

**CALENDAR ITEM
C17**

A 4
S 3

04/05/16
W 26940
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Michael U. Mangunlay and Tracy L. Mangunlay

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 53303 County Road 142, near Clarksburg, Yolo County.

AUTHORIZED USE:

Construction, use and maintenance of an uncovered floating boat dock, gangway, and two steel pilings.

LEASE TERM:

10 years, beginning April 5, 2016.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

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

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

The proposed subject facilities are for the docking and mooring of boats. Recreational boating is a water-dependent use that is generally consistent with the common law public trust doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code § 6503.5). The proposed subject

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facilities will be privately owned and maintained. The adjacent upland parcel is privately owned and developed with a residence.

The Applicant proposes to construct an uncovered floating boat dock and appurtenant facilities. The lease includes certain provisions protecting the public use of the proposed lease area, including a lease term limited to 10 years, a non-exclusive use provision, and a reservation to the people of the State of an easement for access to and across the lease area. The proposed lease will allow the public to navigate next to the subject facilities.

The proposed subject facilities will not significantly alter the land, the lease does not alienate the State's fee simple interest, and does not permanently impairs public rights. Upon termination of the lease, the Lessee may be required to remove all improvements and restore the lease premises to their original conditions. Based on the foregoing, Commission staff believes that the subject facilities will not substantially interfere with public trust needs at this location, at this time, and for the foreseeable term of the proposed lease.

The proposed lease requires the Lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law public trust doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The dock and gangway are manufactured off site and will be moved to the site with a barge. The two steel pilings will be installed with a barge mounted pile driver. The in-water work will take place between August 1, 2016, and November 30, 2016. The Applicant has submitted applications to other permitting agencies and is now applying for a General Lease – Recreational Use. Staff recommends authorization of these facilities.
3. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.

CALENDAR ITEM NO. **C17** (CONT'D)

4. 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).

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

5. 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 REQUIRED:

California Regional Water Quality Control Board
U.S. Army Corps of Engineers
California Department of Fish and Wildlife
Reclamation District 999
Central Valley Flood Protection Board

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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the public trust needs and values at this location, is consistent with the common law public trust doctrine, and is in the best interests of the State.

CALENDAR ITEM NO. **C17** (CONT'D)

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 Use to Michael U. Mangunlay and Tracy L. Mangunlay beginning April 5, 2016, for a term of 10 years, for the construction, use and maintenance of an uncovered floating boat dock, gangway, and two steel pilings, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$125, with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

W 26940

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 851 patented May 2, 1868, Yolo County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying a proposed uncovered floating boat dock, two (2) pilings, gangway, and stairs lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded September 10, 2015, in Document Number 2015-0005109 in Official Records of said County.

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

Accompanying plat is hereby made part of this description.

This description is based on Applicant provided design plans by Mid-Cal Construction dated November 10, 2015, for a proposed uncovered floating boat 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 January 27, 2016 by the California State Lands Commission Boundary Unit.





