

# Staff Report 58

## APPLICANT:

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Brian Reisbeck and Diane Reisbeck

## PROPOSED ACTION:

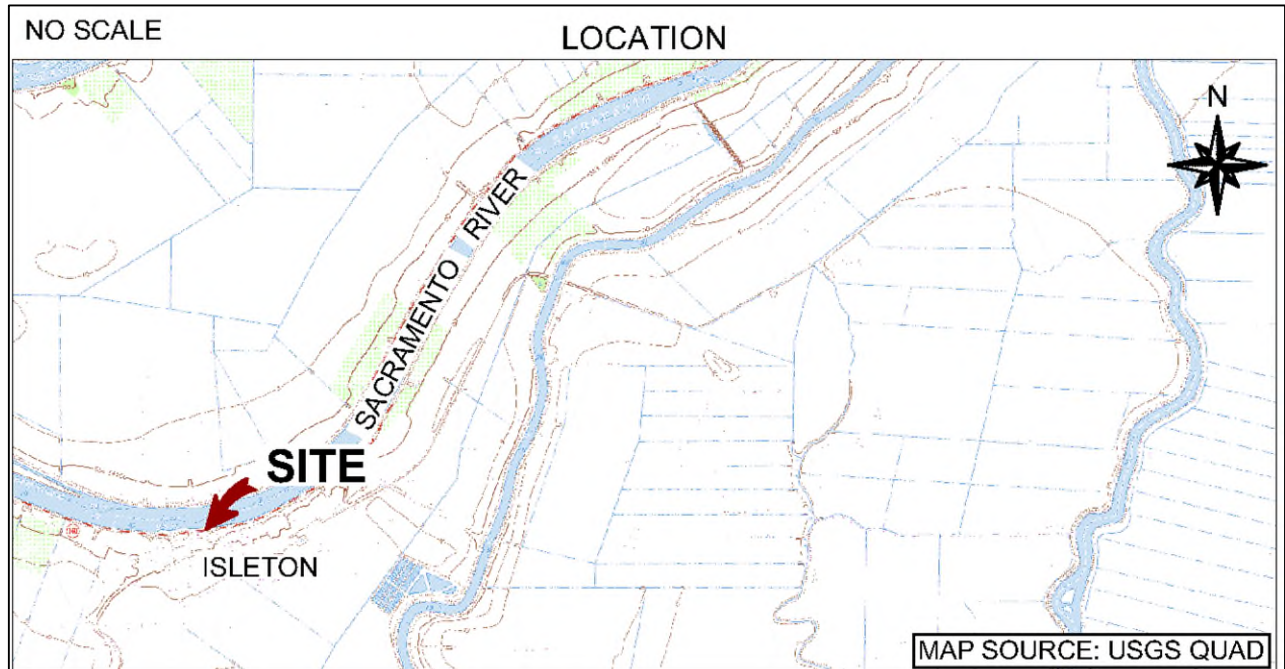
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Issuance of a General Lease – Recreational and Protective Structure Use.

