

**STAFF REPORT  
C22**

A 4  
S 3

10/18/18  
PRC 6745.1  
S. Avila

**ASSIGNMENT OF LEASE**

**LESSEE/ASSIGNOR:**

James Vogt

**APPLICANT/ASSIGNEE:**

Gary A. Meade and Ranida Thammarin

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

Sovereign land in the Napa River, adjacent to 1230 Milton Road, near Napa, Napa County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered single-berth floating boat dock, landing, gangway, walkway, deck, eight pilings, and bank protection.

**LEASE TERM:**

10 years, beginning June 29, 2015.

**CONSIDERATION:**

**Uncovered Single-Berth Floating Boat Dock, Landing, Gangway, Walkway, and Eight Pilings:** No monetary consideration pursuant to Public Resources Code section 6503.5

**Deck:** \$149 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:**

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

## STAFF REPORT NO. C22 (CONT'D)

### **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 June 29, 2015, the Commission authorized a General Lease - Recreational and Protective Structure Use to James Vogt, for a term of 10 years ([Item C27, June 29, 2015](#)). That lease will expire on June 28, 2025. On September 15, 2017, the upland was deeded to Gary A. Meade and Ranida Thammarin. The Applicant is now applying for an assignment of the lease.

Staff recommends an assignment of the lease to reflect the change in ownership from the Assignor to the Assignee. The assignment will be effective as of the date of transfer, September 15, 2017. The Assignee agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the lease.

#### **Climate Change:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The subject facilities are located on the lower Napa River, a tidally influenced site vulnerable to flooding at current sea levels that will be at higher risk of flood exposure given projected scenarios of sea-level rise.

The lease premises consist of a floating boat dock, gangway, landing, walkway, eight wood pilings, a portion of a deck, and bank protection. The existing facilities are in good condition. The fixed and moving components of the floating boat dock and appurtenant facilities could be susceptible to damage from rising seas and flooding events. The lease premises are in an area that is designated as a Special Flood Hazard Zone by the Federal Emergency Management Agency.

The risk of flood exposure for the lease premises is likely to increase with time. The region could see up to 1 foot of sea-level rise (from year 2000 levels) by 2030, 2 feet by 2050, and possibly more than 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to more frequent flood inundation in low lying areas and larger tidal events. In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected

STAFF REPORT NO. **C22** (CONT'D)

to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise).

In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. 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. Further climate change impact analyses on the leased facilities will be assessed at the time the lease expires in 2025 if an application is submitted for a new lease and would be based on projected sea-level rise scenarios at that time.

The lease assignment will not result in a change in the use of, or impacts to, public resources. Staff believes approval of this assignment 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. 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 rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

STAFF REPORT NO. **C22** (CONT'D)

**AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 6745.1, a General Lease - Recreational and Protective Structure Use, 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 James Vogt to Gary A. Meade and Ranida Thammarin; effective September 15, 2017.

**EXHIBIT A**

**PRC 6745.1**

**LAND DESCRIPTION**

Four (4) parcels of tide and submerged land, situate in the bed of the Napa River lying adjacent to Swamp and Overflowed Land Survey 76 patented June 9, 1887, County of Napa, State of California, and more particularly described as follows:

**PARCEL 1**

All those lands underlying an existing uncovered floating boat dock, gangway, landing deck and five (5) pilings lying adjacent to those lands as described in Tract One of "Exhibit A" in that Grant Deed, recorded April 28, 2000 in Document No. 2000-0010497 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the of the Napa River.

**PARCELS 2 thru 4**

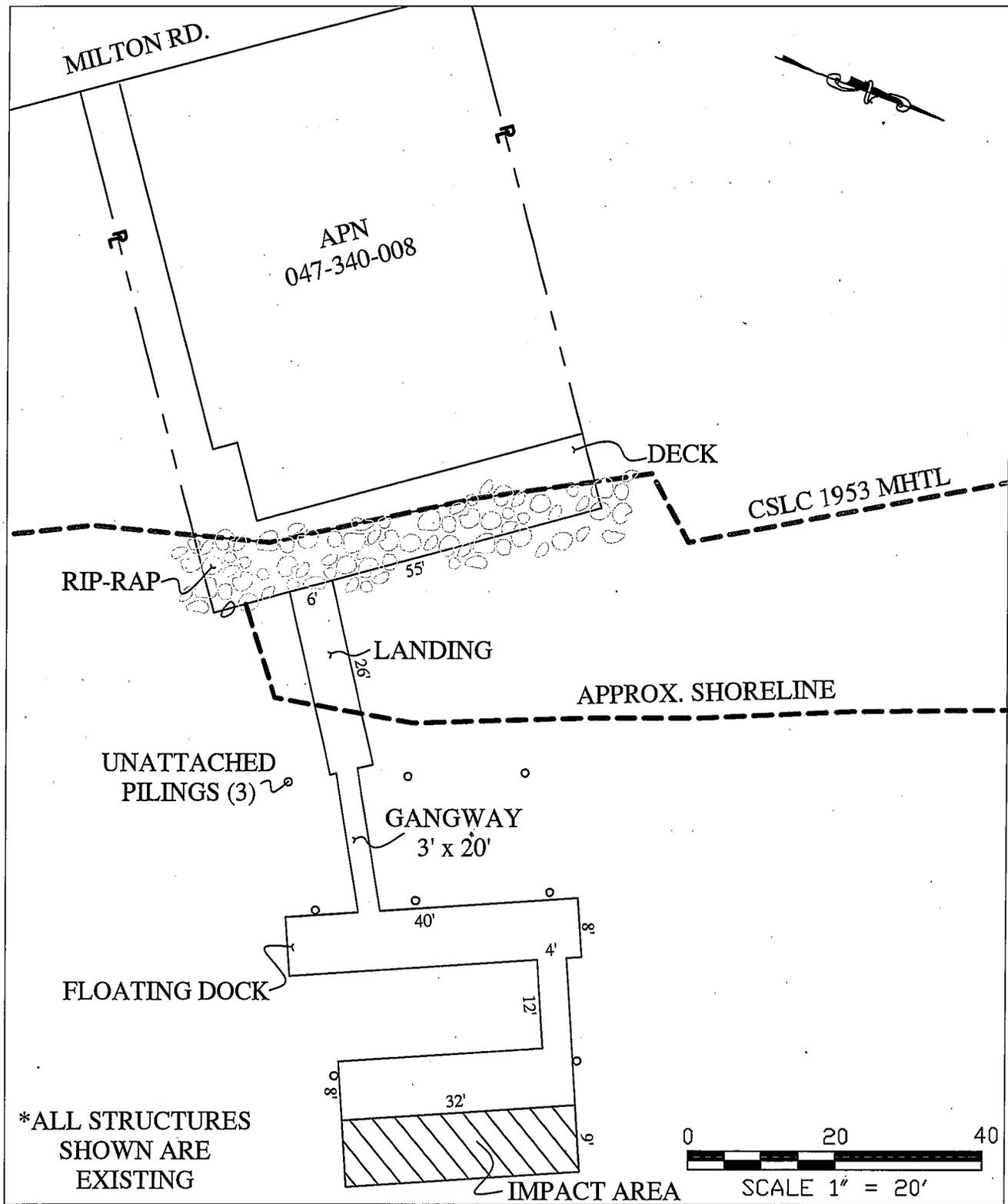
All those lands underlying three (3) unattached pilings lying adjacent to those lands as described in said deed.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

PREPARED 8/08/18 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





\*ALL STRUCTURES SHOWN ARE EXISTING

### EXHIBIT A

