

Staff Report 53

APPLICANT:

City of Blythe

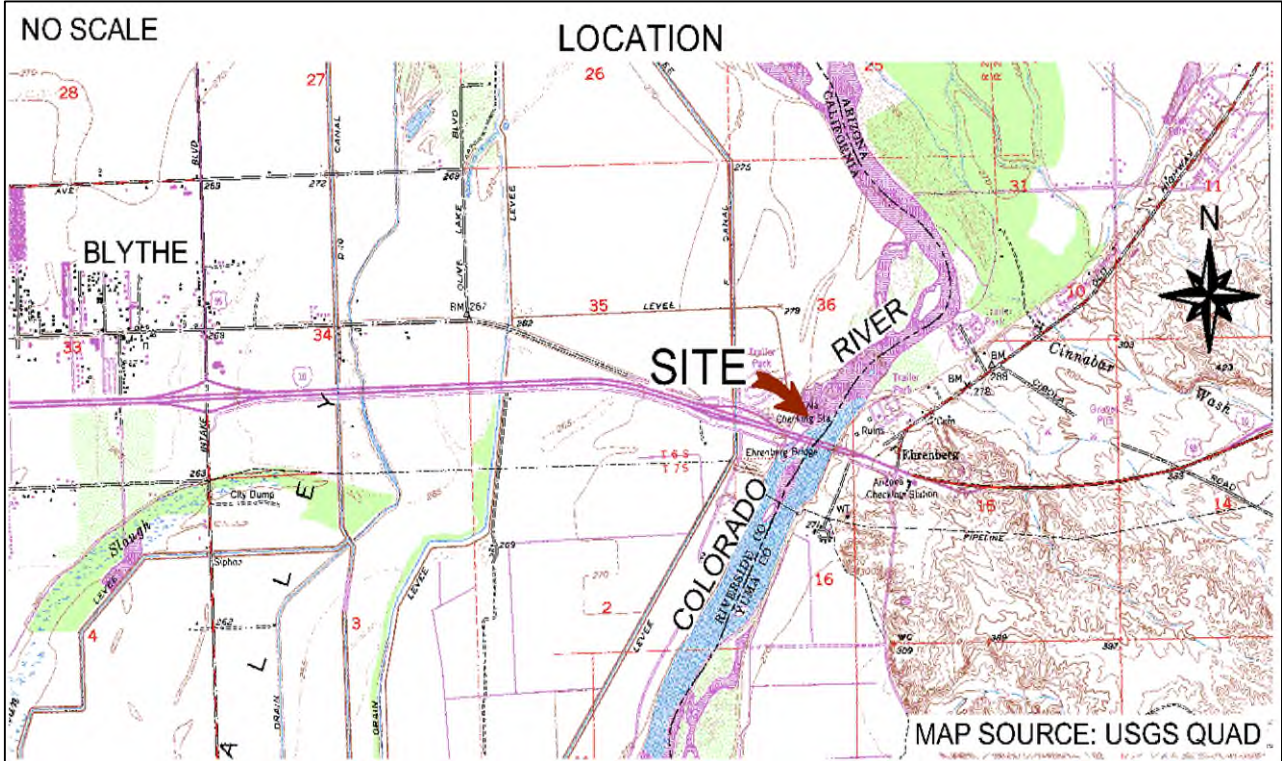
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Colorado River, adjacent to 250 South Colorado River Road, Blythe, Riverside County (as shown in Figure 1).

