

**STAFF REPORT
C56**

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10/18/18
PRC 8352.1
J. Holt

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

LESSEE:

Charles R. Williams and Josephine F. Williams

APPLICANT:

Sherman Island LLC

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the San Joaquin River, adjacent to 19900 Sherman Island Crossing, near Rio Vista, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing floating boat dock with one slip, platform, 16 pilings, and gangway.

LEASE TERM:

10 years, beginning January 26, 2018.

CONSIDERATION:

\$600 per year, with an annual Consumer Price Index adjustment.

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.

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.

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Public Trust and State's Best Interests Analysis:

On January 26, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Charles R. Williams and Josephine F. Williams ([Item C05, January 26, 2012](#)). That lease will expire on January 25, 2022. On November 16, 2017, the upland parcel was deeded to Sherman Island LLC. The Applicant is now applying for a General Lease – Recreational Use, for the use and maintenance of an existing floating boat dock with one slip, platform, 16 pilings, and gangway in the San Joaquin River.

The Lessee will execute a quitclaim deed, releasing its interest in the lease area, effective January 25, 2018. The effective date aligns with payment of annual rent for the lease facilities. Rent is current through January 25, 2018. Staff recommends acceptance of the lease quitclaim deed and issuance of the new lease effective January 26, 2018.

The proposed lease area contains the same facilities as in the prior 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 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, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located on the San Joaquin River, which is a tidally influenced site vulnerable to flooding at current sea levels. The facilities associated with

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this lease area are a floating boat dock with slip, fixed platform, 16 pilings, and adjustable gangway.

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 San Joaquin 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 Plan: 2018 Update* (California Natural Resources Agency 2018), 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 potential 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 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.

The combination of these projected conditions increases the likelihood of damage and could affect access to structures within the lease premises during the term of the lease. The floating boat dock and adjustable gangway are adaptable to variable water levels, but may require more frequent maintenance to avoid dislodgement and ensure continued function during and after storm seasons. The platform and pilings may need reinforcement and possibly replacement 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. Pursuant to the proposed lease, the Applicant

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acknowledges that the lease premises are located in an area that may be subject to effects of climate change, including sea-level rise.

Conclusion:

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

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 issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a

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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 acceptance of a quitclaim deed and issuance of 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, 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. Authorize acceptance of a lease quitclaim deed, effective January 25, 2018, of Lease No. PRC 8352.1, a General Lease – Recreational Use, issued to Charles R. Williams and Josephine F. Williams.
2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning January 26, 2018, for a term of 10 years, for the use and maintenance of an existing floating boat dock with one slip, platform, 16 pilings, and gangway, 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 \$600, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8352.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the San Joaquin River, lying adjacent to Swamp and Overflow Surveys 555 and 570 in the County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing floating boat dock with one slip, platform, 16 pilings and gangway, adjacent to Parcel Three as described in Exhibit "A" that Grant Deed recorded as Book 20171116 Page 1381 filed November 16, 2017 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 right bank of the San Joaquin River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared September 18, 2018 by the California State Lands Commission Boundary Unit.



