



**Approval of Requests to Establish Commemorative Redwood Groves
For April 29, 2016**

WHEREAS it has been requested that the State Park and Recreation Commission approve the establishment of the following commemorative redwood groves in the California State Park System units specified; and

WHEREAS establishment of these groves is made possible through the generous donations of the individuals named;

NOW, THEREFORE, BE IT RESOLVED that the California State Park and Recreation Commission hereby approves the establishment of the following groves and gratefully acknowledges the generous donations that made this possible.

As requested by Sempervirens Fund:

The Casey Cadile Grove

in Castle Rock State Park

Susan & Shannon Cadile, donor

Andrew J. Geiser Memorial Picnic Grove

in Butano State Park

Leslie O'Brien, donor

Andy and Clarabella's Grove

in Butano State Park

Leslie O'Brien, donor

Sandra and Michael Seid Sister and Brother Grove

in Big Basin Redwoods State Park

Betty Lo Foundation, donor

[If so desired, the commissioner reading the above should make a motion
for approval of the establishment of this grove or groves]



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As requested by Save the Redwoods League:

Anne Thompson Shafer Grove
in Big Basin Redwoods State Park
Joan Shafer and Lisa Vandenburg, donor

Anne E. Pitzer and Fred B. Bromley Grove
in Jedediah Smith Redwoods State Park
Pitzer Family Foundation, donor

Susan M. Clark and Tom Cochrane Grove
in Navarro River Redwoods State Park
Susan M. Clark, donor

The Coco Pavao Lazenby Memorial Grove
in The Forest of Nisene Marks SP
The Live Like Coco Foundation, donor

Mary L Doljack Memorial Grove
in Wilder Ranch State Park
Paul C. George, donor

Linda Maria Abranya Memorial Grove
in Prairie Creek Redwoods State Park
Naomi Alfini, friends & family, donor

The Dorothy and Robert Kahn Grove
in Portola Redwoods State Park
Robert S. Kahn Charitable Fund, donor

Wilson and Patricia Alling Memorial Grove
in Navarro River Redwoods State Park
Robert S. Kahn Charitable Fund, donor

[If so desired, the commissioner reading the above should make a motion
for approval of the establishment of this grove or groves]



State Park and Recreation Commission

April 29, 2016

STAFF REPORT: Legislative Update

STAFF: Marivel Barajas
Deputy Director, Legislative Affairs

SUBJECT: California Legislation

Summary

This report provides summary excerpts and status of bills that may affect California State Parks. Information contained in this report is accurate as of April 15, 2016. Changes in status of some bills or introduction of new bills may occur between the date this report was prepared and the Commission meeting date.

CALIFORNIA LEGISLATION UPDATE

Senate Bill 868 (Jackson): State Remote Piloted Aircraft Act.

Summary: This bill would establish the State Remote Piloted Aircraft Act, which would create a comprehensive set of regulations for the use and operation of unmanned aircraft. Specifically, this bill would prohibit the use of drones throughout the State Park System, unless specifically authorized by Departmental permit.

Status: Referred to Senate Public Safety Committee hearing – April 19th

Senate Bill 987 (McGuire): Taxation: medical marijuana: Marijuana Value Tax Act.

Summary: This bill would impose a 15% excise tax on medical marijuana purchases. Tax revenue would be deposited into the Marijuana Value Tax Fund and allocated by the State Controller on a percentage basis to the following:

- 1) 30% General Fund;
- 2) 30% Bureau of Medical Marijuana Regulation;
- 3) 20% to State Parks for base operations;
- 4) 10% city and county drug and alcohol treatment programs;
- 5) 10% Natural Resources Agency.

Status: Referred to Senate Appropriations Committee – April 18th

Senate Bill 1027 (Nielsen): Parks: property transfer.

Summary: This bill would authorize Tehama County to transfer the Noland Park property to the Evergreen Union School District, for the purpose of maintaining and operating the park. The bill satisfies the Legislative approval requirements for the bond funding sources.

Status: Referred to Senate Appropriations Committee hearing – April 18th

Senate Bill 1111 (Pavley): State Parks: operating agreements.

Summary: This bill would remove the limit on the number of nonprofit organizations the Department can contract with for the operation and maintenance of State Parks. This bill is a work in progress and will likely be amended to facilitate implementation of Parks Forward Commission recommendations to improve and strengthen management of the State Park System.

Status: Referred to Senate Appropriations Committee – hearing date pending

Senate Bill 1333 (Block): State beaches and parks: smoking ban.

Summary: This bill would prohibit smoking on State Beaches and in any unit of the State Park System. This bill would postpone enforcement of the smoking ban until adequate signage notifying the public of the ban has been posted by the Department.

Status: Referred to Senate Appropriations Committee – hearing date pending

Senate Bill 1345 (Berryhill) Vehicles: off-highway vehicle recreation: County of Sierra.

Summary: This bill would expand the Inyo County dual use highway system pilot project to include Sierra County and would extend the pilot project until 2020. Additionally, the bill would require the County of Sierra, in consultation with the California Highway Patrol, CalTrans, and the Department of Parks and Recreation, to submit a report to the Legislature evaluating the effectiveness of the pilot project, no later than January 1, 2019.

Status: Referred to Senate Transportation and Housing Committee hearing – April 19th

Assembly Bill 1579 (Allen): Parks and monuments: operating leases or agreements.

Summary: This bill would delay, by ten days (20 days to 30 days), State Public Works Board review/approval of Departmental operating and lease agreements, providing 30-days for Legislative review of these types of proposed contracts.

Status: Referred to Senate Rules – awaiting referral to committee

Assembly Bill 1716 (McCarty): Lower American River Conservancy.

Summary: This bill would establish the Lower American River Conservancy within the Natural Resources Agency. The bill would establish a governing board for the Conservancy, which would include the Director of State Parks. The responsibilities of the Conservancy include the development of a management plan for the American River Parkway and grant administration.

Status: Referred to Assembly Natural Resources Committee – April 18th

Assembly Bill 1972 (Chau): Veterans: state park passes.

Summary: This bill would eliminate the wartime criterion from the Department's Distinguished Veterans Pass program.

Status: Assembly Appropriations Committee – hearing date pending

Assembly Bill 2092 (Frazier): Abandoned Watercraft Abatement Fund: grants.

Summary: This bill would authorize grant funding for the abatement, removal, storage or disposal of commercial vessels. Commercial vessels are currently excluded from the program.

Status: Referred to Assembly Transportation Committee hearing– April 18th

Assembly Bill 2148 (Holden): Unmanned aircraft: regulation.

Summary: This bill would require, on or before January 1, 2018, the Department of Parks and Recreation and the Department of Fish and Wildlife to develop regulations for the use of drones over public lands managed by each department, as defined.

Status: Referred to Assembly Water, Parks, and Wildlife Committee hearing – April 19th

Assembly Bill 2185 (Gonzalez): State Coastal Conservancy: low-cost accommodations.

Summary: This bill would require the Coastal Conservancy to establish, subject to the availability of funding, a loan or grant program to help privately owned low-cost accommodations to meet their operational and maintenance needs. Additionally, this bill would require the Coastal Conservancy, in collaboration with the Coastal Commission, the Department of Parks and Recreation and other relevant coastal landowners, to develop a list of potential low-cost accommodation projects in each region of the coastal zone, including relevant grant programs, as defined.

Status: Referred to Assembly Appropriations Committee– hearing date pending

Assembly Bill 2243 (Wood): Medical cannabis: taxation: cannabis production and environment mitigation.

Summary: This bill would impose a tax on medical marijuana cultivators. Tax revenue would be deposited into the Cannabis Production and Environment Mitigation Fund and allocated on the following basis:

1) 30% to local law enforcement; 2) 30% to Natural Resources Agency; 3) 30% to the Watershed Enforcement Team, Fish and Wildlife and the State Water Resources Control Board; 4) 10% to the Bureau of Medical Marijuana Regulations. Funding for State Parks would be restricted to environmental cleanup and restoration of lands damaged by illegal marijuana cultivation and awarded through a competitive grant program administered by Agency.

Status: Referred to Assembly Revenue and Taxation Committee – Suspense file

Assembly Bill 2249 (Cooley): State parks.

Summary: This bill would prohibit State Park concession contracts from providing any basis for a concessionaire to claim a trademark or other ownership interest in any name associated with a State Park venue. Any bidder making such a claim shall not be awarded a concession contract in California. Any contract violating this provision would be deemed void and unenforceable.

