

**CALENDAR ITEM
C34**

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10/22/09
G 04-02
J. Frey
G.Kato

**CONSIDER APPROVAL OF A LEASE AMENDMENT BETWEEN THE CITY OF
EUREKA AND THE TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY
INVOLVING GRANTED SOVEREIGN LAND PURSUANT TO
CHAPTER 1086, STATUTES OF 1970**

The city of Eureka (City) has requested the California State Lands Commission (Commission) make a determination, as is required pursuant to Chapter 1086, Statutes of 1970, with respect to the lease amendment described below. Specifically, the City is requesting that (a) the Commission find that the lease amendment is in accordance with the terms of the legislative grant under which title to the land is held by the City and (b) that the lease amendment is in the best interest of the State.

DESCRIPTION OF LEASE:

Grantee/Lessor: City of Eureka
531 K Street
Eureka, CA 95501

Grantee's Lessee: Trustees of the California State University
Humboldt State University - Intercollegiate Athletics
Forbes Complex
Arcata, CA 95521

Location: Approximately one acre of granted sovereign lands located on First Street between F and I Street, city of Eureka as depicted on Exhibit A.

Land Use: Boating Instruction and Safety Center Dock

Lease Term: 49 years beginning February 10, 2003.

Rental: The consideration for the lease premises is \$49 for the entire term of the lease.

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PROPOSED LEASE AMENDMENT: The city of Eureka and the Trustees of the California State University, Humboldt State University (Humboldt State), have agreed to amend the existing Lease to authorize the construction and maintenance of a boat dock. Humboldt State will, at its own cost, undertake the construction of the boat dock, which will include; a gangway, boarding floats, removal of existing mooring dolphins, and demolition and removal of the existing wharf at K Street and J Street Dock. The consideration for the lease amendment is set at \$47 for the entire term of the lease.

All other terms of the existing lease will remain unchanged.

CONFORMANCE WITH GRANTING STATUTES:

- Chapter 82, Statutes of 1857
- Chapter 438, Statutes of 1915
- Chapter 187, Statutes of 1927
- Chapter 225, Statutes of 1945
- Chapter 106, Statutes of 1959
- Chapter 1085, Statutes of 1970
- Chapter 1086, Statutes of 1970
- Chapter 1001, Statutes of 1971
- Chapter 1252, Statutes of 1971
- Chapter 1095, Statutes of 1978

BEST INTEREST OF THE STATE:

In order for the Commission to determine whether the lease amendment is in the best interest of the State, pursuant to California Code of Regulations, Title 2, Section 2802, a lease must meet the following conditions:

- A. Consistent with current Commission policies, practices and procedures used for administering lands within the Commission jurisdiction;
- B. Economically viable, necessary and desirable;
- C. Appropriate for developmental mix;
- D. Conducive to public access;
- E. Consistent with environmental protection;
- F. Otherwise in the best interest of the state

The operation of the boating instruction and safety center will provide a program of boating and water safety instruction and other educational uses to students, faculty and staff of Humboldt State University and boating and water safety instruction to the general public, as well as, recreational opportunities. The dock will also be used as a mooring site for the California Department of Fish and Game patrol boat(s). These activities are consistent with current Commission

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policies and practices and meet the other requirements contained in the California Code of Regulations.

Commission staff has reviewed the proposed lease amendment and recommend that the Commission find that is in accordance with the terms of the legislative grant under which title to the land is held by the City and that the lease amendment is in the best interest of the State. Staff acknowledges that the rent for the term of the lease and amendment are nominal, but have determined that a Statewide public benefit that will be derived from the boat dock once it is constructed.

OTHER PERTINENT INFORMATION:

1. The lease area involves lands that have been legislatively granted to the city of Eureka pursuant to Chapter 1086, Statutes of 1970, and as amended. Section 3 of Chapter 1095, Statutes of 1978 requires the City to obtain the prior approval of the Commission for all leases in excess of one year. Under the statute, the Commission must act within 60 days of receiving all requested documents or the lease is deemed approved.
2. A Mitigated Negative Declaration SCH No. 2009022055 was prepared by the Humboldt State University Office of Facilities Management and adopted on June 2, 2009 for the construction of the boat dock. The California State Lands Commission's staff reviewed such document. A Mitigated Monitoring Program was adopted by the Humboldt State University Office of Facilities Management.
3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION
SCH No. 2009022055 AND A MITIGATION MONITORING PROGRAM
WERE PREPARED BY THE HUMBOLDT STATE UNIVERSITY, OFFICE OF

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FACILITIES MANAGEMENT, AND ADOPTED ON JUNE 2, 2009, FOR THE CONSTRUCTION OF THE BOAT DOCK AND THAT THE COMMISSION REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

MAKE THE FOLLOWING DETERMINATIONS, REQUIRED BY CHAPTER 1086, STATUTES OF 1970, AS APPLYING TO THE LEASE AMENDMENT BETWEEN THE CITY OF EUREKA AND TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY; ON FILE IN THE PRINCIPAL OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF:

- A) THAT SAID LEASE AMENDMENT IS IN ACCORDANCE WITH THE TERMS OF THE GRANT UNDER WHICH TITLE TO THE LANDS IN QUESTION ARE HELD BY THE CITY OF EUREKA;
- B) THAT SAID LEASE AMENDMENT IS IN THE BEST INTEREST OF THE STATE PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 2802:
 - a. CONSISTENT WITH CURRENT COMMISSION POLICIES, PRACTICES AND PROCEDURES FOR ADMINISTERING LANDS WITHIN THE COMMISSION JURISDICTION;
 - b. ECONOMICALLY VIABLE, NECESSARY AND DESIRABLE;
 - c. APPROPRIATE FOR DEVELOPMENTAL MIX;
 - d. CONDUCIVE TO PUBLIC ACCESS;
 - e. CONSISTENT WITH ENVIRONMENTAL PROTECTION;
 - f. OTHERWISE IN THE BEST INTEREST OF THE STATE.