

**CALENDAR ITEM
C05**

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S 4

04/05/16
W 20980
M.J. Columbus

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Levee District One of Sutter County
243 Second Street
Yuba City, CA 95991

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Feather River, adjacent to Second Street,
Assessor's Parcel Number 52-570-006, near Yuba City, Sutter County.

AUTHORIZED USE:

Continued use and maintenance of two existing uncovered floating boat docks,
ramp, and stabilizer bar not previously authorized by the Commission.

LEASE TERM:

20 years, beginning April 5, 2016.

CONSIDERATION:

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
interest.

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 California Legislature has identified, through Public Resources Code
section 6221, that public use made of sovereign land by any
instrumentality, district, agency or political subdivision of the state shall be
permitted consistent with other laws. In the present case, Levee District
One of Sutter County (Levee District) is a publicly owned levee district and

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the subject docks and appurtenant facilities are open to the public 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. As such, Commission staff believes this use of public land, by a public agency, for a public benefit is consistent with the common law public trust doctrine (Public Resources Code section 6221).

In the alternative, Commission staff believes that the use does not substantially interfere with the public's public trust needs and values because the subject structures and the adjacent upland parcel are publicly owned and maintained.

Furthermore, the lease is over a limited term, it requires the lessee to indemnify the state for any liability incurred as a result of the lessee's activities thereon, and upon termination of the lease, the Lessee may be required to remove any improvements and restore the lease premises to its original condition.

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. On August 23, 1979, the Commission authorized a General Lease – Commercial Use to William R. Baldner. That lease was not fully executed and expired on December 31, 2003. The docking facilities are now owned and maintained by the Levee District, which has owned the upland parcel since 1938. The Levee District is now applying for a General Lease – Recreational Use.
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.
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 1,

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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.

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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of the lease 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).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the public's 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.

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 – Public Agency Use to Levee District One of Sutter County, beginning April 5, 2016, for a term of 20

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years, for the continued use and maintenance of two existing uncovered floating boat docks, ramp, and stabilizer bar, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interest.

EXHIBIT A

W 20980

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Feather River lying adjacent to Lot 38 of New Helvetia Rancho, as shown on the Official Rancho Plat, approved August 9, 1873, County of Sutter, State of California, more particularly described as follows:

All those lands underlying an existing dock, ramp, stabilizing bar and two (2) poles lying adjacent to that lot described in that Indenture recorded December 21, 1938 in Book 114 Page 419 of said County.

TOGETHER WITH any applicable impact area(s).

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 1, 2016 by the California State Lands Commission Boundary Unit.