APN 158-0070-048

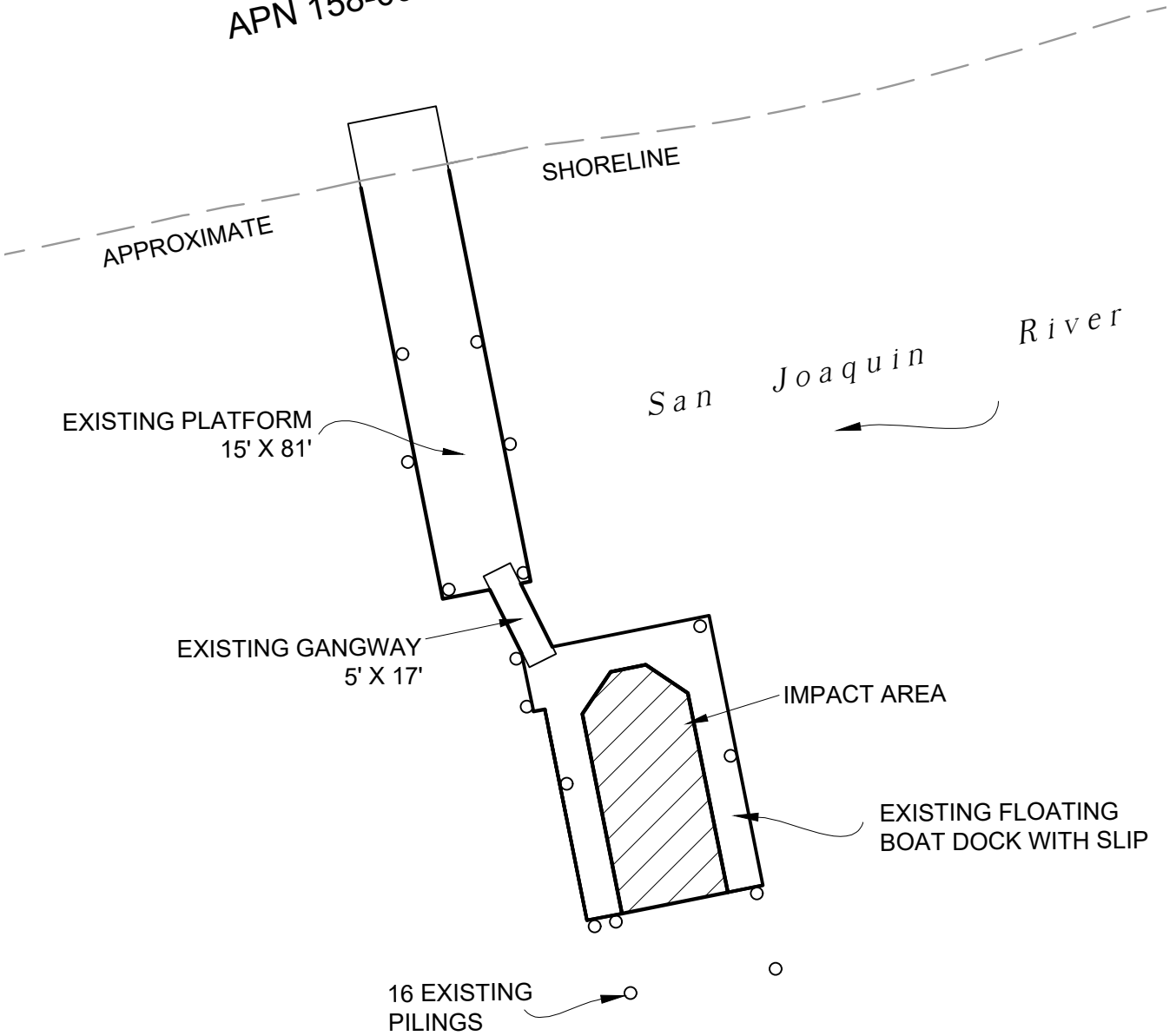


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 8352.1, SHERMAN ISLAND, LLC
SACRAMENTO COUNTY

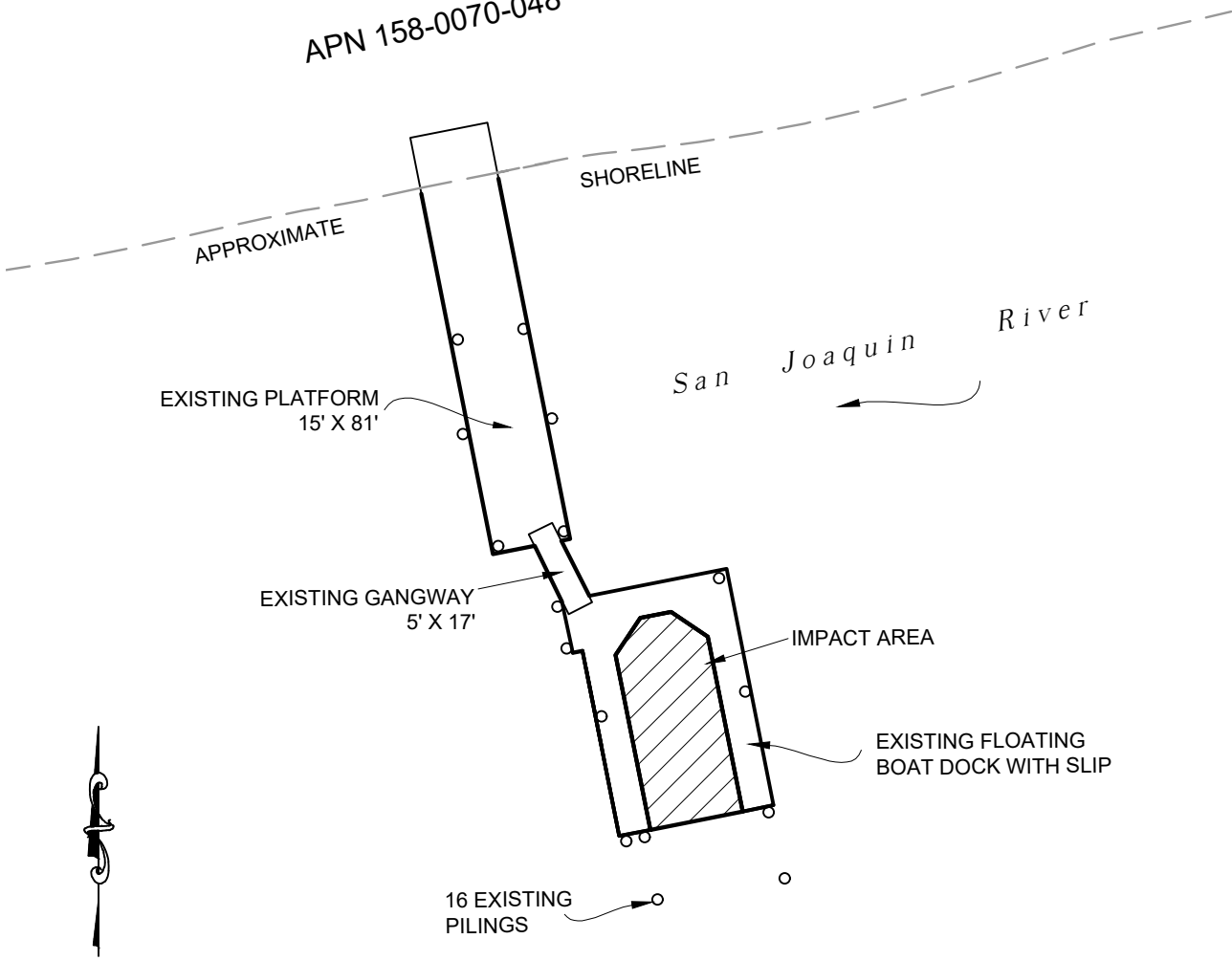
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 158-0070-048



19900 SHERMAN ISLAND CROSSING RD., RIO VISTA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8352.1
 SHERMAN ISLAND, LLC
 APN 158-0070-048
 GENERAL LEASE -
 RECREATIONAL 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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