

CALENDAR ITEM
C24

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MINUTE ITEM
This Calendar Item No. C24
was approved as Minute Item
No. 24 by the State Land
Commission by a vote of 3
to 0 at its 10/17/95
meeting.

TERMINATION OF GENERAL LEASE - COMMERCIAL USE P.R.C. 6108.1 AND
AUTHORIZATION OF NEW GENERAL LEASE - COMMERCIAL USE

APPLICANT/LESSEE:

Allan and Peggy Martin
dba, Martin's Sherman Lake Marina
5140 Sherman Island Road
Rio Vista, California 94571

10/17/95
WP 6108
PRC 1872.9
D. Jones
PRC 6108

AREA, TYPE LAND AND LOCATION:

A 3.063 acre parcel of tide and submerged lands in Mayberry Slough near Sherman Island, Sacramento County.

LAND USE:

A 42 berth commercial marina: Operation and maintenance of an existing 42 berth commercial marina, including a gas pump, a 100 foot wooden breakwater, parking on filled sovereign land, placement of one 125 foot vessel to be used for a floating restaurant, and construction of a 300 foot guest dock.

TERMS OF ORIGINAL LEASE:

Lease period:

20 years from April 1, 1981

Surety Bond:

\$5,000

Liability Insurance:

Combined single limit coverage of \$300,000

Consideration:

\$990 per annum

TERMS OF PROPOSED LEASE:

Lease period:

25 years from April 1, 1995

CALENDAR ITEM NO. C24 (CONT'D)

Surety Bond:
\$20,000

Liability Insurance:
Combined single limit coverage of \$1,000,000

CONSIDERATION:

\$1,620 minimum annual rental, or a percentage of gross income from operations on State land, whichever is greater, with the State reserving the right to fix a different rental on each anniversary of the lease; 1.5 cents per gallon for fuel sales up to 100,000 gallons and 2 cents per gallon for fuel sales over 100,000 gallons.

BASIS OF CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner and permittee of upland locations.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

Incomplete

OTHER PERTINENT INFORMATION:

1. A Negative Declaration was prepared and adopted for this project by the County of Sacramento. The State Lands Commission's staff has reviewed such document.
2. A 20-year General Lease - Commercial Use was issued to Vernon and Caroline M. Bradshaw, effective April 1, 1981. The lease authorized a 105' dock with three 16 foot slips, a 105 foot dock with five 20 foot slips, a 160 foot "L" shaped dock with two 20 foot and four 10 foot slips, a 40 foot dock, a 100 foot wooden breakwater and other appurtenant facilities. On March 24, 1983, the Commission authorized an Assignment of the lease to Allan and Peggy Lue Martin, effective March 24, 1983.

CALENDAR ITEM NO. C24 (CONT'D)

3. The Lessee has applied to expand the existing marina to include within the Lease premises, as authorized uses, the additional berths which Lessee previously installed which are not currently under lease; remove 11 existing berths and place a 125 foot vessel to be used for a floating restaurant, now known as the Island Queen (formerly the River Galley); and construct a 300 foot guest dock. The Lessee has also applied to construct parking improvements for travel trailers and parking for the restaurant on filled sovereign land which is under the Commission's jurisdiction, but leased to Reclamation District No. 341 (PRC 1872.9) for an earthenfill dam across Mayberry Slough. The District does not object to Lessee's placement of the parking on that parcel.
4. The upland owner for APN 158-0080-002 is River Islands Land Company. The Lessee has a lease with them, but it is only for a 14 month period, primarily because the Lessee has an option to purchase the property. The lease is contingent upon the Lessee at all times having a right of access for all purposes across the upland. It also provides that the Lessee shall provide the Commission with a copy of the deed, lease, license, easement or other entitlement to use said parcel for access and that if Lessee does not have such entitlement, then the Lessee shall immediately notify Lessor, after which the Commission may continue the lease or terminate it.

