

**CALENDAR ITEM
C36**

A 7
S 2

09/20/13
PRC 3745.9
D. Oetzel

**TERMINATION OF A PUBLIC AGENCY PERMIT AND
ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE**

APPLICANT:

City of Napa
1600 First Street
P.O. Box 660
Napa, CA 94559

AREA, LAND TYPE, AND LOCATION:

Ungranted sovereign land located in the Napa River adjacent to Kennedy Park in the city of Napa, Napa County.

AUTHORIZED USE:

Continued use and maintenance of the John F. Kennedy boat ramp previously authorized by the Commission; and the maintenance dredge of a maximum of 40,000 cubic yards of material in the Napa River at the John F. Kennedy boat ramp to maintain a navigable depth. Dredged material will be disposed of at the U.S. Army Corps of Engineers' designated disposal site SF-9 (Carquinez Strait), Cullinan Ranch Restoration Project, the Napa County Flood Control and Water Conservation District's Imola Avenue site, and/or other U.S. Army Corps of Engineers' approved disposal sites.

LEASE TERM:

25 years, beginning August 23, 2013.

CONSIDERATION:

No monetary consideration is due for the lease because it is for the public use and benefit and because there is no commercial benefit from the project and the dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. On April 27, 1967, the Commission authorized Lease No. PRC 3745.9 a Public Agency Permit, for the construction of a boat-launching ramp (now the John F. Kennedy boat ramp), access thereto, and the maintenance of

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a channel area located waterward of the ramp. The lease is due to expire on April 26, 2016.

2. On September 14, 1988, the Commission authorized under Lease No. PRC 5870.9 a Maintenance Dredging Permit, for the dredging of 630,000 cubic yards of material of ungranted sovereign land in the federal navigation channel of the Napa River waterward of the John F. Kennedy boat ramp and at other adjacent areas. The lease expired on September 13, 1991.
3. The Lessee has now applied for a new General Lease – Public Agency Use for the continued use and maintenance of the boat launch ramp and the dredging of ungranted sovereign land surrounding the boat launch.
4. The purpose of the dredging is to allow navigable ingress and egress from the boat ramp for public benefit. The boat ramp is currently not usable due to severe siltation.
5. **Lease Termination:**
The staff recommends that the Commission find that the subject lease termination 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.

6. **Dredging:**
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 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

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

7. **Existing Boat Ramp:**
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).

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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.

APPROVALS OBTAINED:

San Francisco Bay Regional Water Quality Control Board
U.S. Army Corps of Engineers
San Francisco Regional Water Quality Control Board

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination:

Find that the subject lease termination 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.

Dredging:

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 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

Existing Boat Ramp:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a

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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 the termination of Lease No. PRC 3745.9, a Public Agency Permit, issued to the City of Napa, effective August 23, 2013.

Authorize the issuance of a General Lease – Public Agency Use to the City of Napa for the continued use and maintenance of the John F. Kennedy boat ramp and maintenance dredge a maximum of 40,000 cubic yards of material in the Napa River; beginning August 23, 2013 for a term of 25 years; dredged material will be disposed of at the U.S. Army Corps of Engineers' designated disposal site SF-9 (Carquinez Strait), Cullinan Ranch Restoration Project, the Napa County Flood Control and Water Conservation District's Imola Avenue site, and/or other U.S. Army Corps of Engineers' approved sites. No monetary consideration is due for the lease because it is for the public use and benefit, there is no commercial benefit from the project, and the dredged material may not be sold.

