

MINUTE ITEM
This Calendar Item No. C1
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 2
to 0 at its 12/12/1989
meeting.

CALENDAR ITEM

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12/12/89
W 24312 PRC 7357
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GENERAL PERMIT - PROTECTIVE STRUCTURE USE
AND RECREATIONAL USE

APPLICANT: Donald E. Wharton and Donyne C. Wharton
914 Shore Breeze Drive
Sacramento, California 95831

AREA, TYPE LAND AND LOCATION:
Two parcels, 0.03 acre and 0.09 acre,
respectively, of tide and submerged land in the
Sacramento River, Sacramento County.

LAND USE: Protective Structure Use, 0.03 acre; and
Recreational Use, 0.09 acre, for a total of
0.12 acre.

TERMS OF PROPOSED PERMIT:
Initial period: Ten (10) years beginning
April 1, 1990.

Public liability insurance: Combined single
limit coverage of \$300,000.

CONSIDERATION: (a) \$403.50 per annum for the recreational
facilities; with the State reserving the right
to fix a different rental on each
fifth anniversary of the permit, and (b) the
public use and benefit; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest.

CALENDAR ITEM NO. C 7 1 (CONT'D)

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

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 2, Div. 3;
Title 14, Div. 6.

AB 884:

02/11/90.

OTHER PERTINENT INFORMATION:

1. The site of the proposed work is on the left bank of the Sacramento River (Mile 63.21) between 2399 and 2481 Garden Highway, Sacramento County Assessor's Parcel Number 274-0250-021.
2. The Applicant proposes the following activities: Construct a 100-foot by eight-foot (8-ft.) private dock; drive six steel piling and install a 50-foot metal gangway; place about 190 cubic yards of riprap below high water elevation along the 399 feet of bank.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Mitigated Negative Declaration identified as EIR ND No. 495, State Clearinghouse No. 89020063. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

CALENDAR ITEM NO. 11 (CONT'D)

Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b))

4. The mitigation measures specified in the proposed mitigated project, for which the Negative Declaration was completed, have been incorporated into the permit document.

APPROVALS OBTAINED:

State Reclamation Board, Department of Water Resources, United States Fish and Wildlife Service, United States Army Corps of Engineers, County of Sacramento, Department of Fish and Game, and Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

- A. Land Description.
- A-1 Site Map.
- B. Location Map.
- C. Proposed Mitigated Negative Declaration and Mitigation Procedures.
- D. Local Approval - County of Sacramento.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, MITIGATED ND No. 495, STATE CLEARINGHOUSE NO. 89020063, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS AMENDED AND PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

CALENDAR ITEM NO C 1 1 (CONT'D)

3. AUTHORIZE ISSUANCE TO DONALD E. WHARTON AND DONYNE C. WHARTON OF A TEN-YEAR GENERAL PERMIT - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING APRIL 1, 1990; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$403.50, AS TO THE RECREATIONAL FACILITIES, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT, AND; THE PUBLIC USE AND BENEFIT, AS TO THE BANK PROTECTION FACILITIES, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR THE USE AND MAINTENANCE OF A PIER, PILINGS, GANGWAY, AND RIPRAP ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24312

LAND DESCRIPTION

Two parcels of land in the bed of the Sacramento River, Sacramento County, California, situated adjacent to Lot 43 of Natomas Riverside Subdivision No. 2, recorded in Book 15 of Maps, map no. 41 Official Records of Sacramento County. Said parcels more particularly described as follows:

PARCEL 1 - PIER

That land lying immediately beneath a pier, TOGETHER WITH the necessary use area extended 10 feet beyond it's extremities, said pier being adjacent to and southwesterly of that land described in Grant Deed recorded in Book 89-03-1 Page 0899, Document No.043075, official records of Sacramento County.