EXHIBITS:

- A. Site Map
- B. Location Map
- C. Lease Description
- D. Notice of Determination and Mitigation and Monitoring Plan

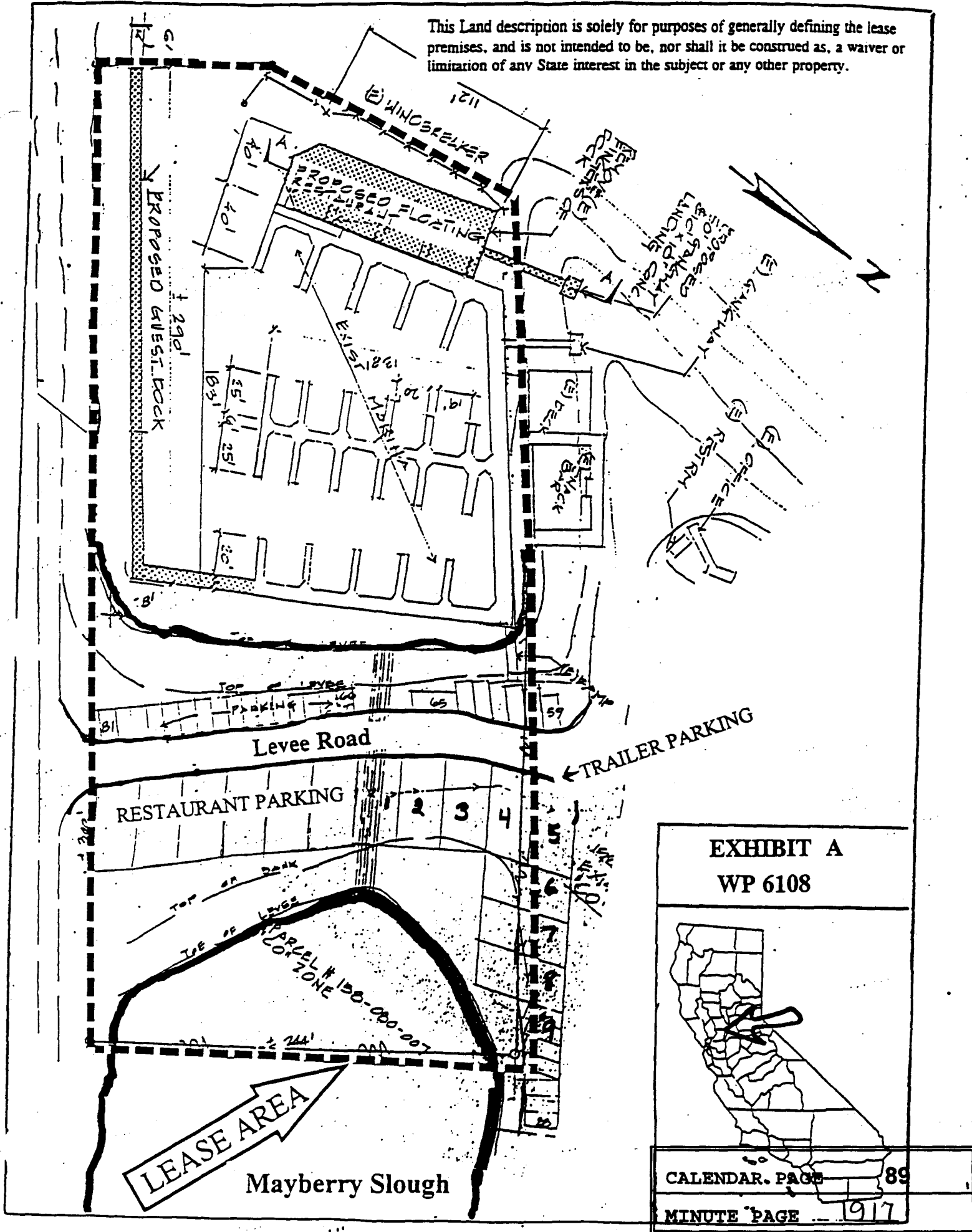
IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE TERMINATION OF GENERAL LEASE - COMMERCIAL USE, EFFECTIVE MARCH 31, 1995.
2. FIND THAT A NEGATIVE DECLARATION AND A MITIGATION MONITORING PLAN WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