EXHIBIT "A"
LEGAL DESCRIPTION

PRC 3745.9

PARCEL 1-DREDGE LEASE AREA

A parcel of partially filled tide and submerged land situate adjacent to Swamp and Overflowed Survey Numbers 79 and 80, lying within the current and historic bed of the Napa River, County of Napa, State of California, described as follows:

COMMENCING at a railroad spike on the westerly prolongation of the centerline of Kaiser Road, distant thereon South 86°33'12" West 1,032.34 feet from the most westerly well type monument set along said westerly prolongation as shown on the map entitled "Final Map of Enterprise Industrial Park-Unit No. 1" filed August 1, 1973 in Book 10 of Maps at Pages 69 and 70 in the office of the Napa County Recorder;

Thence (1) North 00°11'16" East 30.06 feet to the southerly line of the parcel of land described in the deed to Joseph and Helen Garelo, within the County of Napa, State of California recorded May 30, 1986 in Volume 1445 of Official Records at Page 984 in the office of the Napa County Recorder;

Thence (2) South 86°33'12" West 10.02 feet along said southerly line to a point on the easterly line of the 60.00 foot wide Southern Pacific Railroad Company right-of-way;

Thence (3) North 00°11'16" East 2,832.67 feet along said easterly line to a point;

Thence (4) Leaving said easterly line North 86°01'36" West 768.26 feet to a point within the historic bed of the Napa River, said point being the **TRUE POINT OF BEGINNING**;

Thence (5) South 68°32'47" West 337.36 feet;

Thence (6) North 21°27'13" West 310.63 feet;

Thence (7) North 51°24'50" East 66.30 feet;

Thence (8) South 81°08'46" East 317.38 feet;

Thence (9) South 21°27'13" East 170.00 feet to the **TRUE POINT OF BEGINNING**.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Left Bank of the Napa River.

Total computed area containing 2.04 acres more or less.

PARCEL 2-RAMP LEASE AREA

A parcel of partially filled tide and submerged land situate adjacent to Swamp and Overflowed Survey Numbers 79 and 80, lying within the current and historic bed of the Napa River, County of Napa, State of California, described as follows:

COMMENCING at a railroad spike on the westerly prolongation of the centerline of Kaiser Road, distant thereon South $86^{\circ}33'12''$ West 1,032.34 feet from the most westerly well type monument set along said westerly prolongation as shown on the map entitled "Final Map of Enterprise Industrial Park-Unit No. 1" filed August 1, 1973 in Book 10 of Maps at Pages 69 and 70 in the office of the Napa County Recorder;

Thence (1) North $00^{\circ}11'16''$ East 30.06 feet to the southerly line of the parcel of land described in the deed to Joseph and Helen Garello, within the County of Napa, State of California recorded May 30, 1986 in Volume 1445 of Official Records at Page 984 in the office of the Napa County Recorder;

Thence (2) South $86^{\circ}33'12''$ West 10.02 feet along said southerly line to a point on the easterly line of the 60.00 foot wide Southern Pacific Railroad Company right-of-way;

Thence (3) North $00^{\circ}11'16''$ East 2,832.67 feet along said easterly line to a point;

Thence (4) Leaving said easterly line North $89^{\circ}48'44''$ West 693.62 feet to a point on the meander line of ordinary high water mark of the Left Bank of the Napa River as shown on the map entitled "Record of Survey of a Portion of Napa State Hospital" filed February 20, 1962 in Book 6 of Surveys at Pages 56 through 58 inclusive in the office of the Napa County Recorder, said point being the **TRUE POINT OF BEGINNING**;

Thence (5) Leaving said meander line North $51^{\circ}33'09''$ West 95.65 feet;

Thence (6) North $84^{\circ}39'17''$ West 149.13 feet;

Thence (7) North $4^{\circ}27'39''$ East 65.01 feet;

Thence (8) South $84^{\circ}54'37''$ East 117.51 feet;

Thence (9) North $34^{\circ}26'34''$ East 129.83 feet to a point on said meander line;

Thence (10) South 46°30'16" East 98.99 feet along said meander line to an angle point therein;

