

**CALENDAR ITEM
C39**

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04/20/17
PRC 4115.1
J. Holt

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

James A. Junge and Carolly J. Junge, Trustees of The James A. Junge and Carolly J. Junge 1991 Family Trust dated September 10, 1991

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Georgiana Slough, adjacent to 417 West Willow Tree Lane, near Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, three pilings, electrical conduit and light, ramp, and walkway.

LEASE TERM:

10 years, beginning May 1, 2017.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

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

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

On November 21, 2006, the Commission authorized a Recreational Pier Lease to James A. Junge and Carolly J. Junge, Trustees of The James A. Junge and Carolly J. Junge 1991 Family Trust dated September 10, 1991 ([Calendar Item C05, November 21, 2006](#)). That lease will expire on April 30, 2017. The Applicant is now applying for a new lease.

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The proposed lease area contains the same facilities as the current lease, which consists of an existing floating boat dock and appurtenant facilities, used for boating in the Georgiana Slough. 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 do not significantly alter the land; the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Based on the foregoing, Commission staff believes the existing floating boat 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 includes certain 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 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:

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 Georgiana Slough within a region identified as tidally-influenced. 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. The lease area contains a floating boat dock, three fixed pilings, electrical conduit and light, an adjustable ramp, and a fixed walkway.

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). These changes in sea level could lead to changes in the regular inundation levels within the lease area. Rising sea levels can lead to more frequent flooding in low lying areas and more dynamic tidal events. As stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase

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the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise).

Climate change could have a number of impacts for this region. The amount and timing of snowmelt runoff will likely change such that runoff pulses are earlier in the season and stronger precipitation events will occur over a shorter period of time. This is because warming temperatures will result in more water falling as rain rather than snow, earlier spring snowmelt, and less snowpack overall. In rivers and tidally-influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. In addition, there will be greater amounts of runoff because less water will be trapped at higher altitudes in snowpack. Conversely, climate-change induced droughts could decrease slough levels and flow for extended periods of time. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. In sloughs and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

The combination of these projected conditions could potentially raise the likelihood of damage to structures within the lease premises during the term of the lease. For example, the potential for more frequent and stronger storm events may expose the lease area structures to higher flood risks and cause structures to be damaged or dislodged, presenting hazards to public safety, as well as dangers for navigation within the channel. Conversely, prolonged drought conditions could lower water levels exposing previously submerged structures to the elements, potentially leading to increased wear and tear on the pilings and dock, reduce navigability of the channel, thereby increasing hazards and impacting the functionality and utility of the lease area structures.

The floating boat dock and adjustable ramp are able to rise and fall with tides, storm surges, and droughts to some extent, but may require more frequent maintenance to ensure continued function during and after storm seasons and to avoid dislodgement of dock structures. The pilings appear to be at sufficient heights to withstand projected changes in water levels, but additional fortification may be needed, especially if pilings anchor electrical conduit and a light fixture, as damage to these pilings could lead to a public safety hazard.

Although not within the lease area, the vegetated bank provides stability and reduces the amount of erosion and scour pressure it may experience during future events, but remains at risk of accelerated deterioration from

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currents and floods. Exposed portions of the bank could be vulnerable to future events. Bank restoration may be required to protect the anchoring points of the lease premise structures and reduce flood impacts. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement. The lease includes an acknowledgment 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 the issuance of this lease is consistent with the common law Public Trust Doctrine and in the best interests 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. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a 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 on 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

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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 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 interests of the State.

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 Use to the Applicant beginning May 1, 2017, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, three pilings, electrical conduit and light, ramp, and walkway, 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 in the amount of \$125; with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4115.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Georgiana Slough lying adjacent to Swamp and Overflow Survey 943, patented April 14, 1873, Sacramento County, State of California, more particularly described as follows:

All those lands underlying an existing boat dock, walkway, ramp, electrical conduit and light and three (3) pilings lying adjacent to that parcel as described in that Grant Deed recorded December 19, 2003 in Book 20031219, Page 83 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 16, 2017 by the California State Lands Commission Boundary Unit.





