

**CALENDAR ITEM
C32**

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02/07/17
PRC 5266.1
J. Holt

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

St. Francis Yacht Club

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the San Joaquin River, adjacent to 14344 Tinsley Island, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of six mooring buoys.

LEASE TERM:

10 years, beginning October 1, 2016.

CONSIDERATION:

\$842 per year; with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Surety Bond or Other Security:

\$1,000

Climate Change:

Lessee assumes sole responsibility for any and all maintenance and preventive measures to accommodate climate change and sea-level rise, per Section 2 Special Provisions, Lease No. 5266.1.

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Management Practices:

Lessee agrees to adopt and maintain operational practices which protect the natural environment, per Exhibit C Best Management Practices for Marina Owners/Operators, Lease No. 5266.1.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

On November 26, 2001, the Commission authorized a 15-year General Lease – Recreational Use to the St. Francis Yacht Club ([Calendar Item C10, November 26, 2001](#)). This lease consisted of 12 mooring buoys in the San Joaquin River, as reported by the Applicant. This lease expired on September 30, 2016. Upon expiration, Commission staff and the Applicant negotiated a new lease which cited the existence of only six mooring buoys. Therefore, the Applicant is now applying for a General Lease – Recreational Use for six existing mooring buoys.

The subject buoys are used for the mooring of boats in the San Joaquin River, adjacent to Tinsley Island, San Joaquin County. Recreational boating is a water-dependent activity and 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 lands (Public Resources Code, § 6503.5). The Applicant owns an upland parcel adjacent to the lease premises. The upland parcel is located on Tinsley Island and contains recreational facilities for members of the St. Francis Yacht Club.

The proposed lease contains certain provisions for protecting public use of the lease area, including a limited lease term of 10 years and a non-exclusive use provision. This lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

The lessee must remit annual rent payments to compensate the people of the State for occupation of sovereign State lands. The lease does not alienate the State's fee simple interest or permanently impair public rights. Upon termination of lease, the lessee may be required to remove any improvements and restore the lease premises to its original condition.

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Climate Change:

Climate change impacts, including sea-level rise, are not limited to the open coast and may involve increased wave activity, storm events, and flooding. The existing structures within the proposed lease area are located along the San Joaquin River within a tidally-influenced region. The subject facilities are vulnerable to flooding at current sea levels and at higher risk of flood exposure given future projected scenarios of sea-level rise. By 2030, California's coast could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly more than 5 feet by 2100 (National Research Council 2012). This effect could increase the San Joaquin River's inundation levels within the lease area. In addition, as stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise).

The lease area contains six mooring buoys. While the mooring buoys are designed to float on the water's surface and move with the ebb and flow of current tides, a longer chain connecting the buoy to something on the river bottom may be necessary in the future to accommodate rising sea levels. Regular maintenance will reduce the likelihood of severe structural degradation or dislodgement. The lease includes an acknowledgement that the lease premises may be subject to the effects of sea-level rise and may require additional maintenance or protection as a result, for which the lessee agrees to be solely responsible.

Conclusion:

For all the reasons above, Commission staff believes 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 interest of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. The Staff recommends that the Commission find this activity except from the requirements of the California Environmental Quality Act (CEQA) as a

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categorical 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.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the Public Trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the best interest of the State.

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).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

CALENDAR ITEM NO. **C32** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to St. Francis Yacht Club beginning October 1, 2016, for a term of 10 years, for the continued use and maintenance of six mooring buoys, 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 of \$842 per year; with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence; and surety in an amount no less than \$1,000.

EXHIBIT A

PRC 5266.1

LAND DESCRIPTION

Six (6) parcels of submerged land situated in the bed of the San Joaquin River, lying adjacent to Swamp and Overflow Survey 436 patented March 29, 1873, County of San Joaquin, State of California, more particularly described as follows:

PARCELS 1 through 6 – BUOYS

Six circular parcels of land, being 100 feet in diameter, underlying six existing buoys lying adjacent to the easterly boundary of those certain tracts of land described as Parcel C, portion of Parcel A and Parcel 29S in Quitclaim Deed recorded January 5, 1973, in Book 3724, Page 435, Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 12/11/2015 by the California State Lands Commission Boundary Unit.





