CALENDAR ITEM 78

PRC 5512

Diane Jones

TERMINATION OF GENERAL PERMIT – RECREATIONAL USE AND ISSUANCE OF GENERAL LEASE

Jane Sekelsky, Chief of the Land Management Division, advised the Commissioners to that the following should be inserted as "No. 8" on page five of the Calendar Item:

IT IS RECOMMENDED THAT THE COMMISSION:

8. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDING OF GRANT DEED OF CONSERVATION EASEMENT FROM THE SACRAMENTO YACHT CLUB TO THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION.

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MINUTE ITEM
This Calendar Item No. 78
was approved as Minute Item
No. 78 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting.

CALENDAR ITEM

78

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09/23/92
PRC 5512
D. Jones
AD 176

TERMINATION OF GENERAL PERMIT - RECREATIONAL USE AND ISSUANCE OF GENERAL LEASE

APPLICANT:
Sacramento Yacht Club
1048 South River Road
West Sacramento, California 95691

AREA, TYPE LAND AND LOCATION:
A 5.203-acre parcel of tidelands and submerged lands in the Sacramento River, City of West Sacramento, Yolo County.

LAND USE:
Reconstruction and expansion of a private yacht club to accommodate 90 individual slips, a debris diverter, 400 feet of guest dockage, 400 feet of side-tie dockage, and two pump out stations.

TERMS OF CURRENT PERMIT:
Initial period:
Twenty-five (25) years beginning November 16, 1978.

Surety bond:
$5,000.

Public liability insurance:
$300,000 per occurrence for bodily injury and $100,000 for property damage.

Consideration:
$1,240 per annum; five-year rent review.

CURRENT CONSIDERATION BASED ON 1988 RENT REVIEW:
$2,730 per annum; five-year rent review.

TERMS OF PROPOSED PERMIT:

Initial period:
Twenty-five (25) years beginning September 23, 1992.

Surety bond:
$20,000.

Public liability insurance:
Combined single limit coverage of $1,000,000.

CONSIDERATION:

$12,645 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

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

AB 884:

09/23/92.

OTHER PERTINENT INFORMATION:

1. The Sacramento Yacht Club's marina (SYC) currently is configured in a side-tie arrangement, with 200 feet of guest dockage. The marina's capacity is dependent upon the size of the boats docked. Technically, at this time, its maximum capacity is 62 boats, assuming 30 linear feet of dockage equals one slip; however, currently, only 40 boats belonging to members of the club can be accommodated at the marina due to the dockage of larger boats. The proposed project consists of removing the existing side-tie arrangement and constructing 90 individual slips (76 covered slips and 14 uncovered slips) enabling the yacht club to accommodate 50 more boats; constructing a debris barrier at the upstream end of the new slips to prevent debris from accumulating around the boats and the

slips, installing two marine pump-out stations to be used by members and their guests to protect against untreated sewage entering the river; and relocating existing dockage to form 400 feet of guest dockage and 400 feet of side tie dockage to accommodate boats larger than 50 feet in length.

In exchange for locating its marina facility in front and waterward of a SLC-owned upland parcel, the SYC has agreed to preserve its downstream riparian habitat as a condition of its lease through a Grant Deed of Conservation Easement for the term of the lease. The Commission will hold the Easement as grantee. Limited overflow parking will be allowed in the Easement area under specified conditions, and portions of the area will be restored subject to approval by State Lands Commission staff.

2. Due to the sparsely populated area where the yacht club is located, it is susceptible to vandalism and criminal activity. In addition, accidental fires, leaking fuels, and boat sinking are also potential problems in a 90-berth marina when boats are left unattended. These factors support a limited and controlled presence of navigable vessels used as residences for security purposes. Three live-aboards will therefore be allowed and will be located in strategically designated slips subject to the approval of staff. These live-aboards will be required to leave the yacht club's waters at least once for a minimum of six hours in each ninety-day period and submit a log to Lessor annually.

3. This Applicant is a non-profit organization; no commercial activity is carried on by the SYC. The proposed rental for the club's use of the subject property is consistent with the basis of rental charges in other similar Commission permits and with the appraisal of the site by Commission staff.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared an EIR identified as EIR No. 596, State Clearinghouse No. 92062015. Such EIR was prepared and circulated for public review pursuant to the provisions of the CEQA.