Status: Referred to Assembly Appropriations Committee – hearing date pending

Assembly Bill 2444 (E. Garcia): California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016.

Summary: This bill would establish the California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016, which, if approved by the voters on the November 8, 2016 ballot, would authorize the issuance of bonds in an unspecified amount, to finance parks, water, climate, coastal protection and outdoor access.

Status: Referred to Assembly Water, Parks, and Wildlife Committee hearing – April 19th

Assembly Bill 2549 (WP&W): State park system.

Summary: This bill would require the Department, in consultation with the State Park and Recreation Commission, to provide recommendations to the Legislature, by July 1, 2017, on methods to improve the Department's General Plan process, including: efficiency, cost-effectiveness, and a meaningful public participation process, to achieve the goal of substantially reducing the Department's General Plan backlog by 2020. Additionally, this bill would require State Park and Recreation Commission review of proposed operating agreements for an entire unit of the State Park System, as defined.

Status: Referred to Assembly Appropriations Committee – hearing date pending

Assembly Bill 2909 (Committee on Water, Parks, and Wildlife): State Parks: funding.

Summary: Public Resources Code §5009.1 authorizes the Department to accept donations to support the operation, maintenance, restoration, development, repair, improvement or enhancement of the State Park System. Donated funds are deposited into the State Park Contingent Fund. This bill would require the Department to provide written quarterly accounting documentation to each donor until the donated funds have been fully expended. Additionally, this bill would clarify that a projection of costs for a revenue generation project shall only include costs relevant to the project.

Status: Referred to Assembly Appropriations – hearing date pending

Commission Action

For information only

Attachments

None



SPRC STAFF REPORT

APRIL 12, 2016

COLUSA-SACRAMENTO RIVER STATE RECREATION AREA

GENERAL PLAN / EIR

I. DEPARTMENT RECOMMENDATIONS

California State Parks (DPR) recommends that the State Park and Recreation Commission (Commission) adopt the proposed resolution to approve the General Plan (GP or Plan) for Colusa-Sacramento River State Recreation Area (the Park).

II. PROJECT DESCRIPTION

The Park is located immediately north of the City of Colusa on the west bank of the Sacramento River. It occupies about 359 acres in the Sacramento Valley, an important agricultural region of northern California. The river is the main reason for the Park's existence. Much of the Park lies within the designated floodway of the Sacramento River. Regular floods from the north nourish the Park's riparian forest, create -- and re-create -- beaches and move woody debris into the river.

Recreation uses and facilities are concentrated in the southeast 3% of the Park, where flooding is less frequent and vehicle access is provided. Picnicking, walking, camping, fishing, nature observation and boat launching are popular. The majority of the Park is currently undeveloped, with only pedestrian access allowed north of a former river channel.

This GP will guide the development and management of this Park for public use and resource protection for the next 20-plus years. The Plan establishes a Declaration of Purpose, Vision Statement, and goals and guidelines to assist in daily and long-term management. These provisions ensure that Park resources are protected, while a variety of recreation activities are encouraged and additional facilities are provided to help DPR achieve its mission.

The Plan applies Transformation Team goals such as Relevancy, Partnerships and Mission-appropriate Revenue Enhancement to Park operations in service-oriented and collaborative ways.

III. PREVIOUS COMMISSION ACTIONS

There is no documentation that any action has ever been taken on this Park by the California State Parks and Recreation Commission.

IV. PUBLIC INPUT PROCESS

Public involvement is an important component of the general plan process. The people of California have entrusted DPR to manage the State Park System's natural and cultural resources while providing recreational and interpretive opportunities on these public lands. DPR must consider information from a variety of sources as it seeks to determine the statewide interest.

A range of methods were used to gather public input for this plan, as follows:

- Prior to the general plan process, the Sacramento River Conservation Area Forum (SRCAF) and The Nature Conservancy (TNC), held public meetings on May 11, August 2 and December 4, 2006 to guide preparation of the *Colusa Subreach Recreation Access Plan* and *Colusa-Sacramento River State Recreation Area Master Plan*. DPR participated in these multi-agency efforts.
- Newsletters were prepared and distributed in February 2013, June 2014 and February 2016. These were mailed to adjacent property owners and distributed at Colusa City Hall, Colusa County Library and Courthouse, a local sporting goods retailer, at the Park and at the public workshops. The newsletters were emailed to a contact list of about 100 interested parties. The Colusa Chamber, Kittles Outdoor and SRCAF agreed to reach out to an additional 4,000 members of the public via email.
- The City of Colusa notified residents of the first public workshop in electrical utility bills (about 2,100).
- A web page (www.parks.ca.gov/ColusaGP) was built and regularly updated with workshop information and exhibits, public input summaries and contact information.
- A press release was sent to the Colusa Sun Herald and other local news sources to announce each workshop. Reporters attended and reported on the workshops.
- Public workshops and meetings were held in the City of Colusa, as follows:
 - On February 28, 2013, about 21 participants received an overview of the project, reviewed the existing resources inventories, and shared their questions, concerns and issues.
 - On June 19, 2014, about 23 participants discussed three planning alternatives, shared input on a preferred alternative and gave further input as part of the CEQA public input process.
 - The Colusa City Council discussed the Plan in public meetings on June 17, 2014 and March 15, 2016.
- In accordance with the CEQA, a Notice of Preparation was distributed in June 2014. A Notice of Availability and Intent to Adopt was distributed along with publication of this Preliminary General Plan/Draft EIR for a public 45-day review period beginning on February 8, 2016 and ending on March 24, 2016. Printed copies of the Plan were sent to the Colusa and Williams public libraries and Colusa City Hall (among other locations), for public review.

All comments received on the Plan and during the planning process have been fully considered, ensuring that community members, agencies, planning partners, and other stakeholders are fully vested in a transparent planning process. The Final Environmental Impact Report (FEIR) includes the ten comments received during the 45-day public review period, and provides responses to a range of issues.

Commenters included three Park neighbors, a California Indian tribe, three State agencies, an educational institution and two environmental organizations. The most significant issue of concern is the potential removal of 15-year-old riparian vegetation in the Southwest Parcel to develop an RV campground. This issue is discussed below in Section VI Natural Resources Management.

V. PLANNING HISTORY

In 1957, the Park, then about 58 acres, was named and classified as Colusa-Sacramento River State Recreation Area.

PRC 5019.56(a) "State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. The areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large population centers, major routes of travel, or proven recreational resources such as manmade or natural bodies of water "

There has never been a GP prepared for the Park, so development has been guided by a *General Development Plan* and *Statements of Purpose*. The one page *General Development Plan* from September 1957 showed four separate picnic areas, a boat ramp and entrance station. The original *Statement of Purpose* adopted in July, 1959 states, "*To provide day use and boat launching facilities and fishing access for the recreational use of the Sacramento River.*" The current *Statement of Purpose*, adopted in December, 1975 states,

"The purpose of Colusa-Sacramento River State Recreation Area is to make possible the public enjoyment of recreational experiences which are afforded by the Sacramento River and its west side shore lands in the vicinity of the City of Colusa in Colusa County. All daytime and overnight recreational activities which can be practiced within the area without permanent damage to the scenic and natural resources of the area may be practiced for public enjoyment. The resources of the area may be enhanced or manipulated to improve the recreational experiences for people."

Park facilities along the Sacramento River north of the former river channel were plagued with frequent flooding, erosion and sedimentation, leading DPR to abandoned efforts to maintain picnic grounds and a campground there in the 1970s. In 1975, DPR planned to build a campground in the SOUTHWEST PARCEL; however, it is unclear why it was not built. No major facility development has occurred in the Park since 1981, when SOUTHEAST PARCEL campsites were installed.

The Park is within the Natural Resources Agency's Sacramento River Conservation Area (SRCA), which encompasses about 222 river miles between Redding and Verona. Local, state and federal agencies, along with environmental organizations, have made significant progress in preserving and enhancing the SRCA's riparian and riverine habitat through acquisition, easements and habitat

restoration over the past 25 years. The *Sacramento River Public Access Study* (2003) found substantial public interest in accessing these natural areas for recreation and nature study.