PARCEL 2 - RIP-RAP EMBANKMENT

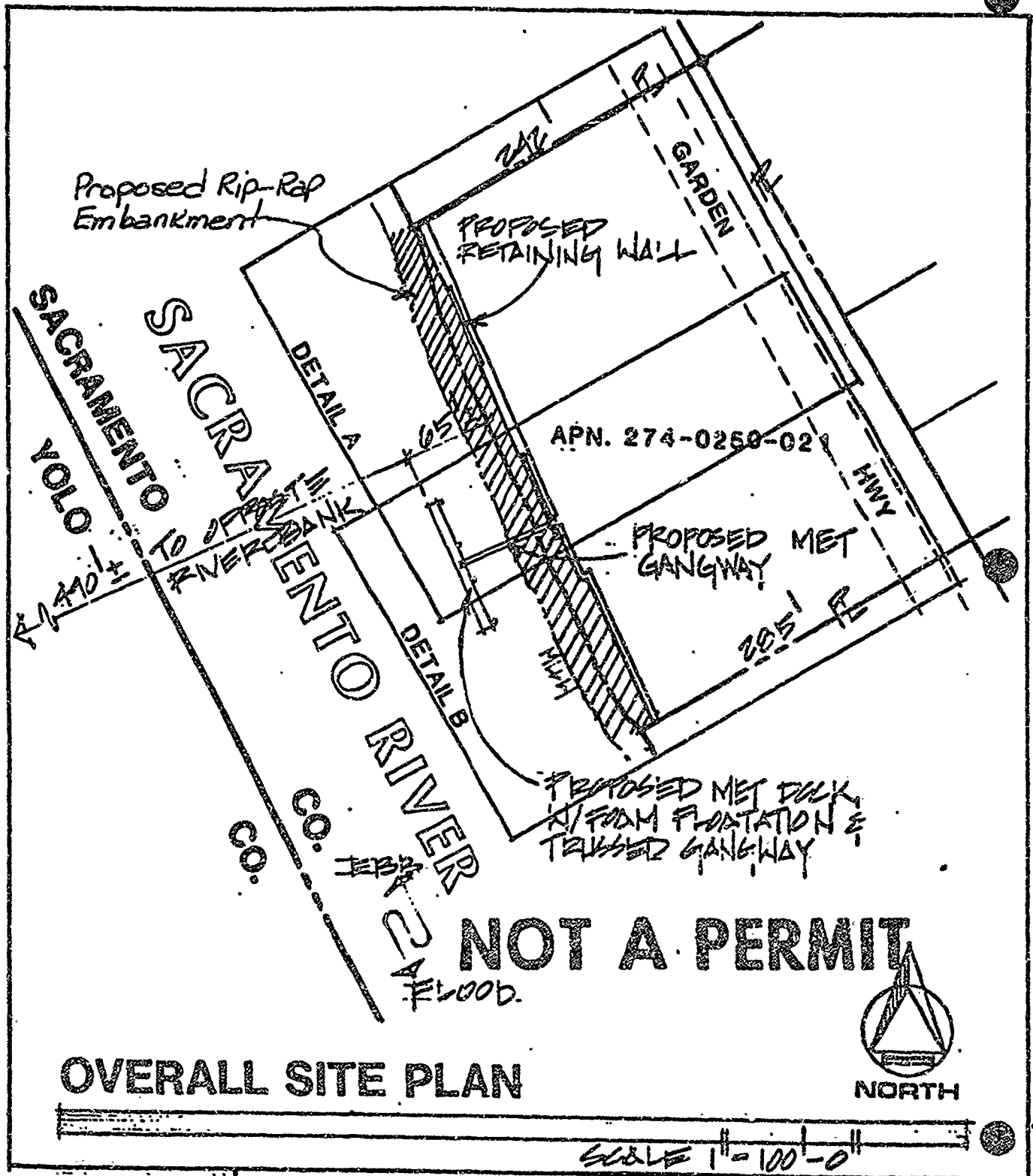
That land lying immediately beneath the rip-rap embankment, as shown on the U.S. Army Corps of Engineers Public Notice No. 10129, dated April 19, 1989, which is southwesterly of that land described in the above mentioned Grant Deed.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

