

**CALENDAR ITEM
C30**

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02/07/17
PRC 6878.9
J. Holt

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

California Department of Parks and Recreation

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Stanislaus River, adjacent to Caswell Memorial State Park, 28000 S. Austin Road, near the city of Ripon, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of existing bank protection, as described in Exhibit A and shown on Exhibit B attached and by this reference made a part hereof.

LEASE TERM:

15 years, beginning April 22, 2015.

CONSIDERATION:

The 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 interests.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, and 6301; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

On December 16, 2002, the Commission authorized a 15-year General Lease – Public Agency Use to the California Department of Parks and Recreation, for bank protection along the Stanislaus River ([Calendar Item C14, December 16, 2002](#)). The Applicant's prior lease expired on April 21, 2015. The Applicant is now applying for a new lease.

CALENDAR ITEM NO. C30 CONT'D)

The proposed General Lease – Public Agency Use allows the Applicant to monitor and maintain the existing bank protection, protecting recreational facilities within and adjacent to Caswell Memorial State Park. The Park's recreational facilities provide for public access and recreation and are used for boating, camping, fishing, and other water-related activities.

Based on the information known to Commission staff at this time, the existing bank protection does not substantially interfere with the Public Trust needs and values at this location at this time and is not anticipated to do so for the foreseeable term of this lease. Furthermore, the lease term is limited to a term of 15 years, which allows the Commission to periodically review environmental conditions, as well as Public Trust needs.

For all the reasons above, Commission staff believe the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. 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; and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Commission staff recommends that the Commission find this activity 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).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

3. 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C30** CONT'D)

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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTEREST:

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 State's best interests.

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 California Department of Parks and Recreation, beginning April 22, 2015, for a term of 15 years, for the continued use and maintenance of existing bank protection, as described in Exhibit A and shown on Exhibit B for reference made a part hereof; consideration is the 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 interests.

EXHIBIT A

PRC 6878.9

LAND DESCRIPTION

A parcel of submerged land, situate in the bed of the Stanislaus River lying adjacent to Swamp and Overflowed Land Survey 459 patented February 26, 1873, County of San Joaquin, State of California and more particularly described as follows:

A strip of land bounded on the south by a line lying parallel with and 1700 feet northerly from the easterly prolongation of the northerly line of Parcel 1 as described in that Deed recorded August 18, 1952 in Book 1446, Page 278 of Official Records of the County of San Joaquin; bounded on the west by the low water mark of the right bank of the Stanislaus River; bounded on the north by the easterly prolongation of a line lying parallel with and 2200 feet northerly from said northerly line of said parcel; bounded on the east by a line running parallel with and 30 feet easterly of said low water mark.

