

**CALENDAR ITEM  
C12**

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08/09/16

S 3

PRC 6503.1

V. Caldwell

**GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANT:**

John H. Broughton and Grayce A. Broughton

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land located in Steamboat Slough, adjacent to 3427 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing uncovered floating boat dock, deck, pilings, ramp, and bank protection.

*LEASE TERM:*

10 years, beginning December 1, 2015.

*CONSIDERATION:*

**Uncovered floating boat dock, deck, pilings, and ramp:** \$125 per year, with an annual Consumer Price Index adjustment.

**Bank Protection:** The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

*SPECIFIC LEASE PROVISIONS:*

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

**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).

CALENDAR ITEM NO. **C12** (CONT'D)

**Public Trust and State's Best Interests Analysis:**

On December 8, 2005, the Commission authorized a General Lease – Recreational and Protective Structure Use to John H. Broughton and Grayce A. Broughton. The lease expired on November 30, 2015. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.

With the exception of the deck, the subject dock and appurtenant facilities are for the docking and mooring of boats. Recreational boating is water-dependent 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 (Pub. Resources Code, § 6503.5). The subject structures are privately owned and maintained. The applicant owns the adjacent upland parcel and it is developed with a residence.

The proposed lease includes provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years, and a non-exclusive use provision. The limited lease term allows the Commission flexibility if it later determines that the Public Trust needs of the area have changed over time.

The deck, dock, and appurtenant facilities have existed for many years at this location. The facilities do not significantly alter the land, and the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Although the deck is not associated with traditional trust uses, it does not significantly interfere with trust activities. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to its original condition. Based on the foregoing, Commission staff believes that the deck, dock, and appurtenant facilities will not substantially interfere with Public Trust needs, at this location, at this time, and for the foreseeable term of the proposed lease.

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. The bank protection will maintain and improve the integrity of the river channel, which will help protect the Public Trust resources of the river for recreational and navigational purposes by the public. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

CALENDAR ITEM NO. **C12** (CONT'D)

**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. 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.

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:

**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 public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

CALENDAR ITEM NO. **C12** (CONT'D)

**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.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to John H. Broughton and Grayce A. Broughton beginning December 1, 2015, for a term of 10 years, for an existing uncovered floating boat dock, deck, pilings, ramp, and bank protection as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration for the uncovered floating boat dock, deck, pilings, and ramp: \$125 per year, with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 6503.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land in the bed of the Steamboat Slough lying adjacent to Swamp and Overflow Survey 544 patented October 17, 1878, Solano County, State of California, more particularly described as follows:

All those lands underlying an existing boat dock, deck, 3 pilings and ramp lying adjacent to that parcel as described in that Grant Deed recorded November 19, 1992 in Document 1992-00106784 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

