MINUTE ITEM
This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 12/9/04 meeting.

CALENDAR ITEM
C37

A 7

S 2

PRC 8584

12/09/04
W 26017
N. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANTS:

City of Napa
955 School Street
Napa, Califorina 94559

Napa County Flood Control and Water Conservation District
804 First Street
Napa, California 94559

AREA, LAND TYPE, AND LOCATION:

0.028 acres, more or less, of sovereign lands in the Napa River, city of Napa, Napa, County.

AUTHORIZED USE:

Construction of an approximately 185 linear foot floodwall and recreation trail as part of the 100-year flood protection plan.

LEASE TERM:

Twenty-five years, beginning December 20, 2004.

CONSIDERATION:

The public health and safety; 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 has a right to use the uplands adjoining the lease premises.

2. A Final Supplemental EIR/EIS was prepared and certified for this project by the Napa County Flood Control and Water Conservation District. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.

3. 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.

4. 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.

The Unavoidable Significant Impacts of this project for which a Statement of Overriding Considerations was adopted by the Napa County Flood Control and Water Conservation District include:

1. Visual –
    - In Kennedy Memorial Park, the River trail would be relocated from the banks of the Napa River to further inland and both marsh plain and floodplain terraces would be in between the trail and the River. While the constructed terraces would be scenic and contain riparian vegetation, the loss of direct visual access to the River from the trail would be significant. Because the proposed trail needs to run outside the proposed terraces, no mitigation measure is available to reduce the impact to a less than significant level.

    - Views from Napa Valley RV Resort would be impaired with construction of a ten-foot high floodwall. Visitors to the RV resort currently enjoy views of the River, which would no longer be present with the implementation of the project.

2. Noise –
    - Construction of the Project could be disturbing for local receptors. Operation of heavy construction equipment and other construction activities would generate noise that would expose residential neighborhoods to sound levels that would temporarily exceed the noise threshold.

3. Traffic –
    - The proposed detour route for Phase V (b) which includes use of McKinstry Street for westbound traffic would result in unacceptable operation at the study intersections of Soscol Avenue/Third Street and

Soscol Avenue/McKinstry Street – Napa Street during the p.m. peak hours.

Of the above-listed significant, unavoidable impacts described, the visual and noise impacts would occur within the Commission's jurisdiction.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

San Francisco Regional Water Quality Board, Department of Fish and Game and United States Army Corps of Engineers.

EXHIBITS:

A. Location Map
B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

March 1, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT 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.

SIGNIFICANT LANDS INVENTORY FINDING:

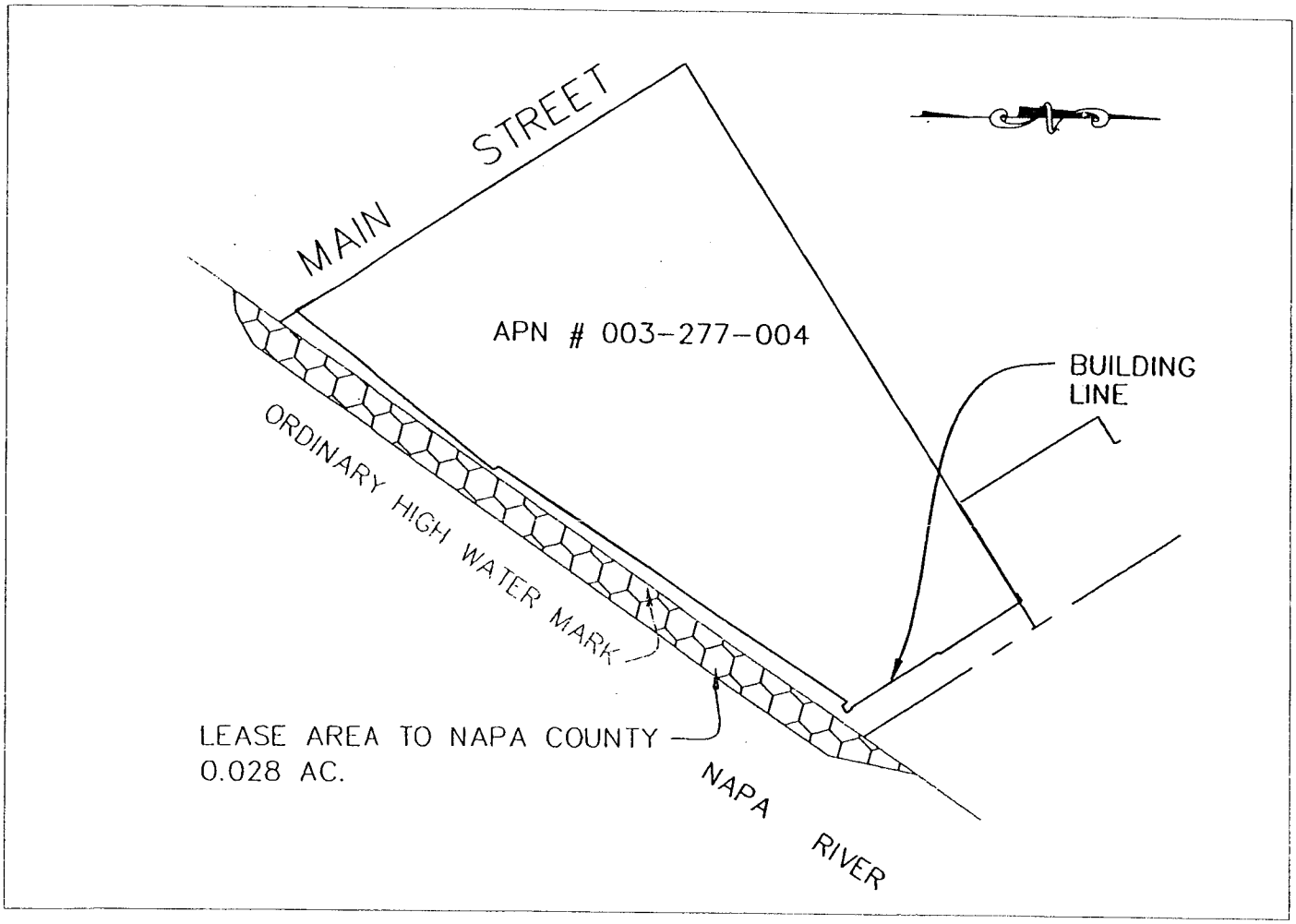
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF NAPA AND THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING DECEMBER 20, 2004, FOR A TERM OF TWENTY-FIVE (25) YEARS, FOR CONSTRUCTION OF AN APPROXIMATELY 185 LINEAR FOOT FLOODWALL AND RECREATION TRAIL ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; THE CONSIDERATION BEING THE PUBLIC'S HEALTH AND SAFETY 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 MAP



