

**STAFF REPORT
C59**

A 33
S 16

06/21/18
PRC 3321.1
R. Collins

**GENERAL LEASE – COMMERCIAL USE; ENDORSEMENT OF A SUBLEASE;
AND AUTHORIZATION TO FILE AND RECORD A RECORD OF SURVEY**

APPLICANT/SUBLESSOR:

County of San Bernardino

SUBLEESSEE:

Pirate Cove Resort Sales and Management, LLC

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Colorado River, near Needles, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of an existing regional park for public recreation which includes various access roads, an off-road vehicle park, 25 peninsula campgrounds with a total of 112 recreational vehicle sites with electrical, sewer, and water hook-ups, a water distribution system, a sewage/wastewater collection system, 8 peninsula restrooms each with 4,000 gallon holding tanks, a peninsula over-flow and boat trailer parking lot, a launch ramp recreational vehicle campground with 45 sites (34 sites with full hook-ups and 11 with electric and water hook-ups), a 7-lane concrete boat launch with two floating boat docks and a day-use parking lot for vehicles and boat trailers, a tent camping area with 46 campsites, a large shelter/pavilion, a rectangular shade structure, 26 umbrella/shade structures, the San Bernardino County Sheriff's Water Safety Center, an irrigation water pump and reservoir, a coin-operated shower and restroom buildings, a children's water play park, a 225-slip marina with 6 floating boat docks each with a gangway, a floating covered fuel dock with a gangway, a restaurant and bar, beach bar and service kitchen, beach fire pit, 4 Beachfront Cabin rental units, a water taxi service with 5 water taxi shelter/huts, a non-operational zip line with a landmark tower, and a non-operational reverse osmosis facility and abandoned water well site.

STAFF REPORT NO. **C59** (CONT'D)

LEASE TERM:

23 years, beginning July 2, 2016; ending July 1, 2039, unless sooner terminated as provided under this lease.

CONSIDERATION:

\$36,368 per year, with an annual Consumer Price Index adjustment; and the State reserving the right to fix a different rent on every 10th anniversary of the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

1. Lessee shall maintain liability insurance in an amount no less than \$5,000,000 per occurrence, and each sublessee shall maintain Commercial General Liability insurance in an amount of no less than \$5,000,000 for all subleases or agreements for any activity occurring within the Lease Premises. Lessee may satisfy all or part of the insurance coverage requirement through maintenance of a self-insurance program.
2. The lease contains provisions requiring implementation of the Commission's "Best Management Practices for Marina Owners/Operators" and the Commission's "Best Management Practices for Berth Holders and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories.
3. The Lease Premises described in Exhibit A and shown on Exhibit B (for reference purposes only) are currently subject to existing Lease No. PRC 9239.9, a General Lease – Public Agency Use to the United States Department of Interior, Bureau of Reclamation (BOR) for the construction, use, and maintenance of the Mohave Valley Conservation Area Backwater Project ([Backwater Project](#)). Upon Backwater Project completion, any subsequent land description and site and location maps provided by the BOR pursuant to Lease No. PRC 9239.9 that modify the current lease area may result in changes to the Lease Premises subject to this Lease. Any subsequent changes to the Lease Premises required as a result of changes to the Lease Premises under Lease No. PRC 9239.9 shall be made by Lessor's staff in consultation with Lessee and shall be incorporated into this Lease upon review and approval by Lessor's Executive Officer or designee.
4. The lease contains provisions requiring the Lessee to prepare plans to: a) remove all zip line improvements other than the zip line

STAFF REPORT NO. **C59** (CONT'D)

main tower; b) maintain the zip line main tower; and c) remove the non-functional reverse osmosis water filtration facility, water well, and appurtenant water distribution pipelines. The plans shall be submitted to Commission staff on or before July 1, 2021, and shall be implemented within 2 years of securing such approval. The plans shall include provisions to either secure the tower from all public access or remove the tower should current safety measures prove to be inadequate to effectively exclude public access.

5. No dredging is authorized under the Lease and any future dredging activities occurring on the Lease Premises will require an amendment of this Lease prior to commencing any dredging activities.

SUBLEASE: PIRATE COVE RESORT SALES AND MANAGEMENT, LLC

AUTHORIZED USE:

Management and operation of Moabi Regional Park.

CURRENT SUBLEASE TERM:

Month-to-month.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503; California Code of Regulations, title 2, sections 2000 and 2003.