6. Exhibit "D" contains the findings on identified significant environmental impacts as required by Section 15091 of the State CEQA Guidelines. Within such findings, a statement follows each mitigation measure explaining why or how such measure will accomplish its intended goal. Exhibit "E" contains the Mitigation Monitoring Plan.

APPROVALS OBTAINED:

United States Army Corps of Engineers and Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

State Reclamation Board.

EXHIBITS:

A. Land Description.
B. Location Map.
C. Marina Drawing.
D. CEQA Findings
E. Mitigation Monitoring Plan.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT EIR NO. 596, STATE CLEARINGHOUSE NO. 92062015 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. ADOPT THE FINDINGS CONTAINED IN EXHIBIT "D" IN CONFORMANCE WITH SECTION 15091 OF THE STATE CEQA GUIDELINES.

3. ADOPT THE MITIGATION MONITORING PLAN, ATTACHED AS EXHIBIT "E", P.R.C 21081.6.

4. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

5. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

6. AUTHORIZE TERMINATION OF GENERAL PERMIT - RECREATIONAL USE PRC 5512, EFFECTIVE SEPTEMBER 23, 1992.

7. AUTHORIZE ISSUANCE TO THE SACRAMENTO YACHT CLUB OF A 25-YEAR GENERAL LEASE, WITH CONDITIONS, BEGINNING SEPTEMBER 23, 1992; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $12,645, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A $20,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $1,000,000; FOR THE RECONSTRUCTION AND EXPANSION OF A PRIVATE YACHT CLUB TO ACCOMMODATE 90 INDIVIDUAL SLIPS, A DEBRIS DIVERTER, 400 FEET OF GUEST DOCKAGE, 400 FEET OF SIDE-TIE DOCKAGE, AND TWO PUMP OUT STATIONS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 5512

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River, West Sacramento, Yolo County, California, more directly described as follows:

BEGINNING at a point on the southeasterly boundary line of "PARCEL A" shown on a map filed in Book 11, of Maps & Surveys, at pages 68 & 69, on November 16, 1978, in the Yolo County Recorders Office, said boundary line having a bearing of N 47° 49' 55" E, and a length of 400.71 feet, said beginning point being located 389.39 feet northeasterly from the westerly terminus of said boundary line; thence from said point of beginning along said boundary line S 47° 49' 55" W, 389.39 feet; thence S 53° 22' 10" W, 335.20 feet; thence S 63° 33' 18" W, 122.27 feet to the intersection with the southeasterly boundary line of "PARCEL B" of said map; thence along said southeasterly boundary line S 28° 04' 39" W, 90.20 feet; thence S 40° 55' 42" W, 149.05 feet; thence S 50° 54' 53" W, 53.15 feet; thence S 56° 36' 41" W, 102.78 feet; thence S 62° 58' 14" W, 101.36 feet; thence N 64° 52' 24" W, 72.32 feet; thence S 34° 09' 20" W, 53.06 feet; thence S 79° 32' 01" W, 34.29 feet to a point; thence leaving said boundary line S 00° 15' W, 190.75 feet; thence N 66° 35' E, 153.0 feet; thence N 58° 16' E, 405.0 feet; thence N 47° 30' E, 261.0 feet; thence N 50° 30' E, 546.0 feet; thence N 75° 00' E, 88.0 feet; thence N 07° 00' W, 236.12 to the point of beginning.

END OF DESCRIPTION

REVISED JUNE, 1992 BY LLB.

