

**CALENDAR ITEM
C84**

A 34
S 18

02/22/13
W 26530
D. Simpkin

**ISSUANCE OF A NEW GENERAL LEASE –
RECREATIONAL AND PROTECTIVE STRUCTURE USE**

APPLICANTS:

Bobby Boyce Godsey and Marianne Godsey

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Colorado River, adjacent to 1158 Beach Drive, city of Needles, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of existing stairs, and improved and unimproved riprap bankline, and the construction of a gangplank and floating boat dock located on State sovereign land.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

Unimproved Riprap Bankline and Stairs: Public use and benefit, subject to compliance with unobstructed pedestrian ingress, egress, and regress from the adjacent Public Access Easement.

Floating Boat Dock, Gangplank and Improved Riprap Bankline: Annual rent in the amount of \$132, with the State reserving the right to fix a different rent periodically during the term of the lease, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Combined single-limit liability not less than \$1,000,000.

Other:

1. Applicants acknowledge that the Public Access Easement shall remain open to the public and that no structures, improvements, or personal property shall be placed so as to obstruct or prevent public access in and along the Easement. Such improvements

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include, but are not limited to, fences, walls, railings, or landscaping. Applicants further acknowledge that they shall not place signs or advocate in any other manner to prevent or discourage lawful public use of the Public Access Easement.

2. Applicants shall not have the right to exclude the public from the use of the stairs, install any structures to prevent public use of the stairs, nor post signage or advocate in any manner against public use of the stairs, unless the public's use interferes with Lessee's use and enjoyment of the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. The lease premises do not encroach upon any of the recognized beaches within the Rio Buena Vista Community. Consequently, the proposed dock does not significantly impact the public trust needs and uses of the area.
3. The State of California had its fee ownership of the sovereign land located in the Colorado River at this location confirmed in 1991 as a result of a Boundary Line Agreement and Compromise Settlement entered into between the Commission and Kahala Needles Partners, Ltd., a Nevada Limited Partnership, recorded as AD 134 dated January 1, 1991 and recorded on August 11, 1992, document No. 92-333250, Official Records, San Bernardino County, California. Projects, including new development or maintenance of existing facilities, extending waterward of the Ordinary High Water Mark (OHWM) fixed in the above-mentioned Agreement (AD 134) require a lease from the Commission pursuant to Public Resources Code section 6501.1. The Applicants' upland property is located along the Colorado River adjacent to the fixed OHWM.
4. Pursuant to AD 134, the State of California was granted a perpetual public pedestrian access easement running parallel to the fixed OHWM. The easement is intended to provide public access to and along the bank of the Colorado River. The easement affects lots 1-40 of the Rio Buena Vista residential subdivision, one of which is the Applicants' property. Public access to the easement is from the northern or southern end of the subdivision, or from the Colorado River.
5. The United States Department of the Interior, Bureau of Reclamation (Reclamation), Yuma Area Office conducted a review by boat of the

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bankline on March 27, 2002 and also conducted a site visit on April 10, 2002. The inspection revealed that the bankline was cleared of vegetation and that the federally applied riprap and federally constructed jetties were undisturbed and in good condition. By letter dated April 23, 2002, Reclamation acknowledged their capacity to apply additional riprap to the bankline at this location in the future was compromised due to the pending development of the upland residences and subsequently declared that Reclamation would not provide additional riprap to the bankline in the future. Consequently, Reclamation decreed that the upland homeowners would be responsible for maintaining protection of their own banklines in the future, subject to the permitting of the riprap or bankline construction work from the United States Army Corps of Engineers under Section 10 of the Rivers and Harbors Act of 1899.

6. The unimproved riprap bankline benefits both the public and the Applicants, and will be maintained by the Applicant at no cost to the public.
6. **New Construction of Uncovered Floating Boat Dock and Gangplank:**
The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).
7. **Existing Riprap and Stairs:**
The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
8. 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.

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EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Proposed Design Sketch

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

New Construction Of Uncovered Floating Boat Dock And Gankplank:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

Existing Riprap and Stairs:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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 Issuance of a General Lease – Recreational and Protective Structure Use to Bobby Boyce Godsey and Marianne Godsey, beginning February 22, 2013, for a term of 10 years, for use and maintenance of existing stairs and improved and unimproved riprap bankline, and the construction of a floating boat dock and gangplank located on sovereign land, as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the floating boat dock, gangplank, and improved riprap bankline to be \$132 per year; consideration for the unimproved riprap bankline and stairs to be the public use and benefit, subject to compliance with unobstructed pedestrian ingress, egress, and regress from the adjacent Public Access Easement, with the State reserving the right to set a monetary consideration if it is determined to be in the best interest of the State; combined single-limit liability coverage of not less than \$1,000,000

EXHIBIT A

W 26530

LAND DESCRIPTION

Two parcels of State owned land adjacent to Lot 25 of Tract No. 15640 as shown on Tract Map recorded in Book 261, Pages 88 through 94, inclusive of Maps, in the Office of the County Recorder of San Bernardino County, State of California, described as follows:

PARCEL 1

BEGINNING at the easterly corner of said Lot 25; thence northwesterly along the northeasterly line of said Lot, said line also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, N 40°58'03" W 45.00 feet to the northerly corner of said Lot; thence leaving said northeasterly line and said Agreed Boundary Line, along the northeasterly prolongation of the northwesterly line of said Lot N 49°01'57" E 65.00 feet; thence S 40°58'03" E 45.00 feet to the intersection with the northeasterly prolongation of the southeasterly line of said Lot; thence southwesterly along said northeasterly prolongation S 49°01'57" W 65.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying waterward of the toe of revetment adjacent to said Lot 25.

