

Staff Report 19

APPLICANT:

Greg D. Larson

PROPOSED ACTION:

Issuance of a General Lease – Recreational and Protective Structure Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Georgiana Slough, adjacent to 441 West Willow Tree Lane, near Isleton, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing boat dock, gangway, pilings, and bank protection previously authorized by the Commission, and use and maintenance of an existing boat lift not previously authorized by the Commission.

TERM:

10 years, beginning August 23, 2022.

CONSIDERATION:

\$155 per year, with an annual Consumer Price Index adjustment, and \$758 to compensate for the unauthorized occupation of state sovereign land for the period through August 22, 2022.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee shall not store any personal items or construct any improvements in the Public Trust easement that may impair the public uses of access, navigation, fishing, and water-related recreation.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On September 13, 2007, the Commission authorized a 10-year General Lease – Recreational Use to Robert M. and Donna S. Amma, for use and maintenance of an existing boat dock, gangway, pilings, and bank protection ([Item C29, September 13, 2007](#)). That lease expired on September 12, 2017. On February 14, 2017, the upland was deeded to Greg D. Larson. The Applicant is applying for a General Lease – Recreational and Protective Structure Use for use and maintenance of the existing boat dock, boat lift, gangway, pilings, and bank protection in Georgiana Slough. Based on the information provided with the application and Commission records, the subject facilities have existed at this location for many years, as shown on prior lease exhibits. The boat lift was placed adjacent to the dock without prior authorization.

Staff recommends issuance of a new lease to the Applicant, effective August 23, 2022. Further, staff is requesting compensation from the Applicant in the amount of \$758 for the period of unauthorized occupation through August 22, 2022. The new lease will require the Applicant to indemnify the State for the period of occupation, ensuring the State is protected.

The boat dock, boat lift, gangway and two pilings are privately owned and maintained and facilitate recreational boating. Recreational boating is a water-dependent use that 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 land (Pub. Resources Code, § 6503.5). The bank protection will protect the upland property and maintain and improve the integrity of the slough, which will help protect the Public Trust resources for recreational and navigational use by the public.

The facilities are located directly adjacent to the upland property and occupy a relatively small area of the river. 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 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:

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.

Rising sea levels can lead to more frequent flood inundation in low lying areas and larger tidal events and could increase the Sacramento River’s inundation levels within the lease area over the term of the lease. 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 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 cause damage to the bank protection at a faster rate.

The combination of these projected conditions could increase the likelihood of damage and affect access to structures within the lease premises during the term of the lease. For example, the potential for more frequent and stronger storm events may expose the lease area structures to higher flood risks and cause facilities to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation within the channel. Lowered water levels could also reduce navigability of the channel, thereby increasing hazards and impacting the function and utility of the lease area structures.

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 (not within the lease area) 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 at this location, at this time, and for the foreseeable term of the proposed 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 may be required to remove the boat dock, boat lift, gangway, and pilings and restore the premises to their original condition. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.

3. Staff recommends that the Commission find 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:

- 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 issuance of 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 Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Accept compensation from the Applicant in the amount of \$758 for the unauthorized occupation of State land for the period prior to August 22, 2022.
2. Authorize issuance of a General Lease – Recreational Use and Protective Structure Use to the Applicant beginning August 23, 2022, for a term of 10 years, for the use and maintenance of an existing boat dock, boat lift, gangway, pilings, and bank protection, 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 \$155, with an annual Consumer Price Index

adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

LEASE 8763

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Georgiana Slough, lying adjacent to Swamp and Overflowed Land Survey 943 patented April 14, 1873, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing boat dock, boat lift, ramp and two pilings lying adjacent to those parcels described in Grant Deed, recorded February 14, 2017 in Book 20170214 at Page 1086 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said slough.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