Background:

On July 2, 1965, the Commission authorized the issuance of Lease No. PRC 3321.9, a General Lease – Public Agency Use, to the County of San Bernardino (County) ([Item 7, July 2, 1965](#)) for a well to supply water, and access to and view of the Colorado River as part of the adjacent small boat marina at Moabi Regional Park (Park), for a 49-year term ending July 1, 2014. On August 20, 1987, the Commission authorized an amendment ([Item C11, August 20, 1987](#)) to the lease to clarify the existing land use and to authorize the construction of an All-Terrain Vehicle (ATV) facility. The 1987 amendment authorized the use of the Lease Premises for public recreational purposes, including facilities related to campgrounds, a small boat marina, and a water treatment plant. This rent-free lease expired on July 1, 2014.

The Applicant is also a party to a lease with the BOR and Bureau of Land Management (BLM), for the adjoining upland property at the Park. On November 11, 2011, the County submitted an application to the Commission requesting the issuance of a new lease and approval for the

STAFF REPORT NO. **C59** (CONT'D)

construction of various new park amenities. While processing the application, staff discovered a discrepancy between the location of the State's lease boundary and that of the adjoining BOR/BLM lease. A boundary resolution was required before the Commission could consider a new long-term lease.

Because the California Code of Regulations, title 2, section 2004 limits the maximum lease term of a General Lease to 49 years with no option to extend such a lease beyond the specified term, the County requested that a short-term interim lease be authorized for the current lease area and existing improvements to allow the Park facility to continue to operate until the boundary issue could be resolved and a new long-term lease could be considered by the Commission. On June 19, 2014, the Commission authorized a 2-year interim lease to the County ([Item 66, June 19, 2014](#)) with annual rent in the amount of \$17,430. The lease expired on July 1, 2016, and the County has submitted an application for a new lease.

After numerous meetings and communications over several years between BOR, BLM, and Commission staff regarding the boundary dispute, it became apparent that any permanent resolution would almost certainly require substantial time and effort with no guarantee of success. Staff recommends the lease premise boundary line follow the 1961 Meanders of the Right Bank of the Colorado River as shown on Bureau of Land Management Dependent Resurvey of Section 6, Township 7 North, Range 24 East, S.B.M., filed in 2014, for lease administrative purposes only. Issuance of a long-term lease by the Commission would not be a waiver or limitation of the State of California's right, title, or interest in any of the disputed lands or an admission of the adequacy of the boundary as described between state and federal lands at this location. Staff completed a field survey and has located monuments set on the Meander Line and recommends authorization to file and record a record of survey with the County.

The County has a sublease with Pirate Cove Resort Sales and Management, LLC, (Sublessee) for the day-to-day management, operation, and maintenance within the Park. The sublease is currently on a month-to-month term, and the County is in the process of renegotiating a new sublease with the Sublessee. Staff recommends that the Commission endorse the existing sublease and authorize the Executive Officer, or designee, to endorse the new sublease if it includes substantially the same terms and conditions as the current sublease. The Sublessee owns most of the improvements in the Park and pays an

STAFF REPORT NO. C59 (CONT'D)

operation and management fee to the County equal to 5 percent of gross income.

Public Trust and State's Best Interests Analysis:

The Park is one of nine regional facilities within the San Bernardino County Regional Park system. The Park is a destination recreation facility with a history exceeding 50 years. Boating, camping, and access to the Colorado River are the primary attractions and uses. The Park is 1,027 acres in size and encompasses 616 acres of BOR upland and 411 acres of State sovereign land under the jurisdiction of the Commission. The Moabi Channel (Channel) connects to the Colorado River through a control structure and runs 3,750 feet through the middle of the Park eventually opening to the Colorado River. The Channel offers boat parking and beach use on both sides of the Channel.

The seven-lane boat launch ramp with two floating boat docks were improved through grants obtained by the County from the California Department of Boating and Waterways (now Department of Parks and Recreation, Division of Boating and Waterways). The County Sheriff's Department seasonally staffs the Water Safety Center and provides water safety instruction and law enforcement activities at the Park and on the River during peak visitation periods.

The Park offers 25 Peninsula Campgrounds providing sewer, water, and electrical hook-ups to 112 campsites. The Recreational Vehicle campsite near the boat launch includes 45 campsites, and the Tent Campground offers 46 dry campsites. Restrooms are conveniently situated throughout the Park with some offering coin-operated showers.