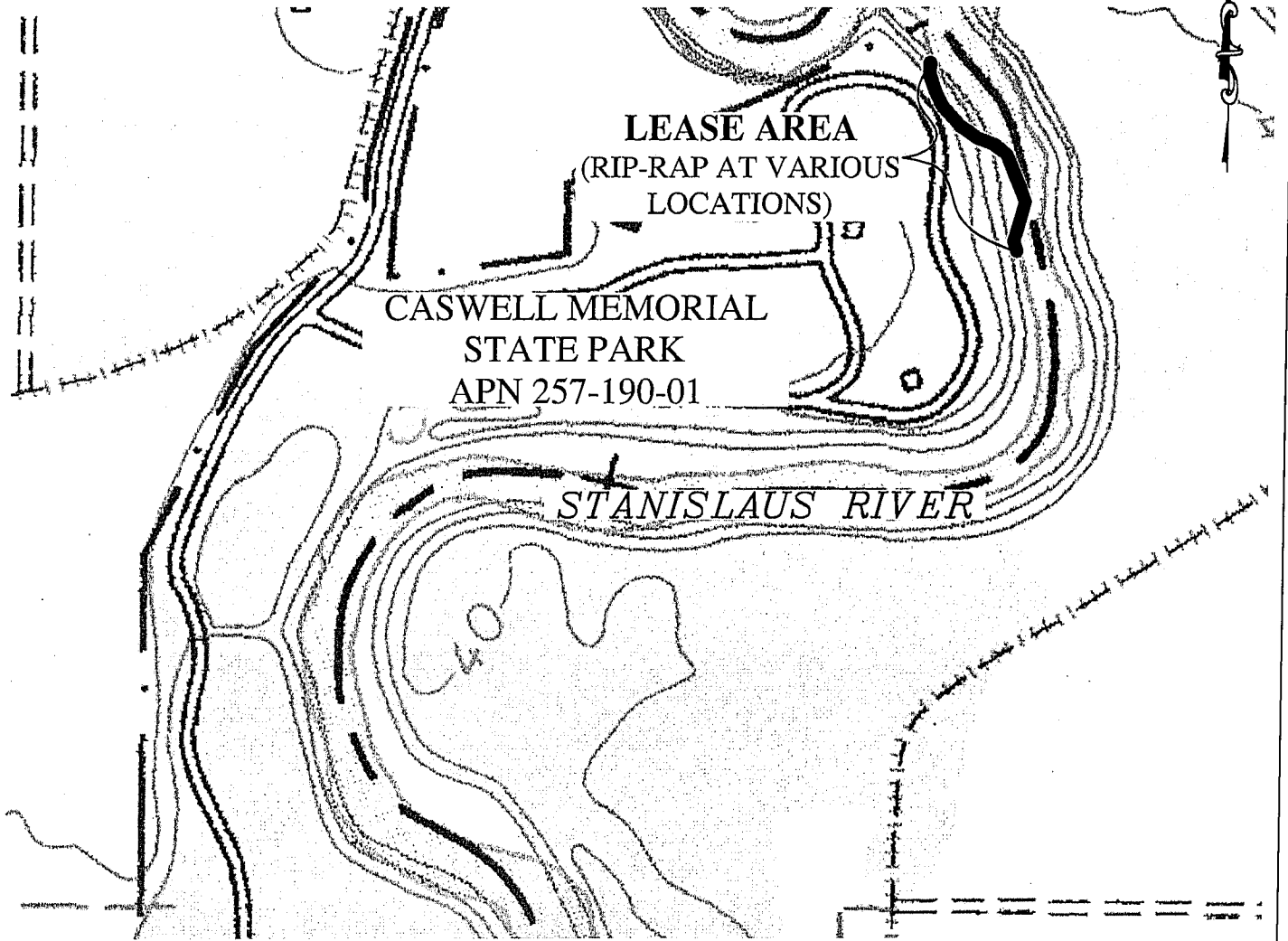
END OF DESCRIPTION

PREPARED 11/07/16 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



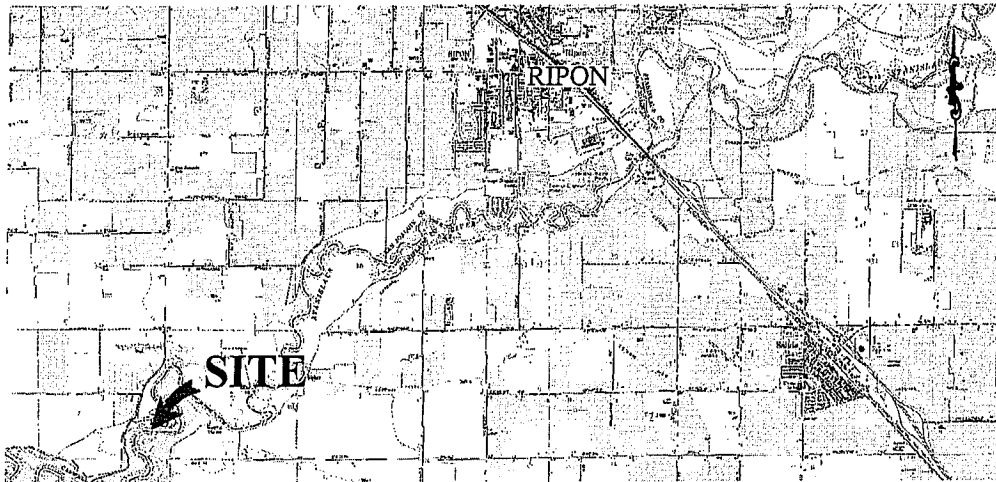
CASWELL MEMORIAL
STATE PARK
APN 257-190-01

STANISLAUS RIVER

CASWELL MEMORIAL STATE PARK, NEAR RIPON

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 6878.9
DEPARTMENT OF PARKS
AND RECREATION
APN 257-190-01
GENERAL LEASE - PUBLIC
AGENCY USE
SAN JOAQUIN COUNTY



MIJ 1/25/17