PREPARED AUGUST 18, 1989 BY BIU 1

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NOT A PERMIT

OVERALL SITE PLAN

PREPARED AUGUST 22, 1989 BY BIU-1

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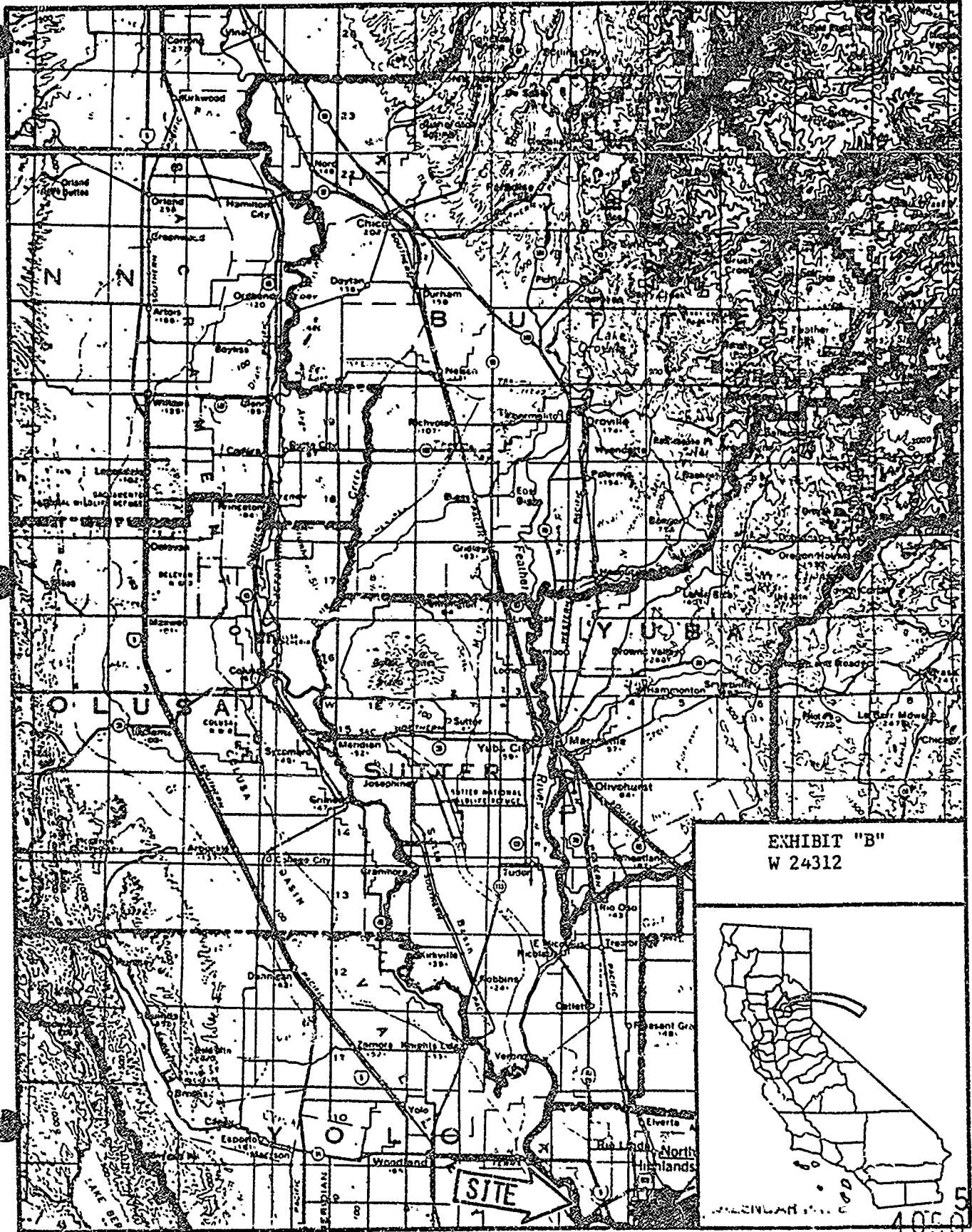


EXHIBIT "B"
W 24312



SITE

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STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
JESSE R. HUFF, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, California 958
CLAIRE T. DEDRICK
Executive Officer

PROPOSED NEGATIVE DECLARATION

EIR ND495

File Ref: W 24312

SCH#: 89020063

Project Title: Recreational Use Permit
Project Proponent: Donald E. and Donyne C. Wharton
Project Location: River Mile 63.21 of the Sacramento River,
between 2399 and 2481 Garden Highway.
Project Description: Install 399 feet of riprap and a 100 by
8 foot floating dock.

Contact Person: Goodyear K. Walker Telephone: 322-0530

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Administrative Code), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Administrative Code).

Based upon the attached Initial Study, it has been found that mitigation measures included in the project will avoid all significant effects.

