

**STAFF REPORT  
C37**

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10/19/17

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PRC 6831.1

G. Asimakopoulos

**ACCEPTANCE OF A LEASE QUITCLAIM DEED AND ISSUANCE  
OF A GENERAL LEASE – RECREATIONAL USE**

**LESSEE:**

James G. Ross and Laurel J. Ross, Trustees of the Ross Family Trust

**APPLICANT:**

Susan E. Caston, Trustee of the Susan E. Caston Survivor's Trust, dated December 22, 2008

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land located in the Sacramento River, adjacent to 13219 River Road, near Walnut Grove, Sacramento County.

*AUTHORIZED USE:*

Use and maintenance of an existing uncovered floating boat dock, gangway, and three pilings.

*LEASE TERM:*

10 years, beginning September 21, 2016.

*CONSIDERATION:*

\$203 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, 6503, and 6503.5;  
California Code of Regulations, title 2, sections 2000 and 2003.

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

On February 9, 2016, the Commission authorized a 10-year General Lease – Recreational Use to James G. Ross and Laurel J. Ross, Trustees of the Ross Family Trust, for an existing uncovered floating boat dock,

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gangway, and three pilings ([Item C17, February 9, 2016](#)). That lease will expire on July 31, 2024. On September 21, 2016, ownership of the upland parcel was deeded to the Applicant. The Applicant has applied for a General Lease – Recreational Use, for the continued use and maintenance of the existing facilities. The Lessee has executed a lease quitclaim deed releasing their interest in the lease to the State. Commission staff recommends acceptance of the lease quitclaim deed and issuance of a new lease to the Applicant commencing on September 21, 2016.

The subject dock and appurtenant facilities (gangway and three pilings) are for the docking and mooring of boats. Recreational boating is a water-dependent activity and 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 existing floating boat dock and appurtenant facilities have existed at this location for many years, and are located directly adjacent to the Applicant's upland property.

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years and a non-exclusive use provision. The facilities will not significantly alter the land, the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition.

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 occupation of the public land involved.

**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 Sacramento River within a tidally-influenced region. The subject facilities are vulnerable to flooding at current sea levels and at a higher risk of flood exposure given future projected scenarios of sea-level rise. The facilities associated with the lease area consist of an existing uncovered floating boat dock, gangway, and three pilings.

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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 more than 5 feet by 2100 (National Research Council 2012). This effect could increase the Sacramento River's inundation levels within the lease area. Rising sea levels can lead to increased flooding through regular inundation and larger flooding events when combined with tidal events and storm surges. These climate change and sea-level rise impacts can also affect erosion and sedimentation rates through increased wave action and scour, which in turn can lead to decreased shoreline stability and structure. 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).

Climate change could have a number of impacts for the region. The amount and timing of snowmelt runoff will likely change such that runoff pulses are earlier in the season and stronger precipitation events will occur over a shorter period of time. This is because warming temperatures will result in more water falling as rain rather than snow, earlier spring snowmelt, and less snowpack overall. In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. In addition, there will be greater amounts of runoff because less water will be trapped at higher altitudes in snowpack. Conversely, climate-change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. In rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

The floating boat dock and gangway are adaptable to variable water levels, allowing them to rise and fall with storms and droughts and increasing their resiliency to some climate change impacts, but may require more frequent maintenance to ensure continued function during and after storm seasons and to avoid dislodgement of dock facilities. The pilings and landing platform may need to be reinforced to withstand higher levels of flood exposure. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement.

### **Conclusion:**

For all the reasons above, Commission staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this

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location, at this time, or for the foreseeable term of the proposed lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**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. Acceptance of the lease quitclaim deed is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

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

3. Staff recommends that the Commission find that the issuance of the lease is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

4. 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

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**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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

Find that the proposed lease will not substantially interfere with 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.

**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.

**AUTHORIZATION:**

1. Authorize acceptance of a lease quitclaim deed from the Lessee, effective September 20, 2016, of Lease No. PRC 6831.1, a General Lease – Recreational Use, issued to James G. Ross and Laurel J. Ross, Trustees of the Ross Family Trust.
2. Authorize issuance of a General Lease – Recreational Use to Susan E. Caston, Trustee of the Susan E. Caston Survivor's Trust, dated December 22, 2008; beginning September 21, 2016, for a term of 10 years, for the use and maintenance of an existing uncovered floating boat dock, gangway, and three pilings, as described in Exhibit A, Land Description, and as shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount \$203, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 6831.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 296 patented October 19, 1875, Sacramento County, State of California, more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, three pilings and gangway lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded September 21, 2016, in Book 20160921, Page 1576 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

