

**STAFF REPORT
C60**

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04/19/18
PRC 8350.1
J. Holt

**RECISSION OF AUTHORIZATION AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

RESCINDING APPLICANT:

Thomas Sander and Nancy R. Sander

APPLICANT:

Corinna Ann Bledsoe and Loren Michael Bledsoe

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 14486 State Highway 160, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing floating boat dock with covered boat slip, boat lift, six steel pilings, gangway, and bank protection.

LEASE TERM:

10 years, beginning April 19, 2018.

CONSIDERATION:

Floating boat dock with covered boat slip, boat lift, six steel pilings, and gangway: \$214 per year, with an annual Consumer Price Index adjustment.

Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Lessee agrees and acknowledges hazards associated with sea-level rise may require additional maintenance or protection strategies regarding the improvements on the lease premises.

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STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On April 23, 2015, the Commission approved a 10-year rent free General Lease - Recreational and Protective Structure Use to Thomas Sander and Nancy R. Sander ([Item C74, April 23, 2015](#)), effective April 11, 2008. However, the Sanders (Rescinding Applicant) did not execute and finalize Lease No. PRC 8350.1. Staff mailed documents to the upland address requesting signatures and communication. However, the Rescinding Applicant was no longer residing at this address, having relocated to an unknown location without informing staff.

On December 1, 2016, the Rescinding Applicant deeded the upland to Corinna Ann Bledsoe and Loren Michael Bledsoe. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use, for the use and maintenance of an existing floating boat dock with covered boat slip, boat lift, six steel pilings, gangway, and bank protection in the Sacramento River. Staff is recommending that the prior lease authorization be rescinded, in conjunction with authorizing issuance of a new lease effective April 19, 2018. The Applicant has agreed to compensate the State for the unauthorized occupation of sovereign land in the amount of \$297 for the period from December 1, 2016, the date they took ownership of the upland property, to April 18, 2018, the day before the start of the proposed lease. Staff recommends the Commission accept this compensation.

The proposed lease area contains the same facilities as the previously authorized lease. These facilities are used for recreational boating and fishing purposes. They have existed at this location for many years. Recreational boating and fishing are water-dependent activities, 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 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; does not grant the lessee exclusive rights to the lease premises; and reserves an easement to the public for Public Trust-consistent uses. Upon

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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 occupation of the public land involved.

Climate Change:

Climate change impacts including sea-level rise, increased wave activity, storm events, and flooding are not limited to the open coast. The existing structures within the lease area are located along the Sacramento River within a region identified as tidally influenced. 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 include an existing floating boat dock with covered boat slip, boat lift, six steel pilings, gangway, and bank protection.

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 projection could increase the Sacramento River's inundation levels within the lease area. Rising sea levels could 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 could also affect erosion and sedimentation rates through increased wave action and scour, which in turn could 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 this 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 outcome 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

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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, adjustable gangway, and boat lift 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 six pilings and bank protection may need to be reinforced to withstand higher levels of flood exposure. The vegetated bank provides stability and reduces the amount of erosion and scour pressure it may experience during future events because of the underground root system created from the vegetation on the bank, but remains at risk of accelerated deterioration from currents and floods. 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, staff believes the issuance of this 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 level of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. Rescission of the prior lease authorization is not a project as defined by the California Environmental Quality Act (CEQA), because it is an administrative action that will not result in direct or indirect physical changes in the environment.

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

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

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

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that this 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 interfere with the Public Trust needs and values at this location, at this time, and 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:

1. Rescind the Commission's prior authorization on April 23, 2015, Item C74, for Lease No. PRC 8350.1, a General Lease – Recreational and Protective Structure Use to Thomas Sander and Nancy R. Sander.
2. Authorize acceptance of compensation from Corinna Ann Bledsoe and Loren Michael Bledsoe for unauthorized occupation of State land in the amount of \$297, for the period of December 1, 2016 to April 18, 2018.
3. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Corinna Ann Bledsoe and Loren Michael Bledsoe; beginning April 19, 2018, for a term of 10 years, for the use and maintenance of an existing floating boat dock with covered boat slip, boat lift, six steel pilings, gangway, and bank protection, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the floating boat dock with covered boat slip, boat lift, six steel pilings, and gangway: \$214 per year,

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with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8350.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 318 patented July 11, 1865, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing gangway, floating boat dock with a single covered boat slip, boat lift, and six steel pilings lying adjacent to that parcel described in Grant Deed, recorded December 1, 2016 in Book 20161201 at Page 0170 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protective structure lying adjacent to said deed.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said river.

