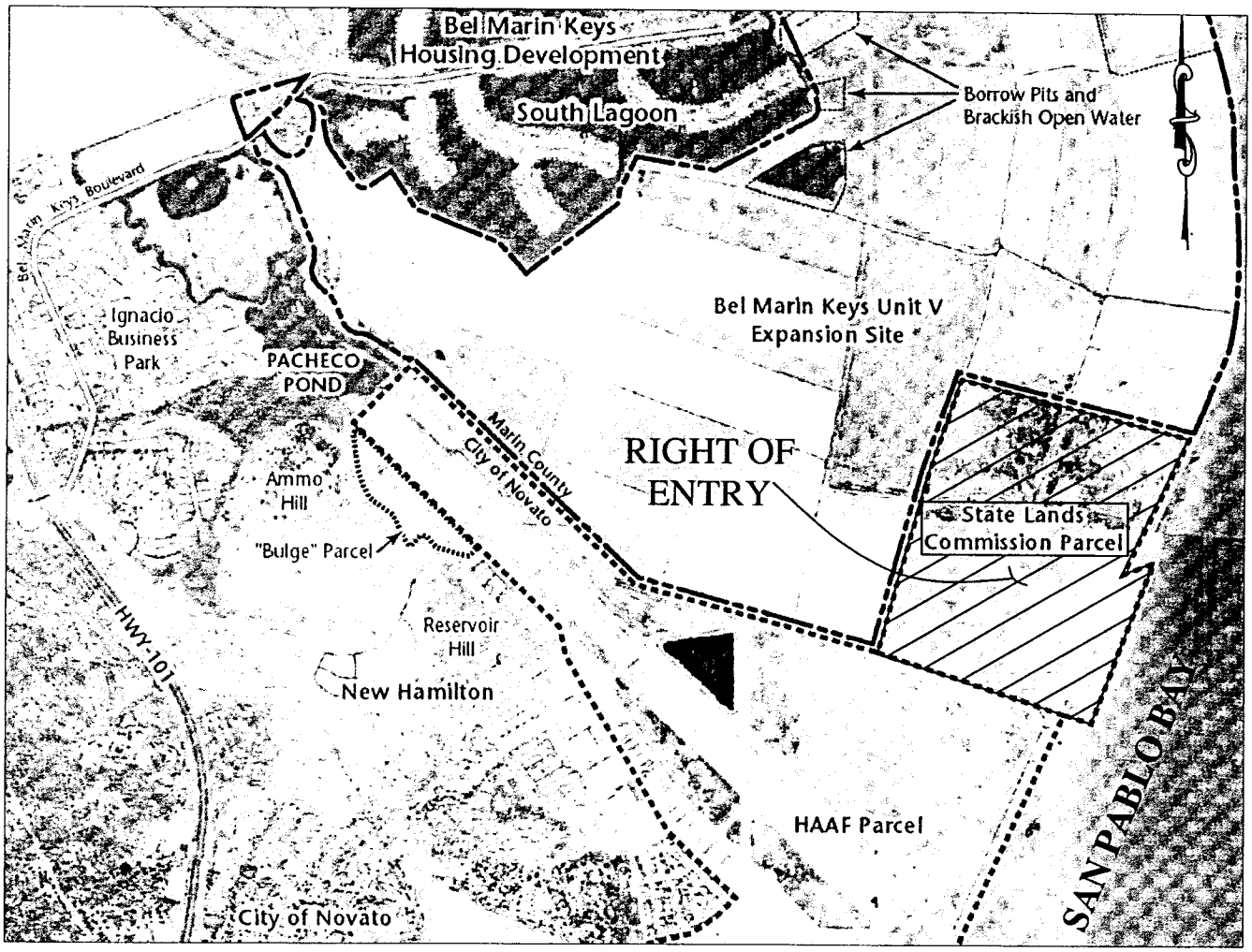
ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE STATE COASTAL CONSERVANCY OF A RIGHT OF ENTRY, BEGINNING JUNE 28, 2007, FOR A TERM OF ONE YEAR, FOR INGRESS AND EGRESS AND THE REMOVAL OF UP TO 450,000 CUBIC YARDS OF SOIL FOR LEVEE CONSTRUCTION; DEMOLITION AND REMOVAL OF BUILDINGS, ANTENNA TOWERS AND BURIED COPPER WIRE ARRAYS; AND CONSTRUCTION OF A TEMPORARY BRIDGE ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

NO SCALE

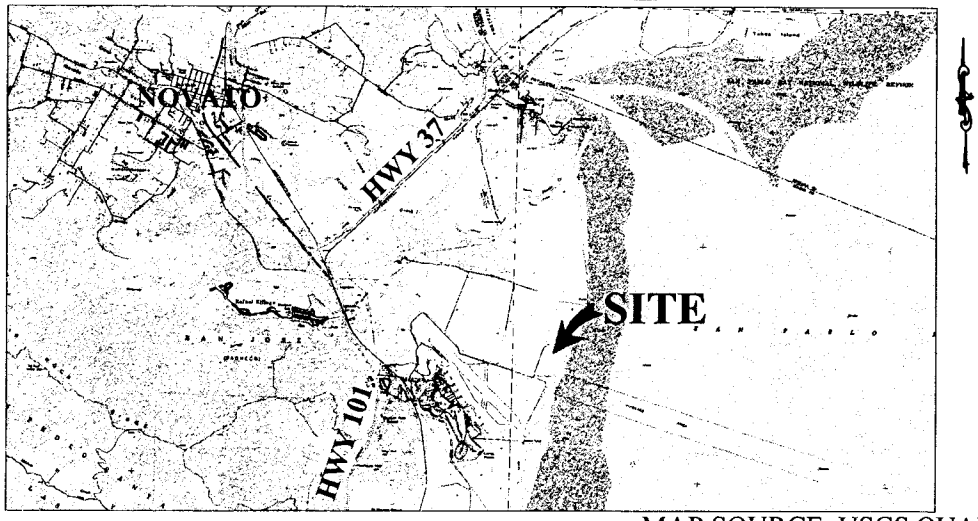
SITE



SLL 111, San Pablo Bay near Novato

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

STATE COASTAL
CONSERVANCY
RIGHT OF ENTRY
SLL 111
MARIN COUNTY

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.

MJF 6/20/07