

# Staff Report 17

## **APPLICANT:**

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County of Sacramento

## **PROPOSED ACTION:**

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Issuance of a General Lease – Public Agency Use

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

Sovereign land of Hogback Island in Steamboat Slough, near Walnut Grove, Sacramento County.

## **AUTHORIZED USE:**

Continued use and maintenance of an existing boat dock, boat ramp, picnic area with tables, a parking lot, and bank protection.

## **TERM:**

20 years, beginning August 23, 2022

## **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 action to be in the State's best interests.

## **SPECIFIC LEASE PROVISIONS:**

- The lease contains provisions requiring implementation of the Commission's "Best Management Practices for Berth Holders / Guest Dock Users / Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate. Lessee shall post the BMPs for "Guest Dock Users and Boaters" in prominent places within the Lease Premises.
- Lessee agrees and acknowledges that the hazards associated with sea level rise may require additional maintenance or protection strategies regarding the improvements on the lease premises. Further, Lessee agrees to conduct a structural assessment of the authorized improvements within 180 days of the 10<sup>th</sup>

lease anniversary date, including an assessment of impacts thus far and those reasonably foreseeable over the remainder of the lease term due to sea level rise. The structural assessment shall be submitted to the Commission for review and comment and may require the development of a remedial action plan if the structural integrity of the authorized improvements poses a risk to the public health and safety.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **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:**

On May 27, 1965, the Commission authorized a 49-year Public Agency Permit to the State Reclamation Board for the construction and maintenance of public recreational facilities and bank protection ([Item C34, May 27, 1965](#)). The initial development was an interagency project among the Reclamation Board, the Army Corps of Engineers, the Department of Fish and Game, and Sacramento County. On June 22, 1967, the Commission authorized amendment of the lease revising the land description ([Item C50, June 22, 1967](#)). On October 10, 2007, the Reclamation Board changed its name to the Central Valley Flood Protection Board. The lease expired on May 26, 2014. The Applicant operates the facilities as the facilities were transferred from the Central Valley Flood Protection Board to the Applicant. The Applicant is now applying for a General Lease – Public Agency Use for the continued use and maintenance of public recreational facilities and bank protection in Steamboat Slough.

The lease area is commonly known as Hogback Island. The existing facilities located at Hogback Island include a floating boat dock, two-lane boat launch ramp, grassy picnic area with picnic tables, parking lot, and bank protection. The facilities are owned and maintained by the Applicant. Hogback Island is open year-round providing the public with opportunities for fishing, recreational boating, rowing, picnics, and barbecues. The facilities accommodate, promote, and foster recreational boating and provide access to the adjacent State waterways. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine.

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 20 years and a non-exclusive

use provision. The facilities do not significantly alter the land, and the lease does not alienate the State’s fee simple interest, nor permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Additionally, the proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee’s activities thereon.

**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 facilities are located on the Sacramento River, in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea level rise.

The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea level rise scenario for the region as listed in Table 1.

**Table 1. Projected Sea Level Rise for San Francisco**

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

This effect could increase the Sacramento River’s inundation levels within the lease area. 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, 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 as well as decreased bank stability and structure. 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 riverine areas by changing erosion

and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

The floating boat launch is adaptable to higher water levels allowing it to rise and fall with storms and droughts and increasing its resiliency to some climate change impacts but may require more frequent maintenance or replacement to ensure continued function during and after storm seasons and to avoid dislodgement of the facilities. The boat launch ramp and bank protection are fixed and therefore vulnerable to sea level rise and more frequent flood events. These facilities may need additional fortification or repair and maintenance to ensure they do not become dislodged or degraded, thereby posing risks to public safety and navigation.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to the effects of climate change, including sea level rise.

**CONCLUSION:**

For all the reasons above, staff believes that the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; 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 Public Trust; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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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. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
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).

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:**

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- A. Land Description
- B. Site and Location Map
- C. Best Management Practices

## **RECOMMENDED ACTION:**

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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 proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; 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 Public Trust; and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning August 23, 2022, for a term of 20 years, for the continued use and maintenance of an existing boat dock, boat ramp, picnic area with tables, a parking lot, and bank protection, as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; 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 action to be in the State's best interests.

**EXHIBIT A**

**LEASE 3300**

**LAND DESCRIPTION**

All that parcel of sovereign land in the bed of the Steamboat Slough at Hogback Island, lying adjacent to projected Sections 2 and 11, T. 4 N., R. 3 E., M.D.M., (comprising a portion of Hogback Island in Steamboat Slough, and tide and submerged lands thereto) County of Sacramento, State of California and more particularly described as follows:

BEGINNING at a point on the left bank of Steamboat Slough as said bank is shown upon map titled "Property of Thomas H. Williams, Jr., and Beatrice Williams, Jr.", filed March 4, 1935, in Book 3 of Surveys, Map No. 82, Sacramento County Records, said point bears South 29° 01' 30" West 542.10 feet from the northwesterly corner of lands shown on said map, and also said point bears North 63° 07' 00" West 62.87 feet from the brass cap monument U.S. Coast Geodetic Survey Triangulation Station "Walker", thence along said left bank South 20° 11' 30" West 697.00 feet; thence South 25° 25' 30" West 991.00 feet; thence South 26° 48' 30" West 120.00 feet; thence leaving said bank North 62° 43' 50" West 190.00 feet; thence North 14° 39' 10" East 820.00 feet; thence North 28° 48' 00" East 472.00 feet; thence North 51° 25' 30" East 581.00 feet, more or less, to the POINT OF BEGINNING.