PARCEL 2

BEGINNING at a point on the northeasterly line of said Lot 25, said line also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, said point lying distant N 40°58'03" W 29.99 feet from the easterly corner of said Lot; thence along said northeasterly line and said Agreed Boundary Line N 40°58'03" W 10.00 feet; thence leaving said northeasterly line and said Agreed Boundary Line, N 49°01'57" E 90.52 feet; thence S 40°58'03" E 30.00 feet; thence S 49°01'57" W 20.00 feet; thence N 40°58'03" W 20.00 feet; thence S 49°01'57" W 70.52 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the toe of revetment adjacent to said Lot 25.

This description is based on Applicant provided design drawings for a proposed floating gangway and floating dock together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

END OF DESCRIPTION

Prepared 2/5/2013 by the California State Lands Commission Boundary Unit.



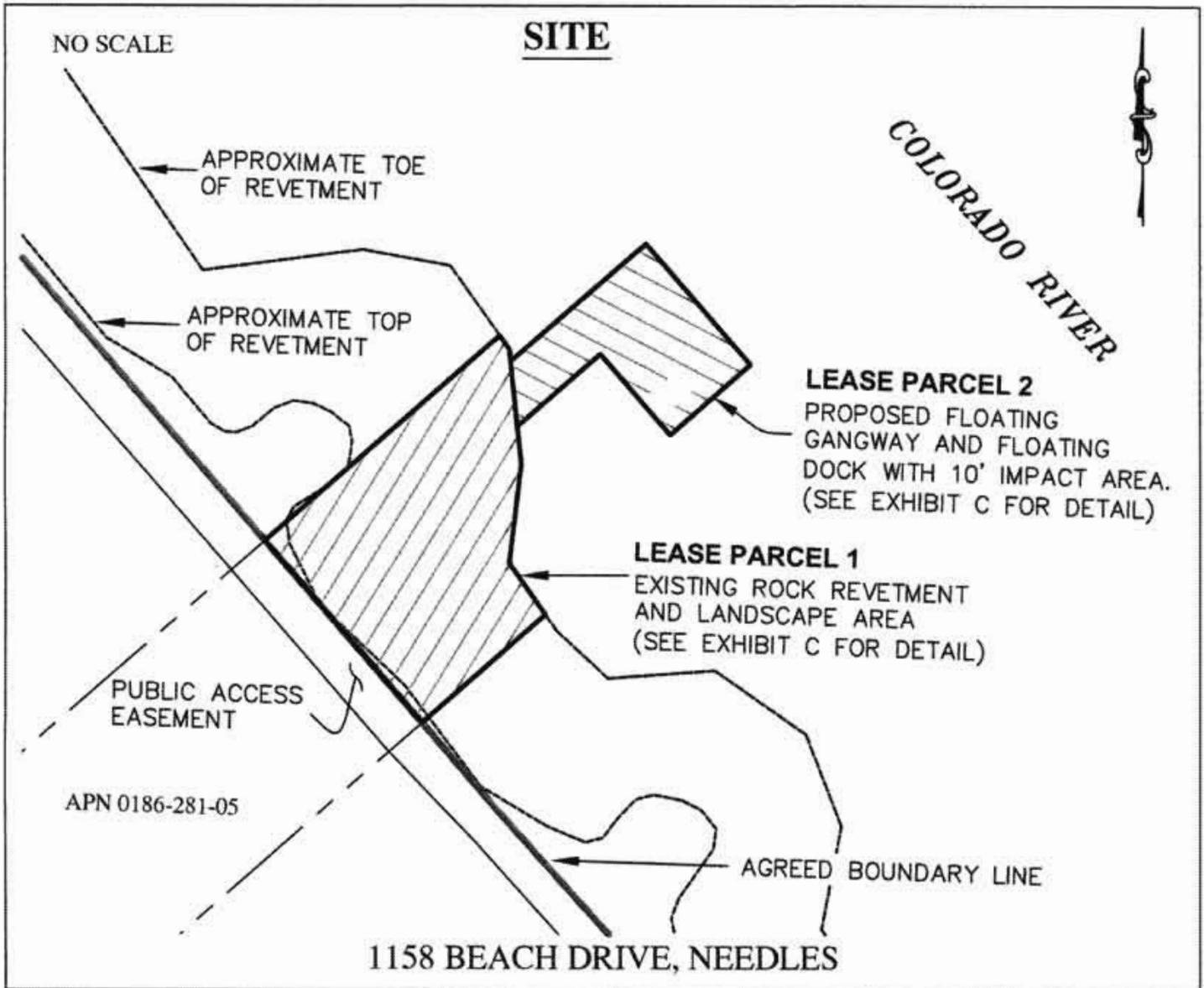


Exhibit B

W 26530
GODSEY
APN 0186-281-05
GENERAL LEASE -
RECREATIONAL AND
PROTECTIVE STRUCTURE USE
SAN BERNARDINO 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.

