

**CALENDAR ITEM
C34**

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S 2

06/28/16
PRC 8748.9
A. Franzoia

GENERAL LEASE – DREDGING

APPLICANT:

Marin Rowing Association

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Corte Madera Creek, adjacent to 50 Drakes Landing Road, Greenbrae, Marin County.

AUTHORIZED USE:

Maintenance dredge a maximum of 15,000 cubic yards of material to maintain navigable depth in and around a dock. Dredged material will be disposed of at U.S. Army Corps of Engineers approved disposal sites or at approved beneficial upland use sites. Dredged material may not be sold.

LEASE TERM:

11 years, 4 months, beginning May 1, 2016, and ending August 31, 2027.

CONSIDERATION:

No monetary consideration is proposed for the lease because: 1) the dredging will provide a public benefit by enhancing navigability; and 2) there is no commercial benefit from the project and the dredged material may not be sold, as specified in the lease.

STAFF ANALYSIS AND RECOMMENDATION:

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:

Maintenance dredging to maintain a navigable depth for recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private

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recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code, § 6503.5).

The proposed lease limits dredging to what is necessary and restricts the Lessee from using the dredged material for commercial purposes. Dredged material will be deposited at U.S. Army Corps of Engineers approved disposal sites or at approved beneficial upland use sites. The lease has a limited term of 11 years, 4 months, which allows the Commission to determine whether and how the public trust needs of the area change over time.

Maintenance dredging has occurred in and around the dock and appurtenant facilities for many years at this location, the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Based on the foregoing Commission staff believes that maintenance dredging will not substantially interfere with public trust needs at this location and time and, for the foreseeable term of the proposed lease.

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. The purpose of the maintenance dredging is to restore navigable depths in and around a dock and provide access to Corte Madera Creek.
2. Applicant has a leasehold interest in the adjoining upland, which will expire on July 29, 2028, and is beyond the term of the proposed lease.
3. On May 10, 2007, the Commission authorized Lease No. PRC 8748.9, a Dredging Lease, for maintenance dredging of a maximum of 12,500 cubic yards to improve navigation in and around the Applicant's dock and appurtenant facilities. That lease expired on April 30, 2016. The Applicant has submitted an application for a new General Lease – Dredging in order to maintain navigable depths around their dock and appurtenant facilities.
4. On May 10, 2007, the Commission authorized a General Lease - Recreational Use, Lease No. PRC 7129.1, to Marin Rowing Association for an existing dock, two three-pile dolphins, and gangway. The proposed dredging would occur around this dock. This lease expires August 31, 2017. The term of the proposed lease for PRC 8748.9 is based on the

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concurrent expiration of a prospective new 10-year lease for PRC 7129.1, should the Commission authorize it.

5. The proposed lease provides that a maximum of 15,000 cubic yards of material may be dredged over the lease term and is contingent upon applicant complying with applicable permits, recommendations, or limitations issued by federal, state, and local governments.
6. This action is consistent with Strategy 1.3 of the Commission's Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
7. The staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

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.

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 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

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PUBLIC TRUST AND STATE'S BEST INTEREST:

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

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 – Dredging to Marin Rowing Association beginning May 1, 2016, for a term of 11 years, 4 months to maintenance dredge a maximum of 15,000 cubic yards of material over the term of the lease from Corte Madera Creek, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; dredged material will be disposed of at U.S. Army Corps of Engineers approved disposal sites or for approved beneficial upland uses and may not be sold.

EXHIBIT A

PRC 8748.9

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Corte Madera Canal in the unincorporated area of Greenbrae, lying adjacent to filled and sold BTLC Lot 6 1/2, Section 15, T.1N., R.6W., MDM, Marin County, State of California and more particularly described as follows:

BEGINNING at a point on the North Corte Madera Canal Line which bears N 39° 09' 30" E 301.73 feet from the Sta. 111 shown on "Map of STATE SOVEREIGN LANDS in Corte Madera Creek vicinity of Wood Island" sheet 3 of 9, on file at the Sacramento Office of the State Lands Commission (CB-1292), thence continue along said canal line N 39° 09' 30" E 249.02 feet; thence leaving said line the following three (3) courses:

1. S 51° 43' 44" E 107.26 feet;
2. S 39° 09' 30" W 249.02 feet;
3. N 51° 43' 44" W 107.26 feet to the POINT OF BEGINNING.

