CALENDAR ITEM

C30

A 8 12/05/12

PRC 7636.9

S 4 D. Oetzel

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of Napa
1600 First Street
Napa, California 94559

AREA, LAND TYPE, AND LOCATION:

Sovereign land along the westerly portion of the Napa River, City of Napa, Napa County.

AUTHORIZED USE:

To reconstruct, operate, and maintain the Main Street Boat Dock (MSBD) and perform 2,000 cubic yards of dredging to facilitate the project. Dredged material to be placed in the Napa County Flood District's Napa Sewage Plant re-handling site.

LEASE TERM:

25 years, beginning December 5, 2012.

CONSIDERATION:

No monetary consideration is due for the lease because there is no commercial benefit from the project, the project is for the public use and benefit, and the dredged material may not be sold. The State reserves 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. The U.S. Army Corps of Engineers completed the Napa River Flood Protection Project area (NRFPP) near the proposed dock in 2008. During the construction of the NRFPP in 2006, the old wooden dock at the site was removed after being considered unusable with the riverfront improvements. A three-pile dolphin and the metal piles used for the old wooden dock remain, and some will be used for the MSBD project. The site currently consists of a floodwall with buried rip-rap protection, a

marsh plain with recently planted vegetation, and open waters of the Napa River. The floodwall and adjacent promenade includes a fenced opening to accommodate the gangway that is part of the MSBD project.

2. The proposed project consists of the installation of a 176' x 10' floating concrete composite dock. A raiseable aluminum gangway will provide access to the dock from the Napa River Promenade. The gangway is to be connected to a ramp mounted on a supporting 64' x 6' platform adjacent to the floating dock. A floating debris barrier is to be installed upstream of the floating dock. A total of fifteen new pipe piles will be installed in the Napa River consisting of eleven guide piles for the dock and gangway and four guide piles for the debris barrier. To provide sufficient draft to the dock, a maximum of 2,000 cubic yards of material will be dredged between the Promenade floodwall and the dock, and a sheet pile retaining wall 197' in length will be installed. The dredged material is to be placed in the Napa County Flood District's Napa Sewage Plant re-handling site.

   For the most part, the site will be accessed for construction purposes from the Napa River. Construction methodology for the sheet pile wall will likely consist of (but is not limited to) a pumped dredge system to the permitted disposal site. The sheet piles will be vibrated or driven into position. The guide piles for the dock, gangway, and debris barrier will be vibrated or driven into position. The floating dock units, ramp, and debris barrier will likely be constructed or fabricated off-site, then towed into position and installed.

3, The purpose of the project is to replace the original boat dock, better serve the boating population, and complement the extensive investment that has been created with the completed flood protection project and the downtown redevelopment efforts. The City envisions that a portion of the dock will be designated for commercial uses, such as transportation of passengers into the downtown area via water taxi, tour boat, and riverboat. Commercial use will be allowed through a permit. Fees will be a part of the Master Fee Schedule that shall be adopted by the City Council. The cost for annual routine maintenance of the dock is anticipated to be approximately $18,155. The revenues of the aforementioned fee schedule are expected to approximate the dock expenses.

4. On June 30, 1992, the Commission approved the issuance of a 49-year General Lease – Public Agency Use, to the City of Napa for a public dock (120' x 8') and gangway (4' x 15') for public access to the Napa River,

fishing, launching of small boats and canoes, and docking of boats. The old dock was removed during the U.S. Army Corps of Engineers' NRFPP and deemed unusable. The Lessee is now applying for the issuance of a General Lease – Public Agency Use for a new dock.

5. A Mitigated Negative Declaration, State Clearinghouse No. 2010052031, was prepared by City of Napa and adopted on February 1, 2011, for this project. The California State Lands Commission staff has reviewed such document.

   A Mitigation Monitoring Program was adopted by the City of Napa.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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 Bay Regional Water Quality Control Board

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
San Francisco Bay Conservation and Development Commission

EXHIBITS:

A. Land Description
B. Location and Site Map
C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2010052031, and a Mitigation Monitoring Program were prepared by the City of Napa and adopted on February 1, 2011, for this Project and that the Commission reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

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 section 6370 et seq.

