

**STAFF REPORT  
40**

A 7  
S 6

06/28/19  
PRC 9033.1  
J. Holt

**AMENDMENT OF LEASE**

**LESSEE:**

Sacramento Valley Conservancy

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located near the American River, Assessor's Parcel Numbers 274-0120-007 and 274-0120-009, city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use, maintenance, and operation of the land and existing improvements comprising the Lease Premises, known as Camp Pollock, for public purposes of access, conservation, recreation, education, and public/private events. The Land Use and Purpose of this Lease shall not be inconsistent with the Public Trust and the American River Parkway Plan. Existing improvements: Lodge building, shower/restroom building, storage buildings; and site improvements including, but not limited to, two septic systems, well, fencing, driveways, and landscaping.

**LEASE TERM:**

35 years, beginning January 22, 2013.

**CONSIDERATION:**

Minimum annual rent in the amount of \$125 per year, against 3 percent of gross income derived from sublease, license and event fees, and against 5 percent of the gross income from all other sources derived from the Lease Premises, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**PROPOSED AMENDMENT:**

The amendment of the lease shall include:

- Lease Section 1, BASIC PROVISIONS, LAND USE AND PURPOSE currently reads as follows: "Use, maintenance, and operation of the land and existing improvements comprising the Lease Premises, known as Camp Pollock, for public purposes of access, conservation, recreation, education, and

STAFF REPORT NO. 40 (CONT'D)

public/private events. The Land Use and Purpose of this Lease shall not be inconsistent with the Public Trust and the American River Parkway Plan.”

The current Section 1 would be removed in its entirety and replaced with the following:

Lease Section 1, BASIC PROVISIONS, LAND USE AND PURPOSE: “Use, maintenance, and operation of improvements comprising the Lease Premises, known as Camp Pollock, for public purposes of access, conservation, recreation, education, and public/private events. The Land Use and Purpose of this Lease shall not be inconsistent with the Public Trust and the American River Parkway Plan.”

- The following will be added to Lease Section 1, BASIC PROVISIONS, following EXISTING IMPROVEMENTS:

“FURTHER IMPROVEMENTS: The Lessee is further authorized to construct and maintain improvements substantially consistent with the Camp Pollock Site Improvement Plan (attached as Exhibit C to this amendment) and additional improvements as may be prudent or necessary to maintain or enhance the public purposes of access, conservation, recreation, education, and public/private events.”

All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, section 2000, subdivision (b).

**Public Trust and the State’s Best Interests Analysis:**

On December 5, 2012, the Commission, acting as the Trustee of the Kapiloff Land Bank Fund, authorized a purchase using Kapiloff Land Bank funds, of Camp Pollock, a recreational area totaling 11 acres of land with existing improvements, located near the American River in Sacramento County ([Item C79, December 5, 2012](#)). The State Lands Commission, acting on behalf of the State of California, assumed title to the subject parcels referenced in Exhibit A and Exhibit B. These parcels contained existing improvements such as: a lodge building, shower/restroom building, storage buildings, two septic systems, a well, fencing, driveways, landscaping, and open space. In conjunction with this purchase, the Commission authorized a General Lease to Sacramento Valley

STAFF REPORT NO. 40 (CONT'D)

Conservancy, for the use, maintenance, and operation of the land and existing improvements comprising the lease premises for purposes of public access, conservation, recreation, education, and public/private events.

On April 26, 2013, the Commission authorized an amendment of the lease to incorporate annual reporting of gross income, renewal and notification responsibilities, and endorsement of a sub-lessee ([Item C30, April 26, 2013](#)). Since the acquisition and issuance of the lease, the Lessee has invested almost \$1 million in private funds to remodel the lodge and other lease facilities with necessary plumbing, electrical, and energy upgrades. Upgrades to the lodge were necessary for compliance with the Americans with Disabilities Act. These actions were consistent with the Lessee's responsibilities for ongoing use and maintenance of the lease facilities, and do not impact the ownership rights of the State Lands Commission. On November 29, 2017, the Commission authorized an amendment of the lease for an extension of the lease term from 25 years to 35 years ([Item C31, November 29, 2017](#)).