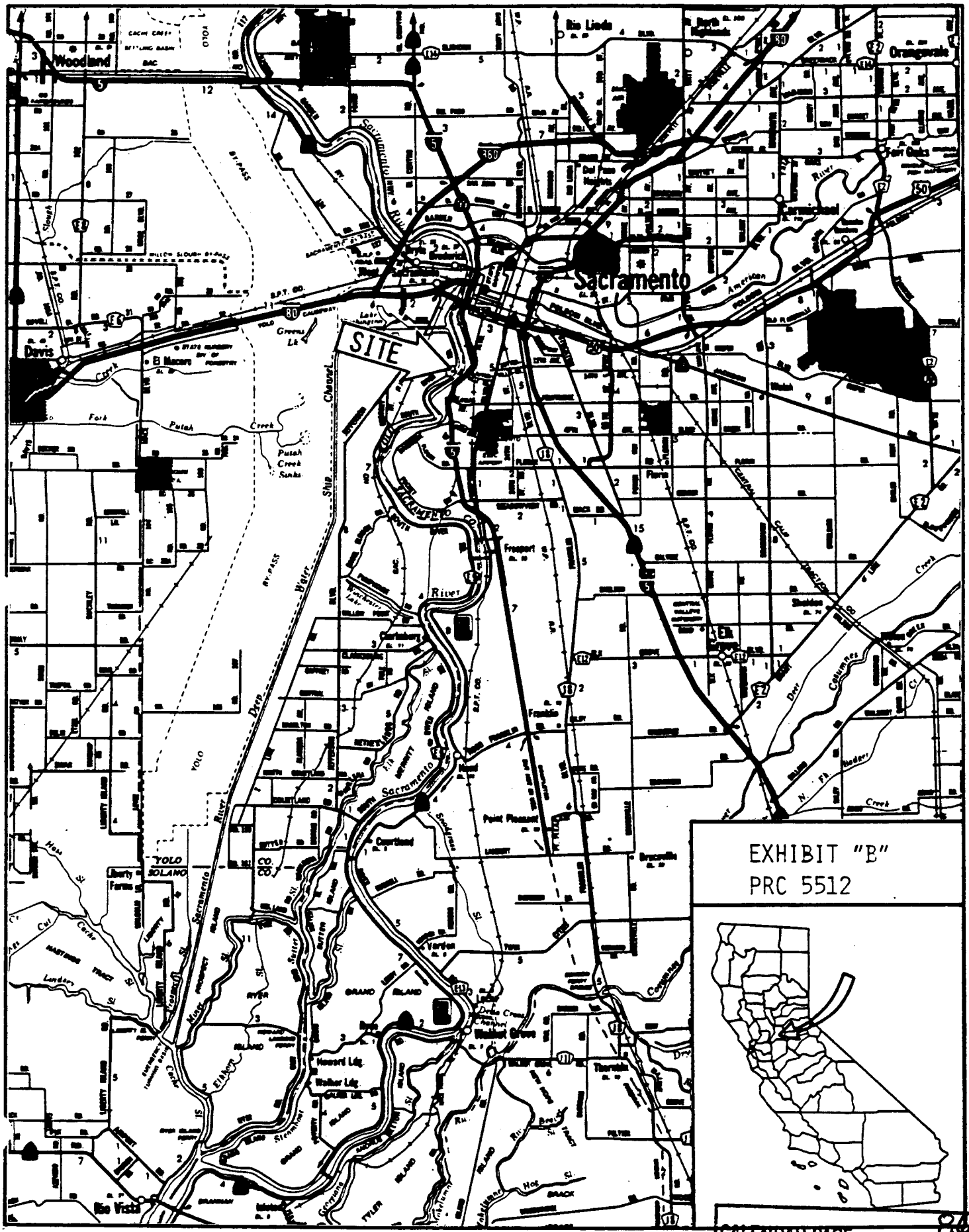

EXHIBIT "B"
PRC 5512

CALENDAR PAGE 864
MINUTE PAGE 3499

EXHIBIT "C"

EXHIBIT D

FINDINGS IN CONFORMANCE WITH SECTION 15091
OF THE STATE CEQA GUIDELINES FOR
SACRAMENTO YACHT CLUB EXPANSION (PROJECT)

The following findings are made by the State Lands Commission pursuant to Section 15091, Title 14, California Code Regulations.

The potential significant environmental impacts associated with the Project, Table S-1 at page vii of the Draft EIR, are organized according to the resource affected, for example, air quality, geology, wildlife, among others. For each significant or potentially significant environmental impact, a finding has been made of one or more of the following, as appropriate: a) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR; b) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and c) specific economic, social and or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

The findings are followed by a narrative of the facts supporting them. The recommended mitigations and the monitoring activities associated therewith are also discussed in each narrative.

GEOLOGY/SEISMICITY

Impact: Failure of levee or riverbank under strong ground motions could result in damage to boats and/or dock substructures from material displaced into river.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING:

Although there are no known surface faults or Alquist-Priolo Special Studies Zones near the project site, the Sacramento Valley is bounded by major fault systems. The Foothills Fault systems to the east, and the San Andreas complex to the west are capable of producing strong ground motions in the project area.