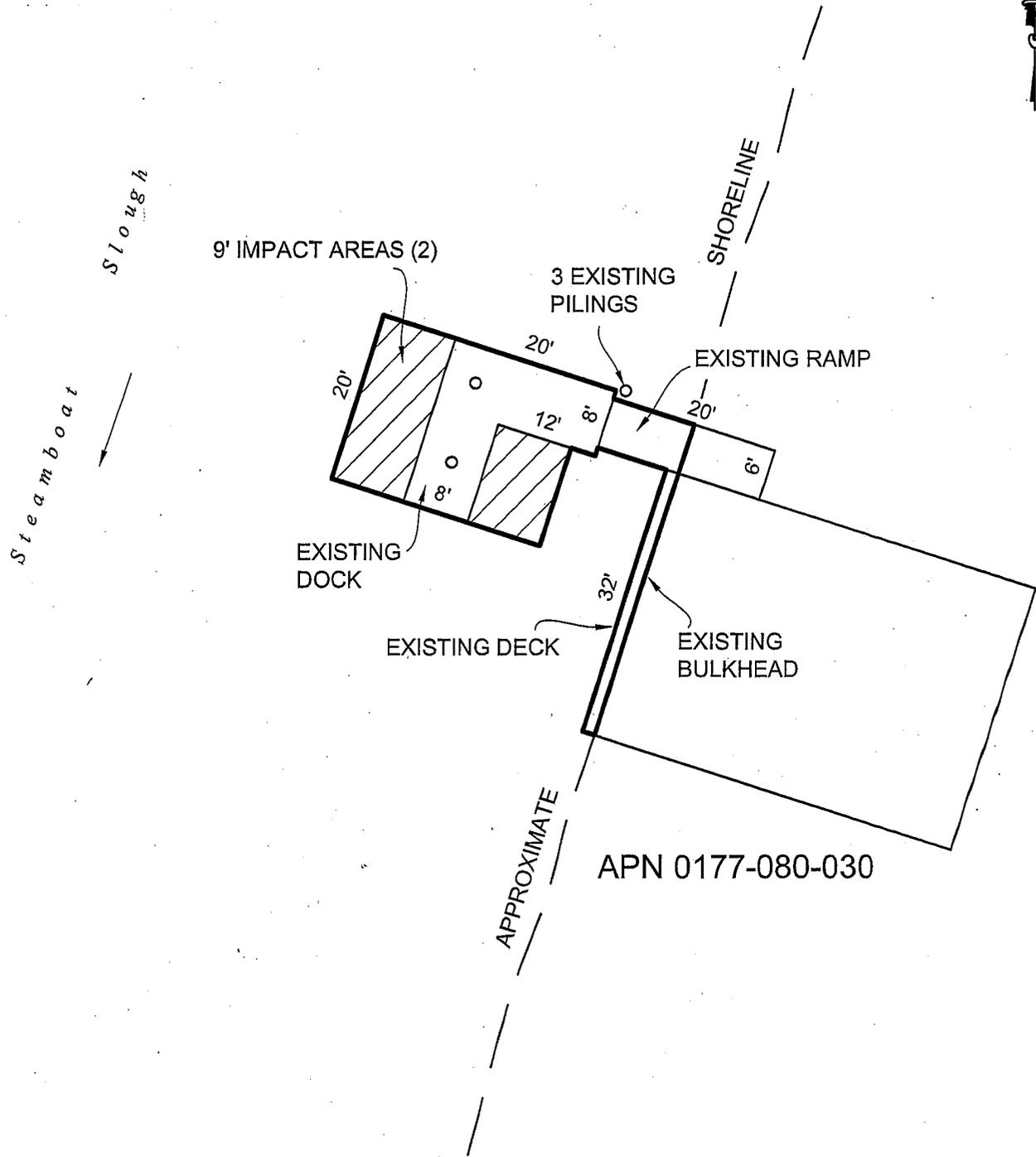
EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the left bank of the Steamboat Slough.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared August 01, 2016 by the California State Lands Commission Boundary Unit.



