

**CALENDAR ITEM
C36**

A 11

12/18/15

W 26841

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G. Asimakopoulos

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

Eileen S. Mortimore

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 105 Edgewater Drive, city of Rio Vista, Solano County.

AUTHORIZED USE:

Use and maintenance of an existing wood deck, uncovered floating boat dock, gangway, three steel pilings, one unattached wood piling, and bank protection consisting of bulkhead, riprap, and eight wood pilings not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 18, 2015.

CONSIDERATION:

Wood Deck, Uncovered Floating Boat Dock, Gangway, Three Steel Pilings, and One Unattached Wood Piling: \$275 per year, with an annual Consumer Price Index adjustment.

Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

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2. The existing facilities were never authorized but have existed at this location for many years, and were constructed prior to the Applicant's ownership of the upland. Staff recommends authorization of these facilities. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.
3. The public's right to use California's waterways for navigation, fishing, and water-borne commerce is protected by the common law Public Trust Doctrine. Historically, the Public Trust ensures the right of the public to use its waterways to engage in "commerce, navigation, and fisheries." More recently, the Doctrine has been broadened by various court decisions to include various forms of water recreation, visitor-serving facilities, and preservation of lands in their natural state in order to protect scenic and wildlife habitat values. The Public Trust, as a common law doctrine, is not static but is continuously evolving to protect the public's needs and values inherent in the use of California's waterways.
4. The proposed application seeks authorization for the continued use and maintenance of an existing deck, gangway, uncovered floating boat dock, pilings, and bank protection. The uncovered floating boat dock, pilings, and gangway are water-dependent facilities used for the docking of boats in order to aid in the navigation of the Sacramento River and other navigable waterways in the greater region. These particular facilities promote and accommodate recognized Public Trust needs and values consistent with Public Trust Doctrine. The deck has existed in the Sacramento River for many years and has a relatively small footprint. As such, the deck does not substantially interfere with the needs and values of the Public Trust Doctrine at this location and for the foreseeable future, as defined by the term of the proposed non-exclusive lease.
5. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
6. 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 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.

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7. 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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 Eileen S. Mortimore beginning December 18, 2015, for a term of 10 years, for the use and maintenance of an existing wood deck, uncovered floating boat dock, gangway, three steel pilings, one unattached wood piling, and bank protection consisting of bulkhead, riprap, and eight wood pilings not previously authorized by the Commission, 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 existing wood deck, uncovered floating boat dock, gangway, three steel pilings, and one unattached wood piling: \$275 per year with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26841

LAND DESCRIPTION

Two (2) parcels of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Lot 37 in Rancho Los Ulpinos, Solano County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying a wooden deck, gangway, uncovered floating boat dock, three steel pilings, lying adjacent to that parcel as described in Exhibit “A” of that Grant Deed recorded May 4, 2004, in Document Number 200400058855 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the right bank of the Sacramento River.

PARCEL 2 – UNATTACHED PILING

One (1) unattached piling lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared November 20, 2015 by the California State Lands Commission Boundary Unit.