The Park's 225-slip marina has six boat docks and a floating fuel dock; each with a gangway. Amenities at the Park also include a full-service bar and restaurant with an adjacent floating boat dock providing direct access to visitors arriving by boat. The Park offers visitor-serving cabin rentals with four beach-front units on sovereign land and 10 marina cabins on lands under BOR jurisdiction. The above-ground fuel storage tanks, boutique, and general store are located on land under BOR jurisdiction. Infrastructure to support the above-described facilities include parking lots, paved access roads and a water distribution and sewer collection system which are maintained and operated by the County. In the fall of 2018, the County plans to invest more than \$1 million to construct a new access road and pave existing roads throughout the Park.

STAFF REPORT NO. C59 (CONT'D)

The proposed lease includes certain lease provisions protecting the public use of the proposed lease area, including a limited term of 23 years. The expiration date is tied to the expiration date of the County's lease with BOR/BLM. In addition, the lessee is required to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon.

The lease also requires the payment of annual rent to compensate the State for the occupation of the State land involved. The proposed lease directly promotes Public Trust needs and values by protecting Public Trust resources, without interfering with Public Trust uses or resources. The proposed lease supports recreational boating, fishing, camping, waterfront restaurant and bar, off-road vehicle park, children's water play park, and general public access to the State's sovereign land. The authorized uses promote water-related public use of Public Trust land and provide a variety of visitor-serving amenities to help the public access and enjoy these lands. This lease would also be consistent with the Commission's previous authorization of Lease No. PRC 9239.9 to the BOR to construct and maintain the Backwater Project by connecting the Channel to the Colorado River. The Backwater Project will help enhance native fish populations and create additional Public Trust uses where the public would be able to canoe and enjoy other added benefits like birdwatching.

The lease would not significantly alter the land, alienate the State's fee simple interest, or permanently impair public rights. For all the reasons above, staff believes that the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

Climate Change:

The lease area in Colorado River is not tidally influenced and, therefore, would not be subject to sea-level rise. These water level near the existing improvements is regulated primarily by water released upstream from the Davis Dam. However, as stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, extreme heat, drought, and storms. The existing improvements could be damaged from both storm-created debris or prolonged droughts. Droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and runoff by likely increasing scour and decreasing bank stability at a faster rate.

STAFF REPORT NO. C59 (CONT'D)

The following existing lease components could be affected by climate change through either flooding or drought conditions: various access roads, an off-road vehicle park, 25 peninsula campgrounds with a total of 112 recreational vehicle sites with electrical, sewer, and water hook-ups, a water distribution system, a sewage/wastewater collection system, eight peninsula restrooms each with 4,000 gallon holding tanks, a peninsula over-flow and boat trailer parking lot, a launch ramp recreational vehicle campground with 45 sites (34 sites with full hook-ups and 11 with electric and water hook-ups), a seven-lane concrete boat launch with two floating boat docks and a day-use parking lot for vehicles and boat trailers, a tent camping area with 46 campsites, a large shelter/pavilion, a rectangular shade structure, 26 umbrella/shade structures, the County Sheriff's Water Safety Center, an irrigation water pump and reservoir, a coin-operated shower and restroom buildings, a children's water play park, a 225-slip marina with six floating boat docks each with a gangway, a floating covered fuel dock with a gangway, a restaurant and bar, beach bar and service kitchen, beach fire pit, four Beachfront Cabin rental units, a water taxi service with five water taxi shelter/huts, a non-operational zip line with a landmark tower, and a non-operational reverse osmosis facility and abandoned water well site.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises from floods or droughts during the lease term. The floating structures in the water would be adaptable to variable water levels, allowing them to rise and fall with storms and droughts, and increasing their resiliency to some climate change impacts; but, may require more frequent maintenance to ensure continued functionality, during and after storm seasons and to avoid dislodgement of facilities. The fixed structures may need reinforcement to withstand higher levels of flood exposure or drought. The electrical units, restrooms, sewage/wastewater collection system, and floating covered fuel dock should always be maintained and operated complying with all health codes because mismanaging these can cause serious public health impacts for the site and downstream from the River. Regular maintenance, as required by the lease, will reduce the likelihood of severe structural degradation or dislodgement.

Conclusion:

For the reasons above, staff believes that the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

STAFF REPORT NO. **C59** (CONT'D)

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. An endorsement of a sublease and authorization to file a record of survey is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of 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.

4. The Professional Land Surveyors' Act provides, in pertinent part, that a record of survey be filed after completion of a field survey which discloses among other matters, the "establishment... of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey." (Cal. Bus. & Prof. Code, § 8762, subd. (b)(4).