CALENDAR ITEM NO. C24 (CONT'D)

4. AUTHORIZE ISSUANCE TO ALLAN AND PEGGY MARTIN OF A 25 YEAR GENERAL LEASE - COMMERCIAL USE, BEGINNING APRIL 1, 1995; IN CONSIDERATION OF A MINIMUM ANNUAL RENTAL OF \$1,620, OR A PERCENTAGE OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; PROVISION OF A SURETY BOND IN THE AMOUNT OF \$20,000; FOR A 42 BERTH COMMERCIAL MARINA CONSISTING OF A 137 FOOT DOCK WITH TEN 20 FOOT BERTHS, A 138 FOOT DOCK WITH EIGHTEEN 25 FOOT BERTHS AND THREE 20 FOOT BERTHS, A 131 FOOT DOCK WITH TEN 30 FOOT BERTHS, AND ONE 125 FOOT LONG VESSEL TO BE USED AS A FLOATING RESTAURANT, A GANGWAY FOR HANDICAPPED ACCESS, A GAS PUMP, A 300 FOOT GUEST DOCK, AND PARKING ON FILLED SOVEREIGN LAND CONSISTING OF NINE 9 FOOT X 19 FOOT STALLS FOR TRAVEL TRAILER PARKING AND GRAVEL PARKING FOR THE RESTAURANT; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

This Land description is solely for purposes of generally defining the lease premises, 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.



