

Staff Report 70

PARTY:

California State Lands Commission (Commission)

PROPOSED ACTION:

Authorize the Executive Officer or her designee to enter into cooperative agreements with cities, counties, and other state or local governments, departments, or entities to address situations and concerns related to the unhoused on state-owned sovereign or school lands.

STAFF ANALYSIS AND RECOMMENDATION:

The State continues to experience a humanitarian crisis of people experiencing homelessness. It is exacerbated by the ongoing lack of affordable housing, inflation, and other socio-economic and public health factors. While the administration has recently taken steps to address homelessness, such as providing temporary housing programs and increasing funding to local governments and service providers, the issue persists. Many people experiencing homelessness seek shelter on open, undeveloped land near areas that provide anonymity and opportunities to independently obtain work, food, or other essentials.

Lands under the Commissions jurisdiction are not excluded from this crisis. Staff is aware of locations under its jurisdiction where unhoused individuals have taken shelter and encampments have developed. There are times when these occupants affect the aquatic and marine environment and the local neighborhoods and communities, including impacts to water quality, native vegetation, animal species, and public access and recreation. These impacts include accumulation of trash and debris; destruction or removal of native vegetation and the associated impacts on animal species; reduced water quality and associated impacts on fish habitat through unregulated discharge of waste; fire hazards associated with unregulated cooking and heating devices; and visual, auditory, and olfaction (smell) effects on the surrounding neighborhood.

One such location is on state-owned land under the Commission's jurisdiction in the northwestern part of the city of Stockton. The site is located along the west side of

Trinity Parkway at Bear Creek. Over the past few years, people experiencing homelessness have created several encampments, on and around the state-owned land, which has led to the accumulation of considerable amounts of trash and debris around the encampments. Commission staff have been coordinating with city and county officials, as well as nearby residents and businesses, in efforts to address the issues posed by the encampments. To address immediate issues of public health and safety, water quality, and environmental degradation, Commission staff has initiated a clean-up of the trash and debris on the site pursuant to authorization from the Commission in August 2022 (Staff Report [41](#)).

Local governments – cities, counties, and their departments – are most familiar with the unhoused populations and encampments in their neighborhoods and communities. They often have the resources to address the issues or are working to increase the resources to meet the need. On becoming aware of an unhoused situation on sovereign or school land, staff reaches out to the local governments and their relevant departments, as well as other State agencies, and private entities, to assess the scope of the situation, measure the resources available (who can do what), and form partnerships to seek solutions. This often means contacting city council members, county supervisors, department heads, homeless outreach coordinators, and police or sheriff departments. Staff always inquires about the availability of homeless services, particularly housing (i.e., temporary or transitional shelters), when considering potential solutions.

Agreements between the Commission and local partners are sometimes necessary to facilitate activities on property under the Commission's jurisdiction. Staff is now requesting the authority for the Executive Officer or her designee to enter into agreements with local governments, departments, or other entities to authorize activities that will address situations in a timely manner dealing with unhoused individuals on sovereign or school lands, provided that the Executive Officer or designee finds:

- A) The agreement is for the purpose of addressing environmental, public access, public health, or public safety concerns related to unhoused populations on state-owned sovereign or school lands, including, but not limited to, providing services to persons experiencing homelessness; and
- B) The Commission's entering into the agreement is exempt from the requirements of CEQA; and
- C) The activities to be undertaken on state-owned sovereign land will not substantially interfere with Public Trust uses, resources, or values; and
- D) The agreement is in the State's best interests.

Staff will continue its discussions with all parties to seek longer term solutions.

AUTHORITY:

Public Resources Code sections 6005, 6106, 6216, and 6301.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

The presence of unhoused individuals, groups, or encampments on state-owned land under the Commission’s jurisdiction may result in impacts to the environment, public access and recreation, and may create public health and safety concerns to both unhoused individuals and nearby residents and businesses. Entering into agreements with local governments, state agencies and other entities will help mitigate these impacts, provided such agreements include reasonable terms that identify resources for the unhoused individuals and facilitate safe access connecting those resources to the unhoused. While these agreements will not solve the larger issues of homelessness, they should reduce the most severe impacts to the Public Trust and State Lands resources in those areas where the agreements are in place. Further, the Commission’s efforts to collaborate with local governments, the unhoused individuals, nearby residents and businesses, and other stakeholders signal its willingness to hear their viewpoints and seek solutions on these important issues affecting both the State and the nation.

CONCLUSION:

For the reasons stated above, staff believes the ability for the Executive Officer or her designee to enter into agreements with cities, counties, and other state or local governments, departments, or entities to address situations and concerns related to the unhoused on state-owned sovereign land is consistent with the common law Public Trust Doctrine and is in the State’s best interests. Staff further believes that the delegation of authority to the Executive Officer or her designee to enter into agreements with cities, counties, and other state or local governments, departments, or entities to address situations and concerns related to the unhoused on state-owned school lands is in the State’s best interests.

OTHER PERTINENT INFORMATION:

1. Delegating authority to the Executive Officer or her designee to enter into agreements is not a project as defined by the California Environmental Quality Act 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).

2. The proposed action is consistent with the “Meeting Evolving Public Trust Needs,” “Prioritizing Social, Economic, and Environmental Justice” and “Committing to Collaborative Leadership” Strategic Focus Areas of the Commission’s 2021-2025 Strategic Plan.

RECOMMENDED ACTION AND AUTHORIZATION:

It is recommended that the Commission:

Authorize the Executive Officer or her designee to enter into agreements with cities, counties, and other state or local governments, departments, or entities to allow access to state-owned sovereign or school lands to address concerns related to the unhoused, provided that the Executive Officer or designee finds:

- A) The agreement is for the purpose of addressing environmental, public access, public health, or public safety concerns related to unhoused populations on state-owned sovereign or school lands, including, but not limited to, providing services to persons experiencing homelessness; and
- B) The Commission’s entering into the agreement is exempt from the requirements of CEQA; and
- C) The activities to be undertaken on state-owned sovereign land will not substantially interfere with Public Trust uses, resources, or values; and
- D) The agreement is in the State’s best interests.