Lateral spreading and slope failure represent downslope movement of either liquified sediments or an otherwise stable slope under the influence of seismic motions. At the project site, the levees and riverbanks would be the most susceptible features for such failure. While one study indicates that there has never been a slope failure in the region due to an earthquake, the levee system is higher and older than it was during the last major quake, the 1906 San Francisco event. If either the levee or riverbank were to fail under strong ground motions, material could be displaced into the river, damaging boats at the marina or the dock's substructures.

To reduce these potential impacts, the Sacramento Yacht Club will have the results of detailed engineering studies prior to construction. These studies will focus on pile spacing, depth of pile placement and construction designs that will resist landslide damage coming off the riverbanks. These studies will be reviewed and approved by SLC engineering staff prior to construction.

Impact: Substantial liquefaction of material beneath the river bed could be triggered by a seismic event resulting in the displacement of the pilings supporting the pier.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING:

Although there are no known surface faults or Alquist-Priolo Special Studies Zones near the project site, the Sacramento Valley is bounded by major fault systems. The Foothills Fault systems to the east, and the San Andreas complex to the west are capable of producing strong ground motions in the project area.

Liquefaction results from the change of a water-saturated granular soil from a solid to a liquid state under the influence of strong ground motions. As a result of liquefaction, the ground may undergo settling, lateral spreading, sand boils, or the development of cracks or fissures. Structures on such surfaces typically sustain damage when this occurs. While conditions on the project site meet the pre-conditions for liquefaction, there is no record of liquefaction actually occurring during any of the seismic events that have happened in the region.

To reduce these potential impacts, the Sacramento Yacht Club will have the results of detailed engineering studies prior to construction. These studies will focus on pile spacing, depth of pile placement and construction designs that will resist liquefaction damage. These studies will be reviewed and approved by SLC engineering staff prior to construction.

AIR QUALITY

Impact: During the construction phase there will be a temporary increase in dust and combustion pollutants.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (Air Quality Control Board, City of West Sacramento).

FACTS SUPPORTING THE FINDING:

Construction activities will result in dust emissions and combustion pollutants from heavy equipment on-site and from trucks hauling equipment and building materials to the site. This will create a temporary addition of pollutants to the local airshed. An increase in fugitive dust in the vicinity of the club house is expected because the construction of the docks will take place in the lower, unpaved, parking lot.

No residences are located in the project's immediate area. Air quality impacts are confined to diesel exhaust odor, detectable in the construction vicinity, only. Given the low baseline levels of construction-type emissions, primarily CO and NOx, during daytime construction periods, the impacts can be readily accommodated within the airshed.

The contractor will ensure that all diesel engines used during construction of the new marina will be properly maintained and operated to reduce the emissions of NOx. The contractor will also follow the dust control measures specified in the Uniform Building Code to regulate particulate matter during construction so that potential impacts are less than significant. A SLC monitor will inspect the project site during the construction period to ensure that these mitigations are carried out.

WILDLIFE

Impact: Construction activities could disturb nesting Swainson's Hawks, a listed species.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING:

The Swainson's Hawk (Buteo swainsoni) is listed as threatened by the California Department of Fish and Game and is designated as a Category 2 candidate species by the US Fish and Wildlife Service. The number of Swainson's Hawks has declined in California primarily due to the loss of tall nest trees in riparian corridors and suitable foraging habitat.

Several pairs of Swainson's hawks have been observed nesting along the Sacramento River in Sacramento and Yolo counties. Typical nests are located in tall trees, usually valley oak or cottonwood, in open riparian habitat or in small groves of trees surrounded by grazing or agricultural land. Nests have been observed at River Mile 55.05 space R for the last two years, and a pair nested in a cottonwood tree at River Mile 55.1 space R in 1992.

To prevent interference with nesting pairs of Swainson's Hawks, no construction will be allowed during the period March 15 and August 15. A SLC monitor will ensure that no construction takes place during this time period.

FISHERIES

Impact: Vibrations from pile driving may startle nearby fish during the construction period.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (US Army Corps of Engineers).

FACTS SUPPORTING THE FINDING:

The Sacramento River at the proposed project location supports important commercial and recreational fisheries. The highest use of the river in the vicinity of the Sacramento Yacht Club by anadromous fish is for migration of all age classes. Juvenile salmon and steelhead can be found in the project area throughout most of the year as they migrate downstream. These juveniles tend to move close to the shoreline during the day where they find cover, food, and shelter from predatory fishes. During the night, they will move away from the shore. Adult steelhead move upstream from December through April. Adult sturgeon migrate upstream through the project area from February to June,

American Shad in March, Striped Bass from April to June, and various populations of Chinook Salmon from early fall to late spring.