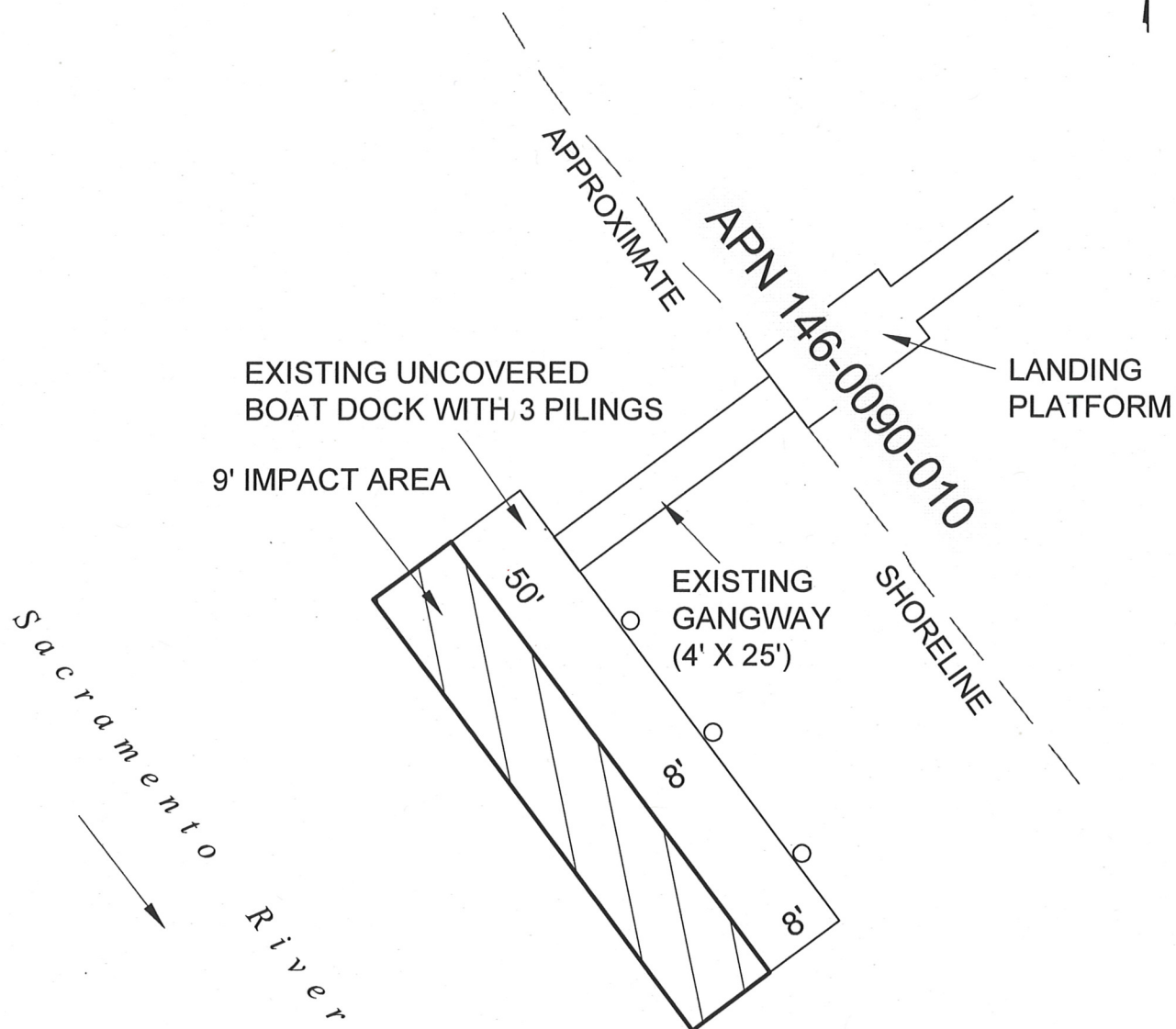
EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared September 5, 2017 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

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LAND DESCRIPTION PLAT  
PRC 6831.1, CASTON SURVIVOR'S TRUST  
SACRAMENTO COUNTY