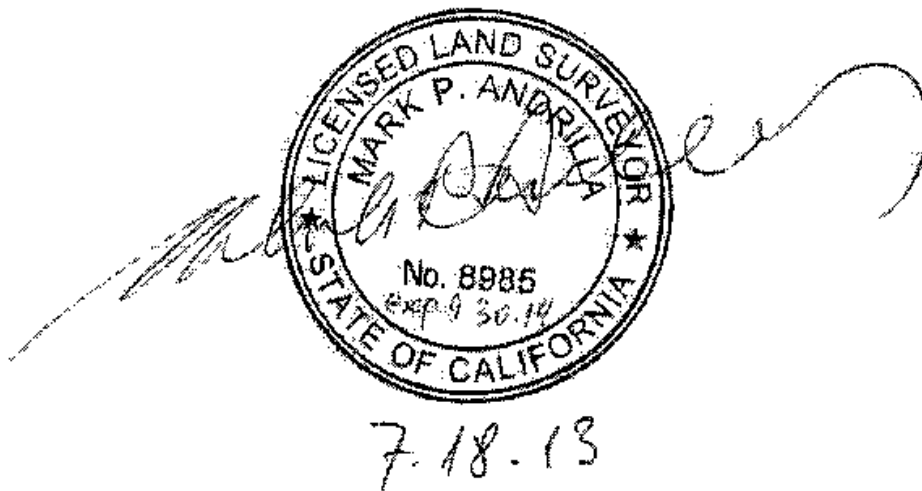
Thence (11) South 14°46'15" West 172.39 feet along said meander line to the **TRUE POINT OF BEGINNING.**

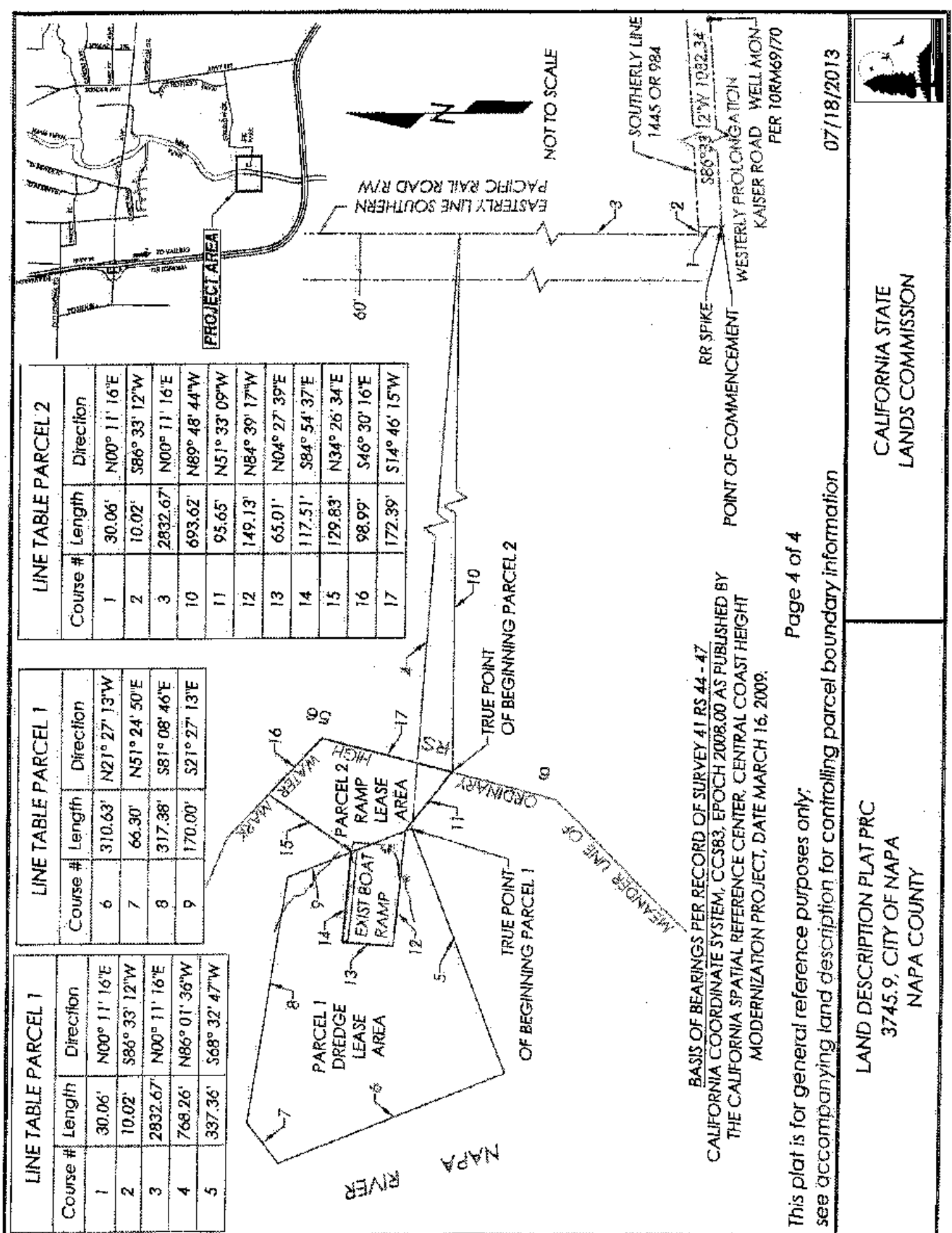
EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Left Bank of the Napa River.