The SOUTHWEST PARCEL borrow pit was planted with 4.5 acres of Valley Oak Forest and Cottonwood Forest plants in 2001 by California State Parks staff to “*restore natural ecosystem processes to the site*”, and “*augment the natural setting for public enjoyment and relaxation*”.

The SRCAF and TNC developed a strategy for restoration of the ecosystem along the Sacramento River between the community of Princeton and the City of Colusa (the Colusa Subreach). One product of this planning effort was the *Colusa Subreach Recreation Access Plan* (2007), which recommended that “*no new land access points are recommended at this time.*” Instead, it recommended expansion of, and increased facilities development, in the Park.

In January 2007, the SRCAF, TNC, and DPR published a master plan for the Park “*for public access and recreation that is compatible with adjacent land uses and with wildlife habitat conservation*”. Recommendations included relocation of the boat ramp, park entrance and campground, as well as enhanced boating and picnicking facilities. Acquisition, habitat restoration and low-impact recreational development of the former Ward property was also recommended. DPR did not officially adopt the *Colusa-Sacramento River SRA Master Plan*; however, the Ward Tract acquisition and restoration, and the City of Colusa’s boating facility project, arose from this planning process. Other recommendations have been considered as part of this GP process.

The 235-acre Ward Tract, formerly used for field and orchard crops, was acquired at no cost from TNC in 2006. The California Department of Water Resources (DWR) restored 137 acres of native riparian habitat in 2009. The *Interagency Agreement* authorizing this mitigation project allowed habitat improvements and compatible recreation activities on the land.

Use of the Park boat ramp required regular dredging due to siltation, which was carried out in partnership with a local irrigation company with water rights to the Sacramento River. In 2006, DPR determined that further contributions to dredging costs of the CHANNEL were infeasible. Since then, the Park boat ramp has often been unusable, so the City of Colusa, with DPR’s concurrence, decided to construct a new one on the adjacent City park. In 2006, the City submitted a Local Assistance Grant proposal for a Boat Launching Facility to the Department of Boating and Waterways (DBW, now a division of DPR). The City and DPR also signed a *Construction Operating Agreement* for access, parking and restroom improvements in the Park. Phase One construction of the Boat Launching Facility (boat ramp, access road and walkway) is anticipated either this summer or next.

In 2011, DPR signed a five year *Operating Agreement* authorizing the City of Colusa to manage recreation in the SOUTHEAST and SOUTHWEST PARCELS. The City and DPR are discussing extending this Operating Agreement. Once the Boat Launching Facility is completed, the City and DPR expect to negotiate a 20-year Operating Agreement, to fulfill a condition of the DBW grant.

The GP is the culmination of 60 years of planning efforts for this unit, wrapped into one comprehensive package. The Plan sorts out conflicts and confusion that have arisen over time, offers clear direction for how this Park should meet DPR’s mission and the Parks Forward Commission Final Report, and discloses any potential environmental effects of Plan adoption.

VI. PLAN ISSUES AND ANALYSIS

The following issues and opportunities have been analyzed in detail (Page 93):

- Unit Classification
- Purpose and Vision
- **Recreation Opportunities ***
- Interpretation and Education
- Natural Resources Management, including **Habitat Restoration and Recreational Uses ***, Floodway Management and River Meander, The Channel, and Climate Change.
- Facilities and Infrastructure Development, including the **Boating Facility ***, **Park Entrance and Circulation ***, Overnight Accommodations, Picnicking, River Access, and Utilities.
- **Park Revenues, Operations and Maintenance***
- Community Concerns and Input

*** Major issues are summarized briefly below.**

RECREATION OPPORTUNITIES (Page 96): Regional population growth, demographic indicators, and several studies indicate an increased demand for public access to the Sacramento River and the variety of recreational opportunities and experiences the River offers. In contrast, river access and associated recreational opportunities in the region have diminished over the past 60 years. The GP recommends that opportunities for the following recreation & interpretive activities be expanded:

RELEVANCY

- Motorized and human-powered boating
- Wildlife watching and nature observation
- Trail activities such as bicycling, hiking, running, and orienteering
- Safe public access to the river, including for persons with mobility challenges
- RV and tent camping for groups and individuals, as well as overnight lodging
- Large and small outdoor social, interpretive and cultural events
- Information and facilities serving regional recreation opportunities

Regional demographics (page 78) and public health issues (page 79) demonstrate the opportunity for the Park to become more relevant in the daily lives of residents in the five-county region, and Colusa County in particular. The median age of residents in the five county region is about 35 years. Colusa County has a majority of residents who describe themselves as of Hispanic/Latino heritage. County residents have a median household income that is about \$13,000 less than California residents, and college education levels are significantly less. Regarding public health, fewer than 25% of Colusa County's fifth- seventh- and ninth-grade schoolchildren met the "healthy zone" standard, with 30% identified as at high risk for future health problems. Regular vigorous exercise is one method to improve the physical fitness and health of Colusa's children.

Providing the recreation and interpretive activities indicated above will increase tourism that provides jobs in local businesses, empower citizens to address environmental and public health challenges, allow more social activities of particular interest to Hispanic/Latino residents, and welcome children into the Park for healthy outdoor exercise.

HABITAT RESTORATION AND RECREATIONAL USES IN THE SOUTHWEST PARCEL (Page 99). The 6-acre SOUTHWEST PARCEL is the only Park land protected from frequent flooding by the Sacramento River levee, and is within 100 yards of two state highways. In the absence of land acquisition, it is the most desirable site for a campground with RV hookups. However, remnant riparian forest occurs on about one acre, and 4.5 acres were planted with native plants in 2001 by the department. Development of a campground here is likely to require removal of many of the native plants in both the remnant forest and the revegetation area.

During the public review period, several organizations expressed concerns about potential removal of native vegetation and displacement of the native Sacramento Valley Red Fox which sometimes dens in the Southwest Parcel -- The California Department of Fish and Wildlife, University of California Davis Mammalian Ecology and Conservation Unit, The Mt. Lassen Chapter of California Native Plant Society and Sacramento River Preservation Trust. However, the proposed campground receives wide-spread support from the local community, which first advocated for this in 1975 (Appendix N57).

Replacing a native habitat restoration project with a campground has been the most controversial general plan issue. This issue illustrates the difficult balancing act between the department's mission of resources preservation and providing public access, with increased efforts to enhance revenue. The Plan recommendation is based on a determination that:



- The State Recreation Area classification compels that recreation development receive strong consideration in the Plan (page 93)
- There is a long history of planning for a campground at this location (page 112)
- overnight accommodations are in demand (page 109), and should not be reduced (page 133 Goal RCA6A)
- a campground should improve the economic sustainability of the Park (page 115)
- without acquisition of additional land, this location would have the least environmental impacts (page 101 and 176) and provide the most recreation benefits (page 109)
- acquisition may be feasible, but difficult to accomplish by the time the City of Colusa Boat Launching Facility parking development displaces the existing campground (page 165)

The Plan recommends the prioritization of land acquisition outside the floodway to provide all season camping; however, if land acquisition is infeasible, a campground shall be allowed in the SOUTHWEST PARCEL. If sufficient land is acquired for an RV campground, a lower intensity of campground or cabin development will be considered for the SOUTHWEST PARCEL, in order to preserve as much native vegetation as possible.

The installation of all-year overnight accommodations, in addition to new boat launching facilities (described on page 7), and an outdoor event center will provide needed recreational amenities that increase opportunities for healthy outdoor activities, bring additional visitors, and augment revenues in a mission-appropriate manner.

The department has collaborated closely with the City of Colusa on two facilities and on Park operations described below.

PARTNERSHIPS

BOATING FACILITY (Page 104). The City of Colusa’s Boat Launching Facility includes a boat ramp in the adjacent city park, with access through, and support facilities on, state park property.

When built, the new ramp will be very close to the existing campground, with the existing boat ramp parking lot at least ¼ mile away. The Plan allows for swapping the location of the existing campground and boat ramp parking, relocating the entrance station, and installing restroom facilities to better serve the City boat ramp.

PARK ENTRANCE AND CIRCULATION (Page 105). The existing Park entrance station serves only 3% of the Park and is located in the floodway. To protect resources and manage visitor safety, vehicles are not currently allowed in the rest of the Park. A single entrance station is recommended outside the floodway that will control vehicle access to the entire Park. The best location seems to be just outside the Park boundary within City right-of-way at 12th Street and Levee Road. This requires the public road that bisects the Park to become a park road (Figures 2 and 3).