Accompanying plat is hereby made part of this description.

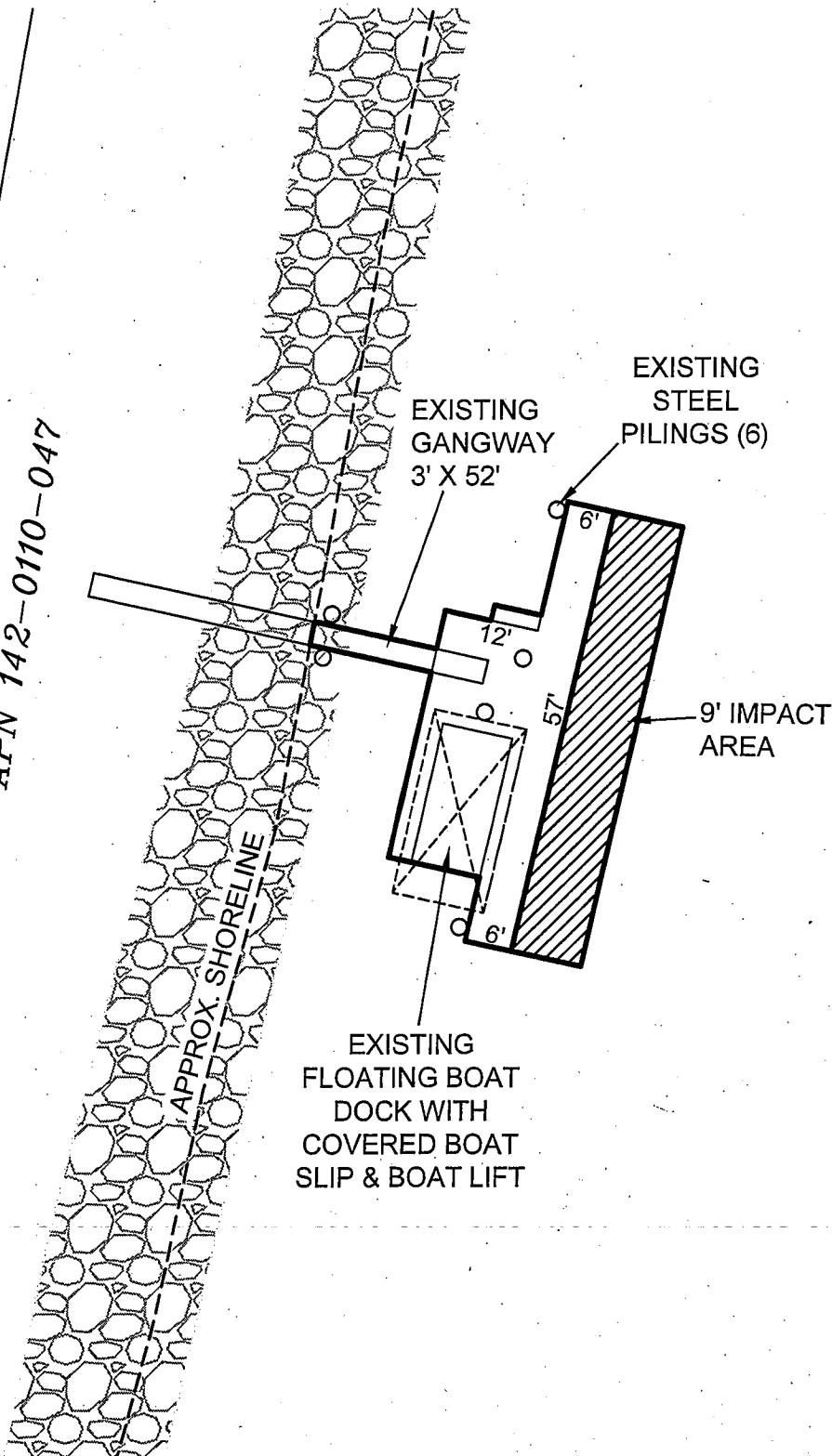
END OF DESCRIPTION

Prepared 09/27/17 by the California State Lands Commission Boundary Unit



STATE HWY 160

APN 142-0110-047



RIVER

SACRAMENTO

EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 8350.1, BLEDSOE
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION

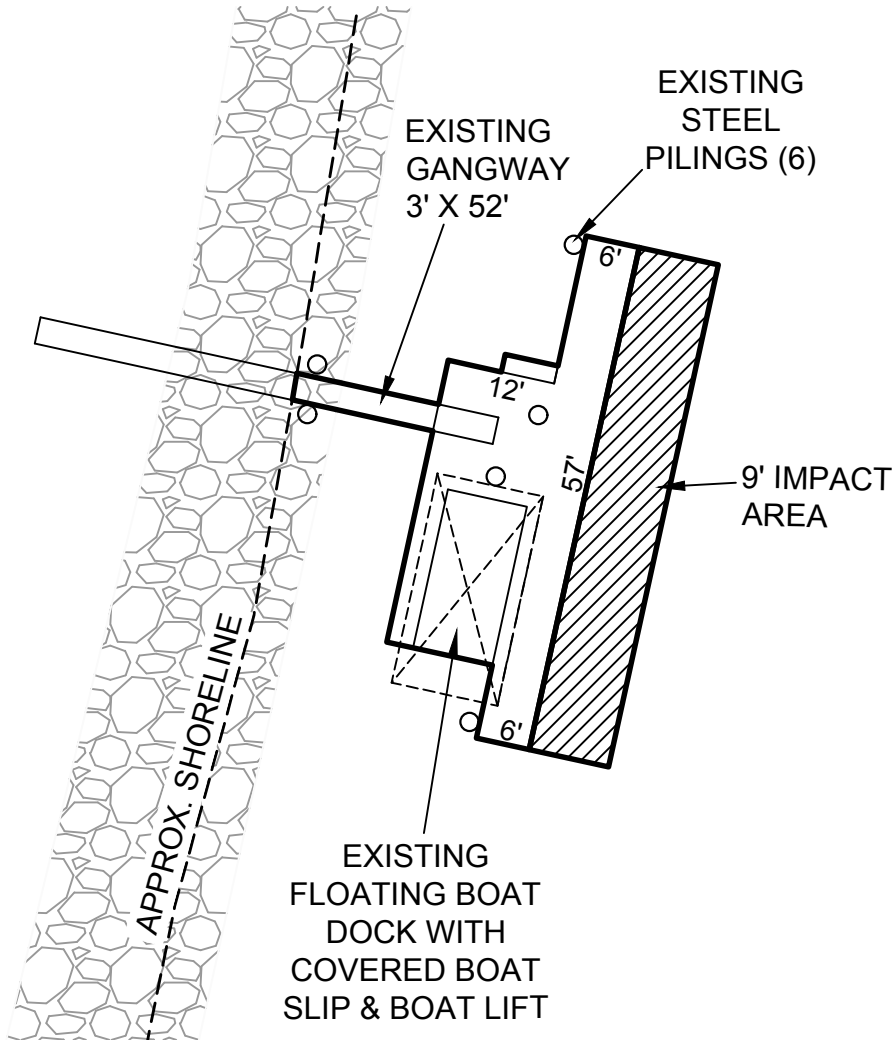


NO SCALE

SITE

STATE HWY 160

APN 142-0110-047

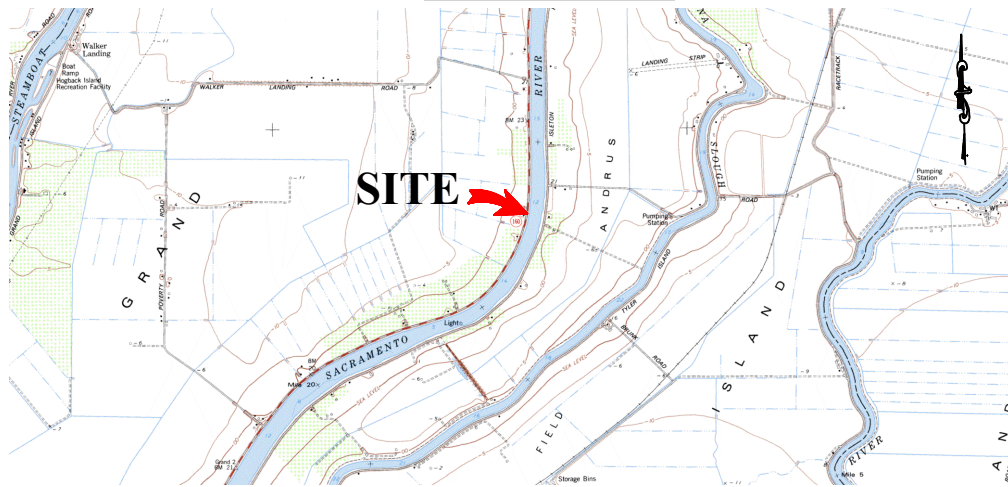


SACRAMENTO RIVER

14486 STATE HWY 160, WALNUT GROVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8350.1
 BLEDSOE
 APN 142-0110-047
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO 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.

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