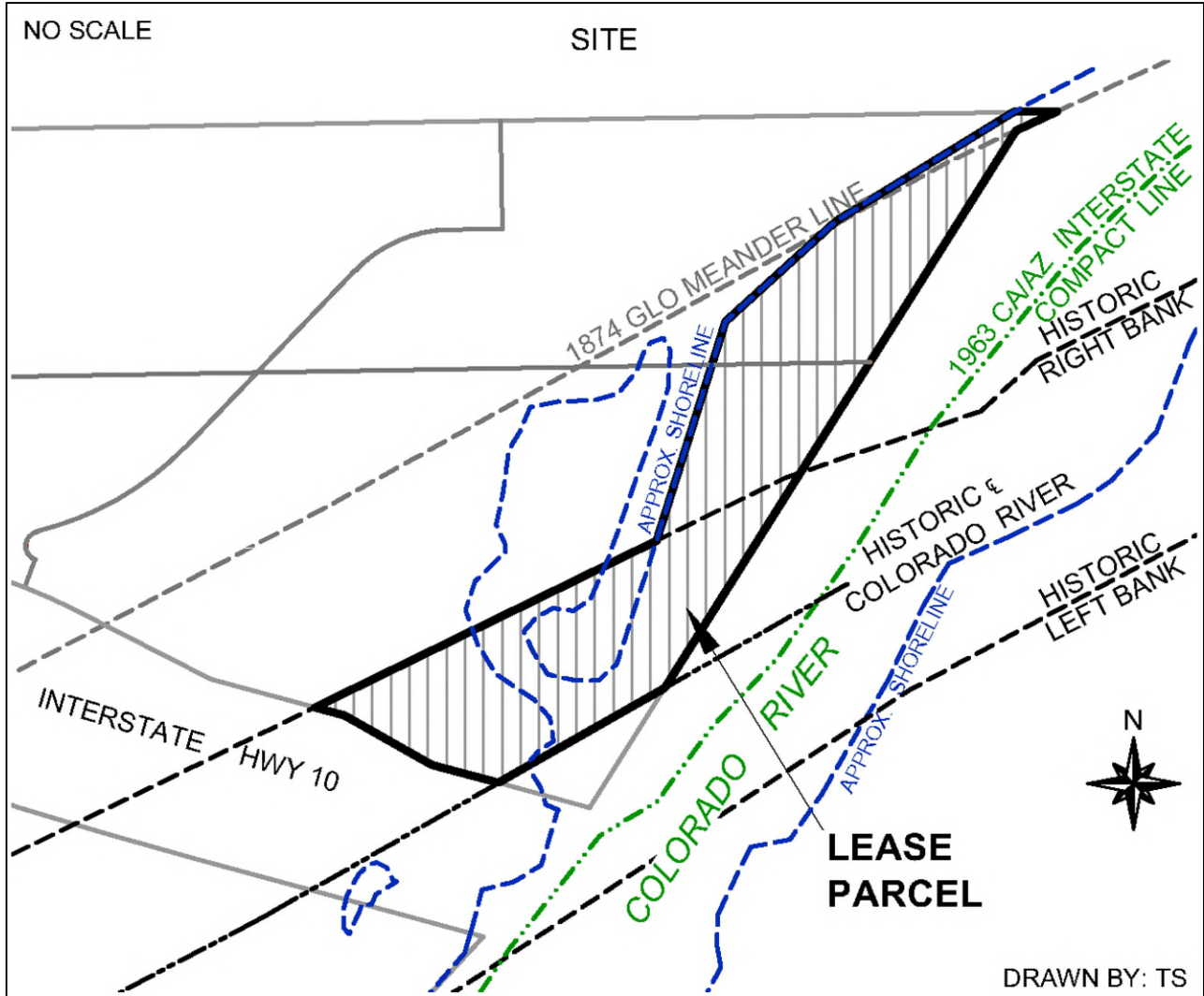
Figure 1. Location



AUTHORIZED USE:

Use of an existing boat launch (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

20 years, beginning July 1, 2024.

CONSIDERATION:

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- No refueling or maintenance of vehicles, equipment, or watercraft shall take place within the Lease Premises.

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:

On June 19, 2014, the Commission authorized issuance of a General Lease – Public Agency Use to the City of Blythe for use of an existing boat launch located in the Colorado River, adjacent to 250 South Colorado River Road, Blythe, Riverside County ([Item 65, June 19, 2014](#)).

The City of Blythe owns the upland property and operates it as Quechan Park, a public park that provides public access to the Colorado River. The City's lease expired on June 30, 2024. The City is applying for a General Lease – Public Agency Use to continue using the existing boat launch. Staff recommends issuance of a General Lease – Public Agency Use to the Applicant, effective July 1, 2024.

The boat launch on the lease premises is available to the public and facilitates recreational boating, a water-dependent use that is consistent with the common law Public Trust Doctrine. There is a small fee for use of the boat launch, with revenues generated by this fee being applied toward park maintenance. This fee is self-deposited by users in a payment envelope that is dropped into a safe within the guardhouse via a deposit chute. The Applicant does not have any on-site personnel for collection of this fee or for management of the boat launch, however there is signage at the boat launch which details best practices for its use. Approximately 600 vessels per year use the boat launch to access the Colorado River, with the heaviest use occurring from April through October. Use of the boat launch in winter is more limited and is mostly related to fishing.

The proposed Lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and will have no significant impact on Public Trust-consistent uses or resources in the area. Upon termination of

the lease, the lessee may be required to remove any improvements from State land and restore the lease premises to their original condition. 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:

The lease area in the Colorado River is not tidally influenced and, therefore, would not be subject to sea level rise. The water level near the existing improvement is regulated primarily by water released upstream from the Davis Dam. 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, extreme heat, drought, and storms. 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; likewise, runoff from more frequent and severe storm events will likely increase scour and lead to a more rapid decrease in bank stability.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises from floods or droughts during the term of the lease. The boat launch is fixed and not able to shift in response to changing water levels and may need relocation or reinforcement in the future to withstand higher levels of flood exposure or drought. During a severe drought, the boat launch may not be functional due to low water levels in the river.

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 in an area that may be subject to the effects of climate change.

CONCLUSION:

For all the reasons above, staff believes approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the 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 must remove the improvements and restore the property to its 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 15061 and California Code of Regulations, title 2, section 2905.

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 interfere with Public Trust needs and values at this location, at this time, and for the 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 – Public Agency Use to the Applicant beginning July 1, 2024, for a term of 20 years, for the use of an existing boat launch; consideration being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests.