

**CALENDAR ITEM
C64**

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S 18

08/14/12
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G. Kato

CONSIDER THE SUSPENSION OF LEASING PUBLIC TRUST LANDS FOR BOAT DOCKS IN THE COLORADO RIVER LOCATED WITHIN THE RIO BUENA VISTA COMMUNITY AND DIRECT STAFF TO CONDUCT AN INVESTIGATION ON PUBLIC TRUST NEEDS IN THE AREA, CITY OF NEEDLES, SAN BERNADINO COUNTY

PARTY:

California State Lands Commission

BACKGROUND:

In 1991, the State Lands Commission (Commission) entered into a Boundary Line Agreement and Compromise Settlement (AD 134) with Kahala Needles Partners, Ltd, a Nevada Limited Partnership. AD 134 was recorded on August 11, 1992, as document No. 92-333250, Official Records, San Bernardino County. AD 134 confirmed the State of California's fee ownership of the sovereign land within the Colorado River and granted an approximately 10-foot-wide public access (pedestrian) easement to the State of California, acting by and through the Commission, adjacent to the Rio Buena Vista (RBV) community, on and along the top of the bank of the Colorado River.

The United States Department of the Interior, Bureau of Reclamation (Reclamation) applied riprap in the Colorado River adjacent to the RBV community. By letter dated April 23, 2002, Reclamation stated their future ability to apply additional riprap to the river bankline at this location was compromised due to development of the upland residences and that Reclamation would not place additional riprap to the river bank. Reclamation also stated that the upland homeowners would be responsible for maintaining protection of the river bank in the future, subject to the homeowners seeking approval and permitting of their riprap or bank construction work from the United States Army Corps of Engineers under Section 10 of the Rivers and Harbors Act of 1899. It is unclear at this time, under what authority Reclamation initially constructed the jetties and applied the riprap on the State's sovereign lands. Reclamation has never applied for, or come under, lease with the Commission for the improvements.

CURRENT STATUS:

Staff has recently been made aware of a number of unauthorized developments placed on the state's property, as well as within the public access easement at the RBV

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community. These unauthorized improvements include, but are not limited to: bank protection, landscaping, patios, fire pits, fences, and stairwells. On January 27, 2012, staff sent letters to the Rio Buena Vista Homeowners' Association (HOA) and the upland property owners adjacent to the state's property. This letter identified the location of the boundary line, the Commission's jurisdiction, and the requirement to obtain a lease from the Commission for any new or existing facilities waterward of the boundary line.

Staff has since received applications for leases from approximately half of the 37 upland riverfront lot owners. These applications include requests for leases for the construction of new boat docks, existing boat docks, riprap, wingdams, stairwells, fire pits and many other improvements and facilities. Additionally, staff received numerous telephone calls and written correspondence from the upland homeowners, HOA representatives, and other interested parties expressing concerns about proposed boat docks, the impacts these proposed docks would have on beach access, and other activities within and along the Colorado River at this location.

Based on the concerns raised, the density and nature of the RBV development along the Colorado River, the physical configuration of the Colorado River at this location, including the wingdams and riprap structures, and beach access, staff recommends that the Commission suspend leasing public trust lands for boat docks in the Colorado River located within the RBV community, until staff can conduct an investigation and report to the Commission on public trust needs in the area, including hosting a public meeting in the city of Needles.

OTHER PERTINENT INFORMATION:

1. On January 26, 2012, the Commission authorized the issuance of a lease to Ronnie R. Ridenour and Georgia H. Frousiakis for the use and maintenance of an existing boat dock, gangway, platform, stairs and riprap bankline located on Public Trust lands. Also on January 26, 2012, the Commission authorized the issuance of a lease to Randy A. Baker, Trustee or his successor(s), for the benefit of the TCOB, Trust under declaration of trust dated December 29, 1999, for the construction, use, and maintenance of a boat dock and gangway, and the use and maintenance of an existing fire pit and riprap bankline located on Public Trust lands. Shortly after this January 26th Commission meeting staff received comments and obtained additional information relating to the above described applications and beach access within the RBV community. Because of these comments and the additional information obtained, neither of these two leases have been executed.
2. The Commission has broad discretion in all aspects of leasing when acting in the best interest of the State. Pursuant to Public Resources

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Code sections 6301, 6501.1, and 6005 and California Code of Regulations, Title 2, section 2000, the Commission is authorized to suspend leasing public trust lands for boat docks in the Colorado River within the Rio Buena Vista community.

3. The staff recommends that the Commission find that the suspension of leasing public trust lands for boat docks in the Colorado River within the Rio Buena Vista community does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the suspension of leasing public trust lands for boat docks in the Colorado River within the Rio Buena Vista community is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

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.

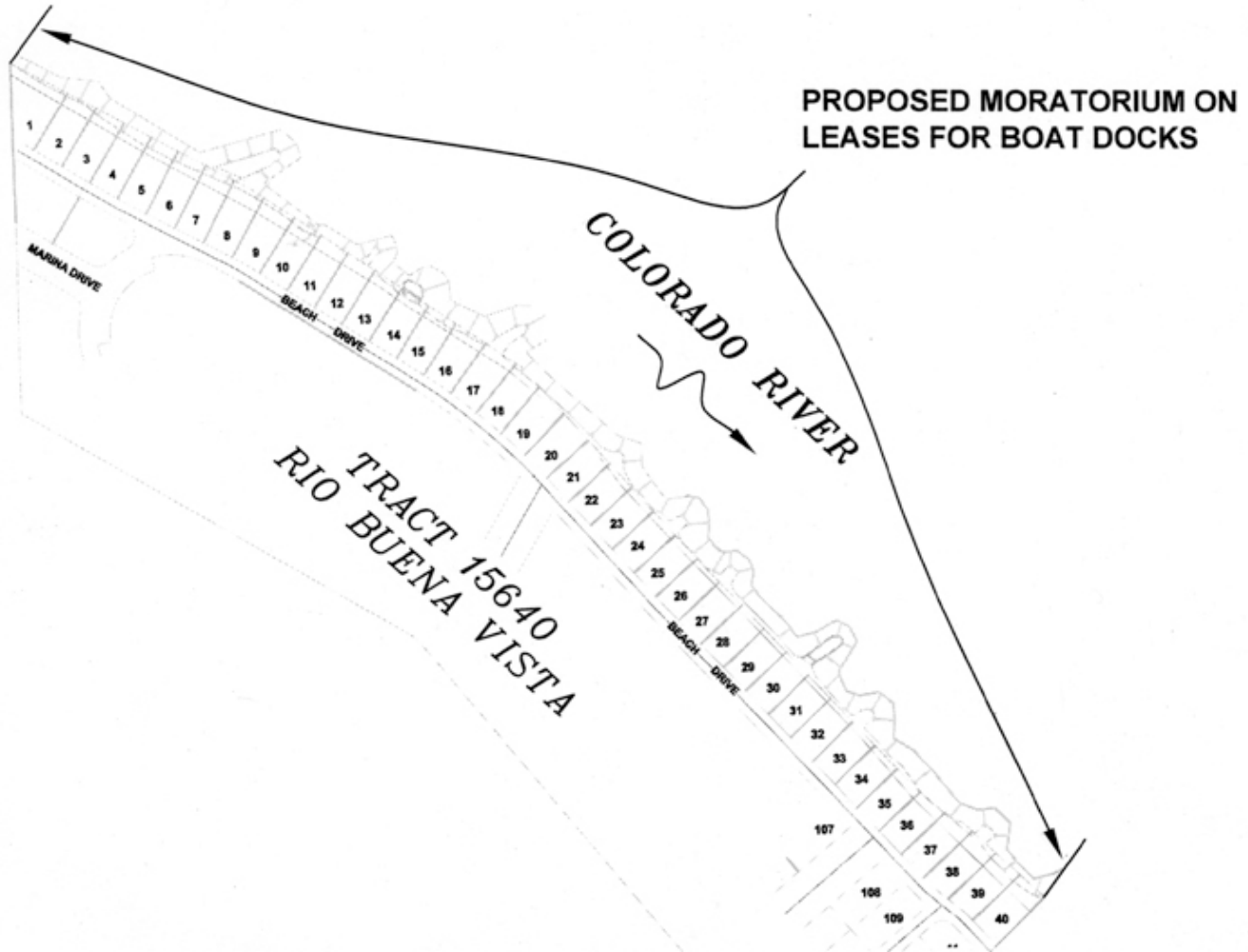
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AUTHORIZATION:

1. Find that the suspension of leasing public trust lands for boat docks in the Colorado River located within the Rio Buena Vista community until staff can conduct an investigation on public trust needs in the area is in the State's best interest.
2. Suspend leasing public trust lands for boat docks in the Colorado River located within the Rio Buena Vista community for no longer than six months, unless the Commission directs otherwise.
3. Direct staff to conduct an investigation and report back to the Commission on public trust needs in the area within six months.

NO SCALE

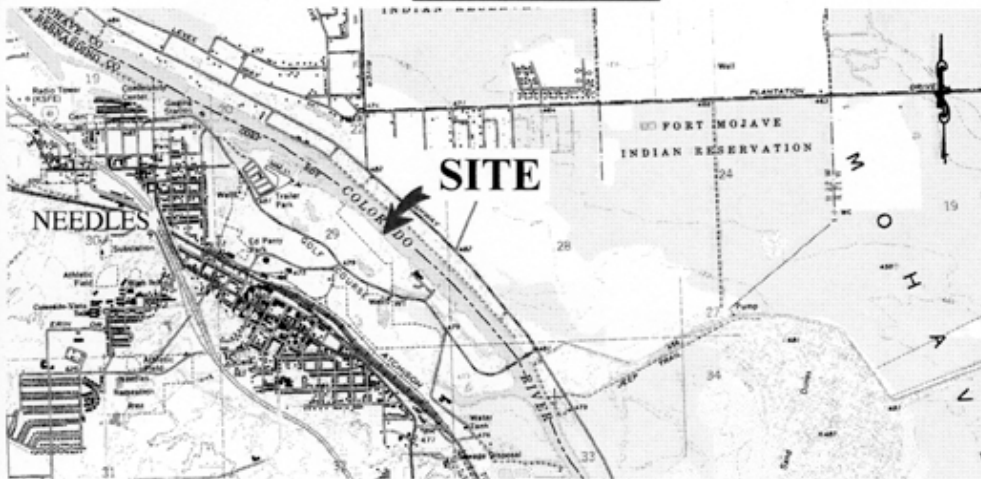
SITE



RIO BUENA VISTA SUBDIVISION, COLORADO RIVER

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 A

MORATORIUM ON LEASING
BOAT DOCKS AT THE
RIO BUENA VISTA
SUBDIVISION
CITY OF NEEDLES
SAN BERNARDINO COUNTY