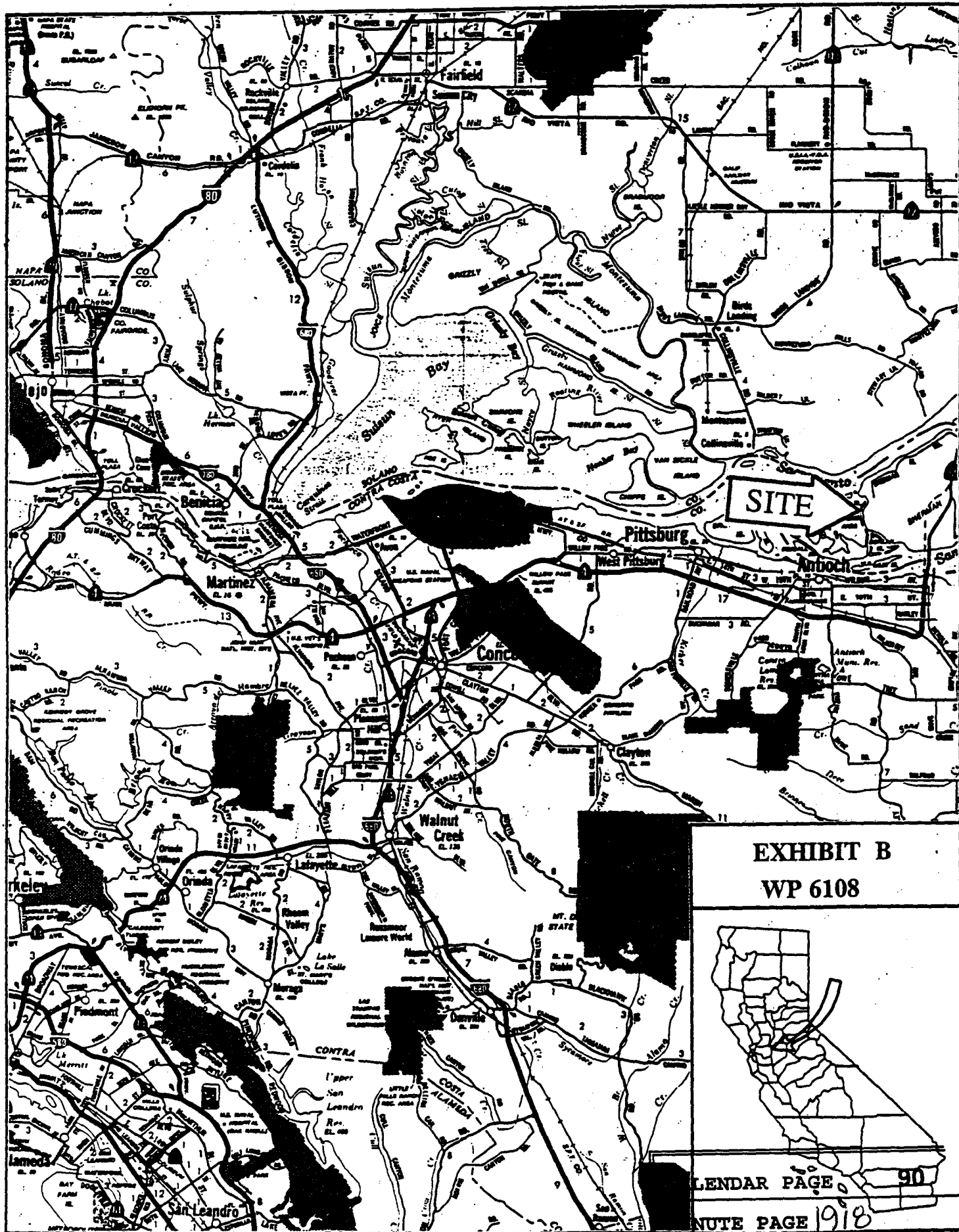


EXHIBIT B
WP 6108



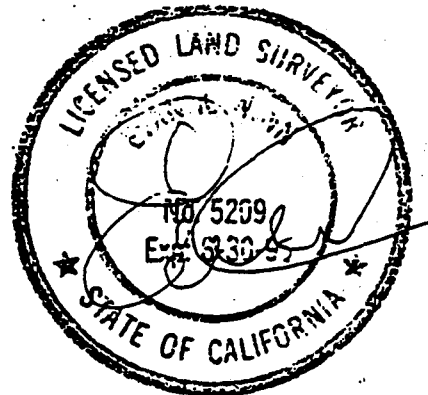
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THAT PORTION OF THE NORTHWEST 1/4 SECTION 5 AND THE SOUTHWEST 1/4 SECTION 6 TOWNSHIP 2 NORTH AND RANGE 2 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTHEAST CORNER OF SWAMP LAND SURVEY NO. 537, LOCATED IN SECTION 5, T.2 N., R.2 E. M.D.B. & M. BEARS NORTH 00° 53' 29" WEST 3427.50 FEET, NORTH 50° 01' 31" EAST 98.40 FEET, NORTH 55° 24' 31" EAST 255.60 FEET, NORTH 60° 02' 31" EAST 377.60 FEET, NORTH 60° 49' 31" EAST 414.00 FEET, NORTH 61° 13' 31" EAST 303.00 FEET, NORTH 64° 33' 31" EAST 588.40 FEET, THENCE NORTH 61° 53' 31" EAST, 935.00 FEET; SAID POINT OF BEGINNING ALSO BEING ON THE NORTH BANK OF MAYBERRY SLOUGH; THENCE FROM SAID POINT OF BEGINNING ALONG THE NORTH BANK OF MAYBERRY SLOUGH NORTH 51° 34' 31" EAST 145.29 FEET AND NORTH 53° 54' 31" EAST 164.90 FEET; THENCE LEAVING NORTH BANK OF SAID SLOUGH SOUTH 36° 05' 29" EAST 244.00 FEET; THENCE SOUTH 52° 49' 05" WEST 580.19 FEET; THENCE NORTH 38° 25' 29" WEST 58.71 FEET; THENCE NORTH 9° 16' 49" WEST 205.20 FEET TO THE NORTH BANK OF SAID SLOUGH; THENCE NORTH 51° 34' 31" EAST 180.00 FEET ALONG THE NORTH BANK OF SAID SLOUGH TO THE POINT OF BEGINNING, CONTAINING 3.063 ACRES.



This Land description is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or mitigation of any State interest in the subject or any other property.