Four distinct populations, or "runs" of chinook salmon exist in the Sacramento River, classified on the seasonal timing of adult migration up the river to spawn. The winter run chinook salmon is listed as endangered by DFG and threatened by USFWS. These winter run fish spawn from mid-April to mid-August, with peak spawning occurring in mid-June. DFG has established protection guidelines for winter-run chinook salmon in the Sacramento River.

Because dredging is not required as a part of this project, the adverse impacts normally associated with in-river construction will not occur. Pile driving could result in vibrations in the water column and some disturbance of the bottom sediments. The vibrations may invoke a "startle" response in some nearby fish, and cause them to move away from the marina. This is a limited effect, and the duration is very short; the impact is therefore considered less than significant. To minimize the disturbance of the bottom sediments the piles will be driven straight down with a spud driver. All instream construction will be completed by October 30 under the terms of the permit issued by the Corps of Engineers. A SLC monitor will ensure that the piles are driven correctly and that construction is completed by October 30.

HYDROLOGY AND WATER QUALITY

Impact: Trapping of flood debris by the expanded marina could cause the peak flood stage to increase, encroaching into the design freeboard of the levee.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING:

The Sacramento Yacht Club is located on the right bank of the Sacramento River, approximately 5 miles downstream of its confluence with the American River. The levees along the Sacramento River are designed to carry a flow of 110,000 cubic feet per second (cfs) downstream from the American River with a freeboard of at least 3 feet. The average flow for the 10-year period 1980-90 was 24,000 feet.

A project would have a significant impact on the peak flood stage if it were to cause the stage to increase to the point of encroaching the design freeboard of the levees. This could happen if the project resulted in the trapping of flood debris (large branches, logs, old docks) to the point of holding back the river flow.

This project incorporates into its design, the placement of a debris barrier upstream of the marina. This barrier will deflect flood debris around the marina and into the main flow of the river where it can be safely carried away. A SLC monitor will ensure that the debris barrier is installed during the construction of the project.

Impact: The discharge of sewage or gray water into the Sacramento River from boats using the expanded marina could impact water quality downstream.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING:

Impacts to water quality could result from the discharge, either accidentally or intentionally, of untreated sewage or gray water (kitchen, bath or shower waste). Vessel wastes improperly disposed of can have significant impacts on water quality and public health, particularly if discharged into areas of minimal dispersion and flushing. The US Environmental Protection Agency promulgates regulations for marine sanitation devices. These regulations permit the use, in the Sacramento River, of Coast Guard certified devices on boats, depending on the age of the boats.

To reduce the possibility of untreated sewage entering the river, two new pump-out stations will be constructed as part of this project for use by members of the Sacramento Yacht Club. The use of these facilities will be included in the monthly rental fees to boat owners and will be free to overnight guests. This policy will encourage the maximum use of the pump-out facilities. A SLC monitor will ensure that the proper systems are installed during the construction of the project.

Impact: The increased number of boats present due to the expansion of the marina will generate more litter in the Sacramento River.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING:

Litter from boats and from land-based recreational activities is an ongoing problem in the Sacramento River. Boaters contribute to this problem by improperly disposing of litter. The project could contribute to increased litter in the Sacramento River due to the presence of an increased number of boats in the

area.

Adequate trash collection facilities will be provided on the docks and in the parking lot. The Sacramento Yacht Club also has their own bylaws governing the illegal disposal of trash on the river; fines are assessed to members who violate these bylaws. A SLC monitor will ensure that the new trash collection facilities are in place on the completed structure.

NOISE

Impact: Noise levels will increase during the construction phase.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING:

During the construction phase of the project, noise from construction activities would add to the noise environment in the immediate area. Construction activities would generate noise levels ranging from 85 to 104 dB at a distance of 50 feet. Boaters may be subjected to increased noise levels as they pass the club.

The most significant noise source associated with construction would be the operation of the pile drivers. Between 30 and 50 new pilings will be required to complete the marina expansion. Maximum noise levels due to pile driver use will be in the range of 74 to 85 dB at the Captain's Table Marina across the river. The noise of pile drivers is repetitive and impulsive, and, at the projected levels, could result in annoyance to the residents in the vicinity of the Captain's Table.

