

**STAFF REPORT
06**

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08/23/19
PRC 6739.9
S. Avila

AMENDMENT OF LEASE

LESSEE:

County of Glenn

AREA, LAND TYPE, AND LOCATION:

0.4 acres of sovereign land located in the Sacramento River, near Butte City, Glenn County.

AUTHORIZED USE:

Construction and maintenance of public boat ramp.

LEASE TERM:

49 years, beginning October 1, 1984.

CONSIDERATION:

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

PROPOSED AMENDMENT:

Amend the lease to:

- Authorize dredging to be included in regular maintenance activities.
- Include special lease provisions regarding dredging.
- Replace the existing Section 3, Land Description, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).

All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

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Public Trust and State's Best Interests Analysis:

On October 25, 1984, the Commission authorized Lease No. PRC 6739.9, a General Permit – Public Agency Use, for construction and maintenance of a public boat launching facility to the County of Glenn ([Item C03, October 25, 1984](#)). The lease will expire on September 30, 2033.

The County's boat launching facility, known as the Butte City Boat Launch, is located on the east side of the Sacramento River at river mile 169, and requires routine maintenance activities. The boat launch has been inundated with sediment and debris that blocks navigational access to the boat launch for the County Sheriff's watercraft and for the public. The limited navigational access to and from the boat launch poses a burden for area emergency response personnel and limits access to the area's natural resources. The Lessee requests that the lease be amended to authorize dredging activities as a regular maintenance practice to improve public safety and to assist first responders in carrying out their duties at the boat launching facility.

The dredging activities include removing accumulated deposits of sand, gravel, vegetation, woody and other debris, and removal of intrusive tree limbs blocking navigational access to the boat launch channel and facility. The excavated materials will be temporarily stored on-site, above the high-water mark to allow for drainage and then, when dry, hauled to a County-owned reception facility. The Lessee states that following Best Management Practices (BMP) will be implemented to avoid and minimize impacts to the Sacramento River:

- A downstream silt barrier in the form of a sediment turbidity curtain will be installed prior to and remain in place during maintenance activities, if safety conditions allow
- Removal of sediment and debris will be limited to the minimum amount necessary to maintain boat access
- All dredging equipment will be subjected to a pre-operation inspection, ensuring that equipment is in working order and no leaks are present
- In accordance with the County's regulatory permits, maintenance activities will be conducted annually between August 1 and October 31

In addition to the above described measures, the County will comply with all permits obtained for this maintenance work, including a Section 404 Permit for dredged fill discharge, Section 401 Water Quality Certification,

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and a California Department of Fish and Wildlife issued Lake and Streambed Alteration Agreement.

The existing boat launching ramp is located on the Sacramento River and is publicly owned and maintained. The subject improvements facilitate recreational boating. Recreational boating is water dependent 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 proposed amendment does not alienate the State's fee simple interest or permanently impair public rights. The lease 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 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.

Climate Change:

This section of the Sacramento River is not tidally influenced and would not be subject to sea-level rise. 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. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow. Runoff will likely increase scour, decreasing bank stability at a faster rate.

The proposed project includes removing accumulated deposits of sand, soil, gravel, and vegetation from the Sacramento River surrounding the boat launch facility and placing the material above the ordinary high-water mark to dewater. The proposed project is designed to continue to allow for maintenance dredging within the footprint of the boat launch facility and surrounding area to allow for passage of watercraft for public access, emergency response, and recreation. Regular maintenance of the boat launch facility, as required by the terms of the lease, will reduce the

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likelihood of severe structural damage or degradation of the surrounding area over the term of the lease.

Conclusion:

For all the reasons above, staff believes the issuance of this amendment does not interfere with the Public Trust needs 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.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. 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, and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to land along the State's inland and coastal waterways.
3. **Maintenance Dredging**
Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(4).

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. **Replacement of Land Description and Site and Location Map**
Replacement of the Land Description and Site and Location Map is not a project as defined by 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).

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EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(4).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with the public's right to navigation and fishing or 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:

Authorize the amendment of Lease No. PRC 6739.9, a General Permit – Public Agency Use, effective August 23, 2019, to approve maintenance dredging activities; and to replace the existing Section 3, Land Description, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 6739.9

LAND DESCRIPTION

A parcel of submerged lands situate in the bed of the Sacramento River lying adjacent to Lot 1 of fractional Section 32, Township 19 North, Range 1 West, Mount Diablo Meridian as shown on the Official U.S. Government Township Plats approved April 24, 1889, Glenn County, State of California, more particularly described as follows:

COMMENCING at a NGS monument "11 227 CADH" PID "DH3654" (Epoch 2010.00) which bears South 04° 05' 13" East, 18606.52 feet from a NGS monument "1500" PID "DH3655" (Epoch 2010.00); thence North 89° 31' 35" West 18957.55 feet to the POINT OF BEGINNING; thence along the following four (4) courses:

1. South 03° 36' 22" West 259.62 feet;
2. South 90° 00' 00" West 113.83 feet;
3. North 00° 06' 59" East 204.83 feet;
4. North 67° 17' 52" East 140.64 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the left bank of said river.