In a public workshop, 76% of the participants supported high recreation use in the Park, but many were opposed to relocating the Park entrance. The GP team is convinced that high recreation use cannot be accommodated efficiently without relocating the Park entrance, and that we just didn’t provide the public with sufficient information to make an informed decision. Subsequently, we prepared traffic and noise analyses, which indicate that traffic due to increased recreational use allowed under this GP will not create significant impacts in the neighborhood.

The Plan includes a thorough discussion of the existing conditions, reasons to change, design goals, relocation options, phasing and related circulation changes. This information addresses all of the concerns expressed by the public.

PARK REVENUES, OPERATIONS AND MAINTENANCE. Development of the Boat Launching Facility has long-term implications for Park management in partnership with the City of Colusa. Extending the existing Operating Agreement with the City is being considered on a year-to-year basis. When the City boat ramp is constructed, the department intends to negotiate a 20-year operating agreement for the boating facility, and potentially more of the Park (page 114 and 165).

The Colusa City Council has adopted a resolution recommending that the SPRC approve the Plan (Figure 1), and they are moving forward with construction of a boat ramp. In addition, the Plan supports the maintenance of several long-term partnerships with organizations listed on page 88.

VII. LEGAL ISSUES

There are no known legal issues relating to the Commission’s approval of this GP.

VIII. ENVIRONMENTAL ANALYSIS

Projects allowed by this Plan have been reviewed at a program level (first tier) pursuant to the California Environmental Quality Act (CEQA). Project-level (second tier) evaluations of the potential impacts of specific development projects will need to be completed in the future, before implementation of specific projects can begin.

Implementation of the GP is not expected to result in significant impacts on the environment, because the goals and guidelines contained in the Plan, the Department Operations Manual policies, the Department's Standard Project Requirements, the Department's Trails Manual, and Departmental Notices in conjunction with federal, state, and local laws and regulations, would avoid potentially significant effects or maintain them at less-than-significant levels.

IX. FISCAL IMPACT

There is no immediate fiscal impact as a result of adopting this general plan. However, implementing the plan will allow additional revenue and concession opportunities to occur that can support increased recreation opportunities.

ATTACHMENTS:

Figure 1: Colusa City Council Resolution

Figure 2: Existing and Potential Vehicular Circulation

Figure 3: Potential Core Area Vehicular Circulation

Figure 1 – Colusa City Council Resolution

RESOLUTION NO. 16-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA IN SUPPORT OF THE COLUSA-SACRAMENTO RIVER SRA GENERAL PLAN

WHEREAS, the City of Colusa desires to make a recommendation to the State Park and Recreation Commission regarding the *Preliminary Colusa-Sacramento River State Recreation Area (SRA) General Plan (Plan)*, which is on file with the City Clerk and incorporated herein by reference; and

WHEREAS, the Plan was developed through a public input and review process begun in February 2013, and the culmination of a three-and-a-half-year collaborative public planning process led by the California Department of Parks and Recreation (California State Parks); and,

WHEREAS, the Plan is consistent with City of Colusa plans and policies, such as the *City of Colusa 2007 General Plan* and *City of Colusa Bikeway Master Plan*; and,

WHEREAS, the Plan supports the *Downtown Colusa Economic Development Plan*, which describes “the community’s vision for a vibrant, active, and economically healthy Downtown”, including revitalizing the riverfront, constructing facilities to increase tourism, and leveraging the boat launch to make downtown a destination; and,

WHEREAS, the Plan supports the City of Colusa Boat Launching Facility project, by allowing the development of accessory facilities, such as restrooms, parking, and entrance improvements in the SRA, all in support of the City’s new boat launch facility; and,

WHEREAS, the Plan is consistent with the 2011-2016 Operating Agreement between the City of Colusa and California State Parks, and the 2006-2016 Construction Agreement for the Boat Launching Facility; and,

WHEREAS, on September 16, 2014, the City of Colusa began the process to annex the park property, so as to provide city utilities to new and renovated facilities, and improve public safety services in the SRA; and,

WHEREAS, implementation of the Plan will provide the following benefits to residents of the City of Colusa, as follows:

- (a) Social benefits: Implementation will improve the quality of life, fitness and public health of the community through the diversity of facilities and programs that provide healthy outdoor activities allowable in the Plan.
- (b) Economic benefits: Implementation will increase park usage and generate additional revenue for the City. In addition, implementation will stimulate economic development in the short-term and long-term by providing employment and business opportunities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Colusa that the Council hereby acts as follows:

- A. Determines that there is significant public support for a variety of high quality recreation opportunities in the SRA; and,
- B. Determines that the Plan supports City policies, plans and agreements; and,
- C. Determines that the social, economic, and other benefits of Plan implementation supports the community's vision; and,
- D. Recommends approval of the *Preliminary Colusa-Sacramento River SRA General Plan* (Plan) to the State Parks and Recreation Commission.

PASSED AND ADOPTED by the City Council, City of Colusa, State of California, on March 15, 2016 by the following vote:

AYES: WOMBLE, ACREE, PONCIANO AND KELLER.

NOES: NONE.

ABSENT: REISCHE.

ABSTAIN: NONE.



KIRK KELLEHER, MAYOR PRO-TEM



Shelly Kittle, City Clerk

Figure 2 - Existing and Potential Vehicular Circulation

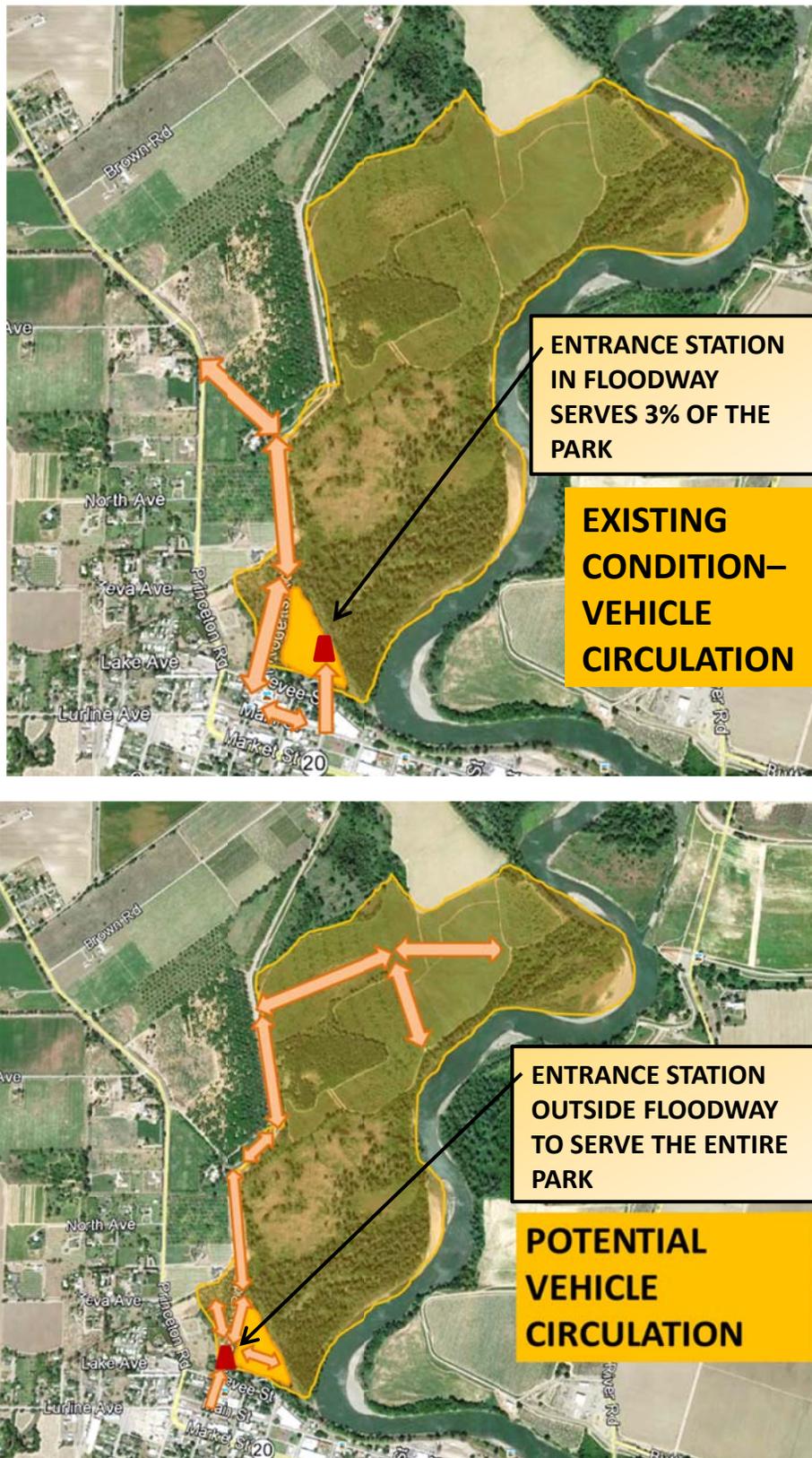


Figure 3 -Potential Core Area Vehicular Circulation





Draft Resolution 9-2016
Adopted by the
CALIFORNIA STATE PARK AND RECREATION COMMISSION
at a meeting conducted in
Williams, California
April 29, 2016