The Lessee is now applying for an amendment of lease, for proposed improvements to Camp Pollock. These improvements will enhance natural habitats; increase public enjoyment of sovereign lands; and accommodate minor modifications as shown in the Camp Pollock Site Improvement Plan (Exhibit C). The proposed improvements will include walking paths and designated parking areas, which will improve public access. The proposed plan also includes the removal of small structures (an aboveground cinderblock barbeque, concrete pad, and two wooden poles), and garden bed plantings to enhance natural habitats. The installation of the proposed improvements will not require any trenching. The decomposed granite trail and gravel parking lot extension will require removal of 3" of topsoil, which will be replaced with permeable materials. The removal of a cinderblock barbeque and concrete pad will require the use of a jackhammer. The proposed improvements will align with grant funding, provided by the Wildlife Conservation Board/Lower American River Conservancy Program.

The proposed amendment of the lease will increase public access to land adjacent to the American River and in the American River Parkway. It will provide opportunities for outdoor recreation, conservation, and education to the general public. These uses are generally consistent with the common law Public Trust Doctrine. The lease premises contain historical markers and signage that promote public access, as well as environmental conservation and awareness programs. An amendment of the lease will not alienate the State's fee simple interest or permanently

STAFF REPORT NO. 40 (CONT'D)

impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location and is consistent with the Public Trust Doctrine.

**Climate Change:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The subject facilities are located adjacent to the American River, in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea-level rise.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. 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<sup>1</sup>**

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 Update

Note: <sup>1</sup> Projections are with respect to a 1991 to 2009 baseline.

This effect could increase the American River’s inundation levels adjacent to the lease area. In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate-change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea-level rise will further influence

STAFF REPORT NO. 40 (CONT'D)

riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

Camp Pollock is located within the Floodway area (Zone AE) of the Sacramento County 100 Year Federal Emergency Management Agency Floodplain. During winters with early rains and high flows on the Sacramento and American Rivers or when there are multiple recurrent significant precipitation events, the Camp Pollock property experiences flooding. The northeast corner of Camp Pollock experiences seasonal flooding in most years. Flood waters often recede within days. The combination of these existing conditions and the projected conditions noted above could increase the likelihood of damage to structures within the lease premises during the term of the lease.

**OTHER PERTINENT INFORMATION:**

1. Approval or denial of the application to amend the lease is a discretionary action by the Commission. Each time the Commission approves or rejects a 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 application to amend the lease, the Applicant will not be allowed to install the proposed improvements at Camp Pollock, as referenced in Exhibit C. Upon expiration or prior termination of the lease, the Lessee also has no right to a new lease or to renewal of any previous lease.
2. 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 and is consistent with Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
3. **Removal of Small Structures and Garden Bed Plantings:** 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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.
4. **Small Parking Lot and Decomposed Granite Path:** Staff recommends that the Commission find that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt

STAFF REPORT NO. 40 (CONT'D)

under Class 11, Accessory Structures; California Code of Regulations, title 14, section 15311.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map
- C. Camp Pollock Site Improvement Plan

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Removal of Small Structures and Garden Bed Plantings:** 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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

**Small Parking Lot and Decomposed Granite Path:** 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 11, Accessory Structures; California Code of Regulations, title 14, section 15311.

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

Find that the proposed amendment of the existing 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:**

1. Authorize the amendment of Lease No. PRC 9033.1, a General Lease, effective June 28, 2019, to modify the provisions in Lease Section 1, Basic Provisions, Land Use, and Purpose; to modify the provisions in Lease Section 1, Existing Improvements, with Further Improvements, consistent with the Camp Pollock Site Improvement Plan; and to incorporate Exhibit C into the lease.

