

**CALENDAR ITEM
C10**

A 10
S 2

08/15/14
PRC 6782.9
A. Franzoia

TERMINATION OF GENERAL PERMIT-PUBLIC AGENCY USE

PERMITEE:

Sausalito-Marín City Sanitary District

AREA, LAND TYPE, AND LOCATION:

0.367 acre, more or less, of formerly sovereign land in San Francisco Bay adjacent to the Golden Gate National Recreation Area and near the city of Sausalito, Marin County.

AUTHORIZED USE:

Termination of an existing Lease for the use and maintenance of a sewer treatment facility and outfall pipeline.

LEASE TERM:

49 years, beginning January 15, 1985.

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. Lessee has the right to use the upland.
2. On January 1, 1985, the Commission authorized a General Permit-Public Agency Use to the Sausalito-Marín City Sanitary District for the construction of a sewer treatment facility and effluent outfall pipeline on tide and submerged land.
3. On April 1, 2014, the Permittee submitted an application to amend General Permit-Public Agency Use No. PRC 6782.9 to further expand the sewer treatment facility. During application review additional information was discovered regarding the extent of the State's jurisdiction of the area.

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4. The uplands underlying the Sausalito-Marín City Sanitary District wastewater treatment plant were originally purchased by the United States in 1866 and subsequently used for military purposes. The land is currently under the jurisdiction of the National Park Service (NPS) as part of the Golden Gate National Recreation Area. The plant operates under an easement with the NPS which was first granted by the U.S. Army in 1967 when the Army had jurisdiction over Fort Baker.

5. In 1897, the Legislature passed Chapter 81, which provided in part: “all the right and title of the State of California in and to parcels of land extending from the high-water mark out to 300 yards beyond the lands of the United States in this State as lie upon tidal waters are held...for military purposes...are hereby granted, released, and ceded to the United States from a line 300 yards beyond the low-water mark...at the points where the boundaries of adjacent lands of the United States touch high-water mark; provided...only so long as the United States shall continue to hold or own the adjacent lands.”

6. Because the parcel upland and adjacent to PRC 6782.9 was owned by the United States and used for military purposes at the time Chapter 81 was enacted, the State granted a fee determinable interest to the United States over the tidelands out to 300 yards so long as the United States remained the owner of those adjacent uplands.

7. The land subject to PRC 6782.9 lies within the 300-yard grant to the United States. Consequently, staff recommends termination of the General Permit – Public Agency Use.

8. Staff recommends that the Commission find that the subject termination of a general permit does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject termination of a general permit is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize termination of General Permit-Public Agency Use No. PRC 6782.1, issued to the Sausalito-Marin City Sanitary District, effective August 15, 2014.

EXHIBIT A

PRC 6782.9

LAND DESCRIPTION

A parcel of tide and submerged land in San Francisco Bay, Marin County, California, described as follows:

BEGINNING at a point on the Northerly boundary of the Fort Baker Military Reservation, said point also being on the Southerly boundary of the Edward Harrison Tract, filed in Book 1, Page 3, Marin County Records, said point lies S 74° 45' W 84 feet from copper rod set in a large rock; thence leaving said boundary line S 12° 10' E 60.00 feet; S 16° 32' E 76.00 feet, S 7° 30' E 60.00 feet, S 4° 00' E 49.00 feet, S 2° 30' E 152.49 feet, N 76° 13' 40" E 45.00 feet, S 9° 35' E 290.68 feet, S 13° 40' W 219.92 feet, N 82° 22' 06" E 258.00 feet, S 7° 37' 54" E 5.00 feet, S 82° 22' 06" W 259.79 feet, S 19° 49' E 457.13 feet, S 73° 39' W 256.86 feet, N 19° 59' W 113.10 feet, S 48° 09' W 25.00 feet, N 41° 51' W 50.00 feet, N 48° 09' E 12.28 feet, N 23° 04' W 102.63 feet, N 66° 56' E 36.00 feet, N 5° 19' 20" E 16.00 feet, N 27° 42' W 30.00 feet, N 9° 52' W 117.12 feet, N 20° 04' E 84.78 feet, N 44° 57' E 39.91 feet, N 5° 19' 20" E 14.13 feet, S 80° 14' 16" W 107.15 feet, S 67° 01' 35" W 33.00 feet, S 8° 07' 56" W 5.00 feet, N 81° 52' 04" W 14.00 feet, N 8° 07' 56" E 14.00 feet, S 81° 52' 04" E 7.10 feet, N 8° 28' 26" E 55.12 feet, S 81° 52' 04" E 10.00 feet, S 8° 28' 26" W 56.58 feet, N 67° 01' 35" E 28.65 feet, N 80° 14' 16" E 106.96 feet, N 5° 19' 20" E 8.48 feet, N 59° 15' W 102.46 feet, N 30° 45' E 5.00 feet, S 59° 15' E 101.57 feet, N 5° 19' 20" E 439.60 feet, N 76° 13' 40" E 63.61 feet, N 2° 30' W 154.36 feet, N 4° 00' W 48.57 feet, N 7° 30' W 58.89 feet, N 16° 32' W 75.53 feet, N 12° 10' W 59.90 feet to the aforementioned boundary line; thence along said boundary line N 74° 45' E 10.01 feet to the point of beginning. The basis of bearing of this description is the same as the Edward Harrison Tract, above referred.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of San Francisco Bay.

END OF DESCRIPTION

The above description is based on that original description reviewed by CSLC Boundary Service Unit, M.L. Shafer on January 7, 1985 as found in PRC 6782 file.

NO SCALE

SITE

1870 ALLARDT'S
MAP NO. 1
SALT, MARSH &
TIDELANDS

APN 200-150-07

LEASE PARCEL
(TO BE TERMINATED)

SAN
FRANCISCO
BAY

1 EAST ROAD, SAUSALITO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6782.9
 SAUSALITO-MARIN
 CITY SANITARY DISTRICT
 APN 200-150-07
 TERMINATION OF
 GENERAL LEASE-
 PUBLIC AGENCY USE
 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.