

**STAFF REPORT  
C57**

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S 16

08/17/17  
PRC 9191.1  
R. Collins

**ACCEPTANCE OF A LEASE QUITCLAIM DEED AND AMENDMENT OF LEASE**

**LESSEE:**

Royce Mathews, Mark E. Mathews, and Nicole A. Mathews

**APPLICANT:**

Mark E. Mathews, and Nicole A. Mathews

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

Sovereign land in the Colorado River, adjacent to 1234 Beach Drive, city of Needles, San Bernardino County.

**AUTHORIZED USE:**

Use and maintenance of a concrete stairway with rock retaining wall, rope railing, and electrical lighting appurtenances, composite sundeck, and riprap bankline.

**LEASE TERM:**

10 years; beginning February 20, 2015.

**CONSIDERATION:**

**Composite Sundeck:** Annual rent in the amount of \$158 per year, subject to annual Consumer Price Index adjustment as specified in Paragraph 3(c) of Section 3, General Provisions.

**Concrete Stairway with Rock Retaining Wall, Rope Railing, and Electrical Lighting Appurtenances and Riprap Bankline:** Public benefit, with the State reserving the right to set a monetary consideration if it is determined to be in the best interests of the State.

**PROPOSED AMENDMENT:**

Amend the Lease to:

1. Remove Royce Mathews from the lease.
2. Allow for the construction, use, and maintenance of an aluminum gangway with railing and a floating walkway and boat dock with a railing on the southeasterly side of the walkway and boat dock.

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3. Require construction to begin by December 1, 2017, and be completed by December 31, 2018.
4. Include Special Provisions related to the construction of the improvements.
5. Include Special Provisions prohibiting posting signage or erecting any gates to discourage, obstruct, or prevent public access on the concrete stairway between the Public Pedestrian Access Easement and the Colorado River.
6. Include Special Provisions prohibiting buoys on the Lease Premises.
7. Revise the annual rent from \$158 to \$301 per year to include the new improvements, effective February 20, 2018.
8. Replace Exhibits A and B with new Exhibit A, Land Description, and Exhibit B, Site and Location Map.

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, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

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

On February 20, 2015, the Commission authorized a General Lease – Recreational and Protective structure Use to Royce Mathews, Mark E. Mathews, and Nicole A. Mathews for use and maintenance of a concrete stairway with rock retaining wall, rope railing, and electrical lighting appurtenances, composite sundeck, and riprap bankline on the Colorado River in the Rio Buena Vista (RBV) community in the city of Needles ([Item C68, February 20, 2015](#)). The lease will expire on February 19, 2025.

On December 16, 2016, Royce Mathews's interest in the upland parcel was deeded to Mark E. Mathews and Nicole A. Mathews. Royce Mathews has executed a lease quitclaim deed to release his interest in the lease effective December 16, 2016, upon Commission acceptance of the quitclaim. Royce Mathews is requesting acceptance of the quitclaim deed. The Applicant is requesting to amend the lease to allow for the

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construction of an aluminum gangway with railing and a floating walkway and boat dock. Staff recommends acceptance of the quitclaim deed and authorization of a lease amendment.

The change in rent is attributable to the addition of the proposed improvements. Rent is associated with the gangway, floating walkway, boat dock, and composite sundeck. The riprap bankline protection provides a public benefit and will not be charged rent. The concrete stairway, while providing access to the composite sundeck, also provides public access to the Colorado River and will not be charged rent. This is consistent with the terms of other similarly situated leases in the community. The revision of rent will not result in a change in the use of Public Trust resources at this time and at this location.

The proposed boat dock lies outside the two sandy beaches which are used extensively throughout the year by both riverfront and inland residents of the community as well as members of the public. Staff believes the Public Trust needs, values, and uses of the recognized beach areas will not be impacted by the proposed boat dock, and its construction is consistent with the Commission's practices on leasing on inland waterways and the Public Trust needs that have been identified in the area.

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 proposed improvements facilitate recreational boating because they are used for the docking and mooring of recreational boats.