Georgiana Slough

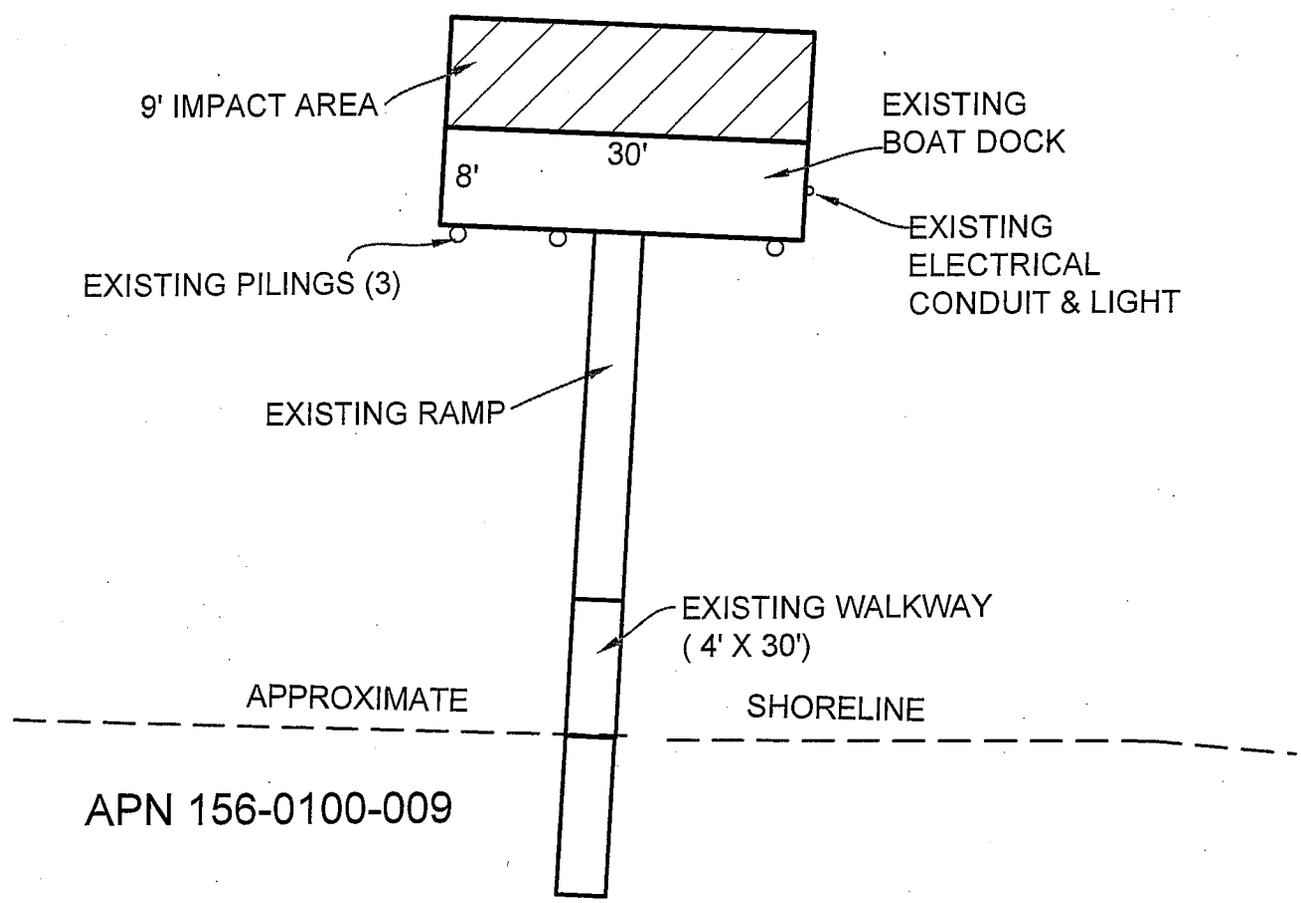


EXHIBIT A



NO SCALE

SITE

Georgiana Slough



9' IMPACT AREA

EXISTING BOAT DOCK

8' 30'

EXISTING ELECTRICAL CONDUIT & LIGHT

EXISTING PILINGS (3)

EXISTING RAMP

EXISTING WALKWAY (4' X 30')

APPROXIMATE

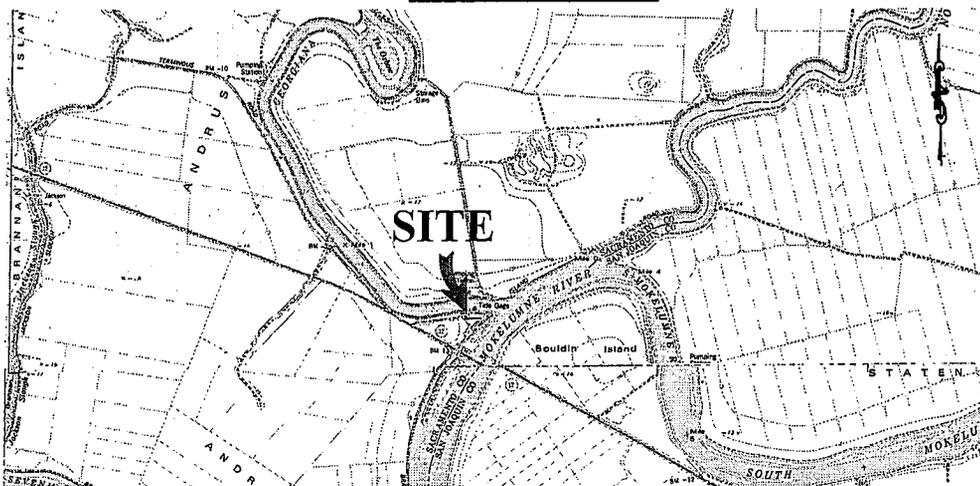
SHORELINE

APN 156-0100-009

417 WEST WILLOW TREE LANE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4115.1
JUNGE TRUSTEES
APN 156-0100-009
GENERAL LEASE -
RECREATIONAL USE
SACRAMENTO 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 1/26/2017