Feather River

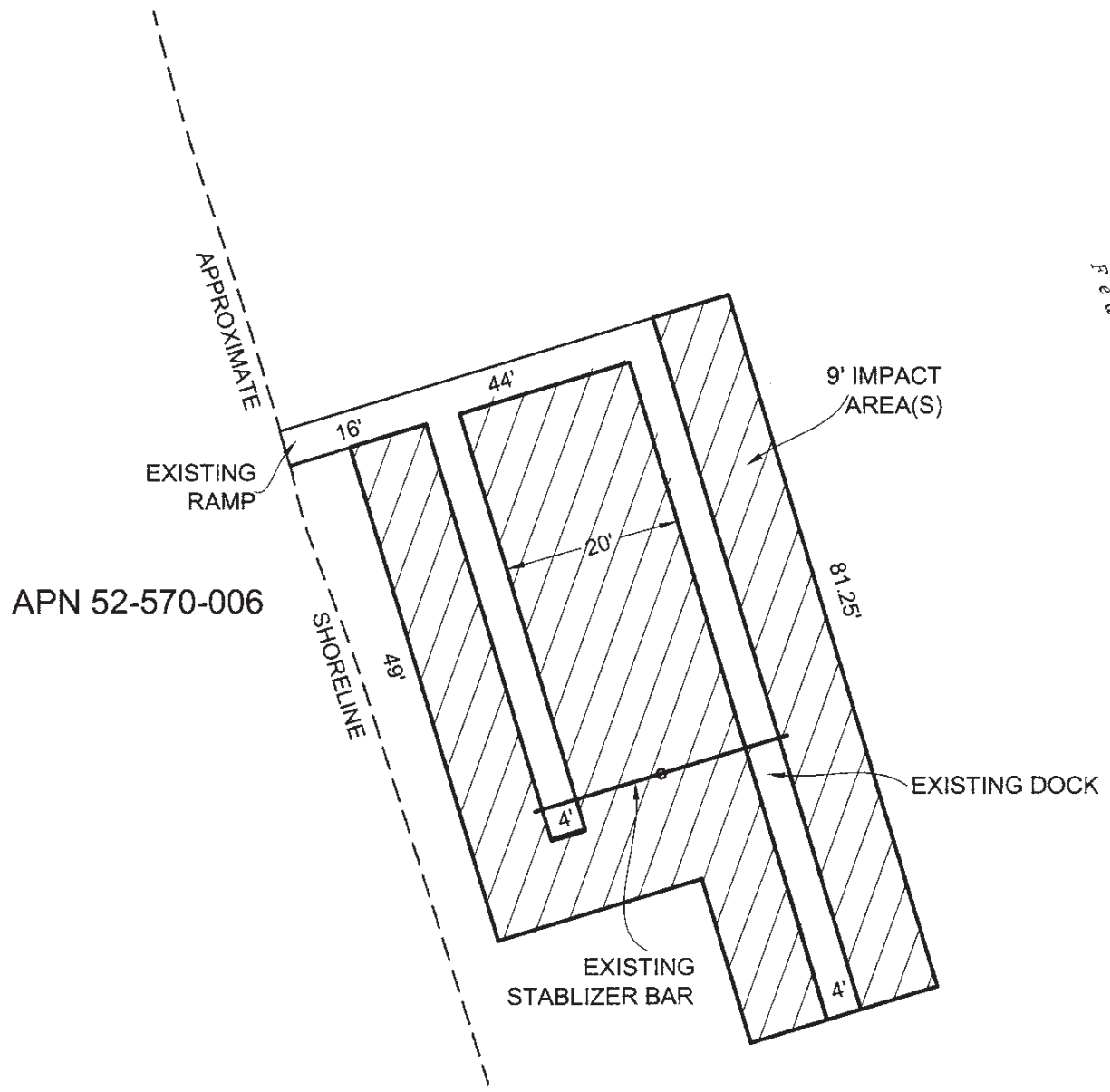


EXHIBIT A

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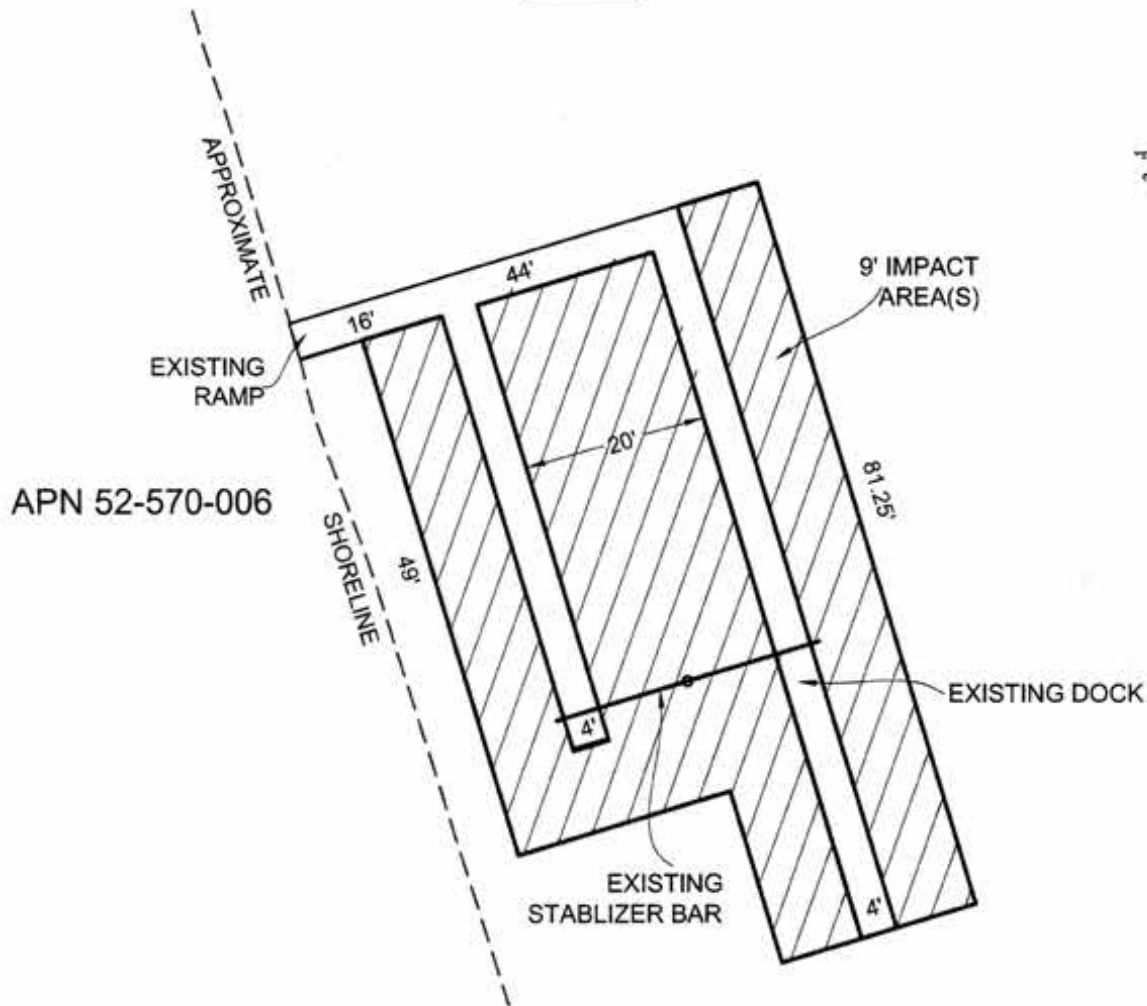
LAND DESCRIPTION PLAT
W 20980, LEVEE DISTRICT ONE
OF SUTTER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



SECOND STREET, YUBA CITY

NO SCALE

LOCATION



Exhibit B

W 20980

LEVEE DISTRICT NUMBER ONE

APN 52-570-006

GENERAL LEASE -
PUBLIC AGENCY USE
SUTTER COUNTY



MJJ 03/04/2016

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.