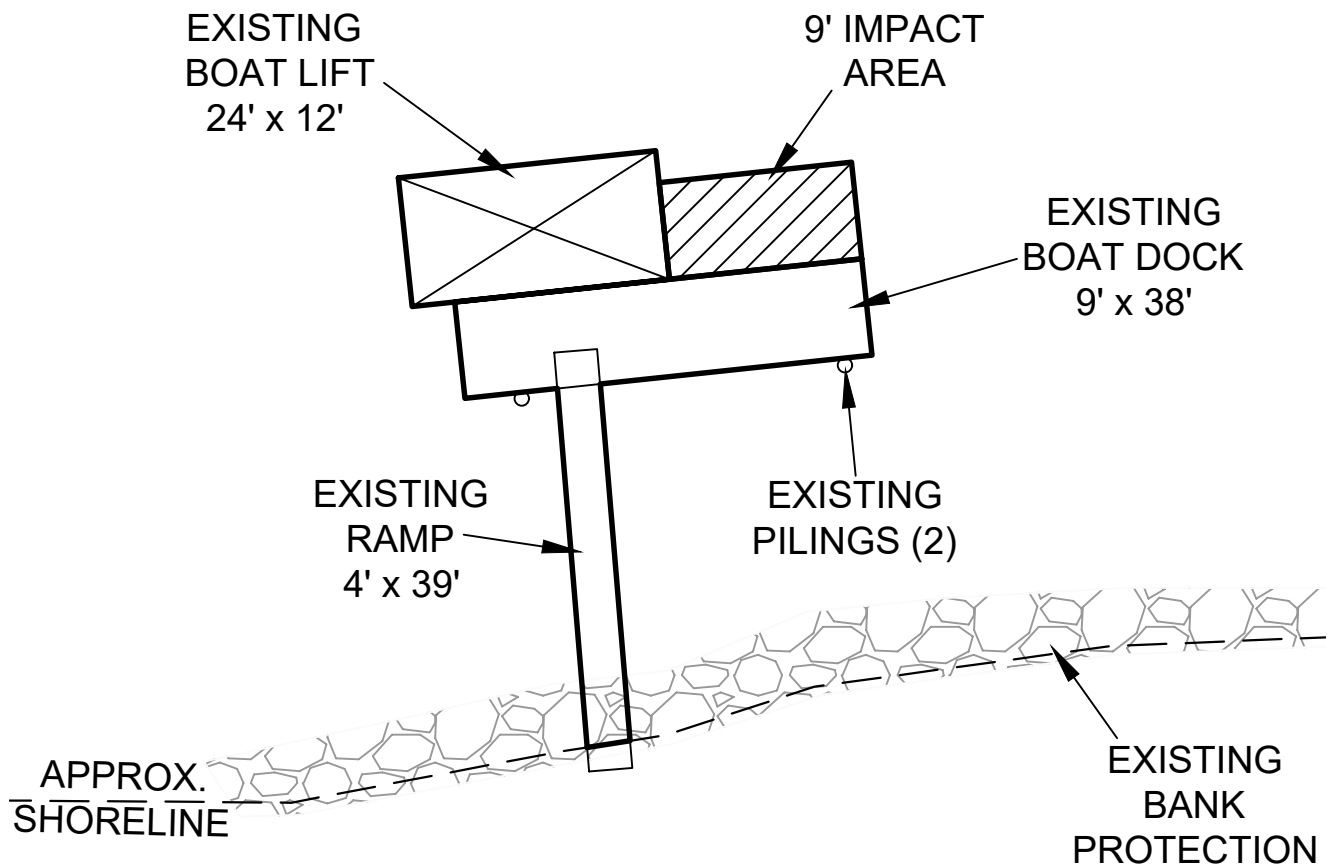
Prepared 06/16/2022 by the California State Lands Commission Boundary Unit.



NO SCALE



GEORGIANA SLOUGH



APN 156-0100-005

EXHIBIT A

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LAND DESCRIPTION PLAT
LEASE 8763, LARSON
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

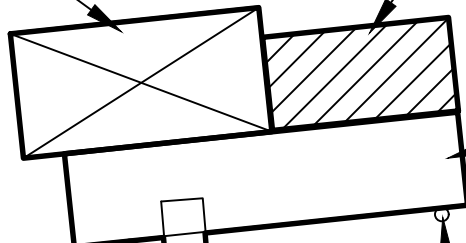
SITE

GEORGIANA SLOUGH



EXISTING
BOAT LIFT
24' x 12'

9' IMPACT
AREA



EXISTING
BOAT DOCK
9' x 38'

EXISTING
RAMP
4' x 39'

EXISTING
PILINGS (2)

APPROX.
SHORELINE

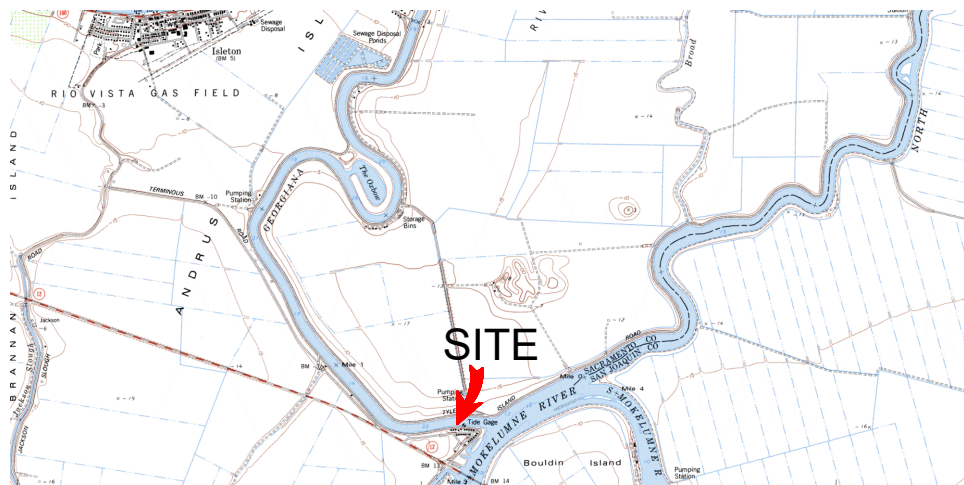
EXISTING
BANK
PROTECTION

APN 156-0100-005

441 WEST WILLOW TREE LANE, NEAR ISLETON

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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 8763
LARSON

APN 156-0100-005
GENERAL LEASE -
RECREATIONAL &
PROTECTIVE STRUCTURE USE
SACRAMENTO COUNTY



TS 06/16/2022