To reduce the noise related impacts, construction will be limited to normal daytime working hours, from 7 a.m. to 7 p.m. Construction will also be limited to the weekdays. A SLC monitor will ensure that the contractor adheres to this schedule.

PUBLIC SERVICES AND UTILITIES

Impact: Police or fire departments could have trouble responding to emergencies on the project site, since it is behind a locked gate.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING:

While the project is not expected to place significant demands on public services, there is a potential impact in the case of emergency. The access to the marina itself is behind a locked gate and West Sacramento Police and Fire Departments do not have keys.

Keys to the marina will be provided to the City of West Sacramento Police and Fire Departments. A SLC monitor will verify that the listed public safety agencies are provided the necessary keys.

CUMULATIVE IMPACTS

MARINA DEVELOPMENT

Impact: Continued marina development could result in a 32 percent increase in available slips if all proposed projects are completed. Within Reach 4, completion of all proposed projects would result in an increase of 47 percent over existing slips.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (City of West Sacramento, City of Sacramento, Yolo County, Sacramento County).

FACTS SUPPORTING THE FINDING:

Based on numbers provided in the Sacramento River Marina Carrying Capacity Study, prepared for the SLC in 1986, there were 1,436 existing slips in Reaches 1-5 of the Sacramento River in 1986. In June of 1992, 1,551 slips were documented in the same reaches of the river. In Reaches 1 and 2 (the proposed project is in Reach 2), however, there has been a decrease of 20 slips.

If all the currently proposed marinas (SYC, Sierra Foundation, Ramos, Lighthouse and Docks) were built according to design plans, 798 new slips would result, for a total of 2,509 slips in Reaches 1-5. This would represent an increase of approximately 32 percent in the numbers of boats that could be berthed at marinas in this part of the river. This represents a potentially significant cumulative impact, especially since all of the pending projects except the SYC, are in Reach 4.

As recommended in the Sacramento River Marina Carrying Capacity Study (Study), this project represents less than a 3% change in existing conditions and is an expansion of an existing marina in Reach 2 which has fewer impacts, rather than the construction of a new marina.

The SLC and federal, state and local regulatory agencies may determine that Reaches 1-5 of the Sacramento River have reached their carrying capacity in terms of Marina Development. The development and implementation of regional, multi-jurisdictional plans, such as the proposed Sacramento River Greenway Plan, may assist in this determination.

WATER QUALITY

Impact: Operation of new or expanded marinas could cause an increase in the concentration of petroleum residue in the Sacramento River.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (City of West Sacramento, City of Sacramento).

FACTS SUPPORTING THE FINDING:

With an increase in the number of marinas and the number of boats berthed at those marinas comes an increased risk of accidental oil spills and increased incidental oil leakages.

The project proposed at the Sacramento Yacht Club includes the filing of an updated fuel spill clean-up plan with the SLC and the City of West Sacramento, restrictions on the types of maintenance that can be done on boats while in the marina, and the prohibition of bottom paint removal or application.

Other projects proposed for this part of the river should include similar plans and regulations. Both plans to reduce the likelihood of oil spills, and plans to deal with such spills, should they occur, need to be adopted by local agencies.

Impact: Operation of new or expanded marinas could cause an increase in the amounts of waste and sewage being disposed of improperly.

Finding: A) Changes or alterations have been required in, or incorporated

into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (City of West Sacramento, City of Sacramento).

FACTS SUPPORTING THE FINDING:

As with the petroleum residues, increased boat traffic and marinas can lead to increases in litter and improperly disposed of sewage along the river.

The proposed project includes installation of two new pump-out stations and placement of new litter disposal receptacles. The SYC has also adopted club regulations that lead to fines for improper disposal of wastes.

Other projects proposed along this part of the river should have additional pump-out stations included as part of the design, as well as places to dispose of litter. These should be made available to the river-using public, as well as the marina's occupants.

CONFLICTING USES

Impact: The development of marinas has the potential to conflict with the use of the shoreline for fishing and the use of the river for high-speed boats, such as jet skiing and waterskiing.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (City of West Sacramento, City of Sacramento, Yolo County, Sacramento County).

