

**STAFF REPORT  
C30**

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06/21/18  
PRC 8780.1  
J. Holt

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Kenneth W. Adgate Jr. and Donna L. Adgate

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land located in Georgiana Slough, adjacent to 17035 Terminous Road, near Isleton, Sacramento County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing floating boat dock with covered slip and boat lift, ramp, four pilings, ~~four~~ three attached covered personal watercraft lifts, one diving board, and a slide.

*LEASE TERM:*

10 years, beginning May 5, 2018.

*CONSIDERATION:*

\$362 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
  
2. Lessee agrees and acknowledges hazards associated with sea-level rise may require additional maintenance or protection strategies regarding the improvements on the Lease Premises.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

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

On May 5, 2008, the Commission authorized a 10-year General Lease - Recreational Use to Kenneth W. Adgate Jr. and Donna L. Adgate ([Item C10, May 5, 2008](#)). That lease expired on May 4, 2018. The Applicant is now applying for a new General Lease – Recreational Use, for the continued use and maintenance of an existing floating boat dock with covered slip and boat lift, ramp, four pilings, ~~four~~ three attached covered personal watercraft lifts, one diving board, and slide in Georgiana Slough.

The proposed lease includes the same facilities as the prior lease. These facilities are used for recreational boating, water recreation, and fishing purposes. They have existed at this location for many years. Recreational boating, water recreation, and fishing are water-dependent activities, 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 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.

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 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. The lease area contains a floating boat dock with covered slip and boat lift, ramp, four pilings, ~~four~~ three attached covered personal watercraft lifts, one diving board, and slide. An adjustable gangway connects the ramp to the upland; however, the gangway is not within the lease area.

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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 regular inundation levels and dynamic tidal events within the lease area, and lead to more frequent flooding in low lying areas. 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).

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 outcome is because warming temperatures will result in more water falling as rain rather than snow, earlier spring snowmelt, and less snowpack overall. In sloughs 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, dock, and lifts, reduce navigability of the channel, thereby increasing hazards and impacting the functionality and utility of the lease area structures.

The floating boat dock with covered slip, adjustable ramp (within the lease area) and the gangway (not within the lease area) can 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

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seasons and to avoid dislodgement of lease 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 conduits or light fixtures, as damage to these pilings could lead to a public safety hazard.

Although not within the lease area, the exposed bank protection provides stability but does not reduce the amount of erosion and scour pressure experienced during future events, and therefore remains at risk of accelerated deterioration from currents and floods. Bank restoration may be required to protect the anchoring points of the lease premise structures and reduce flood impacts.

Regular maintenance of the floating boat dock, adjustable ramp and gangway (not within the lease area), and appurtenant structures, 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 will not substantially interfere with Public Trust needs and is 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 level 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.

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**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that this 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, and for the foreseeable 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 – Recreational Use to Applicant beginning May 5, 2018, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock with covered slip and boat lift, ramp, four pilings, ~~four~~ three attached covered personal watercraft lifts, one diving board, and a slide, 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 \$362, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8780.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of Georgiana Slough lying adjacent to Swamp and Overflow Survey 849, patented April 2, 1873, Sacramento County, State of California, more particularly described as follows:

All those lands underlying an existing floating boat dock with covered slip and boat lift, ramp, four (4) pilings, three (3) attached covered personal watercraft lifts, one diving board, and slide lying adjacent to that parcel as described in that Grant Deed recorded July 13, 1999 in Document 199907130286 in Official Records of said County.

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

Accompanying plat is hereby made part of this description.