NO SCALE

LOCATION MAP

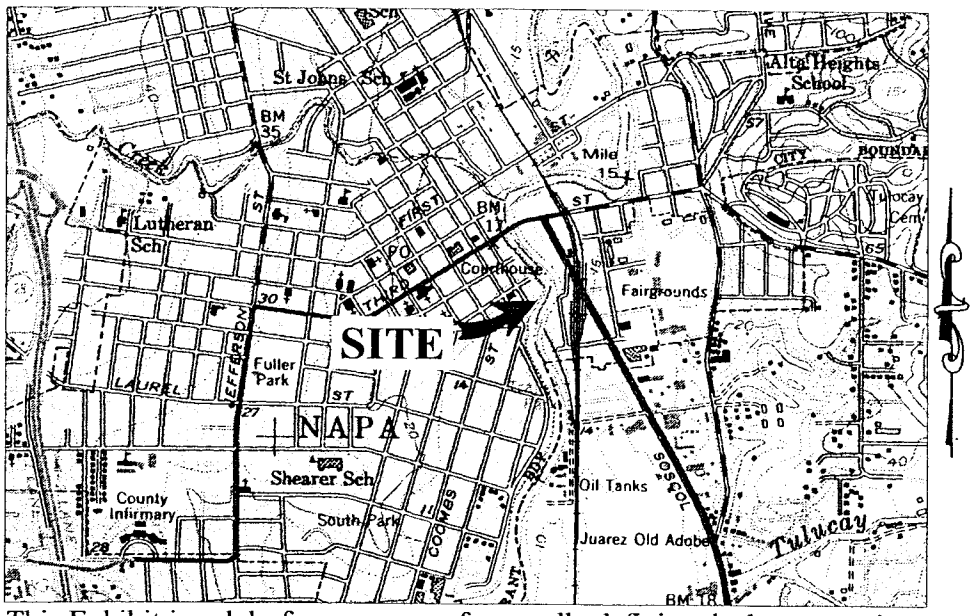


EXHIBIT A
W26017

APN 003-277-004
General Lease
Public Agency Use
Napa County

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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.

DWC 10-27-2004

EXHIBIT B

SECTION 3

W26017

LAND DESCRIPTION
NAPA RIVER LEASE NEAR HATT BUILDING

A parcel of tide and submerged land in the bed of the Napa River in the City of Napa, County of Napa, State of California, more particularly described as follows:

Commencing at a point on the ordinary high water mark along the Napa River as shown on the map prepared by the State Lands Commission and recorded on September 14, 1954 under Serial No. S-1109, Napa County Records, said point being distant North 34°39'29" East 35.46 feet from Station W367 as shown on said map; thence continuing along said ordinary high water mark North 34°39'29" East 176.65 feet; thence leaving said ordinary high water mark South 11°18'21" West 19.04 feet; thence South 34°50'33" West 149.19 feet; thence South 61°07'39" West 7.81 feet; thence South 84°47'32" West 4.67 feet to the point commencement.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Napa River

Containing 0.028 acres of land.

The Basis of Bearing used in the above descriptions are based on the California Coordinate System of 1983, Zone II. All distance are ground distances.

LICENSED LAND SURVEYOR
ROBERT T. SERRAO
NO. 6732
Exp. 9-30-06
STATE OF CALIFORNIA