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INITIAL STUDY FOR WHARTON PROPERTY

Donald E. Wharton and Donyne C. Wharton (owners) have applied to the State Lands Commission for a permit to construct a recreational dock and riprap the eroding bank of their lot on the Garden Highway. The project will involve submerged lands under the jurisdiction of the State Lands Commission.

PROJECT DESCRIPTION

The first part of this project calls for the installation of approximately 190 cubic yards of rock over 399 linear feet of bank to stabilize the bank. The rock will be emplaced from just below mean lower low water (MLLW) to elevation +25.0 feet (NGVD) at a maximum slope of 1.5 : 1.

The second part of the proposed project is the construction of a gangway and floating dock. The dock will be 100 by 8 feet, and will be secured to six steel pilings driven into the river bed. The floatation devices for the dock will contain styrofoam encased in high-density polyethylene shells. A 50 foot gangway will be installed to connect the top of the riverbank with the dock.

PROJECT LOCATION

The project is connected with a residential lot (Sacramento County Assessor's Parcel Number 274-250-021) located between 2399 and 2481 Garden Highway. It is on the left bank of the Sacramento River at river mile 63.21, just upstream from the Interstate 80 bridge.

ENVIRONMENTAL SETTING

On the Sacramento River immediately north of the City of Sacramento the left bank has an almost continuous string of individual residences, built over the last forty years. The right bank has the City of West Sacramento, the California Highway Patrol Academy, and the weir for the Sacramento Bypass. The homes along the left bank have well established vegetation, including mature trees of several varieties, and many have some degree of bank protection installed, usually riprap. The Sacramento Weir is directly opposite the proposed project, and has been extensively riprapped.

Air Quality

There will be a very temporary increase in vehicular traffic to the site during delivery of the riprap material and construction of the dock. The increase in normal traffic along the Garden Highway will be nominal, and it is anticipated that the air quality impacts will be insignificant.

Geology

The riverbank at the project site is actively eroding, with several recent slips being evident. The bank averages 25 feet above MLLW, and does not have enough vegetation to stabilize it at the present time. The emplacement of rock from just below MLLW to the top of the riverbank is intended to stabilize the current shoreline and prevent further erosion.

Water Quality

The actual emplacement of the riprap, and the driving of the dock pilings will disturb the water temporarily, increasing the turbidity slightly. The river's natural state, however, is one of very high turbidity, and this short-term effect is anticipated to be insignificant.

Cultural Resources

A records search did not bring out any known prehistoric or historic sites at the project location. No evidence of such sites was observed during a visit to the location in August of 1989. The placing of riprap and installation of the dock would not disturb any buried materials, and should protect such materials from further exposure by erosion.

Biological Resources

The subject property is a large residential lot off the Garden Highway, between the levee and the river. The lot has approximately 400 feet of river frontage, and is about 280 feet deep. It is mostly level, with the levee slope on the eastern edge and a steep bank on the western, river, edge. The lot is covered with second growth trees, with 6 inch to 10 inch diameter oaks predominating on the levee and the level part of the lot, and slightly larger cottonwoods on the river bank. There is some undergrowth, with bushy willows predominating, but the lot has been cleared several times in the past. The river bank is undergoing active erosion, and several minor landslip scars are in evidence.

During a site visit in August, 1989, there was no evidence of bank swallows or Swainson's hawks using the site.

Land Use / zoning

The lot is zoned for single family residences, and there are houses on similar lots on both the northern and southern borders of the property. Houses extend both up- and down-stream. Across the levee and Garden Highway from the property is farm land and the studios of KVIE. Opposite the property across the river is the Sacramento Weir, an overflow structure that allows excess water from the river to flow into the Yolo Bypass.

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PROJECT EFFECTS

The purpose of the riprapping is to stabilize the river bank, and to stop the active erosion that is now taking place. This will protect the lots to the north and south of this property, which have already been riprapped.

To install the rock nine small trees and several clumps of bushes will have to be removed from the bank. The trees involved are all cottonwoods (*Populus fremontii*) with trunk diameters of from three eighteen inches. The bushes all appear to be various willows, with none over 36 inches high.

In the river bed itself rock will take the place of fallen mud and sand. The bank drops steeply into the river at this point, and there are no bars or flats that would be effected.