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Endorsement of a Sublease
- D. Best Management Practices for Marina Owners and Operators
- E. Best Management Practices for Berth Holders/Boaters

STAFF REPORT NO. **C59** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of a lease 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 INTERESTS:

Find that the proposed lease and sublease will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; are consistent with the common law Public Trust Doctrine; and are in the best interests of the State.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Commercial Use to the Applicant beginning July 2, 2016, for a term of 23 years, for use and maintenance of an existing regional park for public recreation, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; rent in the amount of \$36,368 per year with an annual Consumer Price Index adjustment, and the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease, and liability insurance in an amount no less than \$5,000,000 per occurrence.
2. Authorize endorsement of an existing sublease and operating agreement between the County of San Bernardino and Pirate Cove Resort Sales and Management, LLC; and authorize the Executive Officer, or designee, to endorse the new sublease if it includes substantially the same terms and conditions as the current sublease during the term of the lease.
3. Authorize staff to file and record a Record of Survey as described herein.
4. Authorize the Executive Officer, or designee, to replace Exhibits A and B in the Lease as a result of changes to the lease premises under Lease No. PRC 9239.9 after completion of the Mohave Valley Conservation Area Backwater Project authorized on October 13, 2016.

EXHIBIT A

PRC 3321.1

LAND DESCRIPTION

All that sovereign land lying in the historic bed of the Colorado River, adjacent to Sections 5 and 6, Township 7 North, Range 24 East S.B.M. and Section 36, Township 8 North, Range 23 East, S.B.M. and Section 1, Township 7 North, Range 23 East, S.B.M., County of San Bernardino, State of California, more particularly described as follows:

BEGINNING at a point on the historic Low Water of the right bank of the Colorado River, said point lying N 47°30'00" W 2296.07 feet from a U.S.C. & G.S. Disk stamped "REFUGE 1964" (PID EU0763) having CCS83, Zone 5 (2002.0) coordinates of North (Y) = 2,104,000.371 feet, East (X) = 7,615,201.271 feet; thence along said historic Low Water the following nine (9) courses:

- 1) S 79°22'28" W 184.57 feet;
- 2) S 68°45'53" W 174.96 feet;
- 3) S 48°23'39" W 252.76 feet;
- 4) N 72°31'52" W 154.06 feet;
- 5) S 38°01'20" W 89.46 feet;
- 6) S 84°40'19" W 111.54 feet;
- 7) N 28°11'50" W 141.03 feet;
- 8) S 85°47'45" W 284.80 feet;
- 9) S 70°08'04" W 340.14 feet;

thence leaving said Low Water S 2°15'04" E 22.47 feet to a Bureau of Land Management brass cap stamped "MC S6 T7N R24E 2014", said brass cap being the northeast corner of said Section 6 and a point on the 1961 meanders of the right bank of the Colorado River; thence along said 1961 meanders, as surveyed by the California State Lands Commission in May, 2017, S 83°49'45" W 911.57 feet to a Bureau of Land Management brass cap stamped "AP3 S6 T7N R24E 2014"; thence N 80°39'19" W 690.18 feet; thence N 73°16'18" W 2664.21 feet to a Bureau of Land Management brass cap stamped "AP1 T7N R24E S6 2014"; thence N 72°23'40" W 1170.22 feet to a Bureau of Land Management brass cap stamped "MC 1 6 T7N R24E 2014", said brass cap marking the northwest corner of said Section 6; thence leaving said meanders, and along the west line of said Section 6 S 2°21'54" E 15.42 feet to a point on the historic Low Water of the right bank of the Colorado River; thence along said historic Low Water the following twenty seven (27) courses:

- 1) S 88°59'31" W 276.69 feet;
- 2) N 33°47'44" W 1094.16 feet;
- 3) N 86°55'33" W 140.41 feet;
- 4) N 35°14'17" W 352.79 feet;
- 5) N 16°01'42" E 387.23 feet;
- 6) N 71°44'26" W 300.42 feet;