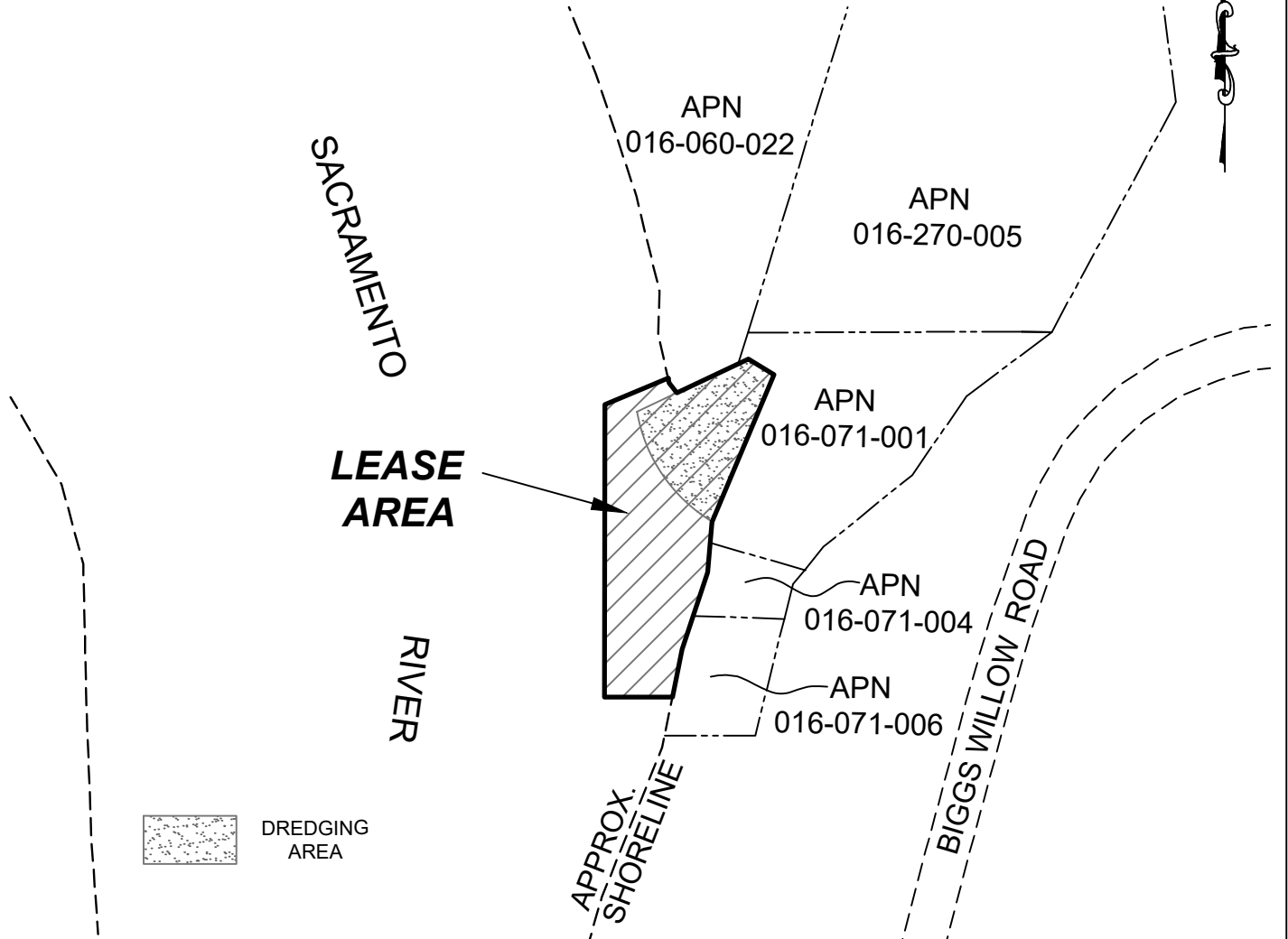
END OF DESCRIPTION

Prepared 07/16/2019 by the California State Lands Commission Boundary Unit



NO SCALE

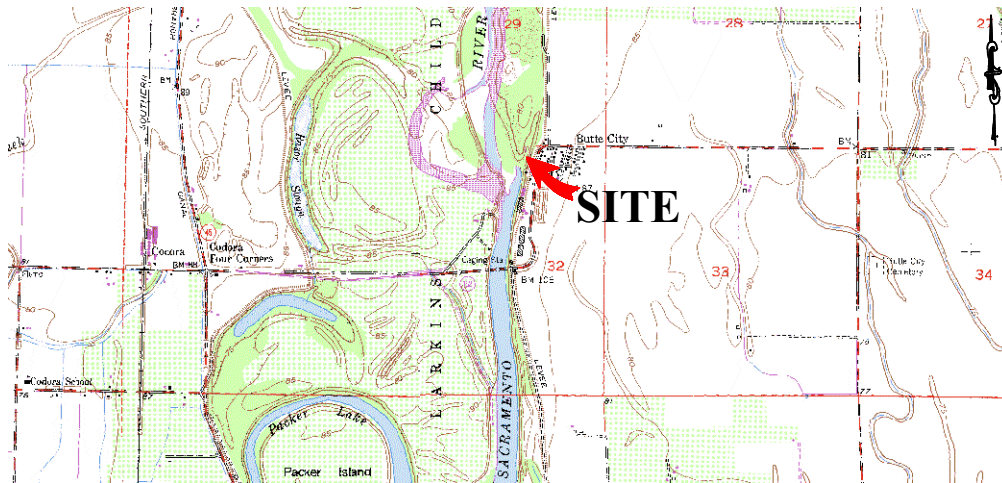
SITE



SACRAMENTO RIVER NEAR BIGGS WILLOW ROAD, BUTTE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6739.9
 COUNTY OF GLENN
 APNs 016-270-005, 016-060-022 &
 016-071-001, -004, -006
 GENERAL LEASE-
 PUBLIC AGENCY USE
 GLENN 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.