AUTHORIZATION:

Authorize the issuance of a General Lease – Public Agency Use to the City of Napa, for a term of 25 years, beginning December 5, 2012, to construct, operate and maintain the Main Street Boat Dock (MSBD) and to dredge a maximum of 2,000 cubic yards of material during the lease term at the MSBD to provide sufficient draft to the dock for safe navigation. Dredged material will be disposed of in the Napa County Flood District's Napa Sewage Plant re-handling site. Such permitted activity is contingent upon the Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, State, and local governments. No monetary consideration is due for the lease because there is no commercial benefit from the project, the project is for the public use and benefit, and the dredged material may not be sold, 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.

EXHIBIT A

PRC 7636.9

LEGAL DESCRIPTION

A parcel of tide and submerged land situate adjacent to Rancho Entre Napa lying within the Napa River, County of Napa County, State of California, described as follows:

> COMMENCING at a ¾" iron pipe tagged LS 4510 at the northeasterly corner of Parcel 1 delineated on that Final Map filed June 12, 2007 in Book 26 of Maps at pages 23 through 26 in the Office of the County Recorder of Napa County; thence, leaving said POINT OF COMMENCEMENT and along the northeasterly boundary of said Parcel 1, South 36°49'56" East, 39.39 feet; thence, South 39°56'28" East, 97.47 feet; thence, leaving said northeasterly boundary of said Parcel 1, North 49°26'16" East, 78.25 feet to the Right Bank of the Napa River, said point being the POINT OF BEGINNING; thence, leaving said Right Bank, North 49°26'16" East, 48.73 feet; thence, South 40°33'44" East, 280.00 feet; thence, South 49°26'16" West, 47.12 feet to a point on said Right Bank; thence, along said Right Bank, North 52°08'27" West, 63.94 feet; thence along said Right Bank, North 32°08'12" West, 77.18 feet; thence, along said Right Bank, North 40°35'52" West, 141.02 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark.

The Basis of Bearings for this description is the northeasterly boundary line bearing South 36°49'56" East, 39.39 feet as shown on said Parcel 1. All distances are grid and U.S. Survey Feet.