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NOTICE OF DETERMINATION

TO: X State of California
Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA. 95814

FROM: County of Sacramento, Department of
Environmental Review and Assessment
827 Seventh Street, Room 220
Sacramento, CA 95814

TO: X County Clerk, County of Sacramento
600 8th Street, Room 101, Sacramento, CA 95814

SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OR 21152 OF THE
PUBLIC RESOURCES CODE

PROJECT TITLE: MARTIN SHERMAN LAKE MARINA USE PERMIT		CONTROL NUMBER(S): 93-UPP-0643
STATE CLEARINGHOUSE NUMBER (IF SUBMITTED):	CONTACT PERSON: Dennis E. Yeast	PHONE NUMBER: (916) 440-7914
PROJECT LOCATION: The project site is located on the westerly terminus of Sherman Island Road, on Sherman Island, in the Delta community.		
ASSESSOR'S PARCEL NUMBER(S): 158-0080-002, 007		
PROJECT DESCRIPTION: The project consists of: 1) An amendment to an existing Use Permit (Control Number: 86-CP-RZ-UP-VA-1686) to allow for the expansion of an existing marina to include permanent mooring and reconstruction of a floating restaurant (4,840 square feet foundation) and construction of a commercial dock (8 feet in width, 300 feet in length) on 2.5± acres in the DW and CO(F) zones; 2) A Special Review of Parking to allow deviation from the Zoning Code parking improvement standards for the construction of a gravel, rather than paved, parking lot surface.		

This is to advise that the County of Sacramento (X Lead Agency Responsible Agency) has
approved the above described project on September 26, 1979 and has made the following
determinations concerning the above described project:

1. The project [will X will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions
of CEQA.
X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X were were not] made a condition of the approval of the project.
4. A mitigation monitoring and reporting program [X was was not] adopted.
5. A statement of Overriding Considerations [was X was not] adopted for this project.
6. Findings [were X were not] made pursuant to the provisions of CEQA.
7. California State Department of Fish and Game Fees (AB 3158)
 - a. [] The project has been found to be de minimis thus not subject to the provisions of
AB 3158.
 - b. [X] The project is not de minimis and is, therefore, subject to the following fees:
 - X \$1,250 for review of a Negative Declaration
 - [] \$ 850 for review of an Environmental Impact Report
 - X \$ 25 for County Fish and Game program processing fees.

This is to certify that the environmental document and record of project approval is available
to the General Public at: 827 7th Street, Room 220, Sacramento, CA 95814.

DATE RECEIVED FOR FILING

Environmental Coordinator of
Sacramento County, State of
California

ENDORSED

SEP 29 1979

JOHN J. JERRY
County Clerk

BY: Dennis E. Yeast
Environmental Coordinator

Exhibit "D"

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WP 6108

AGREEMENT
TO
MITIGATION MONITORING AND REPORTING PROGRAM
FOR
MARTIN SHERMAN LAKE MARINA USE PERMIT

County Control Number(s): 93-UPP-0643

Assessor's Parcel Number(s): 158-0080-002, 007

Project Description: The project consists of 1) An amendment to an existing Use Permit (Control Number: 86-CP-RZ-UP-VA-1686) to allow for the expansion of an existing marina to include permanent mooring and reconstruction of a floating restaurant (4,840 square foot foundation) and construction of commercial dock (8 feet in width, 300 feet in length) on 2.5± acres in the DW and CO(F) zones; 2) A Special Review of Parking to allow deviation from the Zoning Code parking improvement standards for the construction of a gravel, rather than paved, parking lot surface.

Location: The project site is located on the westerly terminus of Sherman Island Road, on Sherman Island, in the Delta community.

Project Proponent: Al and Peggy Martin
5140 West Sherman Island Road
Rio Vista, CA 94571

Phone:

Type of Environmental Document:

☐ Environmental Impact Report
☒ Negative Declaration

☐ Prior Environmental Impact Report
☐ Prior Negative Declaration

Prepared by the Sacramento County Department
of Environmental Review and Assessment

Date: March 22, 1994

Mitigation Monitoring and Reporting Program
Adopted By:

Date: September 26, 1994

Attest: _____
Clerk

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PROJECT TITLE: MARTIN SHERMAN LAKE MARINA USE PERMIT

CONTROL NUMBER(S): 93-UPP-0643

SUMMARY

Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the Sacramento County Code, a Mitigation Monitoring and Reporting Program has been established for the project entitled "MARTIN SHERMAN LAKE MARINA USE PERMIT" (Control Number(s): 93-UPP-0643).