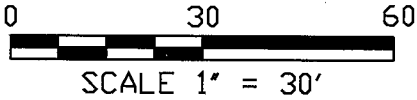
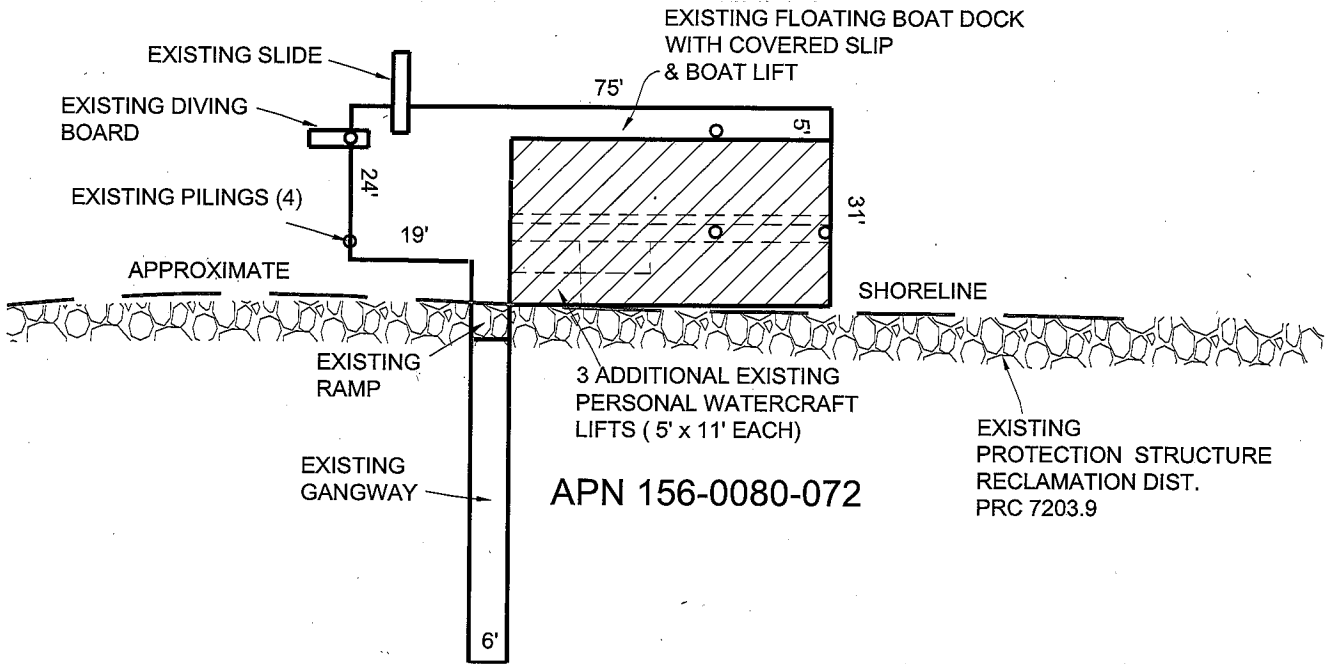
**END OF DESCRIPTION**

Prepared June 7, 2018 by the California State Lands Commission Boundary Unit.





Georgiana Slough →



# EXHIBIT A

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LAND DESCRIPTION PLAT  
 PRC 8780.1, ADGATE  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION

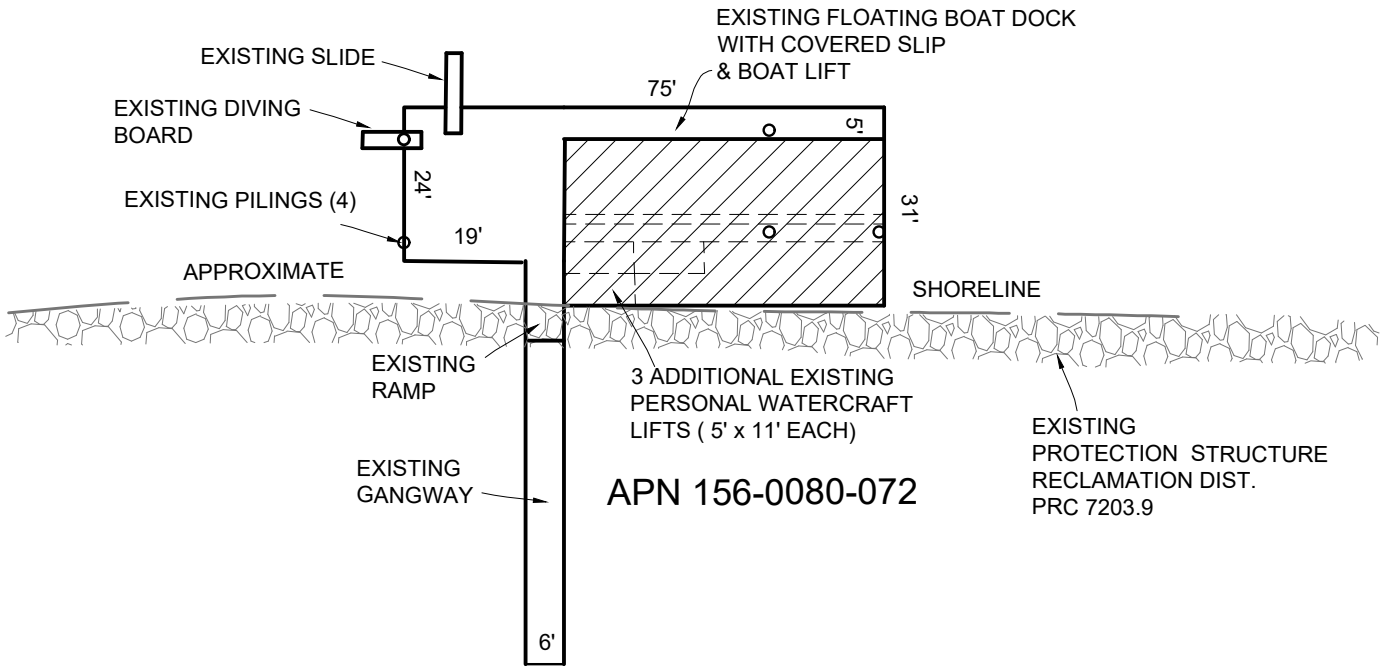


NO SCALE

# SITE



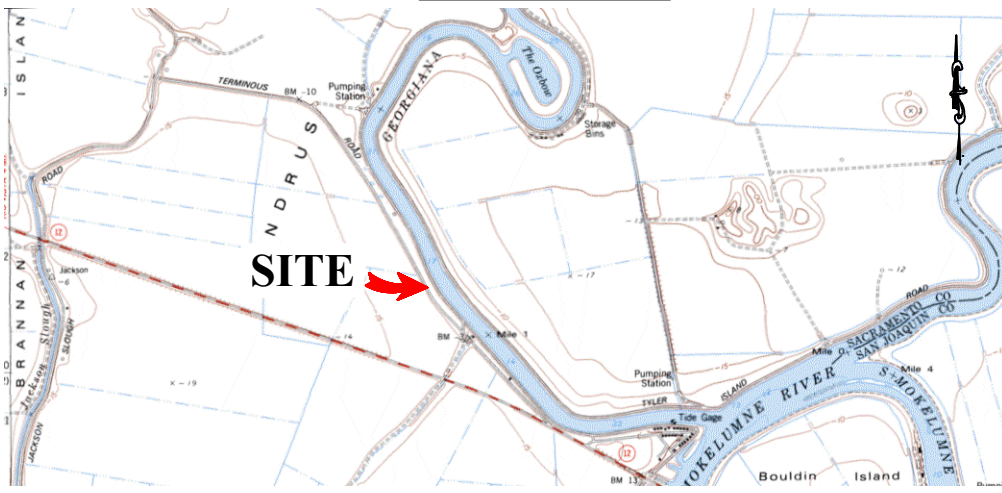
Georgiana Slough →



17035 TERMINOUS ROAD, ISLETON

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 8780.1

ADGATE

APN 156-0080-072

GENERAL LEASE -  
RECREATIONAL USE  
SACRAMENTO COUNTY



MJJ 6/07/18

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.