Sacramento River →

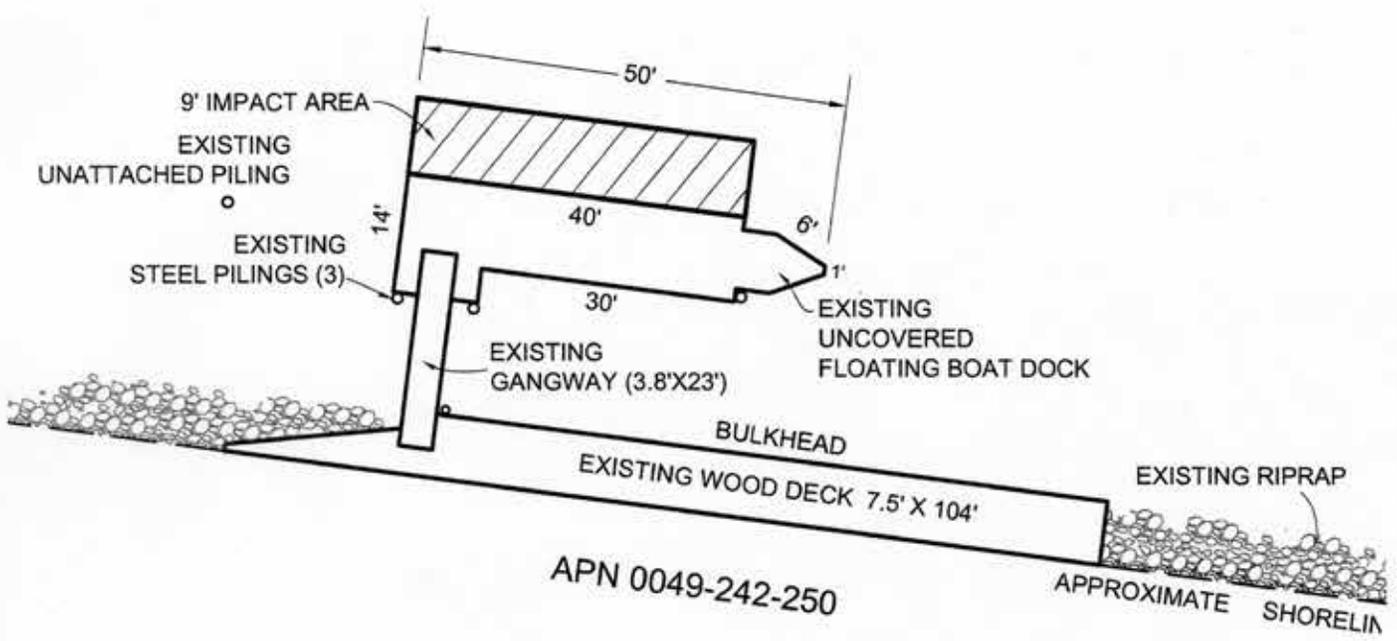


EXHIBIT A

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LAND DESCRIPTION PLAT
W 26841, MORTIMORE
SOLANO COUNTY

CALIFORNIA STATE
LANDS COMMISSION

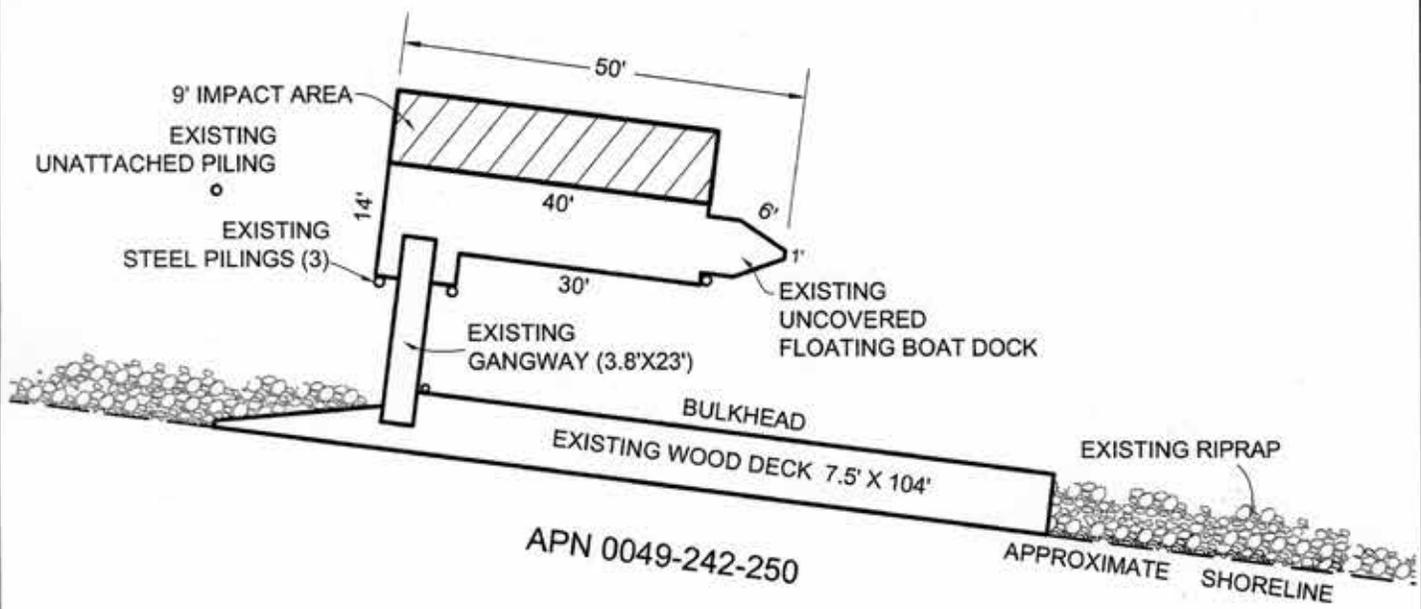


NO SCALE

SITE



Sacramento River →



105 EDGEWATER DRIVE, NEAR RIO VISTA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26841
 MORTIMORE
 APN 0049-242-250
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SOLANO 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.

MJJ 11/20/2015