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

It shall be the responsibility of the project proponent to provide written notification to the Environmental Coordinator, in a timely manner, of the completion of each Mitigation Measure as identified on the following pages. The Department of Environmental Review and Assessment will verify, within ten (10) business days of notification, that the project is in compliance. Any non-compliance will be reported to the project proponent, and it shall be the project proponent's responsibility to rectify the situation by bringing the project into compliance and re-notifying the Environmental Coordinator. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project proponent in accordance with Chapter 20.02 of the Sacramento County Code.

It shall be the responsibility of the project proponent to reimburse the County for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program, including any necessary enforcement actions. The initial estimate of County monitoring costs for this project is \$850.00, which must be paid to the Department of Environmental Review and Assessment. If actual County monitoring costs are less than the initial estimate, the difference will be refunded to the proponent; and if the actual County monitoring costs exceed the initial estimate, a supplemental bill will be submitted to the proponent.

Pursuant to Sacramento County Code Section 20.02.060, upon the determination of the Environmental Coordinator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved, and that there has been full payment of all fees for the project, the Environmental Coordinator shall issue and the Clerk of the Board shall record a Program Completion Certificate for the project.

In order to record the adopted Mitigation Monitoring and Reporting Program with the County Recorder as required by Sacramento County Code Section 20.02.050(b)(2), the project proponent shall provide the Department of Environmental Review and Assessment a Legal Description for the real property that is the subject of the project.

The requirements of this adopted Program run with the real property that is the subject of the project, as described in Exhibit A. Successive owners, heirs and assigns of this real property are bound to comply with all of the requirements of the adopted Program.

Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application for the project, or his or her successor's in interest, shall provide a copy of the adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

Chapter 20.02 of the Sacramento County Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Sacramento County Code Section 20.02.090, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal penalties, which are found in Sacramento County Code Section 20.02.080, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

PROJECT TITLE: MARTIN SHERMAN LAKE MARINA USE PERMIT

CONTROL NUMBER(S): 93-UPP-0643

STANDARD PROVISIONS

1. Any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Public Works Department and/or the Planning Department for this project, as well as any/all revisions to those Plans which are subsequently submitted, shall be in full compliance with the adopted Mitigation Monitoring and Reporting Program (MMRP). The project proponent shall submit one copy of all such Plans and/or revisions to the Department of Environmental Review and Assessment no later than 24 hours after the approval is obtained. If the Department of Environmental Review and Assessment determines that the approved Plans are not in full compliance with the adopted MMRP, the Plans shall be returned to the project proponent with a letter specifying the items of non-compliance, and instructing the proponent to revise the Plans, resubmit them to the approving Department, and then resubmit one copy of the approved revised Plans to the Department of Environmental Review and Assessment no later than 24 hours after the approval is obtained.

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PROJECT TITLE: MARTIN SHERMAN LAKE MARINA USE PERMIT

CONTROL NUMBER(S): 93-UPP-0643

Mitigation Measure:

- A. All in-water work shall be confined to the period of July 1 to September 30 to protect two Federally listed species, Winter-run chinook salmon and Delta Smelt.

Implementation and Notification (Action by Project Proponent):

1. Include the above measure as a Construction Note on any/all Improvement Plans and Building/Development Plans which are submitted to the Public Works Department and/or the Planning Department for this project, as well as any/all revisions to those Plans which are subsequently submitted.
2. Comply fully with item #1 in the Standard Provisions section of this Mitigation Monitoring and Reporting Program.
3. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to the start of in-water construction work, and no later than 24 hours after its completion.
4. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to any/all Final Inspection(s) by the Public Works Department.