Sacramento River

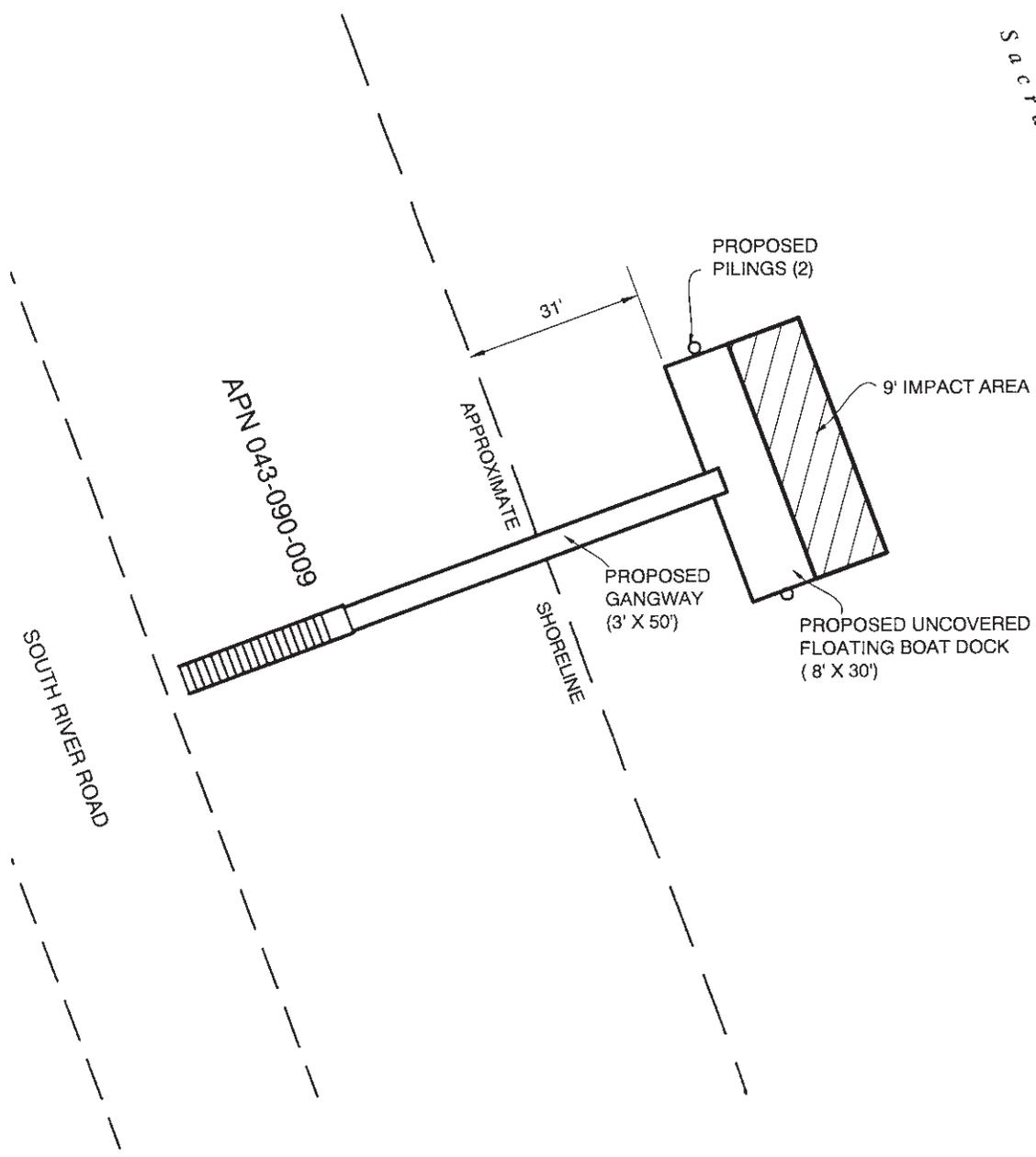


EXHIBIT A

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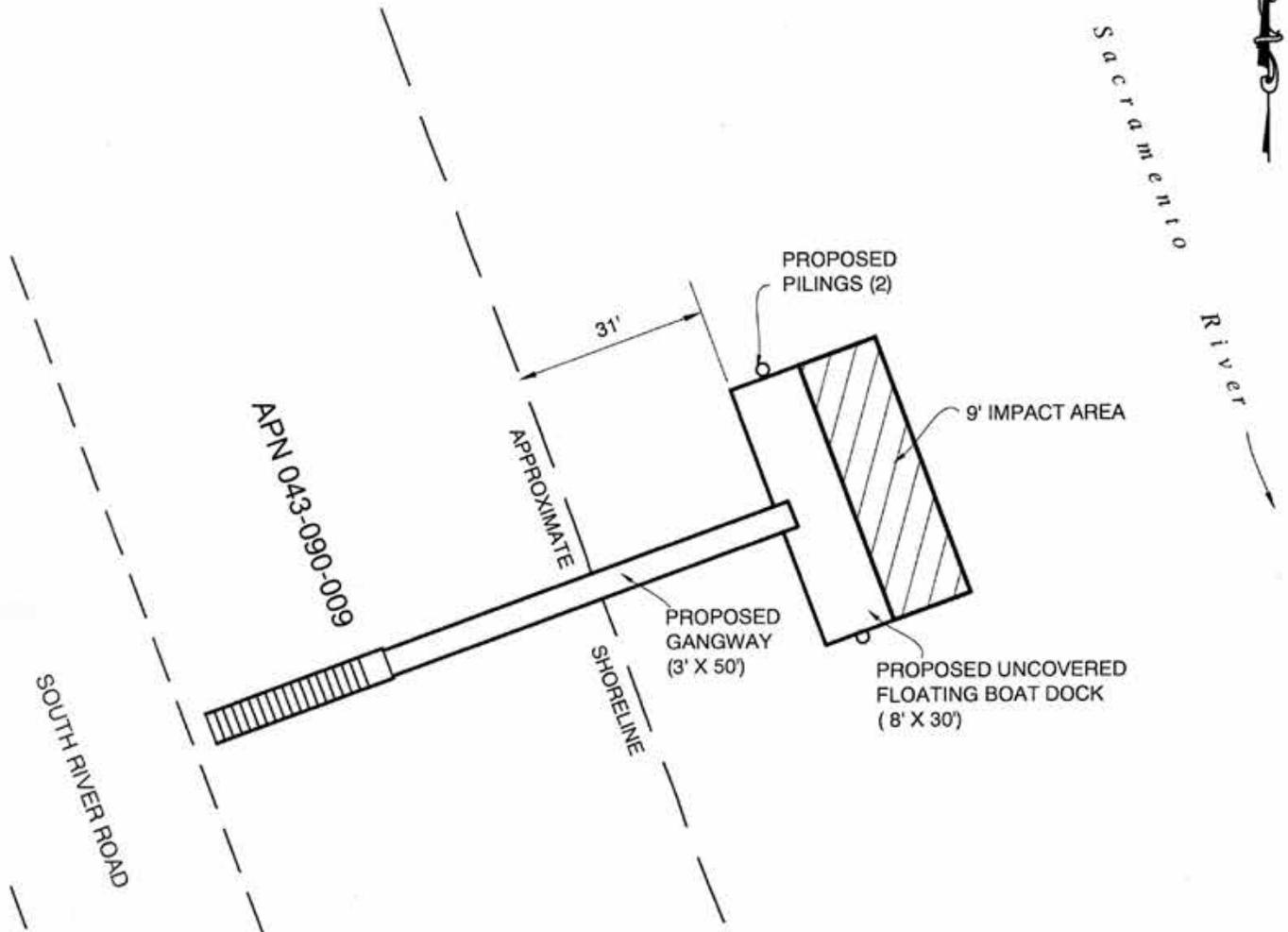
LAND DESCRIPTION PLAT
 W 26940, MANGUNLAY
 YOLO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