## AREA, LAND TYPE, AND LOCATION:

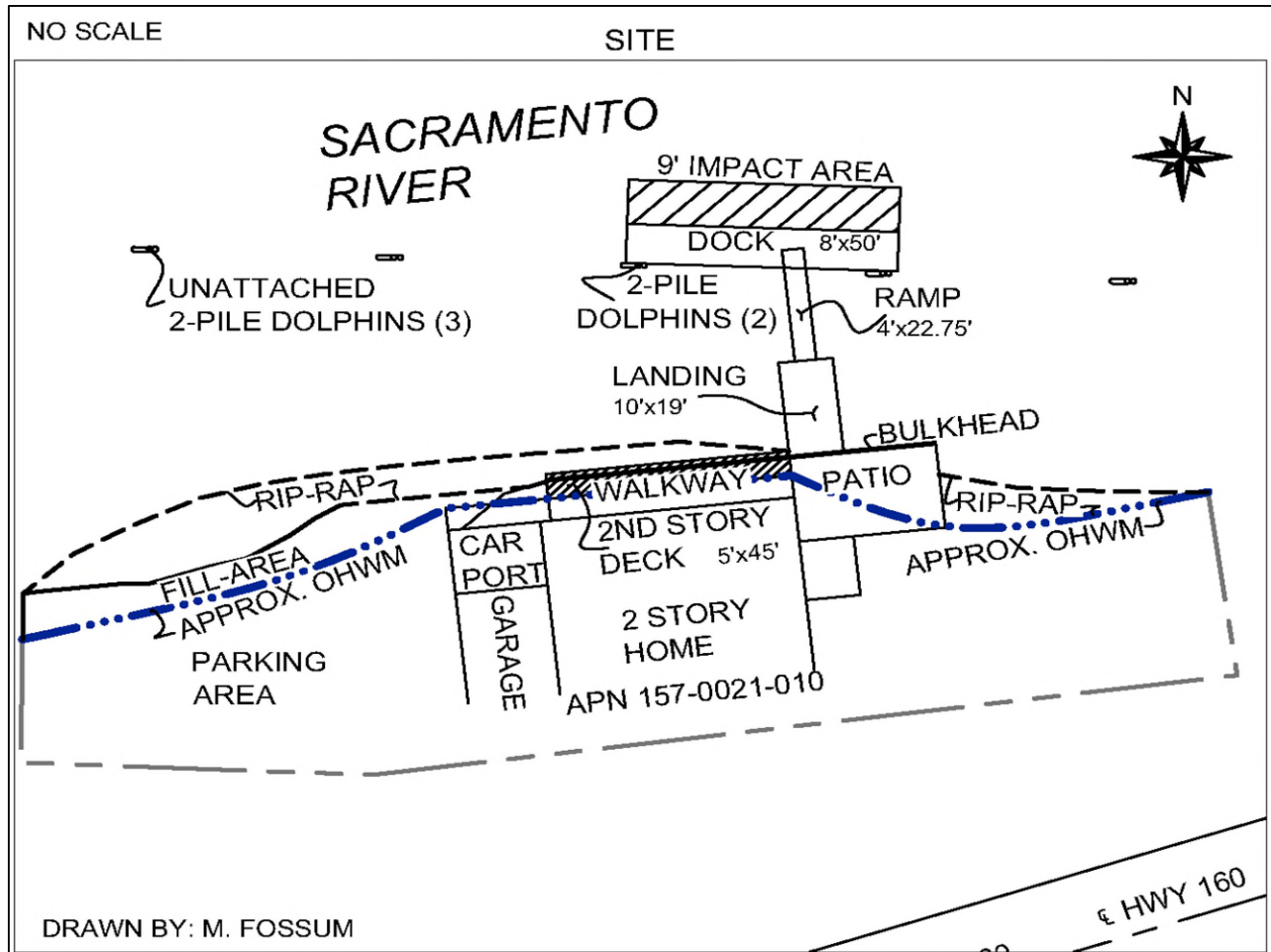
Sovereign land in the Sacramento River, adjacent to 411 2<sup>nd</sup> Street, Isleton, Sacramento County (as shown in Figure 1).

**Figure 1. Location**



**AUTHORIZED USE:**

Use of an existing boat dock, gangway, landing, two two-pile dolphins, three unattached two-pile dolphins, patio, bulkhead, walkway, deck, parking lot fill, and bank protection (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:**

10 years, beginning December 16, 2025.

**CONSIDERATION:**

\$1,780 per year, with an annual Consumer Price Index adjustment, and \$548 for the unauthorized occupation of State land for the period prior to December 16, 2025.

**SPECIFIC LEASE PROVISIONS:**

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- The lease indemnity provisions of Section 3, Paragraph 11 shall also extend to the period of Lessee's unauthorized occupation of state-owned lands prior to December 16, 2025.
- There shall be no expansion, vertically or otherwise, of the existing landing, patio, bulkhead, walkway, deck, and parking lot fill authorized by this Lease and as described and shown on the attached Exhibit B, or construction of new structures, within the Lease Premises, without the prior written approval of the Lessor.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 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 December 18, 2015, the Commission authorized a General Lease – Recreational and Protective Structure Use to Brian and Diane Reisbeck, for the use of an existing boat dock, appurtenant facilities, landing, walkway, deck, parking lot fill, and bank protection ([Item 38, December 18, 2015](#)). The lease expired August 13, 2025.

The Applicant is applying for the issuance of a General Lease – Recreational and Protective Structure Use for the use of an existing boat dock, appurtenant facilities, landing, walkway, patio, deck, parking lot fill, bulkhead, and bank protection.

Accounting records show rent for the lease was fully paid up until its expiration on August 13, 2025. Staff recommends issuance of a new lease beginning December 16, 2025, and will request compensation in the amount of \$258 for the period of unauthorized compensation prior to December 16, 2025.

The walkway, patio, deck, and parking lot fill constitute private use of public property, and are not Public Trust consistent uses. These improvements are not associated with traditional Public Trust uses. However, the Commission has issued leases on a limited basis for portions of existing residential structures that encroach onto sovereign lands where such encroachments do not significantly interfere with the Public Trust needs and values. Although the subject facilities are a private use of

public property, the limited water-related recreational value of this area and the relatively small portion of the existing private use encroaching onto State-owned lands indicate a lease for the subject facilities would not substantially interfere with the Public's Trust needs and values at this time and for a limited term. In addition, the proposed lease will provide for rent, insurance and indemnity, all in favor of protecting the State's interests.

Although new decks and other non-water dependent uses are not generally authorized, the Commission has issued leases on a limited basis for portions of existing residential structures that encroach onto sovereign lands where such encroachments do not significantly interfere with the Public Trust needs and values. Further, there are terms in the lease prohibiting expansion of the non-water dependent uses and requirement for their removal if repairs cost more than 50% of its base value.