FACTS SUPPORTING THE FINDING:

As waterside development continues along the Sacramento River, including the construction of new marinas and the expansion of existing marinas, conflicts between high speed activities and more passive recreation, such as shoreline fishing, boat fishing and touring, and moored boats are likely to result. Quiet sites that were formerly available to fishermen either become unavailable due to

landside development, or fishermen choose to go elsewhere where there are no marinas. As more marinas are developed, less area is available for certain activities due to speed limits imposed for wake control. Potential conflicts, including noise, wave wash problems and requirements for speed reductions are most acute during the summer months, when boater traffic is highest and the river elevation is low.

The SLC has initiated the formation of the Sacramento River Greenway through a Memorandum of Understanding to more fully incorporate the management of the state's sovereign interest in navigable waterways with that of associated upland parcels. The proposed Greenway Plan is a guide to the opportunities and constraints for new river development. This plan balances riparian restoration and enhancement with marina and other recreational development. If adopted by other agencies along the river, the Plan would be an official statement of policies to guide decision makers in determining aspects of physical development and resource management along the Sacramento River.

RIVER CONGESTION

Impact: Continued marina development will add to boating congestion within River Reaches 1-5, especially during the summer months.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (City of West Sacramento, City of Sacramento, Yolo County, Sacramento County).

FACTS SUPPORTING THE FINDING:

The proposed project, in conjunction with existing and future projects along the Sacramento River, will cumulatively add to boating congestion, particularly on weekends from June through September. While the Sacramento River Marina Carrying Capacity Study stated that marinas in Reaches 1-5 contribute "..a relatively small portion of total boating activity on a year round basis..", during peak summer periods the relative role of marinas increases due to accessing constraints at launching ramps and the fact that marina-based traffic increases for the summer.

Congestion problems are most likely at or adjacent to marinas and launch ramps, especially in Reach 4, at favorite fishing spots and in Reach 5, where high speed

boating activity conflicts with more passive river and shoreline recreational activities. The proposed project at SYC will actually alleviate some congestion in the immediate area because the existing side-tie slips will be replaced by individual berths. Ingress and egress to the modified marina will be improved compared to the existing situation.

As future projects reach the final design stages, all agencies need to review these plans for ways to minimize congestion in the river space surrounding the marinas, and new marinas should be sited in areas that are less congested.

ROAD TRAFFIC/CIRCULATION

Impact: Increases in vehicular traffic could become significant due to the buildout of the Southport area.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (City of West Sacramento, Yolo County).

FACTS SUPPORTING THE FINDING:

Cumulative impacts on road traffic are dependent upon a project's specific location and other developments that are proposed in the near future. In the case of the proposed project at the Sacramento Yacht Club, cumulative traffic impacts could stem from two sources, the background growth in traffic due to the buildout of the Southport area, and increases in traffic and parking demand due to increases in SYC membership. Other pending marina projects are sufficiently distanced from the SYC project site that they will not affect road traffic in the project area. Projections in the background traffic growth due to a Southport buildout can be made using a computer model. Such a model is being developed at the present time, but projections of future traffic are not available at the present.

According to the City of West Sacramento, a new road will be constructed parallel to South River Road that would carry the majority of through traffic along the Sacramento River. Additional mitigation may be required by the City after anticipated Southport development is analyzed through the CEQA process.

The other potential source of cumulative impacts is growth in the membership of

the SYC itself. The SYC does not have plans to increase its membership, but its charter does allow for the number of boats to increase to a maximum of 200 from its present level of 171, and for the membership to increase to 300 families from its present level of 205. Concurrent development of the Southport area may increase the demand for memberships above the present level.

AIR QUALITY

Impacts: The buildout of the Southport area, in conjunction with other proposed projects, including the SYC expansion, will increase the emission of reactive organic gases and oxides of nitrogen. This will contribute to the production of ozone in an area which is already in non-attainment for ozone.

Finding: A) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by other such agencies or can or should be adopted by other such agencies (City of West Sacramento, Yolo County, Yolo/Solano APCD).

FACTS SUPPORTING THE FINDING:

Implementation of the proposed project, the four other pending marina projects and associated landside developments and the large-scale development planned for the Southport area would increase the production of ROG, NOx and CO. Although there are no absolute standards for emissions significance for mobile source emissions, a stationary source in various jurisdictions in California typically is considered a significant new emitter if project-related emissions of ROG or NOx as ozone precursors exceed 100 pounds per day. Because ROG and NOx contribute to the production of ozone, ozone production would increase over existing levels. This is a potentially significant impact because this entire area is in a non-attainment zone for ozone production.

