

**CALENDAR ITEM
C16**

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06/28/16
PRC 7010.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Chaser Nautical Foundation, Inc.

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Napa River, adjacent to 402 Riverside Drive, city of Napa, Napa County.

AUTHORIZED USE:

Continued use and maintenance of a 9-foot by 80-foot uncovered floating boat dock, six pilings, two gangways, and a platform previously authorized by the Commission, and use and maintenance of an existing 9-foot by 40-foot uncovered floating boat dock and a moveable service platform not previously authorized by the Commission.

LEASE TERM:

10 years, beginning April 15, 2016.

CONSIDERATION:

\$1,033 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:

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 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

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has identified private recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code, § 6503.5). The subject structures are privately owned and maintained.

The subject facilities have existed for many years at this location; the facilities do not significantly alter the land, the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years, and a non-exclusive use provision. Upon termination of the lease, the Lessee may be required to remove any improvements and restore the lease premises to their original condition. Based on the foregoing, Commission staff believes that the docks and appurtenant 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 has the right to use the upland adjoining the lease premises.
2. On June 26, 2006, the Commission authorized a General Lease – Recreational Use to Napa Sea Scouts for a 9-foot by 80-foot uncovered floating boat dock, two gangways, six pilings, and a platform. That lease expired on April 14, 2016. Since issuance of the prior lease, the name of the Lessee's business entity changed to Chaser Nautical Foundation, Inc. The Applicant is now applying for a General Lease – Recreational Use for a 9-foot by 80-foot uncovered floating boat dock with a 9-foot by 40-foot extension, two gangways, six pilings, a platform, and a moveable service platform. The 9-foot by 40-foot extension and service platform have existed for several years but were never authorized. The Applicant is in the process of obtaining after-the-fact permits from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and San Francisco Bay Regional Water Quality Control Board. Staff recommends including the additional facilities in the lease.

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3. The moveable service platform can be moved along the uncovered floating boat dock to service the Applicant's boat and is attached to the uncovered floating boat dock at all times.
4. 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.
5. 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).
6. Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
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.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Fish and Wildlife
San Francisco Bay Regional Water Quality Control 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

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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 interfere with the 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 – Recreational Use to Chaser Nautical Foundation, Inc., beginning April 15, 2016, for a term of 10 years, for the continued use and maintenance of an existing 9-foot by 80-foot uncovered floating boat dock, two gangways, six pilings, and platform previously authorized by the Commission, and use and maintenance of an existing 9-foot by 40-foot uncovered floating boat dock and a moveable service platform not previously authorized by the Commission, 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 \$1,033 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7010.1

LAND DESCRIPTION

A parcel of tide and submerged lands lying in the bed of Napa River, adjacent to those lands as shown on the "Plat of Part of Rancho Entre Napa" and approved on November 4th, 1881, situate in Napa County, State of California, more particularly described as follows:

Bounded on the southwest by the southeasterly prolongation of the centerline of Laurel Street as shown on that Record of Survey "Napa Abajo", Map No. 3121 and filed in Book 20 Page 100, Napa County Records;

Bounded on the southeast by a line parallel with and distant southeasterly, 360 feet, measured at right angles from the centerline of Cross Street as shown on said Record of Survey;

Bounded on the northeast by a line parallel with and distant northeasterly, 280 feet, measured at right angles, from the southeasterly prolongation of the centerline of Laurel Street as shown on said Record of Survey;

Bounded on the northwest by the Ordinary High Water Mark of the right bank of Napa River.

