

# Staff Report 22

## **APPLICANT:**

---

Arnold G. Hunn and Sandra A. Hunn, as Trustees of The Hunn Family Revocable Trust, established September 2, 2005

## **PROPOSED ACTION:**

---

Issuance of a General Lease – Recreational Use

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

Sovereign land in the Sacramento River, adjacent to 10595 Bryne Avenue, near Los Molinas, Tehama County.

## **AUTHORIZED USE:**

Use and maintenance of an existing boat dock and two anchoring cables attached to deadmen on the upland.

## **TERM:**

10 years, beginning September 8, 2023.

## **CONSIDERATION:**

\$140 per year, with an annual Consumer Price Index adjustment.

## **SPECIFIC LEASE PROVISIONS:**

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee agrees and acknowledges that the hazards associated with climate change 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, 6503.5, and 6505.5; California Code of regulations, title 2, sections 2000 and 2003.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On September 20, 2013, the Commission authorized issuance of a General Lease – Recreational Use to Arnold G. Hunn and Sandra A. Hunn, as Trustees of The Hunn Family Revocable Trust, established September 2, 2005, for an existing boat dock and two anchoring cables attached to deadmen on the upland ([Item C09, September 20, 2013](#)). A “deadman” (or “deadmen,” plural) is the onshore part of an anchoring system that secures the cables running from the dock to the upland. The lease will expire September 7, 2023.

On August 23, 2018, staff conducted a rent review as directed by lease terms and conditions ([Item C12, August 23, 2018](#)). This resulted in modification of the annual rent from \$50 per year to \$125, effective September 8, 2018.

The Applicant is now applying for a General Lease – Recreational Use, for the use and maintenance of the existing boat dock and two anchoring cables attached to deadmen on the upland.

The subject facilities are privately owned and maintained by the Applicant. The boat dock and appurtenant facilities are used for 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 subject facilities are located directly waterward of the upland property and occupy a relatively small area of the river. The proposed lease will not interfere with navigation and does not substantially interfere with any Public Trust needs at this time or the foreseeable future.

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 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 Sacramento River in the lease area 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 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. The dock in the lease has a chance of being damaged or dislodged due to the impacts of climate change described above.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to the effects of climate change.

**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; 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. If the Commission denies the application, the Applicant may be required to remove the boat dock and two anchoring cables and return 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 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:**

---

- 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 proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with 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 issuance of a General Lease – Recreational Use to the Applicant beginning September 8, 2023, for a term of 10 years, for the use and maintenance of an existing boat dock and two anchoring cables attached to deadmen on the upland, 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 \$140, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**LEASE 4782**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Rancho Rio De Los Berrendos, as shown on that Rancho Plat, approved March 21, 1861, County of Tehama, State of California and more particularly described as follows:

All those lands underlying an existing boat dock and two steel cables lying adjacent to that parcel described in Grant Deed, recorded September 2, 2005 in Book 2786, at Page 198 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 10/14/2022 by the California State Lands Commission Boundary Unit

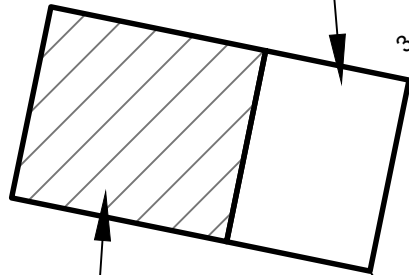


NO SCALE



SACRAMENTO RIVER

EXISTING  
BOAT DOCK  
6' x 8'



3/8" Steel Cable

9' IMPACT  
AREA

APPROX.  
SHORELINE

APN 045-160-005

EXHIBIT A

Page 2 of 2

TS 10/14/2022

LAND DESCRIPTION PLAT  
LEASE 4782, HUNN, TRUSTEES  
TEHAMA COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



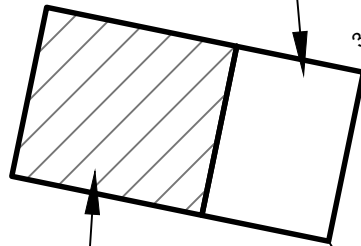
NO SCALE



### SITE

SACRAMENTO RIVER

EXISTING  
BOAT DOCK  
6' x 8'



3/8" Steel Cable

9' IMPACT  
AREA

APPROX.  
SHORELINE

APN 045-160-005

10595 BRYNE AVE., NEAR LOS MOLINOS

NO SCALE

### LOCATION



### Exhibit B

LEASE 4782  
HUNN, TRUSTEES  
APN 045-160-005  
GENERAL LEASE -  
RECREATIONAL USE  
TEHAMA 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.

TS 10/14/2022