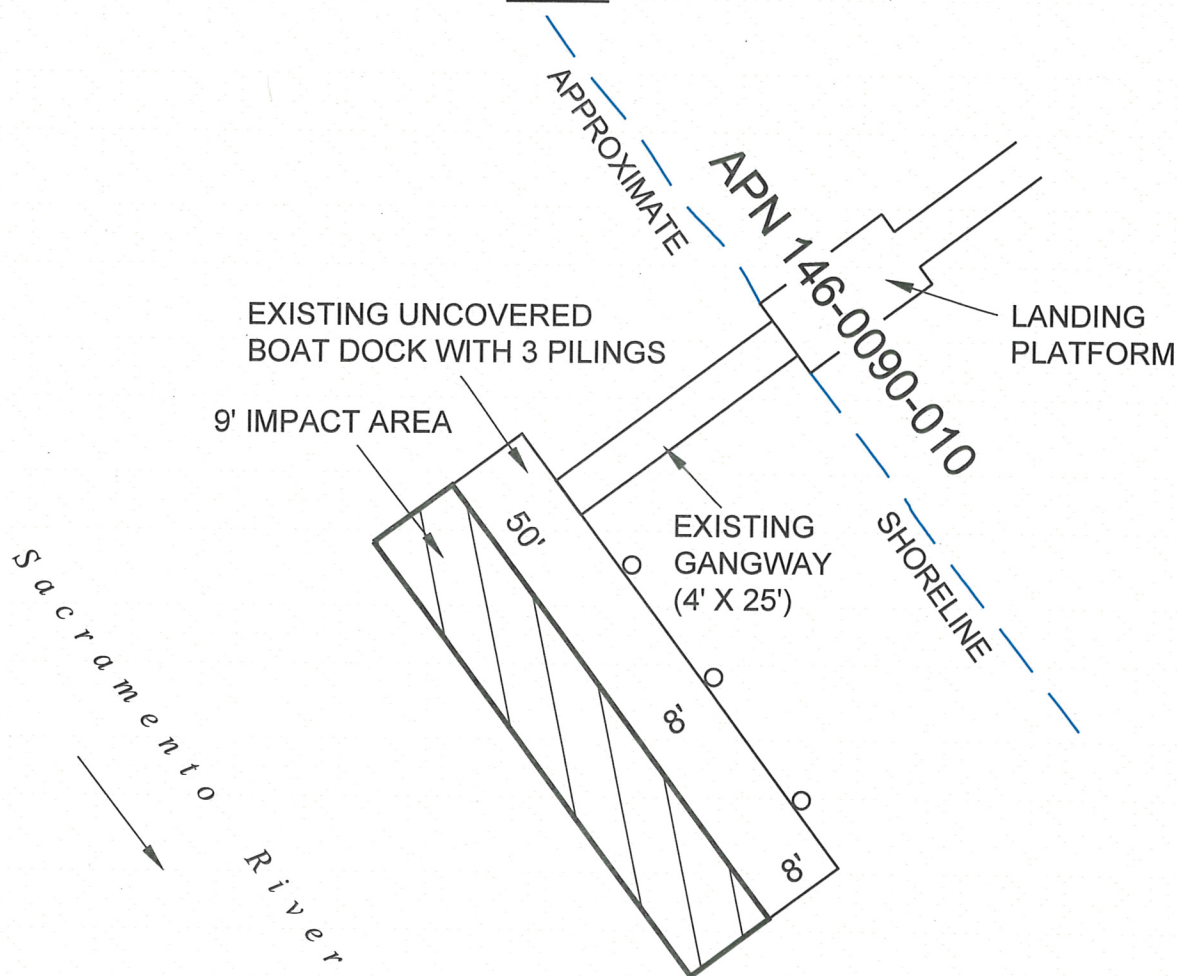
CALIFORNIA STATE  
LANDS COMMISSION





NO SCALE

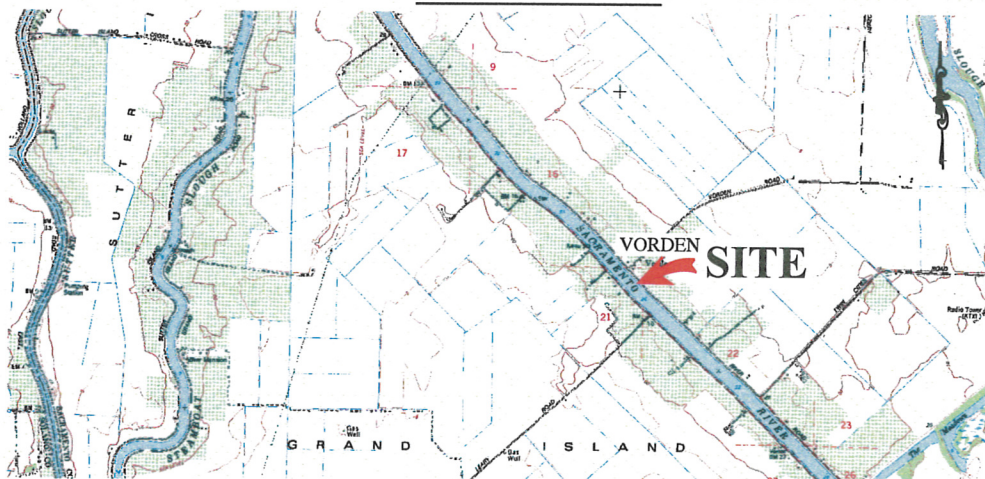
## SITE



13219 RIVER ROAD, NEAR WALNUT GROVE

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

## **Exhibit B**

PRC 6831.1  
CASTON SURVIVOR'S TRUST  
APN 146-0090-010  
GENERAL LEASE -  
RECREATIONAL USE  
SACRAMENTO COUNTY



MJJ 09/05/2017

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.