The existing boat dock, landing, dolphins, and other appurtenant facilities 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 bulkhead and bank protection currently protect the integrity of the levee and the upland property and maintains and improves the integrity of the river, which help protect 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 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:**

**INTRODUCTION:**

The climate crisis and rising sea levels are impacting California’s coastal and inland waterways now. Likely impacts to the lease premises include, but are not limited to, sea level rise, saltwater intrusion, prolonged drought, extreme heat, and changes to the intensity and timing of precipitation events. These impacts can exacerbate natural hydrological processes such as erosion, scour, and sedimentation. These impacts may affect the existing floating dock, gangway, landing, two-pile dolphins, patio, bulkhead, walkway, deck, parking lot fill, and bank protection subject to the proposed lease, located on the Sacramento River.

**DATA & PROJECTIONS:**

Water levels in tidally-influenced rivers will rise as sea levels rise. The California Ocean Protection Council updated the [State of California Sea Level Rise Guidance](#) in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. Commission staff evaluated the “intermediate-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. 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	Intermediate-High (feet)	High (feet)
2040	0.7	0.8
2050	1.0	1.3
2070	2.2	2.9
2100	4.8	6.5

Source: Table 6, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

In addition to rising seas, warmer temperatures have led California and the Southwest region to experience a megadrought from 2000 to 2022, measured as the driest 22 years in the past 1200 years, and more megadroughts are projected through the end of the century ([Fifth National Climate Change Assessment: Southwest Region, 2023](#)). Hotter and drier conditions have led to declines in snowpack volumes, higher-elevation snow lines, earlier snowmelt, and reduced overall runoff. Streamflow and river volumes are lower and will be drawn down

farther as temperatures continue to rise and demand for water increases. Despite the region's increasing aridity, flooding from extreme precipitation events is projected to increase, attributed to earlier snowmelt, sea level rise, and more intense and frequent atmospheric rivers. Minor and moderate flooding (flooding events defined as disruptive to damaging), attributed to higher water levels, is expected to increase five to ten orders of magnitude by 2100, according to [NOAA's 2022 Sea Level Rise Technical Report](#).

**ANALYSIS:**

The lease premises are likely to experience more extreme conditions over the lease term than in the past, due to climate change. Changes to the timing and amount of runoff from the higher elevations of the watershed, stronger storm surge, and rising water levels will result in higher flood risks. All structures along the river bank, including the walkway, parking area, patio, and any personal items located in the area are highly vulnerable to flooding. Bank stability may be compromised due to increased channel erosion and undercutting from more intense precipitation and floods. Structures on the lease premises may be exposed to saltier water and corrode faster than before. Conversely, drought could lower water levels for longer portions of the year and expose structures that were historically designed to be submerged to more air, wind, and heat. They could cease to function as intended, as water-related, water-dependent infrastructure (e.g., fixed docks could become disconnected from the water). Floating structures may be more adaptable to changing water levels than those that are fixed, but all structures may be at increased risk for damage from exposure to extreme heat and floods.

**RECOMMENDATIONS:**

To reduce the likelihood of adverse impacts to the lease premises and improvements, the lessee should consider the following adaptation strategies to improve resiliency to climate change: 1) reduce erosion along the riverbank by enhancing the bank protection structure by planting or restoring native vegetation (shrubs, trees); 2) inspect fixed structures frequently and monitor for degradation, replacing damaged parts when necessary and elevating or relocating structures when exposure to flooding compromises structural function and integrity; 3) monitor floating structures for corrosion and degradation, especially joints, brackets, hinges, and piling hoops, and replace as necessary; and 4) relocate, elevate, and flood-proof vulnerable structures and assets. For more information about the local flood risks and risk-reduction strategies, please refer to the [City of Isleton's Flood Risk](#)

[Reduction Feasibility Study](#). Any future construction or activities on State land would require a separate authorization from the Commission. For more information regarding nature-based strategies, please refer to the [2023 Shoreline Adaptation and the Public Trust](#) report.

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 located in an area that may be subject to the 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 term of the proposed lease; and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects the 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 lease, the Applicant may be required to remove the existing 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 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.



## **RECOMMENDED ACTION:**

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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 14, section 15301.

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

1. Find that the existing and, for a limited period, continuing use of the existing boat dock, landing, dolphins, and other appurtenant facilities, do not substantially interfere with Public Trust needs and values at this location and is consistent with the common law Public Trust Doctrine.
2. Find that the existing and continuing use of the walkway, patio, deck, and parking lot fill is not generally associated with Public Trust uses, but the current use does not substantially interfere with Public Trust needs and values at this location, at this time.
3. Find that the existing and, for a limited period, continuing use of the existing bulkhead and bank protection does not substantially interfere with Public Trust needs and values at this location, at this time.
4. Find that issuing the proposed lease is in the best interests of the State.

### **AUTHORIZATION:**

1. Accept compensation from the Applicant in the amount of \$548 for the unauthorized occupation of State land for the period prior to December 16, 2025.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to the Applicant beginning December 16, 2025, for a term of 10 years, for use of an existing boat dock, appurtenant facilities, five two-pile dolphins, landing, patio, bulkhead, walkway, deck, parking lot fill, and bank protection; annual rent in the amount of \$1,780 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.