

**STAFF REPORT  
C13**

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10/19/17  
PRC 5284.1  
M. Schroeder

**ASSIGNMENT OF LEASE**

**LESSEE/ASSIGNOR:**

Reservation Ranch dba Ship Ashore, a General Partnership

**APPLICANT/ASSIGNEE:**

Tolowa Dee-ni' Nation

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Smith River, adjacent to Assessor's Parcel Numbers 102-170-03, 102-170-05, and 102-010-35, near Smith River, Del Norte County.

**AUTHORIZED USE:**

Continued use and maintenance of existing pilings and remnant pilings, deck, boat ramp, breakwater, fill area, concrete abutment, and riprap.

**LEASE TERM:**

Five years, beginning June 29, 2015.

**CONSIDERATION:**

\$125 per year; prepayment of \$625 to cover the annual rent for the full term of the lease.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$3,000,000 per occurrence.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and the State's Best Interests Analysis:**

On June 29, 2015, the Commission authorized a General Lease – Other to Reservation Ranch dba Ship Ashore, a General Partnership ([Item C43, June 29, 2015](#)). That lease will expire on June 28, 2020. On November 30, 2016, interest in the upland parcels was deeded to the Applicant. The Applicant is now applying for an assignment of the lease. The assignment

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will be effective as of the date of the transfer, November 30, 2016. Applicant agrees to perform and be bound by the terms, conditions, covenants, and agreements contained in the lease.

The lease assignment will not result in a change in the use of Public Trust resources or the impacts thereto. Staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

### **Climate Change Analysis:**

Climate change impacts, including sea-level rise, are not limited to the open coast and may involve increased wave activity, storm events, and flooding. The existing structures within the proposed lease area are located along the Smith River within a region identified as tidally influenced. The subject facilities are vulnerable to flooding at current sea levels and at higher risk of flood exposure given future projected scenarios of sea-level rise. The lease area contains existing pilings and remnant pilings, deck, boat ramp, breakwater, fill area, concrete abutment and riprap. By 2030, California's coast could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (NRC 2012). This effect could increase the Smith River's inundation levels within the lease area. In addition, as stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise).

The combination of these projected conditions could potentially raise the likelihood of damage to structures within the lease premises during the term of the lease. For example, the potential for more frequent and stronger storm events may expose the lease area structures to higher flood risks and cause structures to be damaged or dislodged, presenting hazards to public safety, as well as dangers for navigation within the channel. Conversely, prolonged drought conditions could lower water levels exposing previously submerged structures to the elements potentially leading to increased wear and tear on the pilings and deck, reduce navigability of the channel thereby increasing hazards, and impact the function and utility of the lease area structures. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement. Further climate change impact analyses on the leased facilities will be assessed in 2020 if a new lease is proposed and would be based on the projected sea-level rise scenarios at that time.

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**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.
2. Assignment of the lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