STAFF REPORT NO. **40** (CONT'D)

2. All other terms and conditions of the lease will remain in effect without amendment.

**EXHIBIT A**

**PRC 9033.1**

**LAND DESCRIPTION**

Two (2) parcels of land being a portion of Swamp Land Survey 484, patented September 13, 1866, and a portion of Swamp Land Survey 809, patented November 1, 1869, County of Sacramento, State of California, and more particularly described as follows:

**Parcel 1**

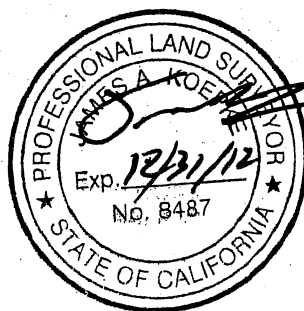
All those lands as described in Book 2773 at Page 38 recorded February 21, 1955 in Official Records of said County.

**Parcel 2**

All those lands as described in Book 2773 at Page 40, recorded February 21, 1955 in Official Records of said County.

**END OF DESCRIPTION**

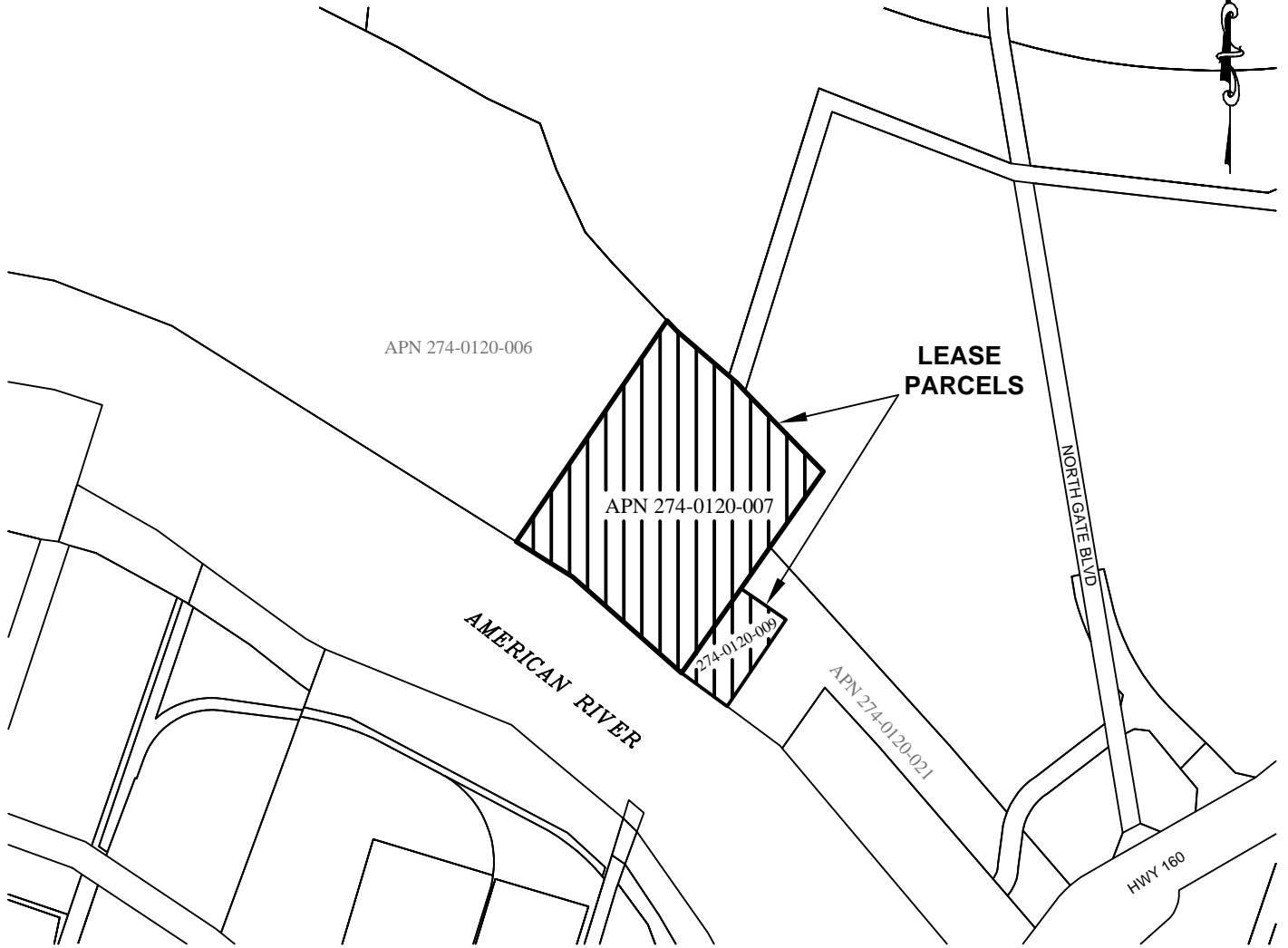
Prepared December 4, 2012 by the California State Lands Commission Boundary Unit.