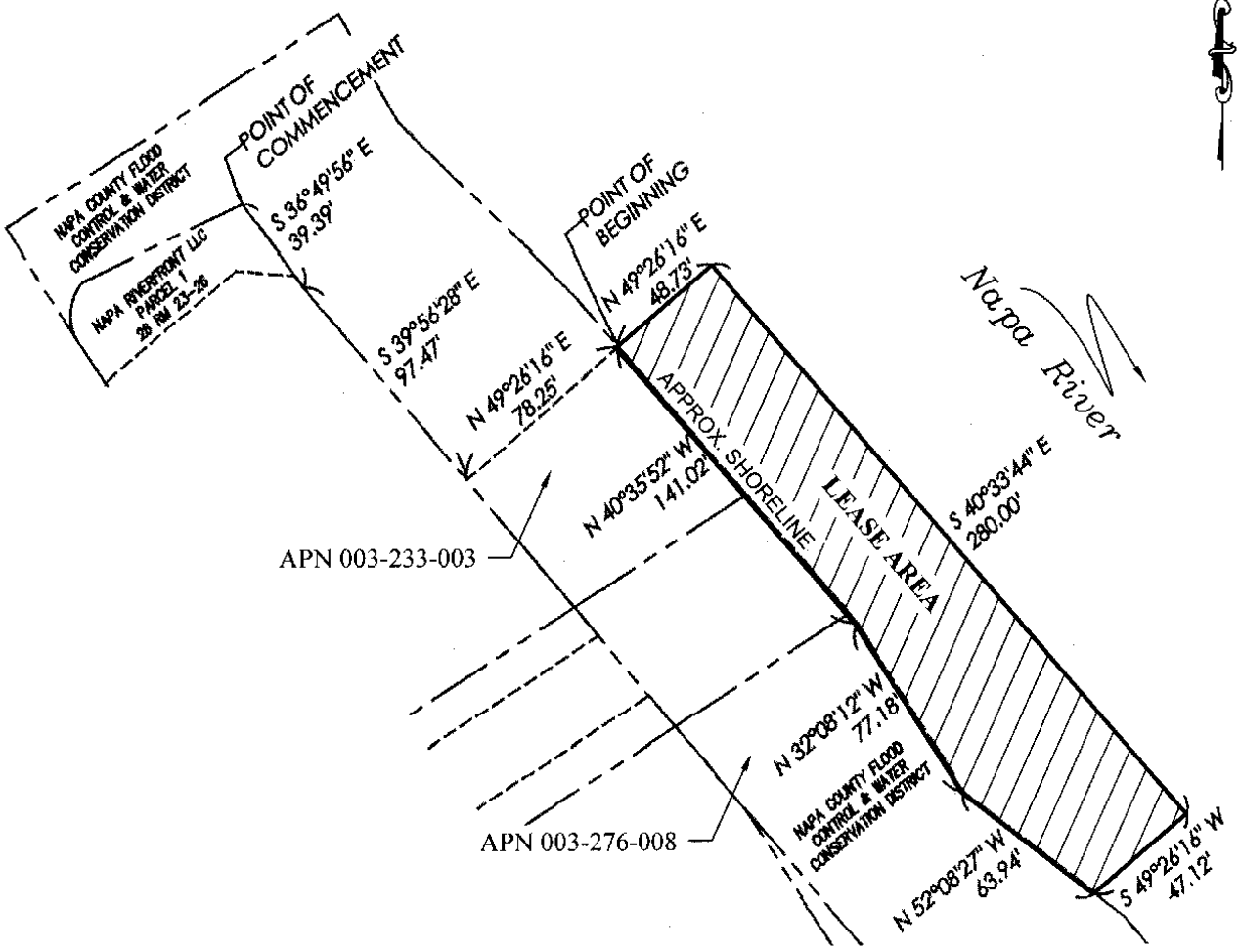
END OF DESCRIPTION

Prepared by Miki Tsubota, Registered California Land Surveyor #8242 on September 1, 2011.

PROFESSIONAL LAND SURVEYOR
MIKI TSUBOTA
No. 8242
STATE OF CALIFORNIA

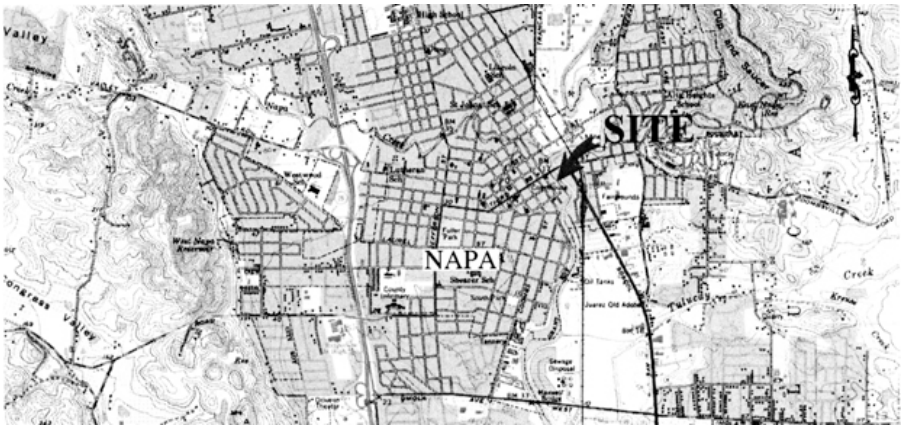
NO SCALE

SITE



NAPA MAIN STREET DOCK

LOCATION



MAP SOURCE: USGS QUAD

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 B

PRC 7636.9
CITY OF NAPA
APN 003-233-003, -276-008
GENERAL LEASE -
PUBLIC AGENCY USE
NAPA COUNTY

JAK 10/11

EXHIBIT C
NAPA MAIN STREET BOAT DOCK
MITIGATION MONITORING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AQ-1. The following is a list of feasible control measures that the BAAQMD recommends to limit construction emissions of PM10. These mitigation measures shall be implemented for all areas where construction activities would occur. ♦ Construction activities shall not occur during windy periods. ♦ All construction equipment shall be shut down when not in use. ♦ Water all active construction areas at least twice daily and more often during windy periods. Active areas should be kept damp at all times. Water shall be supplied by the contractor. ♦ Cover all hauling trucks or maintain at least two feet of freeboard. Dust-proof chutes shall be used as appropriate to load debris onto trucks during demolition. ♦ Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. Water shall be supplied by the contractor. ♦ Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.	Contractor	Prior to issuance of grading permit, applicable notes shall be placed on grading plans At onset of construction, monitoring for compliance with air quality mitigation shall commence	City	Site inspections	Weekly, during construction

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
♦ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e. previously-graded areas that are inactive for 10 days or more). ♦ Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. Water shall be supplied by the contractor. ♦ Limit traffic speeds on any unpaved roads to 15 mph. ♦ Replant vegetation in disturbed areas as quickly as possible. ♦ Suspend construction activities that cause visible dust plumes to extend beyond the construction site. ♦ Remediation activities will be conducted in accordance with BAAQMD rules and regulations. ♦ Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately ♦ The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).					