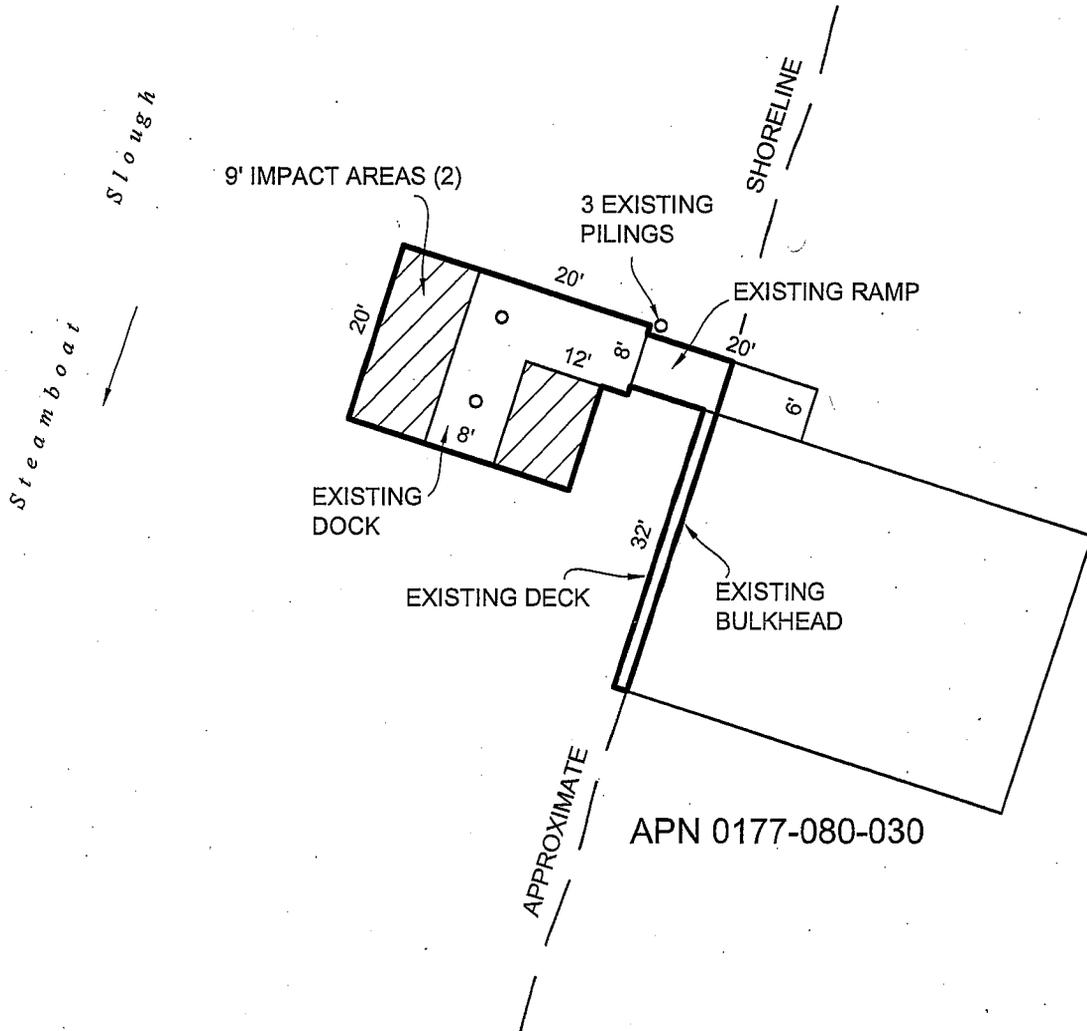


**EXHIBIT A**



NO SCALE

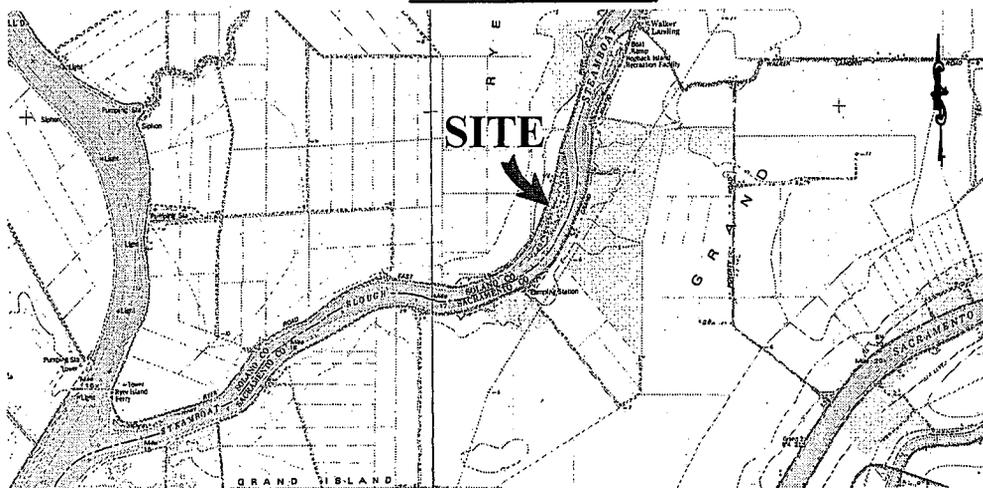
# SITE



3427 SNUG HARBOR DRIVE, STEAMBOAT SLOUGH, NEAR WALNUT GROVE

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 6503.1  
 BROUGHTON  
 APN 0177-080-030  
 GENERAL LEASE -  
 RECREATIONAL &  
 PROTECTIVE STRUCTURE USE  
 SOLANO 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.

MJJ 8/01/16