Total computed area containing 0.644 acres feet more or less.

The Basis of Bearings for this description is as shown on the map entitled "Record of Survey City of Napa Control Network Phase 1 & 2" filed April 6, 2012 in Book 41 of Surveys at Pages 44 through 47 inclusive in the office of the Napa County Recorder. All distances are grid and in U.S. Survey Feet.

END OF DESCRIPTION





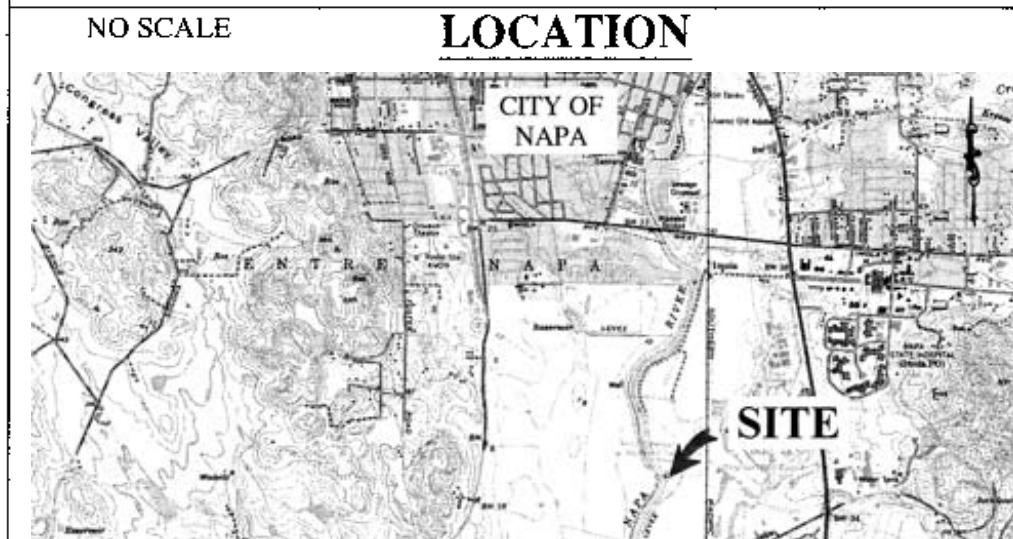
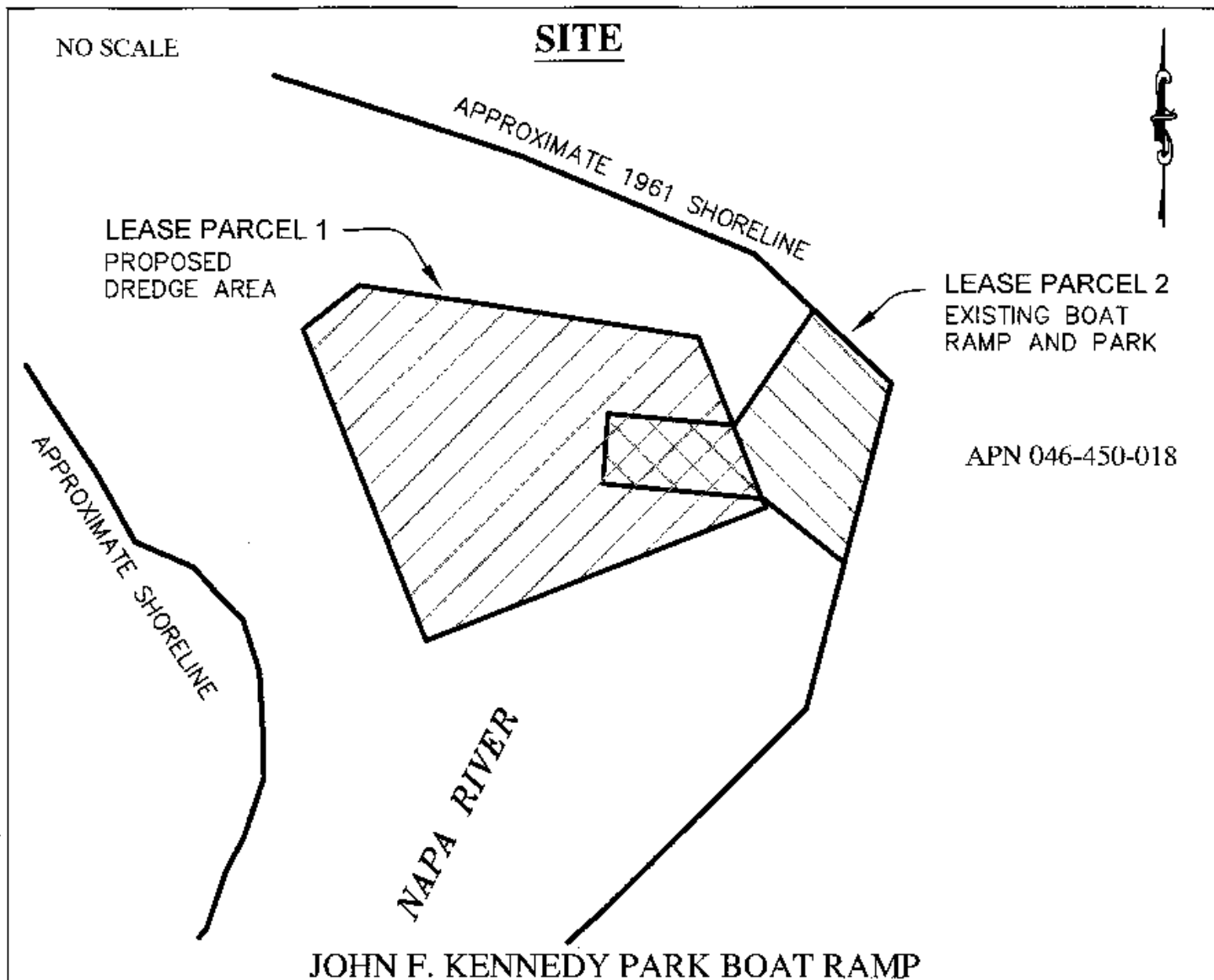
CALIFORNIA STATE
LANDS COMMISSION

LAND DESCRIPTION PLAT PRC
3745.9, CITY OF NAPA
NAPA COUNTY

07/18/2013

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This plat is for general reference purposes only;
see accompanying land description for controlling parcel boundary information



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 3745.9
CITY OF NAPA
APN 046-450-018
GENERAL LEASE -
PUBLIC AGENCY USE
NAPA COUNTY



DJP 07/16/13