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
♦ Diesel equipment standing idle for more than three minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site and away from residences. ♦ Properly tune and maintain equipment for low emissions. ♦ Designate a Disturbance Coordinator when construction activity that includes site grading occurs within 200 feet of residences or sensitive land uses. This coordinator will ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues (e.g. dust and odors) in a timely manner. The contact information for this Coordinator will be posted in plain view at the project site.					
BIO-1. Western pond turtle shall be adequately protected during project construction through a combination of preconstruction surveys and implementation of a worker training program. A qualified biologist shall conduct a preconstruction survey of the site prior to installation of the silt curtain wall, and subsequent to its installation to confirm that no turtles are present within the dredge area. The initial survey shall be conducted	City/Project Biologist	Prior to initial of construction activities within 100 feet of suitable habitat	City	Confirmation that preconstruction Surveys have been adequately conducted as called for in measure.	As needed depending on typing of grading in proximity to suitable habitat

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
no more than 2 days prior to installation of the silt curtain wall. All workers shall be trained by the qualified biologist of the possible presence of this species within the construction zone. Any turtles isolated within the construction activity area shall be captured by a qualified biologist and relocated to suitable habitat outside the construction zone prior to continuation of any dredging or other construction activities.					
BIO-2. Special-status fish species shall be adequately protected to prevent inadvertent take during construction. Adequate measures shall be taken to minimize disturbance and sedimentation, including installation of a silt curtain around the dredging limits. The project shall adhere to any additional restrictions on the timing of any in-channel disturbance required by trustee agencies. Any in-channel construction activities shall be restricted to the period when stray or dispersing fish would most likely not be expected within the affected segment of the Napa River, from June 15 through October 15, which should provide adequate avoidance for steelhead, Delta smelt, Sacramento splittail, and chum salmon. The applicant shall obtain all necessary authorizations from the CDFG, NOAA Fisheries, and USFWS as required by	City/Project Biologist	Prior to initiation of construction activities or modifications of inchannel areas	City/CDFG/NOAA Fisheries/ USFWS	Evidence of CDFG/NOAA Fisheries/ USFWS authorization prior to any instream modification and confirmation that avoidance measures have been adequately implemented	As determined by CDFG/ NOAA Fisheries/ USFWS

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
federal and State law for potential harm to special-status fish species, as called for under Mitigation Measure BIO-3. Such authorization would be obtained as a result of interagency coordination through the Corps Section 404 consultation and the CDFG Streambed Alteration process.					
BIO-3. The following measures shall be implemented to address potential impacts on jurisdictional waters and ensure compliance with applicable laws. ♦ Authorization for dredging and other modifications to the Napa River shall be obtained from the Corps through the Section 404 permitting process. Similarly, a Section 401 Certification shall be obtained from the RWQCB. All conditions required as part of the authorizations by the USACE and RWQCB shall be implemented as part of the project. ♦ A CDFG Stream Bed Alteration Agreement shall also be obtained for the project. The applicant shall submit a notification form to the CDFG, shall obtain all legally required agreements, and implement any conditions contained within that agreement. ♦ Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts (as discussed above under Mitigation Measure BIO-2). The applicant shall obtain all legally required permits or other	City	Prior to initiation of construction activities	City/RWQCB/ US ACE/CDFG/U SF WS/ NOAA Fisheries	Evidence of RWQCB/US ACE/CDFG/ USFWS/ NOAA Fisheries authorizations, if required	Once, prior to initiation of construction activities