**General Plan and Final Environmental Impact Report
for Colusa-Sacramento River State Recreation Area**

WHEREAS, the Director of California State Parks has presented to this Commission for approval the Preliminary General Plan and Final Environmental Impact Report (“Plan”) for Colusa-Sacramento River State Recreation Area (“Park”); and

WHEREAS, the Park is a unique State Recreation Area with natural and cultural resources that will support increased recreation and interpretation opportunities such as boating, nature observation, trail activities, river access, overnight accommodations, events and regional recreation support facilities; and

WHEREAS, the Plan was developed through a public input and review process begun in February 2013, and the culmination of a three-and-a-half-year collaborative public planning process led by the California Department of Parks and Recreation (California State Parks); and,

WHEREAS, this general plan is consistent with the California State Parks mission, classification, acquisition purposes and policies; and

WHEREAS, this general plan is consistent with long-term multi-agency planning for the Sacramento River Conservation Area and the Colusa Subreach; and

WHEREAS, this general plan will guide the development and management of the Park for public use and resource protection for the next 20 or more years, by establishing goals and guidelines to assist in the daily and long-term management of the park to ensure that its resources are protected, while encouraging a variety of interpretive and recreation activities; and

WHEREAS, implementation of the Plan will provide the following benefits to residents of the City of Colusa, as follows:

(a) Social benefits: Implementation will improve the quality of life, fitness and public health of the community through the diversity of facilities and programs that provide healthy outdoor activities allowable in the Plan.

(b) Economic benefits: Implementation will increase park usage and generate additional revenue for the City. In addition, implementation will stimulate economic development in the short-term and long-term by providing employment and business opportunities.

WHEREAS, the Plan is subject to the California Environmental Quality Act (CEQA) and includes the Final Environmental Impact Report (EIR) as a part of a General Plan, pursuant to Public Resources Code (PRC) Section 5002.2 and the California Code of Regulations (CCR) Section 15166 (CEQA Guidelines), providing discussion of the probable impacts of future development, establishing goals, policies and objectives, and addressing all the requirements of an EIR; and

WHEREAS, the Plan and EIR function as a “tiered EIR” pursuant to PRC 21093, covering general goals and objectives of the Plan, and that the appropriate level of CEQA review will be conducted for each project relying on the Plan;

NOW, THEREFORE BE IT RESOLVED: That this Commission has reviewed and considered the information and analysis in the Plan prior to approving the Plan, and this Commission finds that the Plan reflects the independent judgment and analysis of this Commission and has been completed in accordance with the California Environmental Quality Act; and be it

RESOLVED: In connection with its review of the Plan prior to approving the General Plan, this Commission independently finds that the environmental conclusions contained in the Environmental Analysis Section of the Plan are supported by facts therein and that each fact in support of the findings is true and is based on substantial evidence in the record and that the plan goals and guidelines, as well as the Department Operations Manual and Standard Project Requirements, have been incorporated into the Plan, which will avoid or substantially lessen the potential impacts identified in the Plan; and be it

RESOLVED: The location and custodian of the Plan and other materials which constitute the record of proceedings on which the Commission’s decision is based is: State Park and Recreation Commission, P.O. Box 942896, Sacramento, California 94296-0001, Phone 916/653-0524, Facsimile 916/653-4458; and be it

RESOLVED: The California State Park and Recreation Commission hereby certifies the Environmental Impact Report prepared for Colusa-Sacramento River State Recreation Area and approves the Department of Parks and Recreation’s General Plan with revisions noted within the Final Environmental Impact Report, dated April 15, 2016; and be it

FURTHER RESOLVED: That a Notice of Determination will be filed with the Office of Planning and Research within five days of this approval.

Attest: This Resolution was duly adopted by the California State Park and Recreation Commission on April 29, 2016 at the Commission’s duly-noticed public meeting at Sacramento, California.

By: _____ Date: _____

Brie Grossman
Assistant to the Commission
For Lisa Mangat, Director
Secretary to the Commission

Memorandum

Date : April 22, 2016

To : Lisa Ann L. Mangat, Director

From : James A. Luscutoff

Subject : State Park and Recreation Commission (SPRC) Concession Staff Reports

Attached for your review and approval are four (4) concession staff reports to present to SPRC during their quarterly meeting on March 17, 2016. SPRC approval is required by Public Resources Code (PRC) 5080.20 when concession operations involve annual gross sales which exceed \$1 million during contract terms. SPRC review and approval is specific to the project compatibility with their respective unit classification and general plan, if one exists. A summary of the reports follows:

Hearst San Simeon State Historic Monument (Hearst Castle®)

San Luis Obispo Coast District and the Concessions Program request authorization to amend the 15 year contract with ARAMARK Sports and Entertainment for an additional five years primarily to facilitate an estimated \$800,000 in roof repairs over the visitor center building. The structure includes the Hearst Castle®) tour reception area, as well as multiple concession-operated food service and retail sales. The contract extension also offers \$300,000 of enhanced visitor services within the building. The roof repair is critical to prevent extensive storm and water damage in the future, and it would not be in the State's interest to delay these repairs for a new contract following the original expiration in March 2019.

Hearst San Simeon State Historic Monument (Hearst Castle®)

San Luis Obispo Coast District and the Concessions Program request authorization to negotiate a new ten-year contract with the incumbent theater operator, Destination Cinema, upon expiration of their current 20 year contract in August 2016. The contract would be negotiated under the provisions of PRC 5080.16(d), which provides for interpretive concessions outside a competitive bid process when the operator is theoretically sole source. Destination Cinema developed the theater and owns rights to the movie, "Hearst Castle – Building the Dream", which is an integral part of the park visitors' tour experience. The cost to develop a new film is estimated at \$5 million and it would take over a year to complete. This new contract will continue the visitor service and provide for ownership of the film or transfer of operations upon conclusion of the new ten-year term.

Old Town San Diego SHP Specialty Tobacco Shop

San Diego Coast District and the Concessions Program request authorization to advertise a Request for Proposals (RFP) for a ten-year concession contract to continue an historic-style, tobacco-themed retail store within the Casa de Juan Rodriguez structure. The current forty-year contract executed in 1974 included a

complete renovation of the historic building, which operates as Racine and Laramie, selling tobacco, pipes and cigar products. The site operated as a Tobacco Shop by Racine and Laramie as early as 1869. The current contract authorized a forty-year amortization of the capital investment against the rent. The operator did not commence payment of rent at 4% of gross sales in 2012/13. The new contract anticipates gross sales to exceed \$1 million during the term, and the rent terms approved through the Legislature include a minimum \$70,000 per year or 12% of gross receipts, whichever is greater. There is interest to prioritize the release of this RFP as the new contract will yield more than double the amount of revenue to CSP.

Angel Island State Park – Food, Retail, Rental and Cabin Lodging Development

The Bay Area District Office and Concessions Program request authorization to revise the original approval in 2008 to advertise a concession contract for tours and food services to include the cabin development project. As a result, the contract term would extend to 20 years for the necessary capital investment estimated at \$3 million to install 13 cabins. The majority of cost will be through a low interest loan from a non-profit foundation per the Resource Legacy Fund, and \$300,000 in equity from the concessionaire. In addition to the cabins, the new concessionaire will be required to replace or overhaul tram tour equipment to facilitate visitor access throughout the island during the contract term. Most recently, the concession produced \$1.8 million in annual gross sales, with corresponding revenue of \$137,288 to the State. The cabin construction is expected to last for 12 months with average annual rent revenue at 7.6% of gross sales.

