

MINUTE ITEM

This Calendar Item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 2
to 0 at its 6/26/85
meeting.

CALENDAR ITEM

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06/26/85
W 21741 PRC 6854
Hadly
Scott, A.

GENERAL PERMIT - PUBLIC AGENCY USE
(HISTORICAL RESOURCES PROTECTION)

APPLICANT: City of Sacramento
1311 "I" Street
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:
A 0.517-acre, more or less, parcel of tide and
submerged land, Sacramento River, Sacramento
County.

LAND USE: Protection and preservation of historic
submerged vessels and artifacts.

TERMS OF PROPOSED PERMIT:
Total period: 20 years beginning June 26,
1985.

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. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received. Staff recommends
waiver of the normal processing fee in light of
the importance of providing protection for
historical resources.

(ADDED 06/21/85)

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STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. The recent discovery of submerged hulks of two Gold Rush-era ships has prompted the concern of State and local officials, as well as members of the general public, that such valuable historical resources be protected and preserved. There is a consensus that active measures should be taken to prevent either historical ship remnants or artifacts from being disturbed, damaged, or removed. One of the discovered vessels in the area covered by this permit may be eligible for nomination to the National Register of Historic Places. Immediate protection is needed so that the historical objects may be studied and inventoried.

In addition to its general jurisdiction and management, authority for State-owned tide and submerged lands derived from P.R.C. Sections 6301 and 6216 and other general authority, the Commission has specific authority over salvageable objects on ungranted tide and submerged lands based on P.R.C. Section 6309, and a duty to protect any such areas containing such items having historical value of a State-owned interest based on P.R.C. Section 6370 et seq. The subject area in the Sacramento River, between the "I" Street and the Tower bridges, has not yet been designated as environmentally significant for archeological and historical purposes pursuant to P.R.C. Section 6370. (See Sacramento River under Inventory of Unconveyed State School Lands and Tide and Submerged Lands Possessing Environmental Sales approved December 1, 1975.) Based on information at hand, staff believes that the area should be so designated.

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The City of Sacramento has approved a plan for the development of the Old Sacramento riverfront in a fashion representative of the historical condition of the mid-1800s. To that end, Commission staff and the City have been negotiating a master commercial lease for the water portion of the City's development plan. It is proposed that the subject public-agency permit be issued for an area required for insuring historical resource protection and preservation with the express understanding that the commercial lease to be issued subsequently shall cover adjacent areas and be consistent with the subject protection permit.

The City believes that certain restrictive measures will be required to insure protection for submerged historical resources. Those measures which would be incorporated into the public agency permit include the prohibition of unpermitted diving or mooring in the area designated for historical resources protection. The City has proposed an ordinance to give it enforcement power for the protective measures to be adopted in the Commission's permit.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 7, Action for Protection of Natural Resources, 2 Cal. Adm. Code 2905(f).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. to include

(ADDED 06/21/85).

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recreational and ecological values. The subject land should be further designated as significant for archeological and historical values. The permit would curtail some recreational activities within a limited area. Such curtailment is necessary, however, for protecting and preserving archeological and historical values.

AB 884:

N/A.

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. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 7, ACTION FOR PROTECTION OF NATURAL RESOURCES, PURSUANT TO 2 CAL. ADM. CODE 2905(F).
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL PROTECT AND PRESERVE ARCHEOLOGICAL AND HISTORICAL VALUES WHILE NECESSARILY CURTAILING SOME RECREATIONAL USES AND THAT IT WILL HAVE NO EFFECT ON OTHER DESIGNATED VALUES.
3. WAIVE THE NORMAL PROCESSING FEE.
4. AUTHORIZE ISSUANCE TO THE CITY OF SACRAMENTO A GENERAL PERMIT - PUBLIC AGENCY USE (PROTECTION OF HISTORICAL RESOURCES) FOR A TERM OF 20 YEARS, BEGINNING JUNE 26, 1985; IN CONSIDERATION OF PUBLIC BENEFIT FROM PROTECTING AND PRESERVING HISTORICAL AND ARCHEOLOGICAL RESOURCES ON THE LANDS DESCRIBED IN EXHIBIT "A" (ATTACHED AND INCORPORATED HEREIN BY REFERENCE), 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.
5. APPROVE THE CONCEPT OF A CITY ORDINANCE FOR PURPOSES OF PROVIDING MEASURES FOR ENFORCING RESTRICTIONS PLACED ON THE PERMIT AREA TO INSURE PROTECTION AND PRESERVATION OF HISTORICAL RESOURCES IN THE PERMIT AREA WITH A DELEGATION TO THE EXECUTIVE OFFICER TO APPROVE SPECIFIC MEASURES SET FORTH IN SUCH ORDINANCE THAT REGULATE OR RESTRICT THE USE OF STATE SOVEREIGN LANDS.