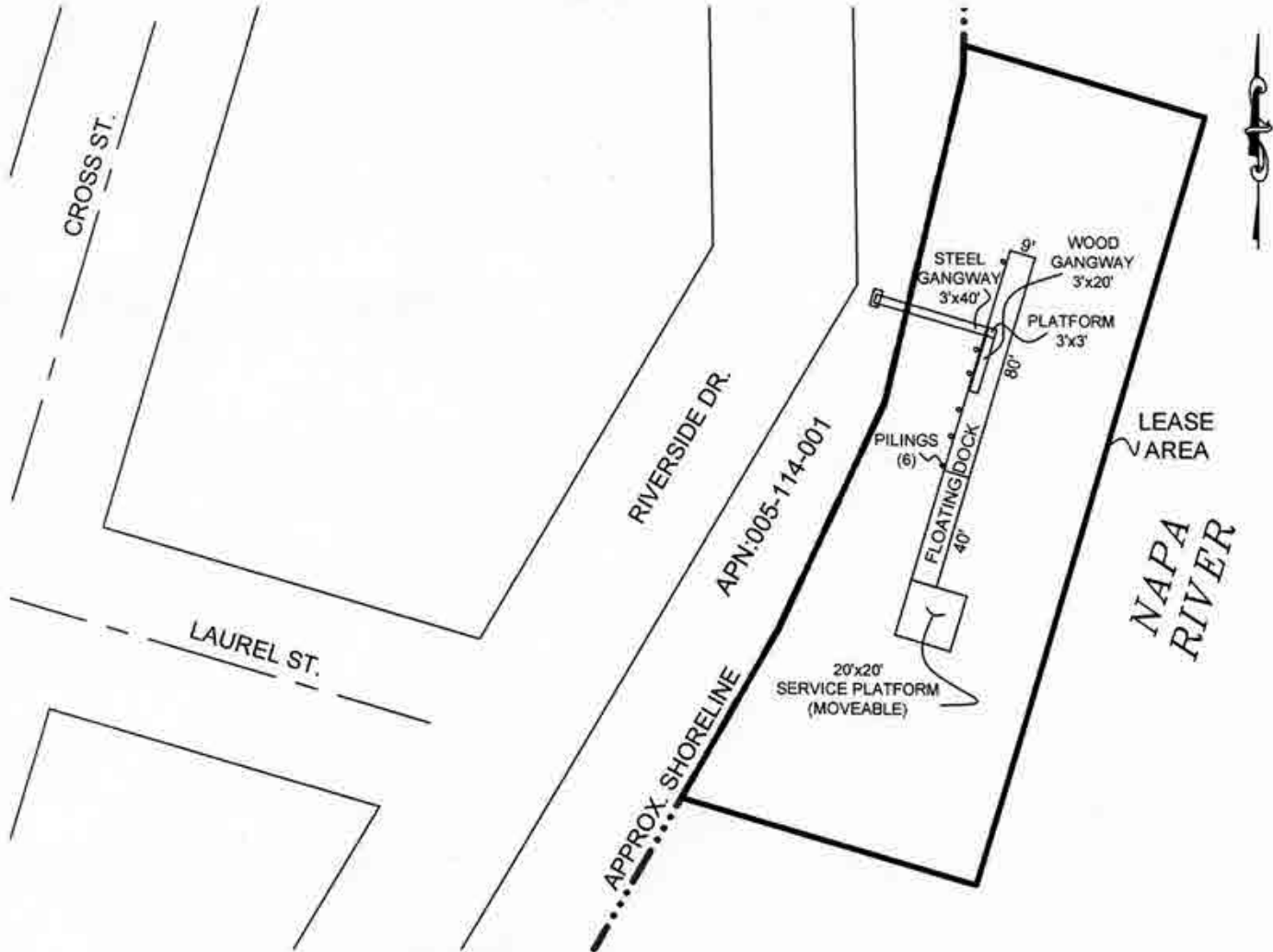
END OF DESCRIPTION

PREPARED 4/29/16 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



402 RIVERSIDE DRIVE, NAPA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7010.1

CHASER NAUTICAL
FOUNDATION, INC.

APN:005-114-001

GENERAL LEASE -
RECREATIONAL USE
NAPA 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.

MJP 6/09/16