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

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

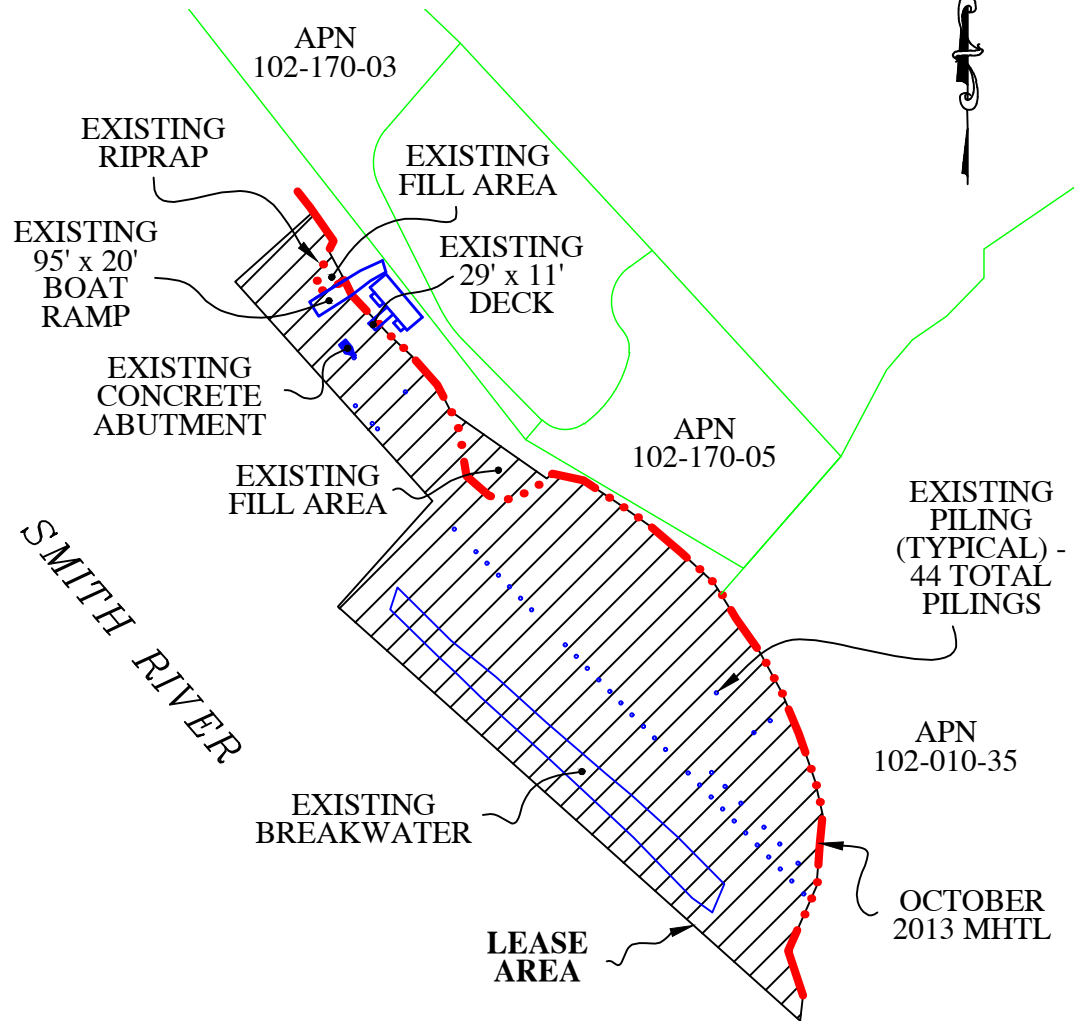
Find that the proposed lease assignment will not impact the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 5284.1, a General Lease – Other, of sovereign land as shown on Exhibit A, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Reservation Ranch dba Ship Ashore, a General Partnership, to Tolowa Dee-ni' Nation; effective November 30, 2016.

NO SCALE

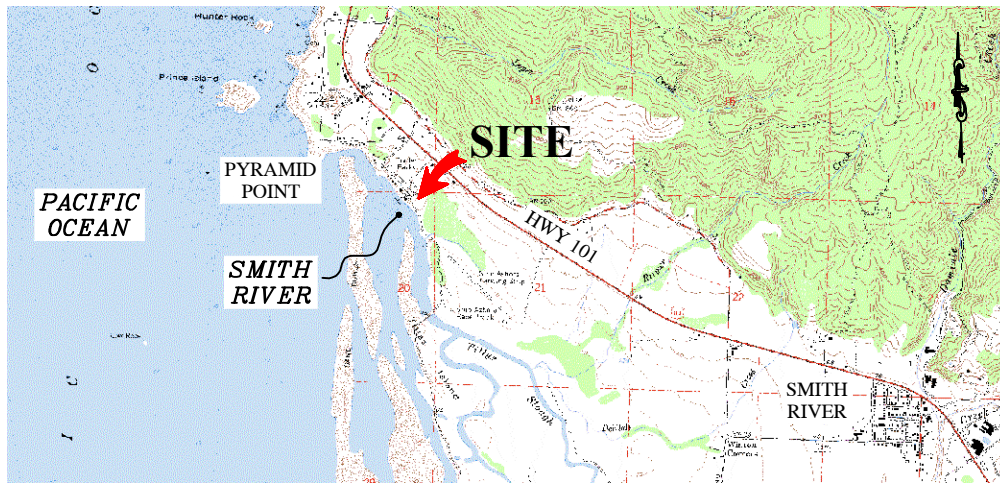
## SITE



12370 HIGHWAY 101 NORTH, NEAR TOWN OF SMITH RIVER

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit A**

PRC 5284.1  
TOLOWA DEE-NI' NATION  
APNs 102-170-03,  
102-170-05 & 102-010-35  
GENERAL LEASE - OTHER  
DEL NORTE COUNTY



JWP 08/24/17