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EXHIBIT "A"

LAND DESCRIPTION

W 21741

A strip of tide and submerged land 150 feet wide in the bed of the Sacramento River, City of Sacramento, Sacramento County, California, the easterly line of said strip being described as follows:

BEGINNING at a point where the flood wall along the left bank of the Sacramento River intersects the northern right-of-way line of "J" Street in the City of Sacramento; thence southerly along said floodwall 150 feet to the end of the herein described line.

EXCEPTING THEREFROM any portion thereof lying landward of the ordinary high water mark.

END OF DESCRIPTION

PREPARED JUNE 13, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

(ADDED 06/21/85)

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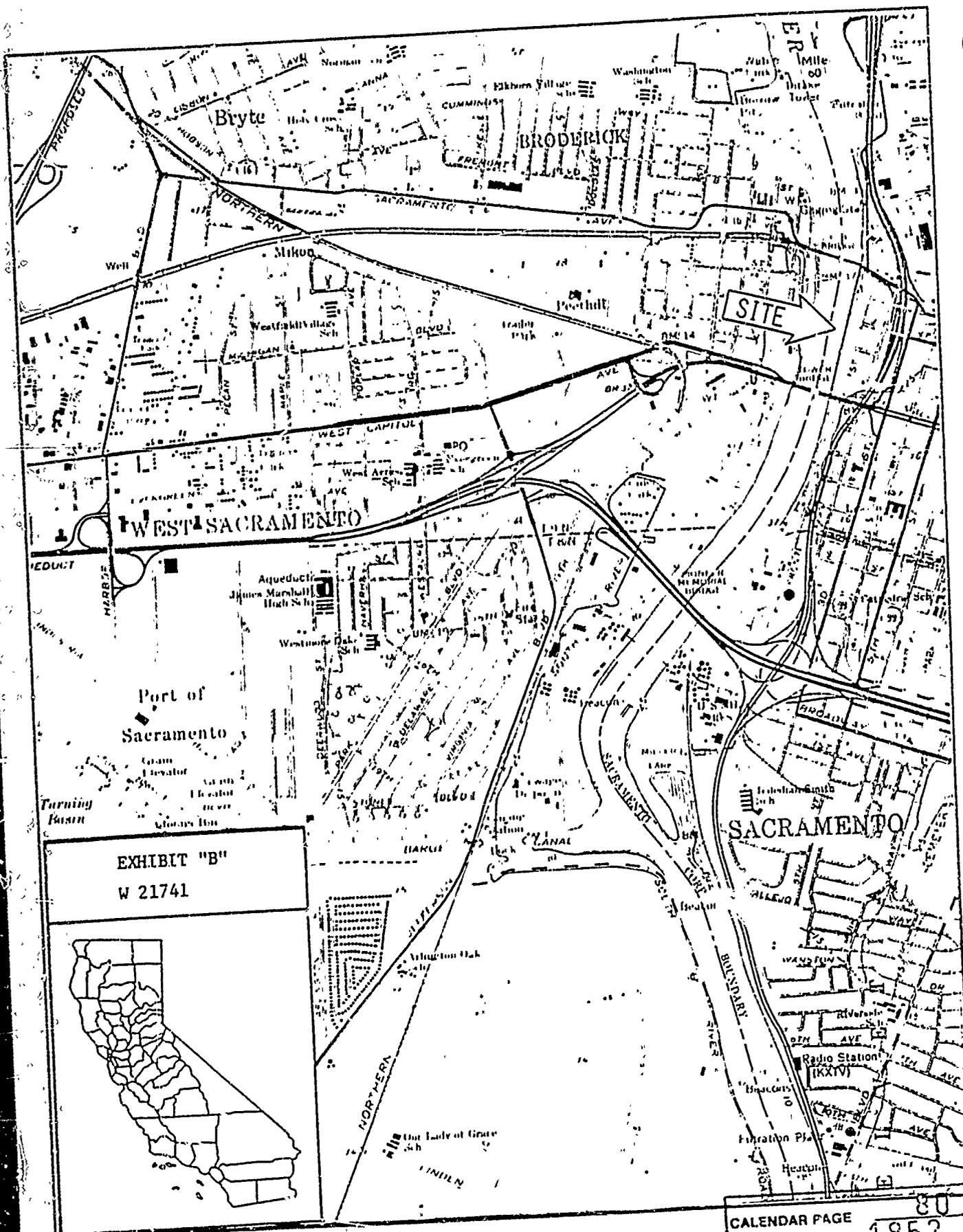


EXHIBIT "B"
W 21741



(ADDED 06/21/85)

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