- 7) N 17°27'57" W 54.33 feet;
- 8) N 69°04'03" E 184.43 feet;
- 9) N 42°54'05" W 205.59 feet;
- 10) S 49°31'10" W 84.92 feet;
- 11) N 6°50'19" W 327.74 feet;
- 12) N 10°04'24" E 200.25 feet;
- 13) N 66°29'35" E 124.74 feet;
- 14) N 8°50'11" E 280.33 feet;
- 15) N 34°10'51" W 91.02 feet;
- 16) S 64°34'52" W 122.18 feet;
- 17) N 3°59'59" E 270.33 feet;
- 18) N 27°22'45" E 216.55 feet;
- 19) N 7°44'22" W 109.92 feet;
- 20) N 55°11'47" W 75.39 feet;
- 21) N 5°05'53" E 197.97 feet;
- 22) N 59°03'22" E 125.52 feet;
- 23) N 8°29'39" W 419.39 feet;
- 24) N 19°09'05" W 381.49 feet;
- 25) N 17°40'46" W 249.17 feet;
- 26) N 24°54'30" W 371.21 feet;
- 27) N 33°10'20" W 278.34 feet;

thence leaving said historic Low Water the following eleven (11) courses:

- 1) N 49°27'35" E 443.86 feet;
- 2) S 39°14'36" E 1053.94 feet;
- 3) S 30°11'10" E 847.14 feet;
- 4) S 38°28'11" E 1085.73 feet;
- 5) S 43°50'04" E 1003.43 feet;
- 6) S 50°32'58" E 1080.53 feet;
- 7) S 61°48'45" E 1308.60 feet;
- 8) S 68°34'36" E 1918.10 feet;
- 9) S 69°03'05" E 985.11 feet;
- 10) S 62°37'51" E 971.61 feet;
- 11) S 38°18'30" E 454.45 feet to the POINT OF BEGINNING.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 5 (2002.0). All distances are grid.