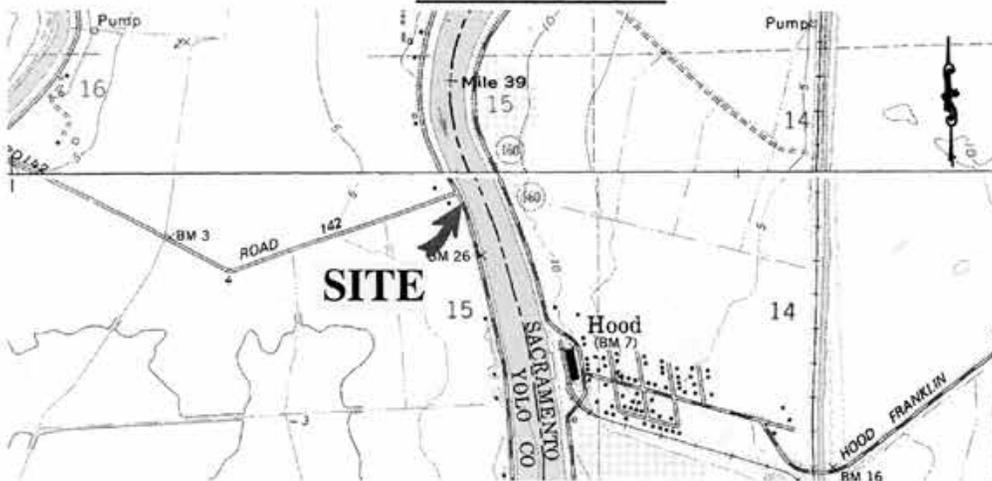
SITE



53303 COUNTY ROAD 142, NEAR CLARKSBURG

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26940
 MANGUNLAY
 APN 043-090-009
 GENERAL LEASE -
 RECREATIONAL USE
 YOLO 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 01/27/2016