We appreciate your concurrence with the Staff Reports in order to meet the agenda deadline of April 18, 2016. If you have questions, feel free to give me a call at (916) 654-7733.

Attachment

**California State Park and Recreation Commission
STAFF REPORT – Agenda Item**

Hearst San Simeon State Historic Monument (Hearst Castle®)

Food and Retail Sales Concession Contract Extension

I DEPARTMENT RECOMMENDATION

In accordance with Public Resources Code (PRC) § 5080.03, 5080.16(b) and 5080.20, California State Parks (CSP) recommends California State Parks and Recreation Commission (SPRC) approval of classification compatibility for an amendment to extend the existing food and retail sales concession contract an additional five years to facilitate a major capital improvement. The annual gross sales exceed \$6 million, and the extension will involve an estimated \$1.1 million in capital improvements.

II PROJECT DESCRIPTION

CSP requests approval to negotiate a five-year extension of the current fifteen (15) year contract term with ARAMARK Sports & Entertainment (ARAMARK), due to expire on March 31, 2019. ARAMARK has proposed to invest an estimated \$800,000 to repair the roof over the Hearst Castle® Visitor Center which includes the concession premises of operation and tour reception area, and \$300,000 in enhanced visitor-serving facilities. The roof is in severe disrepair and requires immediate attention to prevent extensive storm and water damage to the facilities. CSP may also negotiate an increase in rent during the five-year extension period.

The current contract was awarded through a competitive bid process during 2002, and the contract required an investment of close to \$4 million in facility improvements. Other terms of the contract include minimum annual rent at 10% of dining sales, 15% catering sales, 22% museum sales, 25% garden shop sales, and 30% of gift shop sales. During FY 13/14, it produced over \$1.5 million in revenue to CSP. The contract also provides CSP with reimbursement for routine housekeeping and maintenance of common operational areas, and contributes 2% of sales to marketing, advertising and promoting of Hearst Castle®.

III CLASSIFICATION

Hearst Castle ® serves as CSP's only State Historic Monument. In accordance with PRC 5019.59, classified "historical units consist of nonmarine areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. . . The only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. . . Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit."

IV PREVIOUS COMMISSION ACTIONS

SPRC approved execution of the current concession contract at their regular meeting on April 27, 2002 in Palm Springs, CA.

V PUBLIC INPUT PROCESS

The competitive process for the original contract provided an opportunity to review and bid on the concession operations.

VI LEGAL ISSUES

There are no known legal issues relating to SPRC's approval of this project.

VII FISCAL IMPACT

CSP will receive an estimated \$1.1 million in critical facility repairs and enhanced visitor services, as well as an increase in rent terms during the last five years of the contract term. During FY 13/14, ARAMARK produced over \$1.5 million in revenue to CSP based on the current rent terms. Through negotiations, the CSP anticipates an average rental increase of no less than 2% of gross sales during the five-year extension period of the contract term.

VIII RESULT OF NO ACTION BY COMMISSION

CSP would lose the benefit of a concessionaire-funded critical roof repair at Hearst Castle® Visitor Center which ensures continued public access during the remainder of the contract term. The disrepair could potentially result in a loss of public access to Hearst Castle® Visitor Center during the winter season.

Attachment

Appendix A Public Resources Code 5019.59, 5080.03, 5080.16 and 5080.20.

Appendix A

5019.59 Historical units, to be named appropriately and individually, consist of nonmarine areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. The areas should be of sufficient size, where possible, to encompass a significant proportion of the landscape associated with the historical objects. The only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit. Certain agricultural, mercantile, or other commercial activities may be permitted if those activities are a part of the history of the individual unit and any developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

5080.03. (a) The department may enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system for the safety and convenience of the general public in the use and enjoyment of, and the enhancement of recreational and educational experiences at, units of the state park system.

(b) Concessions shall not be entered into solely for their revenue producing potential.

(c) With respect to any unit of the state park system for which a general development plan has been approved by the commission, any proposed concession at that unit shall be compatible with that plan.

5080.16. If the director determines that it is for the best interests of the state, the director, upon giving notice to the State Park and Recreation Commission, may negotiate or renegotiate a contract, including terms and conditions, when one or more of the following conditions exist:

(a) The bid process as prescribed in this article has failed to produce a best responsible bidder.

(b) The negotiation or renegotiation would constitute an extension of an existing contract obtained through the process required by this article and the extended contract would provide for substantial and additional concession facilities, which would be constructed at the sole expense of the concessionaire and which are set forth in the general plan for the unit and are needed to accommodate existing or projected increased public usage.

(c) Lands in the state park system administered by the department and lands under the legal control of the prospective concessionaire are so situated that the concession is

dependent upon the use of those public and private lands for the physical or economic success, or both, of the concession.

(d) Whenever a concession is desired for particular interpretive purposes in a unit of the state park system and the prospective concessionaire possesses special knowledge, experience, skills, or ability appropriate to the particular interpretive purposes.

(e) Whenever the concession has been severely and adversely impacted through no fault of the concessionaire by an unanticipated calamity, park closure, major construction, or other harmful event or action.

(f) Whenever the estimated administrative costs for the bid process exceed the projected annual net rental revenue to the state.

5080.20. No contract, including a contract entered into on lands operated pursuant to an agreement entered into under Article 2 (commencing with Section **5080.30**), which is expected to involve a total investment or estimated annual gross sales in excess of five hundred thousand dollars (\$500,000), may be advertised for bid, negotiated, renegotiated, or amended in any material respect unless and until all of the following requirements have been complied with:

(a) The commission has reviewed the proposed services, facilities, and location of the concession and determined that they meet the requirements of Sections 5001.9 and **5080.03** and are compatible with the classification of the unit in which the concession will be operated.

(d) The proposed concession is accompanied with documentation sufficient to enable the Legislature, the commission, and the board, as the case may be, to ascertain whether the concession will conform to the requirements of this article and, as to the Legislature and the board, to evaluate fully all terms on which the concession is proposed to be let, including the rent and other returns anticipated to be received.

**California State Park and Recreation Commission
STAFF REPORT – Agenda Item**

Hearst San Simeon State Historic Monument (Hearst Castle®)
Theater Concession Operation

I DEPARTMENT RECOMMENDATION

In accordance with Public Resources Code (PRC) § 5080.03, 5080.16(d) and 5080.20, California State Parks (CSP) recommends California State Park and Recreation Commission (SPRC) approval of classification compatibility for a negotiated concession contract for continued operation and improvements to Hearst Castle Theater.

II PROJECT DESCRIPTION

CSP requests approval to negotiate a new ten-year concession contract with Destination Cinema, Inc., the current concessionaire, to provide film presentations to visitors as part of the unit’s interpretive and educational mission within Hearst San Simeon State Historical Monument located in San Simeon, San Luis Obispo County, CA.

The current 20 year negotiated concession contract will expire on August 17, 2016. Under the current contact, Destination Cinema developed the Hearst Castle Large Format Theater and Hearst film shown to visitors as part of the unit’s interpretive and educational mission. Destination Cinema owns rights to the film. In order to continue use of the existing film, CSP will use the authority of PRC 5080.16(d) for the Director to negotiate terms and conditions of a new contract that also provides for ownership of the film upon conclusion of the ten-year term.

III CLASSIFICATION

Hearst Castle ® serves as CSP’s only State Historic Monument. In accordance with PRC 5019.59, classified “historical units consist of nonmarine areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. . . . The only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. . . . Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public’s enjoyment of the unit.”

IV PREVIOUS COMMISSION ACTIONS

SPRC approved the original concession contract for the development and operation of the Hearst Castle ® Theater on February 8, 1991, Resolution #8-91.

V PUBLIC INPUT PROCESS

The original concession contract was approved by the SPRC in a public meeting held on February 8, 1991.

VI LEGAL ISSUES

There are no known legal issues relating to the Commission's approval of this project.

VII FISCAL IMPACT

The State anticipates a minimum annual rent guarantee of no less than \$200,000 with a provision for Consumer Price Index adjustments; and an average rent percentage of no less than 14% plus 2% for facility maintenance and 2% for advertising and marketing. The concessionaire will also invest an estimated \$500,000 to update and refresh the quality of the existing film, and an estimated \$600,000 to improve the theater projection system, resulting in a total investment of \$1.1 million.

VIII RESULT OF NO ACTION BY COMMISSION

The time and cost to invest in a new film, approximately \$5 million, would likely result in a period of non-operation of the theater. CSP would lose the benefit of an essential visitor service at Hearst Castle® and corresponding revenue.

Attachment

Appendix A Public Resources Code 5019.59, 5080.03, 5080.16 and 5080.20

Appendix A

5019.59 Historical units, to be named appropriately and individually, consist of nonmarine areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. The areas should be of sufficient size, where possible, to encompass a significant proportion of the landscape associated with the historical objects. The only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit. Certain agricultural, mercantile, or other commercial activities may be permitted if those activities are a part of the history of the individual unit and any developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

5080.03. (a) The department may enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system for the safety and convenience of the general public in the use and enjoyment of, and the enhancement of recreational and educational experiences at, units of the state park system.

(b) Concessions shall not be entered into solely for their revenue producing potential.

(c) With respect to any unit of the state park system for which a general development plan has been approved by the commission, any proposed concession at that unit shall be compatible with that plan.

5080.16. If the director determines that it is for the best interests of the state, the director, upon giving notice to the State Park and Recreation Commission, may negotiate or renegotiate a contract, including terms and conditions, when one or more of the following conditions exist:

(a) The bid process as prescribed in this article has failed to produce a best responsible bidder.

(b) The negotiation or renegotiation would constitute an extension of an existing contract obtained through the process required by this article and the extended contract would provide for substantial and additional concession facilities, which would be constructed at the sole expense of the concessionaire and which are set forth in the general plan for the unit and are needed to accommodate existing or projected increased public usage.

(c) Lands in the state park system administered by the department and lands under the legal control of the prospective concessionaire are so situated that the concession is dependent upon the use of those public and private lands for the physical or economic success, or both, of the concession.

(d) Whenever a concession is desired for particular interpretive purposes in a unit of the state park system and the prospective concessionaire possesses special knowledge, experience, skills, or ability appropriate to the particular interpretive purposes.

(e) Whenever the concession has been severely and adversely impacted through no fault of the concessionaire by an unanticipated calamity, park closure, major construction, or other harmful event or action.

(f) Whenever the estimated administrative costs for the bid process exceed the projected annual net rental revenue to the state.

5080.20. A contract, including a contract entered into on lands operated pursuant to an agreement entered into under Article 2 (commencing with Section 5080.30), that is expected to involve a total investment or estimated annual gross sales in excess of one million dollars (\$1,000,000), shall not be advertised for bid, negotiated, renegotiated, or amended in any material respect unless and until all of the following requirements have been complied with:

(a) The commission has reviewed the proposed services, facilities, and location of the concession and determined that they meet the requirements of Sections 5001.9 and 5080.03 and are compatible with the classification of the unit in which the concession will be operated.

(b) At least 30 days advance written notice of the proposed concession has been provided by the director to the appropriate policy and fiscal committees of the Legislature and the Joint Legislative Budget Committee.

(c) The proposed concession is accompanied with documentation sufficient to enable the commission and the Joint Legislative Budget Committee to ascertain whether the concession will conform to the requirements of this article and to evaluate fully all terms on which the concession is proposed to be let, including the rent and other returns anticipated to be received.

**California State Park and Recreation Commission
STAFF REPORT – Agenda Item**

Historic-Style Specialty Tobacco Shop Concession
Old Town San Diego SHP

I DEPARTMENT RECOMMENDATION

California State Parks (CSP) recommends the California State Park and Recreation Commission (SPRC) approve general plan and classification compatibility for a historic, specialty retail concession to sell tobacco-related gifts and products, including cigars and pipes, located at 2737 San Diego Avenue within the Casa de Juan Rodriguez building at Old Town San Diego State Historic Park (OTSD), San Diego County, California, in accordance with Public Resources Code (PRC) § 5019.59, 5080.03, 5080.20, and 5080.23.

II PROJECT DESCRIPTION

The subject premises will operate as a historic-style specialty retail store with primary sales products to include tobacco, cigars, and pipes. It has operated as Racine and Laramie Tobacco and Pipe Shop since its reconstruction in 1976 under the current 40 year contract term. The gross sales are anticipated to exceed \$1 million during the new ten (10) year contract term.

Annual rent to the State will be the greater of a guaranteed flat rate or a percentage of gross receipts. Proposers will be required to bid a minimum annual rent of \$70,000 or 12% of monthly gross receipts, whichever is greater, and commit a minimum of \$20,000 in facility improvements to include refinishing hardwood flooring and installation of a HVAC system. The exact amount of rent and facility improvements to be paid will be established through a request for proposal (RFP) process. It is anticipated that the new concession contract will be implemented during the spring of 2016.

III CLASSIFICATION AND GENERAL PLAN

To be compatible with the classification of the park, the concession must comply with PRC 5019.59, which states in part “The only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking.” Certain agricultural, mercantile, or other commercial activities may be permitted if those activities are a part of the history of the individual unit and any developments retain or restore historical authenticity.”

The General Plan stipulates that “A good balance of commercial establishments and house museums must be maintained to fulfill the needs of the park. Concessions must be sensitively selected for their ability to contribute to the authentic re-creation of Old Town as it was during the years 1821-1872...” The Interpretive Program Plan further specifies retail and food sales as essential to provide for and enhance the visitors’ experience the Department cannot provide. This structure operated as Racine and

Laramie, a specialty tobacco retail shop, as early as 1869. The new concession contract will continue a tobacco, cigar, pipe shop and seeks to recreate the Transitional Historic Period of 1846-1856.

IV PREVIOUS COMMISSION ACTIONS

Previous SPRC actions include approval of the general plans. In addition to General Plan approval, on March 31, 1983, by Resolution 25-83, the SPRC approved operation of a tobacco and pipe shop, including a wine-tasting room and sale of distilled spirits.

V PUBLIC INPUT PROCESS

Following approval by the Commission, CSP will finalize and release a Request for Proposal (RFP) to the public during the spring of 2016.

VI LEGAL ISSUES

There are no known legal issues relating to SPRC's determination regarding this project.

VII FISCAL IMPACT TO STATE

The site of the proposed concession has operated as a tobacco and pipe shop called Racine and Laramie since its historic reconstruction was completed under the current concession contract in 1976. The contract provided a forty-year amortization schedule against the rent in consideration of the capital investment made by the concessionaire. Following completion of amortization in 2012, the concessionaire paid rent at 4% of gross receipts. Gross sales and rent to DPR as reported by the current concessionaire during the past 5 years is as follows:

Fiscal Year	Gross Sales	Rent
2013-14	\$ 793,067	\$ 32,169
2012-13	\$ 760,407	\$ 30,416
2011-12	\$ 757,947	\$ 8,326
2010-11	\$ 583,743	\$ 180
2009-10	\$ 569,449	\$ 958

VIII RESULT OF NO ACTION BY COMMISSION

If there is no action by the Commission, the current concession will continue to operate month to month or decide to vacate the premises thereby losing services to the public and lost revenues to the State.

ATTACHMENT

Appendix A Public Resources Code (PRC) § 5019.59, 5080.03, 5080.20, and 5080.23.

Appendix A

5019.59. Historical units, to be named appropriately and individually, consist of non-marine areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. The areas should be of sufficient size, where possible, to encompass a significant proportion of the landscape associated with the historical objects. The only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit. Certain agricultural, mercantile, or other commercial activities may be permitted if those activities are a part of the history of the individual unit and any developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

5080.03. (a) The department may enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system for the safety and convenience of the general public in the use and enjoyment of, and the enhancement of recreational and educational experiences at, units of the state park system.

(b) Concessions shall not be entered into solely for their revenue producing potential.

(c) With respect to any unit of the state park system for which a general development plan has been approved by the commission, any proposed concession at that unit shall be compatible with that plan.

5080.20. A contract, including a contract entered into on lands operated pursuant to an agreement entered into under Article 2 (commencing with Section 5080.30), that is expected to involve a total investment or estimated annual gross sales in excess of one million dollars (\$1,000,000), shall not be advertised for bid, negotiated, renegotiated, or amended in any material respect unless and until all of the following requirements have been complied with:

(a) The commission has reviewed the proposed services, facilities, and location of the concession and determined that they meet the requirements of Sections 5001.9 and 5080.03 and are compatible with the classification of the unit in which the concession will be operated.