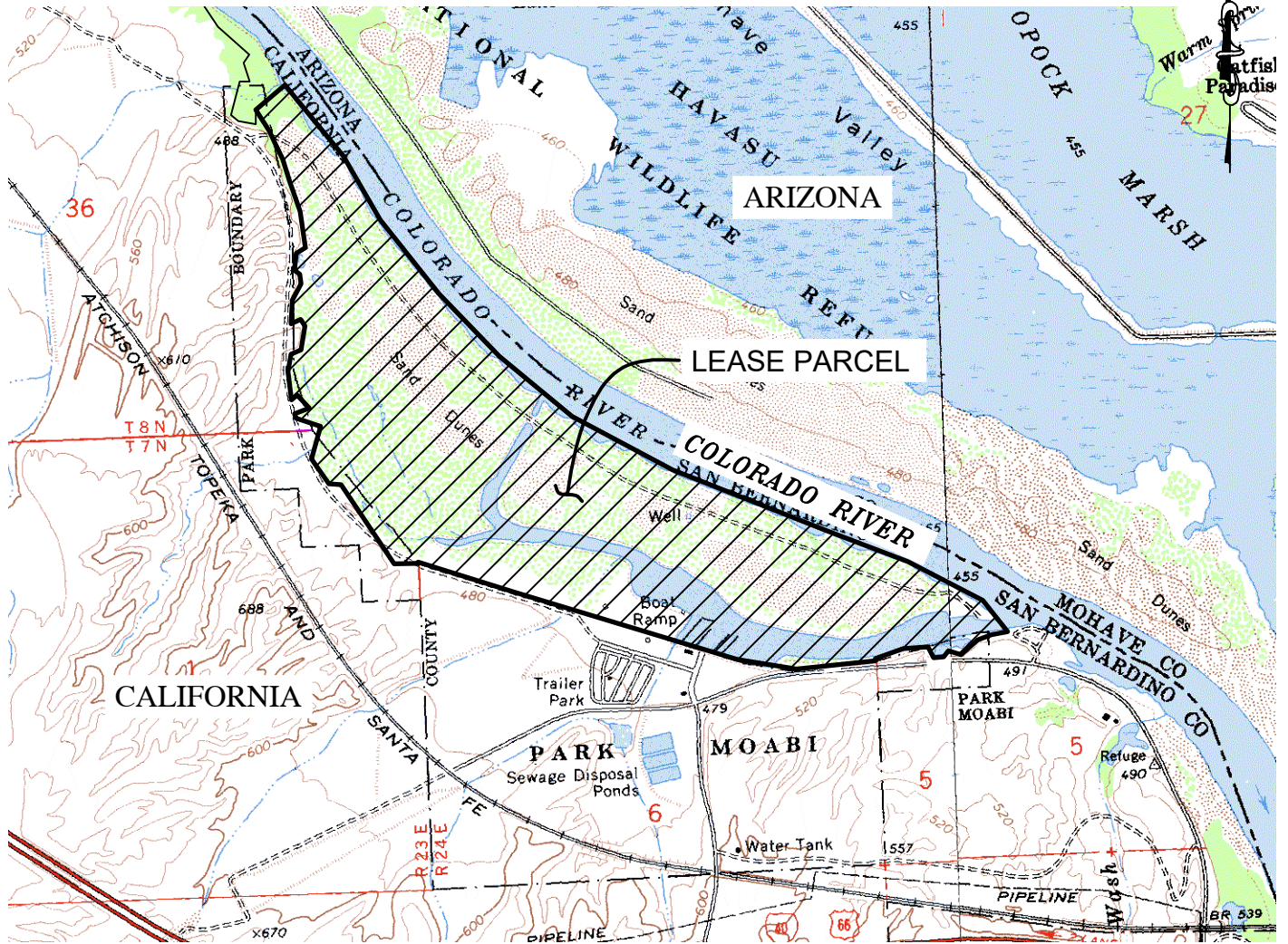
END OF DESCRIPTION



Prepared 04/04/2018 by the California State Lands Commission Boundary Unit.

NO SCALE

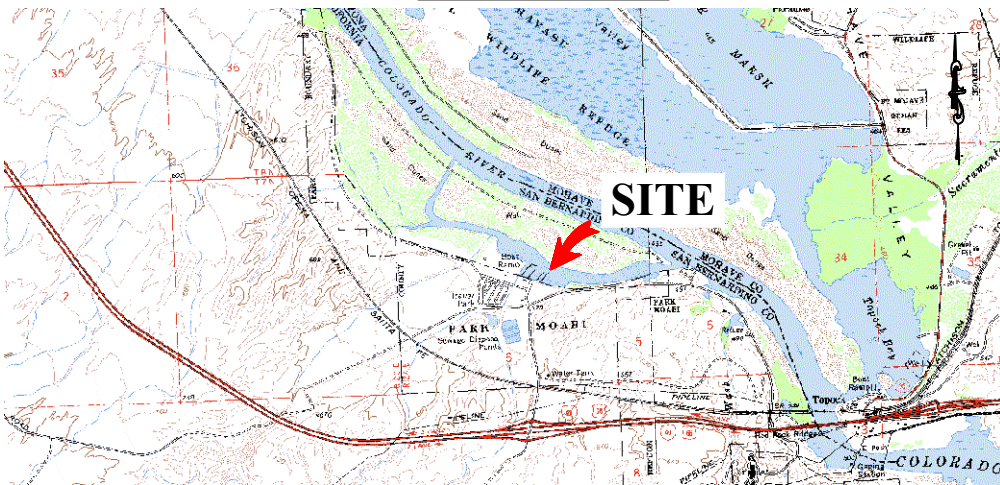
SITE



PARK MOABI, COLORADO RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3321.1
 COUNTY OF
 SAN BERNARDINO
 GENERAL LEASE -
 COMMERCIAL USE



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 C-1

PRC 3221.1

SUBLEASE

ENDORSEMENT

STATE OF CALIFORNIA STATE LANDS COMMISSION

Pursuant to Commission Minute Item No. _____ dated, June 21, 2018, the herein sublease between, San Bernardino County and Pirate Cove Resort Sales and Management, LLC under a portion of State Lease No. PRC 3221.1, is hereby approved. Such approval (1) does not bind the State Lands Commission to the terms and conditions of the sublease in any way; (2) is conditional upon the parties of the sublease fully complying with the terms and conditions of State Lease No. PRC 3221.1; and (3) unless amended, this endorsement is valid only as long as there is a valid lease in place between the State Lands Commission and San Bernardino County for the subject property.

By: _____
Robert Brian Bugsch
Chief, Land Management Division

EXHIBIT D

BEST MANAGEMENT PRACTICES FOR MARINA OWNERS / OPERATORS

Petroleum Management

Instruct staff not to use detergents or emulsifiers on a fuel or oil spill.

Post emergency telephone numbers to report oil or chemical spills in prominent locations at the marina.

Recommend the installation and use of fuel/air separators on air vents or tank stems of inboard fuel tanks to reduce the amount of fuel spilled into surface waters during fueling.

Provide a collection site for used oily pads and used oil or provide information on how and where to dispose of them.

Hazardous Wastes

Have a marina policy to manage hazardous wastes and hazardous materials.

Post a prohibition on the disposal of used oil, antifreeze, paint, solvents, varnishes and batteries into the dumpster or general collection waste receptacles.