MITIGATION

Attached to this study is a revegetation plan to be undertaken by the applicant after the riprap is installed. It calls for planting five different native species along the bank and on its crest and for a period of photographic documentation extending over two growing seasons.

OTHER PERMITS

The applicant has applied for and obtained permits from the Corps of Engineers, Reclamation Board, Reclamation District and the California Department of Fish and Game. These cover streambed alteration and work concerning the levees.

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Mitigation Planting - Riparian Vegetation

As mitigation for the loss of riparian and natural bank habitat at the project site, the bank is to be revegetated with woody cuttings of native riparian tree and shrub species according to the following specifications.

1. MATERIAL

The following native species are to be used:

- Cottonwood (Populus fremontii) *
- Black willow (Salix goodingii)
- Sandbar willow (Salix hindsiana)
- Red willow (Salix laevigata)
- Yellow willow (Salix lasiandra)

*If desired, applicant may plant male cuttings only.

Cuttings shall be made from healthy plants, taken from a locality as near to the site as possible. (Applicant must obtain any necessary permission to take cuttings, e.g. Department of Fish and Game Streambed Alteration Agreement)

Cuttings shall be taken when plants are dormant, i.e., after leaf fall and before spring bud break. Cut stems shall be no more than four days old when planted and shall be kept moist and covered until planted.

Cuts are to be made with clean sharp tools, with a slant cut at the butt end of the stem and a square cut at the tip end.

Length of the cuttings shall be not less than 4 feet or more than 5 feet. Diameter at the tip end shall be .5 to 1 inch and at the butt end shall be 1.5 to 2.5 inches.

2. AREAS TO BE PLANTED

- a. Top of the bank: above the top of the riprap, a single row of 10 cottonwood and 10 tree willow (Yellow and/or Red willow) cuttings is to be planted. Species mix and spacing between the cuttings should be irregular so as to mimic natural conditions.
- b. Face of the bank: the entire riprapped surface is to be planted with cottonwood and willow cuttings, placed in an approximate 10ft x 10ft spacing, starting with a row at the water's edge.

Cottonwood is to be no less than 30% and no more than 40% of the mixture, with the rest in willows as follows:

- Black willow and Sandbar willow is to be used in the lowermost two rows of plantings (i.e. at the water's edge and 10 feet up slope); and
- Tree willows, Yellow and/or Red willow, should be used in subsequent rows, up to the upper edge of the riprap.

Some randomness in species mix and spacing is desirable.

3. METHOD OF PLANTING

Plantings are to be done during time of plant dormancy. (This will vary year to year, but is approximately from mid-November to mid-March for cottonwood and willows.)

Cuttings shall be placed vertical to the slope, with the butt end down. Riprap rocks should be moved aside by hand as necessary, and a planting bar inserted into the bank to prepare a hole for the cuttings.

The cuttings should be placed in the prepared hole so as not to strip the bark. Rock which was removed may be replaced around the cutting after planting.

No less than .5 foot and no more than 1 foot of the cutting shall extend into the sunlight above the surface, whether soil or riprap.

4. MAINTENANCE

Cuttings which do not survive at least 2 growing seasons shall be replaced by replanting as specified above unless natural establishment by native riparian trees or shrubs has occurred in the vicinity of the cutting.

Any native riparian trees and shrubs which may reestablish naturally in the riprap shall not be disturbed.

5. PHOTO DOCUMENTATION

Photographs taken of the site as described below shall be provided to the staff of the State Lands Commission:

- Immediately before and after planting of the cuttings;
- At the end of the first growing season (August or September); and
- At the end of the second growing season.