NO SCALE

# SITE



CAMP POLLOCK, AMERICAN RIVER, SACRAMENTO

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# **Exhibit B**

PRC 9033.1  
 SACRAMENTO VALLEY  
 CONSERVANCY  
 APN 274-0120-007, 009  
 GENERAL LEASE-  
 RECREATIONAL USE  
 SACRAMENTO COUNTY



TS 07/12/17

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.

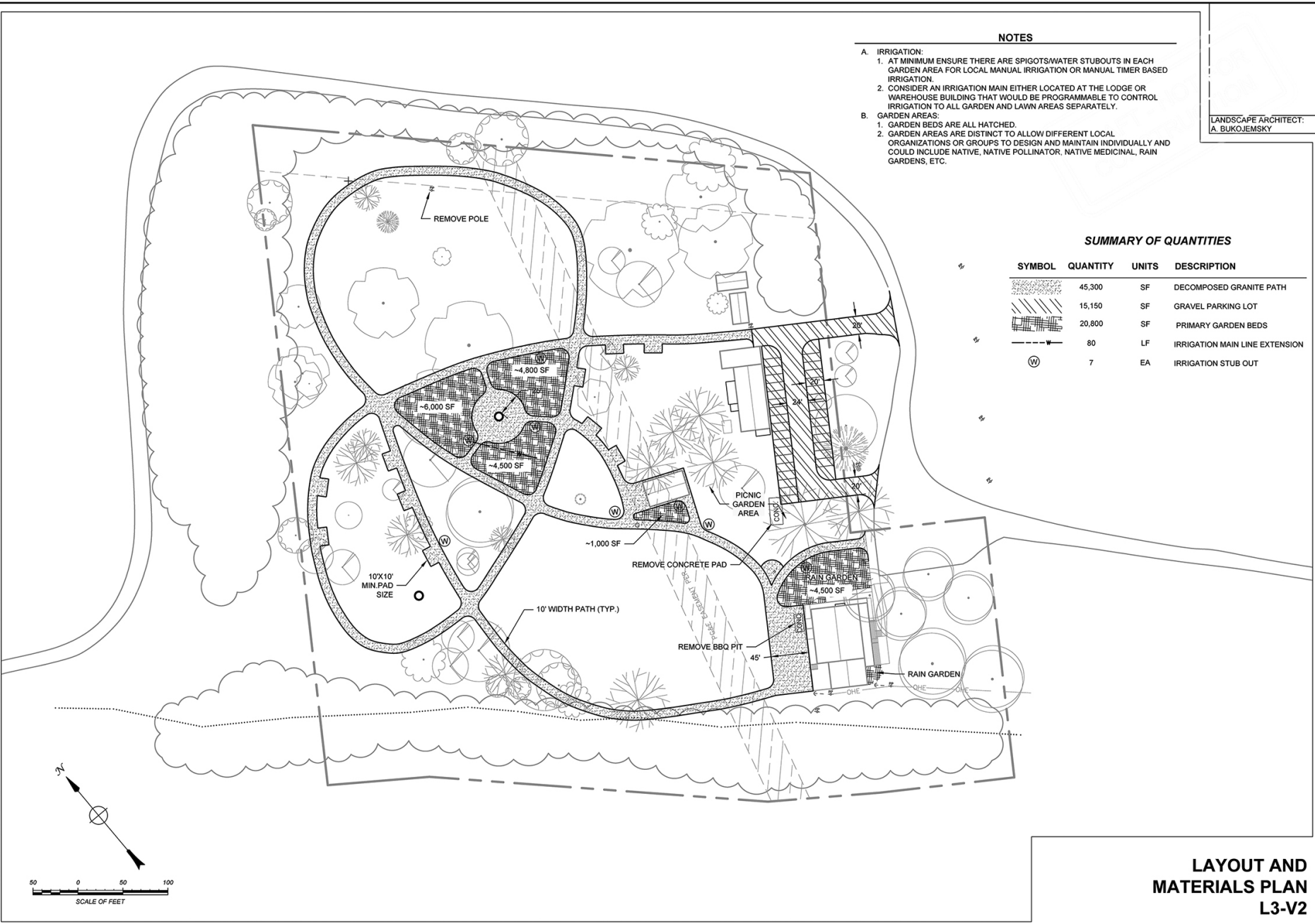
# EXHIBIT C

REVISIONS  
MADE BY  
DESCRIPTION

DATE

FILENAME: CAMP\_POLLOCK\_MASTERPLAN\_20180328.DWG  
DRAWN BY: N. DEYO  
CHECKED BY: A. BUKOJEMSKY

PLOT DATE: 10/10/2018  
PLOT TIME: 4:39 PM



### NOTES

- A. IRRIGATION:
  1. AT MINIMUM ENSURE THERE ARE SPIGOTS/WATER STUBOUTS IN EACH GARDEN AREA FOR LOCAL MANUAL IRRIGATION OR MANUAL TIMER BASED IRRIGATION.