If you provide for hazardous waste collection, manage the wastes in a proper fashion through the use of structurally sound, non-leaking containers, in accordance with all local, state and federal laws.

In the event of a spill or leak, clean up and dispose of materials promptly and properly and report the spill to all appropriate entities.

If operating a collection facility is not feasible, provide information to your tenants on how and where to dispose their wastes.

Encourage the use of alternative products to hazardous household chemicals. There are many non-toxic or less-toxic products that can be used as alternatives.

Emergencies

Have an updated map of important shut off valves and make sure all employees know the locations.

Keep your list of Emergency Phone Numbers and contact persons updated.

Be sure that all employees are trained in emergency procedures and that they know their responsibilities for each situation as designed in an Emergency Response Plan.

Underwater Boat Hull Cleaning

Require the use of legal hull paints to reduce the possibility of contamination when performing hull cleaning.

Boat Sewage Discharge

If your marina operates a pump out facility, install adequate signs to identify the station, its location and hours of operation.

Provide the service at convenient times and at a reasonable cost.

Make the pump out station user friendly.

Develop and adhere to a regular inspection and maintenance schedule for the pump out station.

Provide educational information about the pump out station to boaters.

Inform berth holders of existing local, state and federal regulations pertaining to the use of Marine Sanitation Devices and the illegal discharge of boat sewage.

Post a list of local pump-out locations in a conspicuous location such as the entrances to the docks.

Solid Waste

Keep litter picked up.

Place trash receptacles and dumpsters in convenient locations for boaters and guests.

Use covered dumpsters and trashcans so they do not fill up with rainwater and do not blow away in heavy winds.

Keep trash enclosures clean and free of debris.

Keep cleanup equipment and materials available.

Inspect trash storage areas regularly.

Dispose of all solid wastes in accordance with local, state and federal laws and regulations.

Liquid Waste

Train marina employees in oil spill response procedures.

Keep adequate spill response equipment and materials in strategic locations.

Storm Water Runoff

Maintain a Storm Water Pollution Prevention Plan.

Report spills that have entered or have a potential to enter a water body to appropriate agencies.

Provide signage adjacent to any storm drain inlet to discourage illegal dumping of pollutants.

Provide signs adjacent to parking lots that prohibit littering, dumping, and vehicle servicing or washing.

Develop and implement a regular sweeping / cleaning program for hard surface areas.

Reduce or eliminate landscaping and irrigation runoff into the waterway.

Aquatic Invasive Species

Implement aquatic invasive species management practices to prevent new infestations of non-native aquatic species and to control the spread of existing non-native aquatic species.

Conform with existing local, state, and federal regulations, and participate with area specific management programs and plans pertaining to the prevention and control of aquatic invasive species:

<https://www.wildlife.ca.gov/Conservation/Invasives>

<https://www.wildlife.ca.gov/Conservation/Invasives/Regulations>

https://dbw.parks.ca.gov/?page_id=28764

Train marina staff on watercraft inspection practices to identify and prevent the transport of non-native aquatic species.

Implement a boater education program to promote and practice clean, drain, and dry practices for motorized and non-motorized watercraft.

EXHIBIT E

BEST MANAGEMENT PRACTICES FOR BERTH HOLDERS AND BOATERS

Bilge Water Management

Keep bilge area as dry as possible.

Regularly check fittings, fluid lines, engine seals, and gaskets.

Fix all oil and fuel leaks in a timely manner.

Do not drain oil into the bilge.

Fit a drain pan, if feasible, underneath the engine to collect drips and leaks.

Consider the use oil-absorbent pads, even in small boats.

If a bilge contains oil, absorb as much free oil as possible with a pad. Then pump the bilge dry and wipe down the bilge and equipment. If a bilge is severely contaminated, use a pump out service. Never pull the drain plug on a boat with a bilge full of oil, especially if it is on a launch ramp.

Dispose of oil-soaked absorbents at a proper facility. Check with the marina operator for guidance.

Do not use detergents or bilge cleaners unless the bilge can be pumped into an appropriate facility.

Petroleum Containment

Fill portable fuel containers on land or on the fuel dock to reduce the chance of fuel spills into the water.

Avoid overfilling fuel tanks and attend the fuel nozzle at all times.

Perform all major engine maintenance away from surface water. Any maintenance work on an engine must be done in compliance with rules and regulations governing the marina.

Use petroleum absorption pads while fueling to catch splash back and the any drops when the nozzle is transferred back from the boat to the fuel dock.