As with other mobile sources, boat engine emissions are individually small, but may become cumulatively significant as the Southport area is developed and as other marinas are constructed along the Sacramento River. In a long-range pollution control strategy, boat engines may ultimately be targeted for improved pollution control because they are a "dirty" source even though they represent only a very small fraction of the regional pollution problem.

EXHIBIT E

MITIGATION MONITORING PLAN
SACRAMENTO YACHT CLUB EXPANSION

1. Impact: Failure of levee or riverbank under seismic ground motion could result in damage to boats or dock substructure from materials displaced into the river.

   Project Modification: The Sacramento Yacht Club will complete, prior to beginning construction, detailed engineering studies to determine appropriate pile spacing and depth of placement to resist materials displaced by landsliding.

   Monitoring: Engineers in the State Lands Commission will review and approve such studies completed by the Sacramento Yacht Club prior to construction, and a State Lands Commission monitor will ensure that the piles are driven as specified in those studies.

2. Impact: Substantial liquefaction of material beneath the river bed could be triggered by seismic motion, leading to failure of the dock pilings.

   Project Modification: The engineering studies discussed under 1, above, will include an assessment of the danger from liquefaction, and will include the results in the plans for pile spacing and depth.

   Monitoring: As with 1, above, staff of the State Lands Commission will review and approve the plans for adequacy, and will ensure that the piles are driven as planned.

3. Impact: During the construction phase of the project there will be a temporary increase in dust and combustion pollutants.

   Project Modification: The contractor will ensure that all diesel engines used during construction of the marina will be properly maintained and operated to reduce the emissions of NOx. The contractor will also follow dust control measures specified in the Uniform Building code to regulate particulate matter during construction.

   Monitoring: A State Lands Commission monitor will inspect the project site during construction to ensure that the engines are operating properly and that the dust control measures are being followed.

4. Impact: Construction activities could disturb nesting Swainson's Hawks, a listed species.

Project Modification: No construction will be allowed on the site between March 15 and August 15.

Monitoring: A State Lands Commission monitor will ensure that no construction takes place during the given dates.

5. Impact: Vibrations from pile driving may startle nearby fish during the construction phase.

Project Modification: Vibrations will be minimized by driving the piles vertically into the river bottom. There will be no in-river construction after October 30.

Monitoring: A State Lands Commission monitor will enure that the piles are driven properly, and that all construction is complete by October 30.

6. Impact: Trapping of flood debris during high water events could cause the peak flood stage to increase, encroaching into the design freeboard of the levee.

Project Modification: The project has incorporated a debris barrier into its design, upstream of the marina. This will deflect debris out into the main stream of the river and keep it from the marina.

Monitoring: A State Lands Commission monitor will ensure that the debris barrier is installed as designed.

7. Impact: The discharge of sewage or gray water into the Sacramento River from boats using the expanded marina facilities could impact water quality downstream.

Project Modification: Two new pump-out facilities are included in the project design for by members of the Sacramento Yacht Club.

Monitoring: A State Lands Commission monitor will ensure that the proper pump-out facilities are installed during construction.

8. Impact: The increased number of boats at the expanded marina will generate more litter, which has the possibility of entering the Sacramento River.

Project Modification: Adequate trash collection facilities will be provided on the dock and in the parking lot. The Sacramento Yacht Club bylaws will continue to assess fines on those members who dispose of trash illegally.

Monitoring: A State Lands Commission monitor will ensure that the new trash collection facilities are installed on the completed docks, and in the parking lot.

9. Impact: Noise levels will increase during the construction phase.

Project Modification: Construction will be limited to 7 a.m. through 7 p.m., and will only be allowed on weekdays.

Monitoring: A State Lands Commission monitor will ensure that construction takes place during the specified times.

10. Impact: Police and Fire departments from the City of West Sacramento have difficulty responding to emergencies because the marina facility is separated from the rest of the Sacramento Yacht Club by a locked gate.

Project Modification: The Sacramento Yacht Club will provide a set of keys to both the West Sacramento Police and Fire Departments.

Monitoring: A State Lands Commission monitor will verify that the West Sacramento Police and Fire Departments have received keys to the marina.