STOCKTON DEEP
WATER CHANNEL

EXISTING
BUOYS (TYP.)
PARCELS 1-6

APPROX. SHORELINE

HISTORIC CHANNEL OF THE
SAN JOAQUIN RIVER

TINSLEY
ISLAND

APN 129-090-02

FERN
ISLAND

APN 129-100-01

EXHIBIT A

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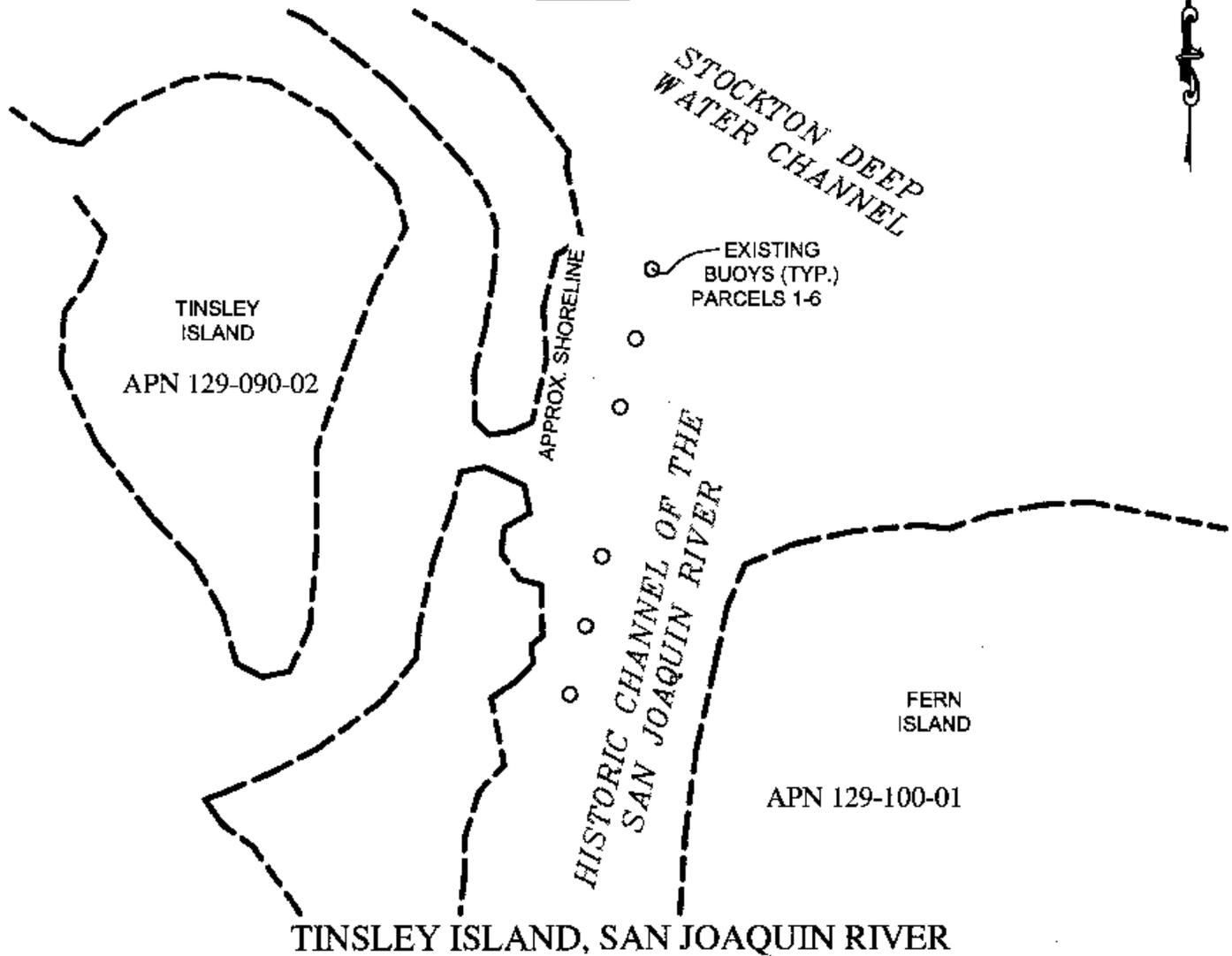
LAND DESCRIPTION PLAT
PRC 5266.1, ST. FRANCIS YACHT CLUB
SAN JOAQUIN COUNTY

CALIFORNIA STATE
LANDS COMMISSION



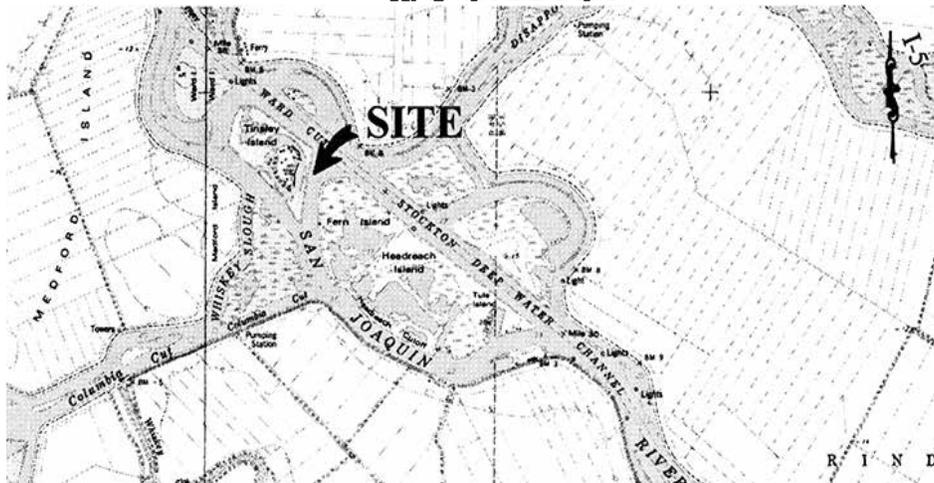
NO SCALE

SITE



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5266.1
ST. FRANCIS YACHT CLUB
GENERAL LEASE -
RECREATIONAL USE
SAN JOAQUIN COUNTY



RGB 12/10/15

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.