(b) At least 30 days advance written notice of the proposed concession has been provided by the director to the appropriate policy and fiscal committees of the Legislature and the Joint Legislative Budget Committee.

(c) The proposed concession is accompanied with documentation sufficient to enable the commission and the Joint Legislative Budget Committee to ascertain whether the concession will conform to the requirements of this article and to evaluate fully all terms on which the concession is proposed to be let, including the rent and other returns anticipated to be received.

5080.23. (a) Notwithstanding any other provision of this article, with respect to concession contracts entered into on and after October 1, 1994, if the Director determines that it is in the best interests of the state, the Director may, upon giving notice to the State Parks and Recreation Commission, in lieu of the process for awarding contracts otherwise prescribed in this article, award contracts authorizing occupancy of any portion of the state park system for a period of more than two years to the best responsible person or entity submitting a proposal for a concession contract.

(b) For any concession contract authorizing occupancy by the concessionaire for a period of more than two years of any portion of the state park system that is entered into pursuant to this section, the department shall prepare a request for proposal, which shall include the terms and conditions of the concession sufficient to enable a person or entity to submit a proposal for the operation of the concession on the basis of the best benefit to the state. Proposals shall be completed only on the basis of the request for proposal.

(c) Any concession contract entered into pursuant to this section that is expected to involve a total investment or gross sales in excess of five hundred thousand dollars (\$500,000) shall comply with the requirements for entry into contract that are set forth in Section 5080.20.

(d) For purposes of this section, "best responsible person or entity submitting a proposal" means the person or entity submitting a proposal, as determined by specific standards established by the department that will operate the concession in the best interests of the state and the public.

**California State Park and Recreation Commission
STAFF REPORT – Agenda Item**

Food and Retail Services, Tram Tours, Cabin and Equipment Rentals
Angel Island State Park

I DEPARTMENT RECOMMENDATION

In accordance with Public Resources Code (PRC) § 5080.03 and 5080.20, and 5080.23, California State Parks (CSP) recommends California State Parks and Recreation Commission (SPRC) approval of classification and general plan compatibility for a concession contract to provide visitors with food services, retail sales, rental equipment, guided tram tours, and cabin lodging at Angel Island State Park.

II PROJECT DESCRIPTION

Current concession services include the sale of food, beverages (including beer and wine) and sundries at the island café, retail sales, picnic and event catering, tram tours, interpretive audio tours; and the rental of bicycles, electric personal assistive mobility devices and picnic equipment. The current concession contract expired on August 31, 2009. CSP seeks approval to continue these services, in addition to the installation, operation and maintenance of cabins for overnight lodging, through a new concession contract.

The new concession contract would include a term of up to twenty (20) years in order to amortize the investment to install 13 cabins at an estimated cost of \$3 million through a low interest loan from a non-profit foundation per the Resource Legacy Fund.

III CLASSIFICATION AND GENERAL PLAN

Angel Island SP is classified as a “State Park”. In accordance with PRC 5019.53, such classification applies to relatively spacious areas of outstanding scenic or natural character. The purpose of state parks is defined to preserve outstanding natural, scenic and cultural values, indigenous aquatic and terrestrial fauna and flora.

The General Plan for Angel Island was approved by the SPRC in 1978, amended in May 1996 to extend the tram service around the island, and in December 2005 for development of the Immigration Station buildings. The Plan calls for existing concessions, which include the interpretive tram and food service operations, to continue based on visitor interest and popular demand. It further states, “The area between North and East Garrisons and selected isolated areas have been designated for developed overnight use, with controlled individual, family and group camping.” The proposed cabin development will occur within this area.

IV PREVIOUS COMMISSION ACTIONS

In addition to General Plan approval, the SPRC reviewed and approved this concession for alcohol-related activities in February 1994 and November 2006. Project compatibility for the new concession contract was also approved by SPRC on February 29, 2008, Resolution Number 5-2008. However, the project changed substantially with

the inclusion of cabin development through support from the Resource Legacy Fund. This change prompted a revision to the project initially approved by SPRC.

V PUBLIC INPUT PROCESS

Per PRC Section 5080.20(b), the project received legislative review through the FY 14/15 budget process. Due to the change in scope and operation, CSP will submit a required notice to the Joint Legislative Budget Committee (JLBC). Following required notification and approval, the new concession contract will be subject to a public competitive bid process through a Request for Proposals (RFP).

VI LEGAL ISSUES

There are no known legal issues relating to the Commission’s approval of this project.

VII FISCAL IMPACT TO STATE

The anticipated rent revenue to the Department under the new contract will range from 2-10% of gross receipts, or an average of 7.6%, commensurate with the amortization of the cabin cost development. The concessionaire minimum equity investment is estimated at \$500,000 for cabin development, and the purchase or replacement of trams essential for public access throughout Angel Island SP. Following is the fiscal impact during the past five years of this concession operation.

Fiscal Year	Gross Sales	Rent to State
2013-14	\$1,836,975	\$137,288
2012-13	\$1,822,094	\$137,041
2011-12	\$1,360,932	\$82,050
2010-11	\$1,279,328	\$90,170
2009-10	\$1,073,249	\$72,162

VIII RESULT OF NO ACTION BY COMMISSION

CSP would lose the benefit of a concessionaire-funded cabin development to enhance the park visitor experience at Angel Island SP and increased revenue.

ATTACHMENTS

Appendix A Public Resources Code Sections 5019.53, 5080.03, 5080.16, 5080.20 and 5080.23.

Appendix A

5019.53.

State parks consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other similar values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California, such as the Sierra Nevada, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as those improvements involve no major modification of lands, forests, or waters. Improvements that do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in the terrestrial or nonmarine aquatic (lake or stream) environments of the state.

5080.03. (a) The department may enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system for the safety and convenience of the general public in the use and enjoyment of, and the enhancement of recreational and educational experiences at, units of the state park system.

(b) Concessions shall not be entered into solely for their revenue producing potential.

(c) With respect to any unit of the state park system for which a general development plan has been approved by the commission, any proposed concession at that unit shall be compatible with that plan.

5080.20. A contract, including a contract entered into on lands operated pursuant to an agreement entered into under Article 2 (commencing with Section 5080.30), that is expected to involve a total investment or estimated annual gross sales in excess of one million dollars (\$1,000,000), shall not be advertised for bid, negotiated, renegotiated, or amended in any material respect unless and until all of the following requirements have been complied with:

(a) The commission has reviewed the proposed services, facilities, and location of the concession and determined that they meet the requirements of Sections 5001.9 and

5080.03 and are compatible with the classification of the unit in which the concession will be operated.

(b) At least 30 days advance written notice of the proposed concession has been provided by the director to the appropriate policy and fiscal committees of the Legislature and the Joint Legislative Budget Committee.

(c) The proposed concession is accompanied with documentation sufficient to enable the commission and the Joint Legislative Budget Committee to ascertain whether the concession will conform to the requirements of this article and to evaluate fully all terms on which the concession is proposed to be let, including the rent and other returns anticipated to be received.

5080.23. (a) Notwithstanding any other provision of this article, with respect to concession contracts entered into on and after October 1, 1994, if the director determines that it is in the best interests of the state, the director may, upon giving notice to the State Parks and Recreation Commission, in lieu of the process for awarding contracts otherwise prescribed in this article, award contracts authorizing occupancy of any portion of the state park system for a period of more than two years to the best responsible person or entity submitting a proposal for a concession contract.

(b) For any concession contract authorizing occupancy by the concessionaire for a period of more than two years of any portion of the state park system that is entered into pursuant to this section, the department shall prepare a request for proposal, which shall include the terms and conditions of the concession sufficient to enable a person or entity to submit a proposal for the operation of the concession on the basis of the best benefit to the state. Proposals shall be completed only on the basis of the request for proposal.

(c) Any concession contract entered into pursuant to this section that is expected to involve a total investment or gross sales in excess of five hundred thousand dollars (\$500,000) shall comply with the requirements for entry into contract that are set forth in Section 5080.20.

(d) For purposes of this section, "best responsible person or entity submitting a proposal" means the person or entity submitting a proposal, as determined by specific standards established by the department, that will operate the concession in the best interests of the state and the public.