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
authorizations from the USFWS, NOAA Fisheries, and CDFG for the potential "take" of protected species under the Endangered Species Acts.					
CUL-1. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. The City shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.	City	Prior to issuance of grading permit, note shall be placed in project plan Discovery of cultural resources during construction	City City	Site plan review Confirm that appropriate mitigation measure is followed	Once, prior to dredging plan approval
GEO-1. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).	City	Prior to dredging plan approval	City	Project Approval	Once, at dredging plan approval
GEO-2. A pre-construction inspection on the condition of the existing floodwall, lower Promenade and upper Promenade near Dolphin 1 shall occur prior to the installation of any monitoring equipment. A Pre-Construction Conditions Report shall be prepared thoroughly documenting the preconstruction condition of the floodwall and Promenade including, but not limited to, all existing cracks and concrete expansion joints. Photographs and/or video shall be used to document the condition of	City/ Contractor	Prior to initiation of construction activities	City/ NCFCWCD	Submittal of Pre-Construction Conditions Report	Once, prior to initiation of construction activities

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
the floodwall and Promenade. The Pre-Construction Conditions Report shall be submitted to the City of Napa and NCFCWCD prior to construction.					
After a Pre-Construction Conditions Report has been completed, a temporary survey monument shall be installed and surveyed to the nearest 0.01 inch on the top of the lower floodwall near Dolphin 1 prior to construction. The monument will be surveyed after installation of each pile, and the results immediately conveyed to the City of Napa and NCFCWCD. Maximum allowable settlement shall be determined by NCFCWCD	Contractor	Prior to initiation of construction activities	City/ NCFCWCD	Confirm that appropriate mitigation measure is followed	During pile-driving activities
Vibration monitoring instruments shall be installed on the lower Promenade adjacent to the construction, and shall continuously monitor vibration during pile driving activities. Maximum vibration limits shall be 1.0 inch per second for transient vibration and 0.5 inch per second for continuous vibrations.					
If instrument readings indicate that maximum allowable settlement or transient or continuous vibration has occurred, pile driving and construction shall be stopped immediately and the City of Napa and NCFCWCD will be notified. No further construction shall occur until the contractor	City/ Contractor	Occurrence of maximum allowable settlement or transient or continuous vibration	City/ NCFCWCD	Confirm that appropriate mitigation measure is followed	During pile-driving and construction activities

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
has adjusted construction methods to stop further settlement or reduce the maximum allowable vibration limits.					
Following the completion of pile-driving and construction, a post-construction inspection shall occur to document the condition of the floodwall and Promenade. A Post-Construction Conditions Report shall be prepared to document post-construction conditions and compare the pre and post-construction conditions of the floodwall and Promenade. Photographs and/or video shall be used to document the condition of the floodwall and Promenade.	City/ Contractor	Completion of pile-driving and construction activities	City/ NCFCWCD	Confirm that appropriate mitigation measure is followed	Once, following completion of pile-driving and construction activities
A final report including the Post-Construction Conditions Report, and all data surveyed, as well as a comparison with preconstruction conditions will be submitted to the City of Napa and NCFCWCD. Following coordination between NCFCWCD and the City of Napa, areas identified to have been damaged as a result of construction activities would be repaired by the contractor.	City/ Contractor	Completion of pile-driving and construction activities	City/ NCFCWCD	Review of final report, including the Post-Construction Conditions Report	Once, following completion of pile-driving and construction activities
	Contractor	Damage as a result of construction activities	City/ NCFCWCD	Confirm that appropriate mitigation measure is followed	Once, following coordination between NCFCWCD and City

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
HYDRO-1. All materials that could cause water pollution (i.e. motor oils, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.	City	Prior to construction activities	City	Review, approval, site inspections during construction	Once/weekly during construction
NOI-1a. Construction activities shall be limited to specific times pursuant to Napa Municipal Code 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be no start up of machines nor equipment prior to 8:00 a.m. Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.	City/Contractor	During construction	During construction City	Confirm that appropriate procedures are followed	As needed
NOI-1b. The following will be required during the construction period: ♦ Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained. ♦ Noisy stationary construction equipment, such as compressors, shall be placed	Contractor	During construction	City	Confirm that appropriate procedures are followed	As needed

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
away from developed areas offsite and/or provide with acoustical shielding. ♦ Grading and construction equipment shall be shut down when not in use. ♦ The contractor shall prepare a construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive land uses so that construction activities can be scheduled to minimize noise disturbance. ♦ Designate a "disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.					