Verification (Action by the Department of Environmental Review and Assessment):

1. Review the approved Plans pursuant to item #1 in the Standard Provisions section of this Mitigation Monitoring and Reporting Program.
2. Monitor compliance during periodic site inspections of the in-water construction work.

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PROJECT TITLE: MARTIN SHERMAN LAKE MARINA USE PERMIT

CONTROL NUMBER(S): 93-UPP-0643

Comments:

Completion of Mitigation Verified:

Department of Environmental Review and Assessment

Signature: _____

Date: _____

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PROJECT TITLE: MARTIN SHERMAN LAKE MARINA USE PERMIT

CONTROL NUMBER(S): 93-UPP-0643

Mitigation Measure:

B. The oak tree located on the project site shall be protected and preserved using the following measures:

1. A circle with a radius measurement from the trunk of the oak tree to the tip of its longest limb shall constitute the dripline protection area of the tree, and must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of the tree. Removing limbs which make up the dripline does not change the protected area.
2. Chain link fencing or a similar protective barrier shall be installed one foot outside the dripline of the oak tree, prior to initiating project construction, in order to avoid damage to the tree and its root systems.
3. If the oak tree requires pruning, it shall be pruned prior to grading the site. If the oak tree requires major pruning, (branches larger than 2 inches in diameter), it shall be pruned by a certified arborist or other professional tree expert.
4. No signs, ropes, cables (other than those which may be installed by a certified arborist or other professional tree expert to provide limb support) or any other item shall be attached to the oak tree.
5. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the dripline of the oak tree.
6. No grading (grade cuts or fills) shall be allowed within the dripline of the oak tree.
7. No trenching shall be allowed within the dripline of the oak tree. If it is absolutely necessary to install underground utilities within the dripline of the oak tree, the utility line shall be either bored or drilled under the supervision of a certified arborist or other professional tree expert.
8. The construction of impervious surfaces within the dripline of the oak tree shall be stringently minimized. When it is absolutely necessary, porous materials shall be used and a piped aeration system shall be installed under the supervision of a certified arborist or other professional tree expert.
9. Landscaping beneath the oak tree may include non-plant materials such as boulders, cobbles, wood chips, etc. The only plant species which shall be planted within the dripline of the oak tree are those which are tolerant of the natural semi-arid environs of the trees. A list of such drought-tolerant plant species is included as Attachment 6 of the Initial Study. Limited drip irrigation approximately twice per summer is recommended for the understory plants.

PROJECT TITLE: MARTIN SHERMAN LAKE MARINA USE PERMIT

CONTROL NUMBER(S): 93-UPP-0643

10. No sprinkler or irrigation system shall be installed in such a manner that it irrigates within the dripline of the oak tree.

Implementation and Notification (Action by Project Proponent):

1. Include above measures B.1 through B.9 verbatim as Construction Notes on any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Public Works Department and/or the Planning Department for this project, as well as any/all revisions to those Plans which are subsequently submitted. Also include above measures B.9 and B.10 as Construction Notes on any/all Building/Development Plans and any/all revisions to those Plans.
2. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to the start of each phase of construction work (including clearing and grubbing), and no later than 24 hours after their completion.
3. Regarding above measures B.3, B.7, and B.8, submit written evidence to the Department of Environmental Review and Assessment from a certified arborist or other professional tree expert which indicates that the work was properly completed as required. Provide the name, address and phone number of the certified arborist or other professional tree expert.
4. Comply fully with the above measures.
5. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to any/all Final Inspection(s) by the Public Works Department.

Verification (Action by the Department of Environmental Review and Assessment):

1. Review the approved Plans pursuant to item #1 in the Standard Provisions section of this Mitigation Monitoring and Reporting Program.
2. Review the written evidence which was submitted by the certified arborist or professional tree expert, and consult with him/her as necessary to determine compliance.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any/all Final Inspection(s) as necessary.

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PROJECT TITLE: MARTIN SHERMAN LAKE MARINA USE PERMIT

CONTROL NUMBER(S): 93-UPP-0643

Comments:

Completion of Mitigation Verified:

Department of Environmental Review and Assessment

Signature: _____

Date: _____

(93-0643MRP,,67)

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