

STAFF REPORT

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Lease 5028.1
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GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

The Woodbridge Golf & Country Club, a California corporation

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Mokelumne River, adjacent to 800 East Woodbridge Road, Woodbridge, San Joaquin County.

AUTHORIZED USE:

Use and maintenance of an existing pedestrian bridge that supports recreational golfing activities.

LEASE TERM:

20 years, beginning August 1, 2020.

CONSIDERATION:

\$503 per year, with an annual Consumer Price Index adjustment. Subject to modification by Lessor as specified in Paragraph 2 of Section 2 - Special Provisions.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Surety bond or other security in an amount no less than \$3,000 and as specified in Section 3, Paragraph 10.
- Lessee agrees and acknowledges that hazards associated with climate change 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, 6501.1, and 6503;
California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On August 22, 1990, the Commission authorized issuance of a 30-year General Lease – Right-of-Way Use to The Woodbridge Golf & Country Club ([Item C11, August 22, 1990](#)). That lease will expire on July 31, 2020. The Applicant is applying for a new General Lease – Right-of-Way Use, for the use and maintenance of an existing pedestrian bridge over the Mokelumne River, which supports recreational golfing activities.

The proposed lease area will contain the same facilities as included in the current lease. Woodbridge Golf and Country Club is a private country club providing recreational amenities, including golf, tennis, fitness, and dining facilities. The bridge serves as a pedestrian and golf cart crossing over the Mokelumne River, which is state-owned sovereign land. The facilities are used for outdoor recreation and provide passage for golfers over a public waterway. The pedestrian bridge has existed at this location for many years. The bridge covers a narrow portion of the waterway. The bridge offers sufficient clearance for non-motorized boating, kayaking, rafting, and other safe passage along the river. The bridge is maintained by the Applicant for long-term sustainability.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 20-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. On termination of the proposed lease, the lessee may be required to remove all improvements from State land 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:

The project area on the Mokelumne River is not tidally influenced and therefore, would not be subject to sea-level rise. However, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources

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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, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate.

Regular maintenance, as required by the lease, will reduce the likelihood of severe structural degradation or dislodgement of the pedestrian bridge.

Conclusion:

For all the reasons above, staff believes the issuance of this 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; 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. If the Commission denies the application, the Applicant, and current lessee, may be required to remove the existing pedestrian bridge and restore the premises to their original condition. 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.
3. 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 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 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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the 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; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning August 1, 2020, for a term of 20 years, for the use and maintenance of an existing pedestrian bridge, 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 \$503, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence; and surety bond or other security in the amount of \$3,000.

EXHIBIT A

LEASE 5028.1

LAND DESCRIPTION

A strip of submerged land, being 34 feet in width, lying in the State-owned bed of the Mokelumne River, San Joaquin County, State of California, the centerline of said strip being more particularly described as follows:

COMMENCING at the northwest corner of the northeast quarter of Section 34, T4N, R6E, MDM; thence along the west line of said quarter section S 1°34' E, 548.26 feet; thence S 82°10'41" E, 1092.64 feet to the TRUE POINT OF BEGINNING; thence along the centerline of an existing bridge N 22°41'40" E 170.00 feet to the end of the herein-described centerline.

EXCEPTING THEREFROM any portion lying landward of Low Water of the left and right banks of said Mokelumne River.

END OF DESCRIPTION

Revised by the California State Lands Commission Boundary Unit 3/10/2020. Original description was prepared on July 26, 1990 as found in PRC 5028.1.