Keep engines properly maintained for efficient fuel consumption, clean exhaust, and fuel economy. Follow all manufacturers' specifications.

Immediately report oil and fuel spills to the marina office and the U.S. Coast Guard National Response Center (Phone # 1 (800) 424-8802) and other appropriate agencies.

Hazardous Materials

Improper handling of hazardous materials can cause harm to human health and the environment and can result in serious penalties and expensive cleanup costs if contaminations occur.

Hazardous wastes generated by recreational boaters are considered household hazardous waste. Dispose of household hazardous waste in properly marked containers if provided by the marina or at the nearest appropriate site.

Vessel Sewage

Boaters should never pump out any holding tank directly into any U.S. waters. Always remember that it is illegal to discharge raw sewage from a vessel into U.S. waters.

Pumpout facilities should be used to dispose of stored waste whenever possible. They are fast, clean, and inexpensive.

Marine sanitation devices (MSDs) must be maintained to operate properly. Keep your disinfectant tank full, use biodegradable treatment chemicals, and follow the manufacturer's suggested maintenance program.

Do not dispose of fats, solvents, oils, emulsifiers, disinfectants, paints, poisons, phosphates, diapers, and other similar products in MSDs.

Whenever possible, use land-based rest rooms rather than onboard ones.

Vessel Cleaning and Maintenance

Ask your marina manager what types of maintenance projects are allowed in the slip.

Minimize the use of soaps and detergents by washing your vessel more frequently with plain water.

Do not use cleaners that contain ingredients such as ammonia, sodium, chlorinated solvents, or lye.

Use hose nozzles that shut off when released to conserve water and reduce the runoff from boat washing.

Ventilate your space to prevent the accumulation of flammable or noxious fumes.

Use eye protection and a respirator when there is the possibility that dust and debris could damage eyes or lungs.

Remove oil, debris and clutter from your immediate work area and dispose of properly.

Avoid spills in the water of all solvents, paints and varnishes.

Carefully read labels to ensure the products are used in a manner that is safe and won't harm the environment.

Use teak cleaners sparingly and avoid spilling them or fiberglass polishers in the water.

Sanding and Painting

When working in marinas, use designated sanding and painting areas. Check with the marina manager for the location and proper use of these areas.

Work indoors or under cover whenever wind can potentially blow dust and paint into the open air.

Where feasible, use environmentally friendly tools, such as vacuum sanders and grinders, to collect and trap dust. Some marinas have this equipment for rent, check with the manager.

Clean up all debris, trash, sanding dust, and paint chips immediately following any maintenance or repair activity.

Use a drop cloth beneath the hull to catch sanding dust and paint drops when working over unpaved surfaces.

When sanding or grinding hulls over a paved surface, vacuuming or sweeping loose paint particles is the preferred cleanup method. Do not hose the debris away.

Buy paints, varnishes, solvents, and thinners in sizes appropriate for the proposed work to avoid having to dispose of stale products.

When possible, use water-based paints and solvents.

Switch to longer lasting, harder, or non-toxic antifouling paint at your next haul out.

Paints, solvents, and reducers should be mixed far from the water's edge and transferred to work areas in tightly covered containers of 1 gallon or less.

Keep in mind that solvents and thinners may be used more than once by allowing the solids to settle out and draining the clean product off the top.

When in doubt about proper disposal practices, check with your marina and/or appropriate government agency.

Boaters should report any illegal discharge of boat sewage to the marina office or appropriate agency.

Boaters should use environmentally sensitive cleaning supplies that may end up in your gray water.

Boat Hull Cleaning and Maintenance

Ensure hull paint is properly applied and maintained to protect the hull from fouling organisms and thus improve your boat's performance.

Wait 90 days after applying new bottom paint before underwater cleaning.

Schedule regular hull cleaning and maintenance to reduce the buildup of hard marine growth and eliminate the need for hard scrubbing.

Regularly scheduled gentle cleaning will also increase the effectiveness of the antifouling hull paint and extend its useful life.

Repair paint bonding problems at haul out to avoid further chipping and flaking of paint in the water.

Use, or ask your diver to use, non-abrasive scrubbing agents, soft sponges or pieces of carpet to reduce the sloughing of paint and debris.

Boaters are encouraged to use boat hull cleaning companies and individuals that practice environmentally friendly methods.

Solid Waste

Do not dump plastic or any other trash into the water.

Use the dumpsters, trash receptacles and other approved containers to dispose of garbage and other waste.