The North Meridian used in this description is identical with that of the California State Coordinate System, Zone II, and is a rotation of 0° 50' 30" clockwise from that of the abovementioned map.

**END OF DESCRIPTION**

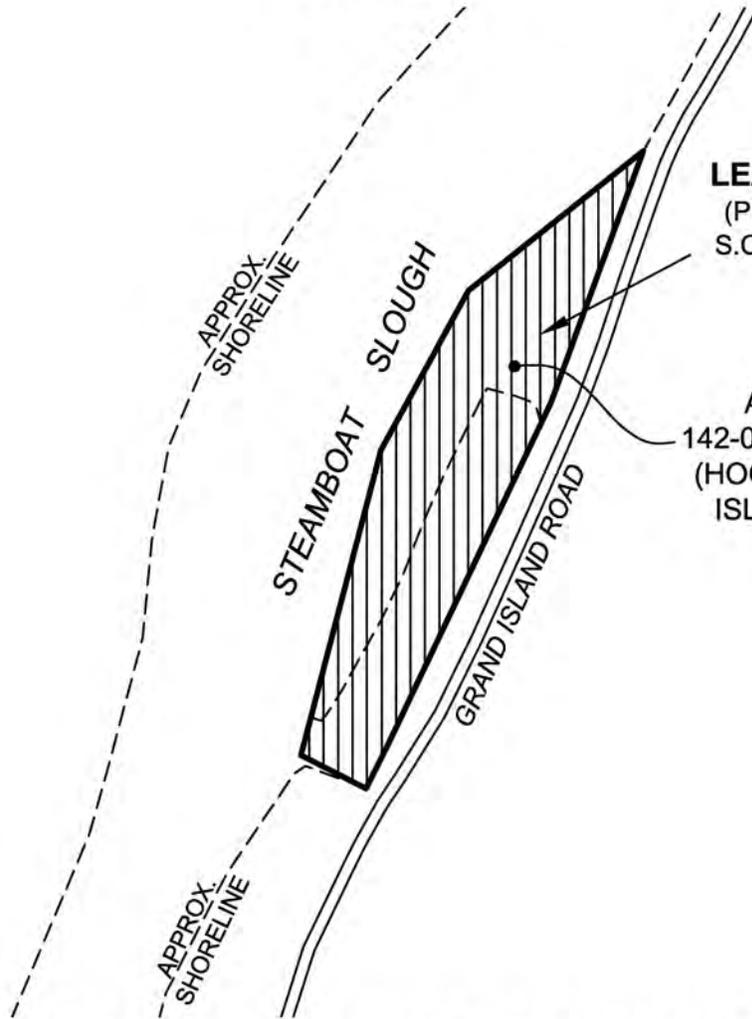
The above description is based on that original description prepared by CSLC Boundary Unit on June 22, 1967, as found in PRC 3300.9 (W.O. 6631) file, Calendar Item 50.

Revised 05/03/2022 by the California State Lands Commission Boundary Unit.



NO SCALE

# SITE



**LEASE PARCEL**  
 (PER JUDGMENT  
 S.C.C. NO. 157053)

APN  
 142-0110-065  
 (HOGBACK  
 ISLAND)

14900 GRAND ISLAND ROAD, NEAR WALNUT GROVE

NO SCALE

# LOCATION



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.

# Exhibit B

LEASE 3300  
 COUNTY OF SACRAMENTO  
 APN 142-0110-065  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SACRAMENTO COUNTY



TS 05/03/2022

## **EXHIBIT C**

### **BEST MANAGEMENT PRACTICES FOR BERTH HOLDERS / GUEST DOCK USERS / BOATERS**

#### **Bilge Water Management**

- Keep bilge area as dry as possible.
- Regularly check fittings, fluid lines, engine seals, and gaskets.
- Fix all oil and fuel leaks in a timely manner.
- Do not drain oil into the bilge.
- Fit a drain pan, if feasible, underneath the engine to collect drips and leaks.
- Consider the use of oil-absorbent pads, even in small boats.
- If a bilge contains oil, absorb as much free oil as possible with a pad. Then pump the bilge dry and wipe down the bilge and equipment. If a bilge is severely contaminated, use a pumpout service. Never pull the drain plug on a boat with a bilge full of oil, especially if it is on a launch ramp.
- Dispose of oil-soaked absorbents at a proper facility. Check with the marina operator for guidance.
- Do not use detergents or bilge cleaners unless the bilge can be pumped into an appropriate facility.