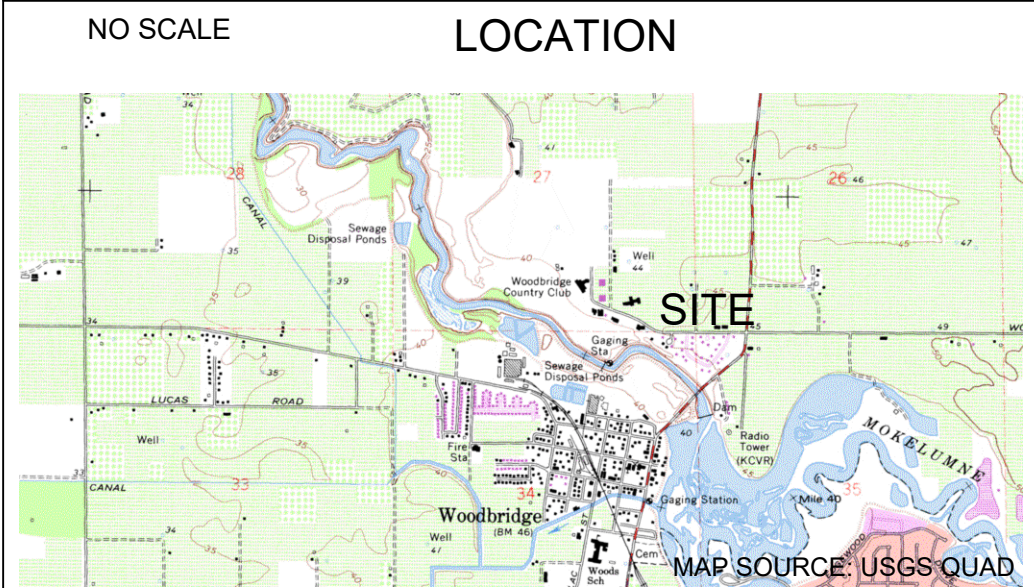
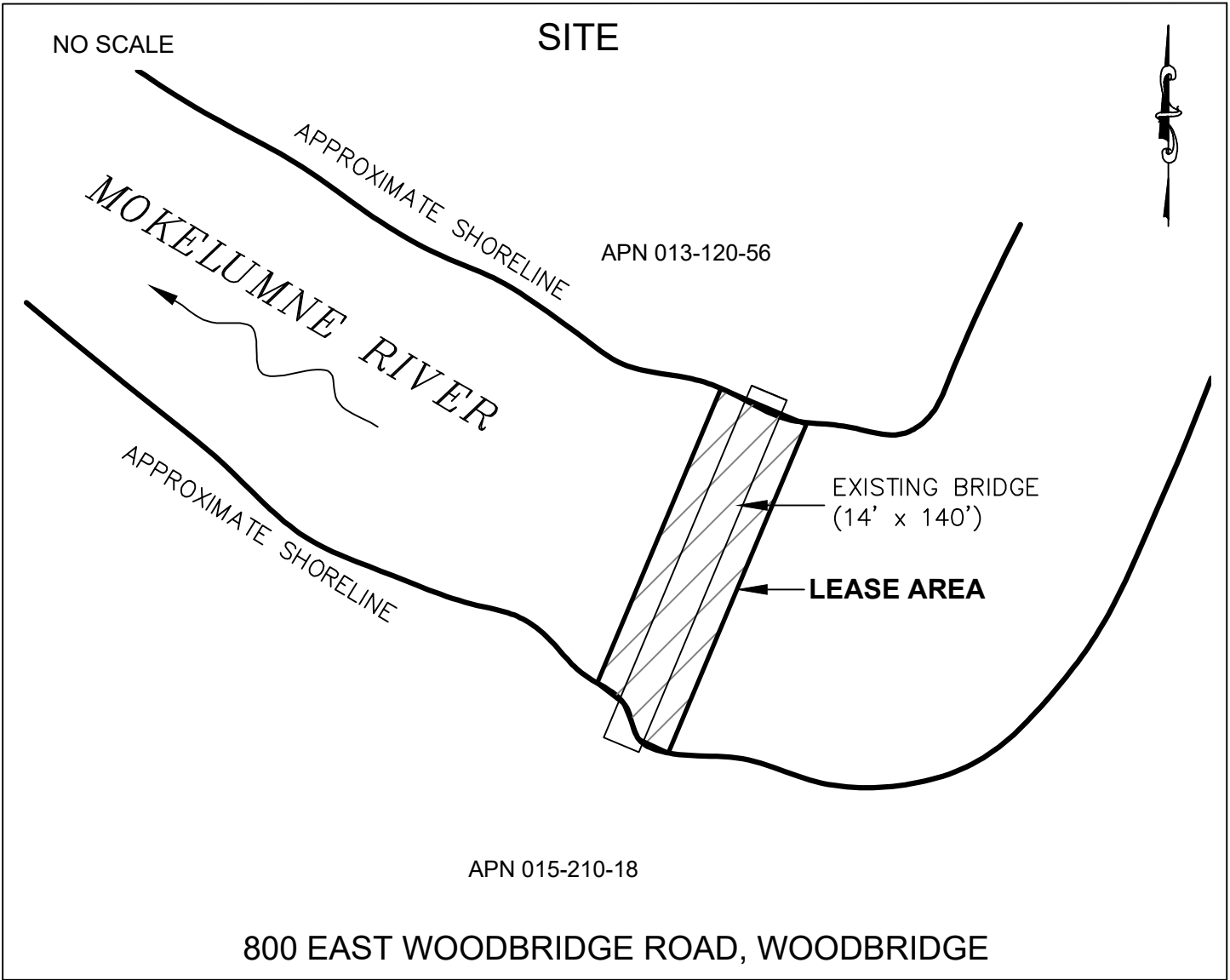


EXHIBIT B

LEASE 5028.1
WOODBRIDGE GOLF &
COUNTRY CLUB
APN 015-210-18, 013-120-56
GENERAL LEASE -
RIGHT OF WAY USE
SAN JOAQUIN COUNTY



DJF 3/10/2020

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.