  2. CONSIDER AN IRRIGATION MAIN EITHER LOCATED AT THE LODGE OR WAREHOUSE BUILDING THAT WOULD BE PROGRAMMABLE TO CONTROL IRRIGATION TO ALL GARDEN AND LAWN AREAS SEPARATELY.
- B. GARDEN AREAS:
  1. GARDEN BEDS ARE ALL HATCHED.
  2. GARDEN AREAS ARE DISTINCT TO ALLOW DIFFERENT LOCAL ORGANIZATIONS OR GROUPS TO DESIGN AND MAINTAIN INDIVIDUALLY AND COULD INCLUDE NATIVE, NATIVE POLLINATOR, NATIVE MEDICINAL, RAIN GARDENS, ETC.

LANDSCAPE ARCHITECT:  
A. BUKOJEMSKY

### SUMMARY OF QUANTITIES

SYMBOL	QUANTITY	UNITS	DESCRIPTION
	45,300	SF	DECOMPOSED GRANITE PATH
	15,150	SF	GRAVEL PARKING LOT
	20,800	SF	PRIMARY GARDEN BEDS
	80	LF	IRRIGATION MAIN LINE EXTENSION
	7	EA	IRRIGATION STUB OUT

CAMP POLLOCK MASTER PLANNING  
DESIGN DEVELOPMENT

SACRAMENTO VALLEY  
CONSERVANCY  
RESTORE CAMP POLLOCK

LAYOUT AND  
MATERIALS PLAN  
L3-V2

