

**CALENDAR ITEM
C01**

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10/13/16
PRC 6957.1
M.J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Doris B. Fagan, trustee of the Fagan Revocable Trust dated June 7, 2001

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 22539 Adobe Road, near the city of Red Bluff, Tehama County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, ramp, two steel bars, and one steel cable.

LEASE TERM:

10 years, beginning March 27, 2016.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

On February 9, 2006, the Commission authorized a Recreational Pier Lease to Doris B. Fagan Revocable Trust dated June 7, 2001 ([Calendar Item C12, February 9, 2006](#)). That lease expired on March 26, 2016. The Applicant is applying for a General Lease – Recreational Use for the continued use and maintenance of an existing uncovered floating boat dock, ramp, two steel bars, and one steel cable.

CALENDAR ITEM NO. **C01** (CONT'D)

Applicant owns the upland adjoining the lease premises. The subject facilities are privately owned and maintained. The subject dock and ramp facilities are for the docking and mooring of boats. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5).

The subject facilities have existed for many years at this location. However, in November 2014, the existing dock was turned upside down by a storm and sustained minor damage. The dock was removed from the river for minor repairs. Upon completion of repairs to the dock, Applicant proposes to place the dock back in the same location in the river. The subject facilities are built on a relatively flat portion of the shore. The upland houses are close together. The topography and upland structures restrict the available uses of the proposed lease area.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

The proposed lease requires the lessee 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 people of the State for the use of public land. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine, will not substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease, and is in the best interests of the State.

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 protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.

CALENDAR ITEM NO. **C01** (CONT'D)

2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

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

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity 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 will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

CALENDAR ITEM NO. **C01** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Doris B. Fagan, trustee of the Fagan Revocable Trust dated June 7, 2001; beginning March 27, 2016, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, ramp, two steel bars, and one steel cable, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$125 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6957.1

LAND DESCRIPTION

One parcel of submerged land situate in the bed of the Sacramento River, lying adjacent to fractional Section 3, Township 27 North, Range 3 West, patented December 18, 1868, County of Tehama, State of California, more particularly described as follows:

All those lands underlying an existing floating boat dock and existing ramp lying adjacent to that parcel described in Grant Deed recorded June 22, 2001 as Document Number 008921, Book 2045, Page 346 in Official Records of Sacramento County.

TOGETHER WITH any applicable impact area.

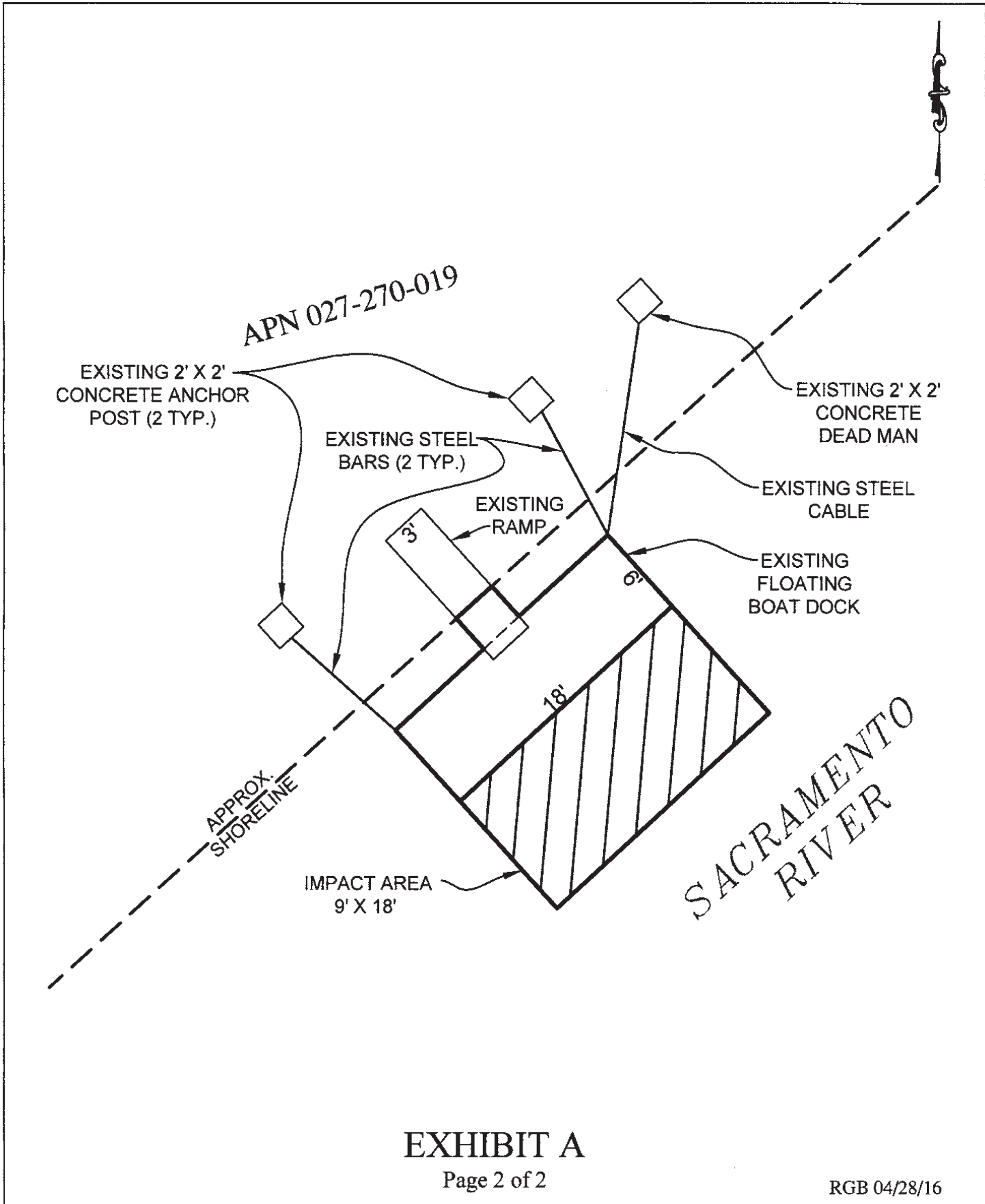
EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of the right bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 03/29/2016 by the California State Lands Commission Boundary Unit.





LAND DESCRIPTION PLAT
 PRC 6957.1, FAGAN
 TEHAMA COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

APN 027-270-019

EXISTING 2' X 2' CONCRETE ANCHOR POST (2 TYP.)

EXISTING STEEL BARS (2 TYP.)

EXISTING RAMP

EXISTING 2' X 2' CONCRETE DEAD MAN

EXISTING STEEL CABLE

EXISTING FLOATING BOAT DOCK

APPROX. SHORELINE

IMPACT AREA
9' X 18'

18'

SACRAMENTO RIVER

22539 ADOBE ROAD, NEAR RED BLUFF

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6957.1

FAGAN

APN 027-270-019

GENERAL LEASE -
RECREATIONAL USE
TEHAMA COUNTY



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.

RGB 03/29/16