#### **Petroleum Containment**

- Fill portable fuel containers on land or on the fuel dock to reduce the chance of fuel spills into the water.
- Avoid overfilling fuel tanks and attend the fuel nozzle at all times.
- Perform all major engine maintenance away from surface water. Any maintenance work on an engine must be done in compliance with rules and regulations governing the marina.
- Use petroleum absorption pads while fueling to catch splash back and any drops when the nozzle is transferred back from the boat to the fuel dock.

- Keep engines properly maintained for efficient fuel consumption, clean exhaust, and fuel economy. Follow all manufacturers' specifications.
- Immediately report oil and fuel spills to the marina office and the U.S. Coast Guard National Response Center (Phone # 1-800-424-8802) and other appropriate agencies.

### **Hazardous Materials**

- Hazardous wastes generated by recreational boaters are considered household hazardous waste. Dispose of household hazardous waste in properly marked containers if provided by the marina or at the nearest appropriate site.
- Improper handling of hazardous materials can cause harm to human health and the environment and can result in serious penalties and expensive cleanup costs if contaminations occur.

### **Vessel Sewage**

- Boaters should never pump out any holding tank in waters inside the three nautical mile limit. Always remember that it is illegal to discharge raw sewage from a vessel into U.S. waters.
- Pumpout facilities should be used to dispose of stored waste whenever possible. They are fast, clean, and inexpensive.
- Marine sanitation devices (MSDs) must be maintained to operate properly. Keep your disinfectant tank full, use biodegradable treatment chemicals, and follow the manufacturer's suggested maintenance program.
- Do not dispose of fats, solvents, oils, emulsifiers, disinfectants, paints, poisons, phosphates, diapers, and other similar products in MSDs.
- Whenever possible, use land-based rest rooms rather than onboard ones.

### **Vessel Cleaning and Maintenance**

- Ask your marina manager what types of maintenance projects are allowed in the slip.
- Minimize the use of soaps and detergents by washing your vessel more frequently with plain water.

- Do not use cleaners that contain ingredients such as ammonia, sodium, chlorinated solvents, or lye.
- Use hose nozzles that shut off when released to conserve water and reduce the runoff from boat washing.
- Ventilate your space to prevent the accumulation of flammable or noxious fumes.
- Use eye protection and a respirator when there is the possibility that dust and debris could damage eyes or lungs.
- Remove oil, debris, and clutter from your immediate work area and dispose of properly.
- Avoid spills in the water of all solvents, paints, and varnishes.
- Carefully read labels to ensure the products are used in a manner that is safe and won't harm the environment.
- Use teak cleaners sparingly and avoid spilling them or fiberglass polishers in the water.

### **Sanding and Painting**

- When working in marinas, use designated sanding and painting areas. Check with the marina manager for the location and proper use of these areas.
- Work indoors or under cover whenever wind can potentially blow dust and paint into the open air.
- Where feasible, use environmentally friendly tools, such as vacuum sanders and grinders, to collect and trap dust. Some marinas have this equipment for rent; check with the manager.
- Clean up all debris, trash, sanding dust, and paint chips immediately following any maintenance or repair activity.
- Use a drop cloth beneath the hull to catch sanding dust and paint drops when working over unpaved surfaces.
- When sanding or grinding hulls over a paved surface, vacuuming or sweeping loose paint particles is the preferred cleanup method. Do not hose the debris away.

- Buy paints, varnishes, solvents, and thinners in sizes appropriate for the proposed work to avoid having to dispose of stale products.
- When possible, use water-based paints and solvents.
- Switch to longer lasting, harder, or non-toxic antifouling paint at your next haul out.
- Paints, solvents, and reducers should be mixed far from the water's edge and transferred to work areas in tightly covered containers of 1 gallon or less.
- Keep in mind that solvents and thinners may be used more than once by allowing the solids to settle out and draining the clean product off the top.
- When in doubt about proper disposal practices, check with your marina and/or appropriate government agency.
- Boaters should report any illegal discharge of boat sewage to the marina office or appropriate agency.
- Boaters should use environmentally sensitive cleaning supplies that may end up in your gray water.

### **Boat Hull Cleaning and Maintenance**

- Ensure hull paint is properly applied and maintained to protect the hull from fouling organisms and thus improve your boat's performance.
- Wait 90 days after applying new bottom paint before underwater cleaning.
- Schedule regular hull cleaning and maintenance to reduce the build up of hard marine growth and eliminate the need for hard scrubbing.
- Regularly scheduled gentle cleaning will also increase the effectiveness of the antifouling hull paint and extend its useful life.
- Repair paint bonding problems at haul out to avoid further chipping and flaking of paint in the water.
- Use, or ask your diver to use, non-abrasive scrubbing agents, soft sponges or pieces of carpet to reduce the sloughing of paint and debris.
- Boaters are encouraged to use boat hull cleaning companies and individuals that practice environmentally friendly methods.

## **Solid Waste**

- Do not dump plastic or any other trash into the water.
- Use the dumpsters, trash receptacles, and other approved containers to dispose of garbage and other waste.