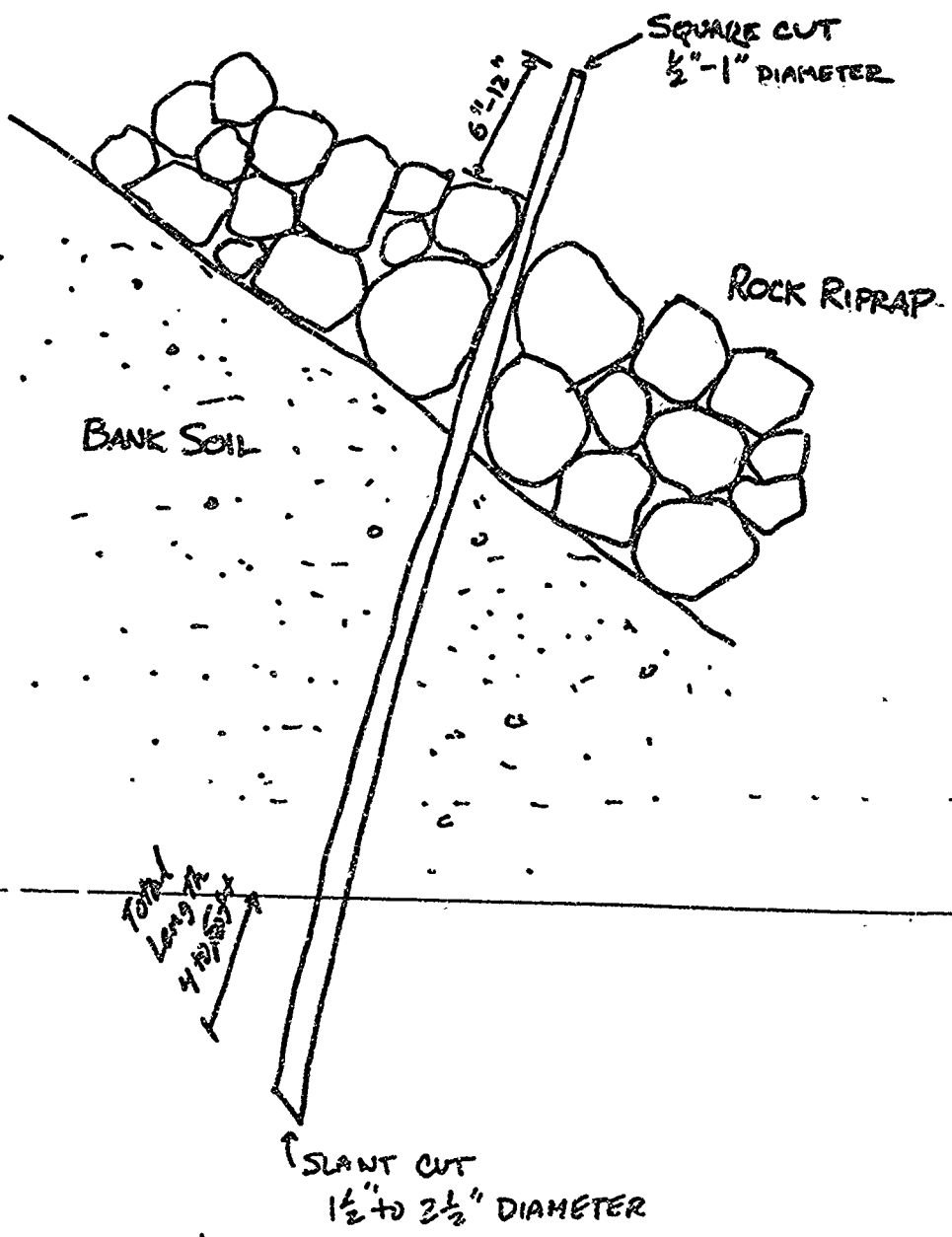
Photos shall clearly show the entire riprapped surface. Each photo or series of photos shall be taken from the same position(s) on the site to enable accurate assessment of planting compliance and mitigation success.

A site plan shall be provided which shows the location and angle of each photo.

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VEGETATIVE CUTTING IN RIPRAP



File Ref: W 24312

State Lands Commission
Attn: Herbert A. Maricle
1807 - 13th Street
Sacramento, California 95814

Dear Mr. Maricle:

Subject: Construct Floating Dock and Place Riprap, Left
Bank of the Sacramento River, Between 2399 and
2481 Garden Highway

Name: Mr. and Mrs. Donald E. Wharton
Address: 1341 Beachmont Street
Ventura, California 93001

Sacramento County Assessor's Parcel No. 274-0250-021

Upland Address: _____ Garden Highway
Sacramento, California 95833

The County of Sacramento has received notice of the above-referenced facilities and has no objection thereto or to the issuance of the State Lands Commission's permit.

If you have any questions, you may reach me at (916)

Sincerely,

80781

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EXHIBIT "D"