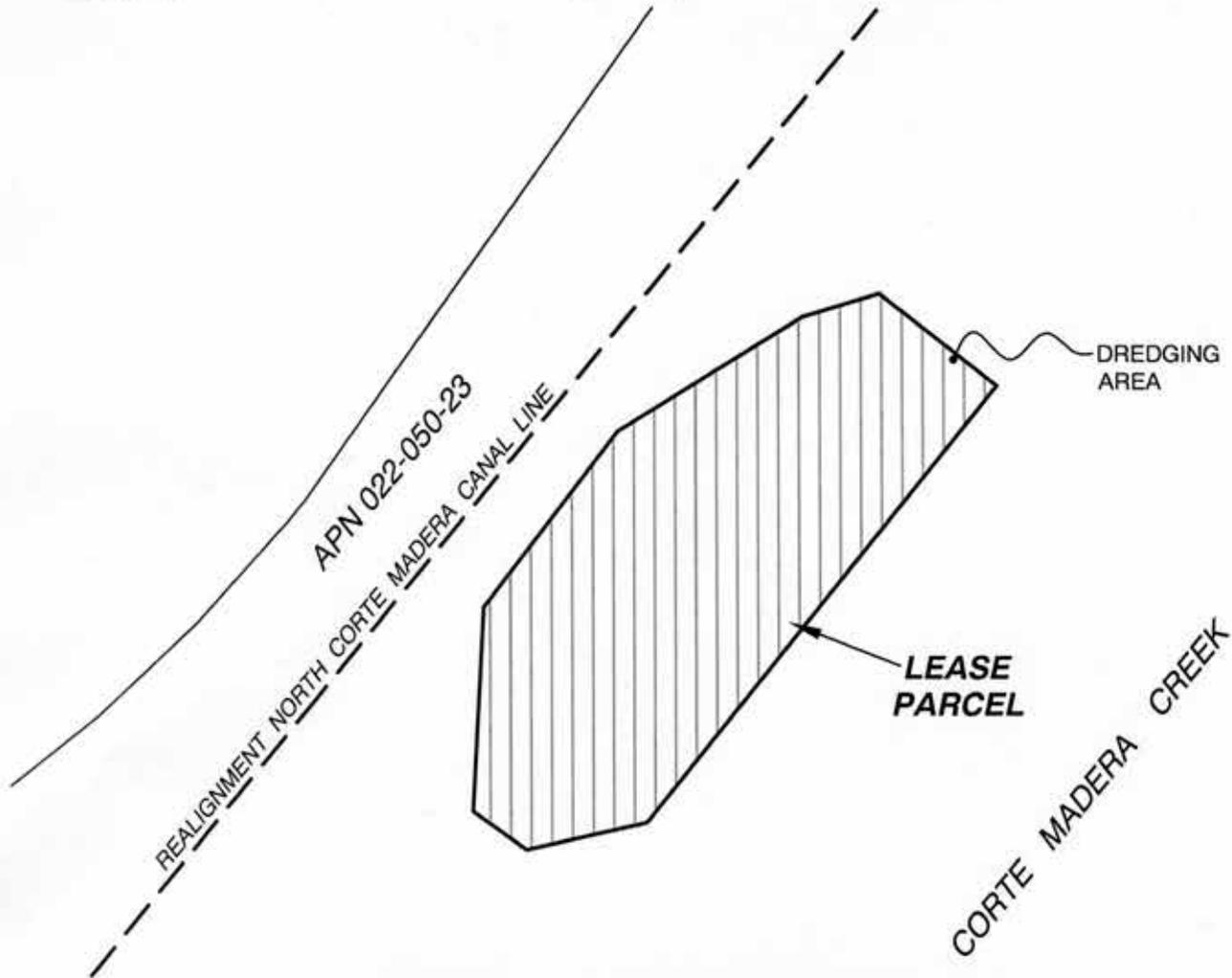
END OF DESCRIPTION

Prepared 04/21/16 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



50 DRAKES LANDING ROAD, GREENBRAE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8748.9
 MARIN ROWING
 ASSOCIATION
 APN 022-050-23
 GENERAL LEASE -
 DREDGING
 MARIN COUNTY



TS 04/21/16

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.