The lease includes certain provisions protecting the public use of the proposed lease area, ensuring that public access is maintained, and imposing a nonexclusive use provision. The proposed improvements would not significantly alter the land, alienate the State's fee simple interest, or permanently impair 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, staff believes that the gangway, floating walkway, and boat dock would not substantially interfere with Public Trust needs, at this location, at this time, or for the foreseeable term of the lease.

The 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

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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.

For all the reasons above, 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. The proposed 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 Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and costal waterways.

2. Acceptance of the quitclaim deed is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in a direct or indirect physical change in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. Staff recommends that the Commission find that the amendment of the lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(1).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

4. The amendment of the lease 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.

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**FURTHER APPROVALS REQUIRED:**

U. S. Army Corps of Engineers  
U. S. Bureau of Reclamation  
California Department of Fish and Wildlife

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the amendment of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(1).

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

Find that the acceptance of a lease quitclaim deed and authorization of a lease amendment will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, or 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.

**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:**

1. Authorize acceptance of a lease quitclaim deed, effective December 16, 2016, for Lease No. PRC 9191.1, a General Lease – Recreational and Protective Structure Use, executed by Royce Mathews.
2. Authorize the Amendment of Lease No. PRC 9191.1, a General Lease – Recreational and Protective Structure Use, to remove Royce Mathews from the lease, to allow the construction, use, and maintenance of an aluminum gangway with railing and a floating walkway and boat dock; to include Special Provisions related to the

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construction of boat docks and the prohibition of buoys; to revise the rent from \$158 to \$301, effective February 20, 2018; and to replace the existing Exhibit A and Exhibit B with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof.

**EXHIBIT A**

**PRC 9191.1**

**LAND DESCRIPTION**

Two parcels of State owned land adjacent to Lot 4 of Tract No. 15640 as shown on Tract Map recorded in Book 261, Pages 88 through 94, inclusive of Maps, in the Office of the County Recorder of San Bernardino County, lying in the bed of the Colorado River, County of San Bernardino, State of California, more particularly described as follows:

**PARCEL 1**

BEGINNING at the easterly corner of said Lot 4; thence northwesterly along the northeasterly line of said Lot, said line also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, N 60° 42' 46" W 42.45 feet to the northerly corner of said Lot; thence leaving said northeasterly line and said Agreed Boundary Line, along the northeasterly prolongation of the northwesterly line of said Lot N 32° 01' 57" E 30.00 feet; thence S 60° 45' 02" E 41.65 feet to the intersection with the northeasterly prolongation of the southeasterly line of said Lot; thence southwesterly along said northeasterly prolongation S 30° 31' 07" W 30.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying waterward of the toe of revetment adjacent to said Lot 4.

**PARCEL 2**

BEGINNING at the easterly corner of said Lot 4; thence northwesterly along the northeasterly line of said Lot, said line also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, N 60° 42' 46" W 37.72 feet; thence leaving said northeasterly line and said Agreed Boundary Line, N 32° 01' 57" E 101.00 feet; thence S 59° 28' 53" E 35.04 feet to the intersection with the northeasterly prolongation of the southeasterly line of said Lot; thence southwesterly along said northeasterly prolongation S 30° 31' 07" W 100.15 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within above described PARCEL 1.

**END OF DESCRIPTION**

This description is based on Applicant provided design drawings for a proposed floating boat dock, gangway, walkway together with any and all appurtenances pertaining thereto, to build at a later date within the Lease time frame. This description is to be updated once as-built plans are submitted.

Prepared 06/08/17 by the California State Lands Commission Boundary Unit





NO SCALE

# SITE

**LEASE PARCEL 1**  
 (EXISTING RIPRAP BANK LINE,  
 COMPOSITE DECK, CONCRETE  
 STAIRWAYS WITH ROCK  
 RETAINING WALL, ROPE  
 RAILING AND ELECTRICAL  
 LIGHTING APPURTENANCES)

COLORADO RIVER

**LEASE PARCEL 2**  
 (PROPOSED ALUMINUM  
 GANGWAY WITH RAILING,  
 FLOATING WALKWAY,  
 FLOATING BOAT DOCK  
 AND 9' IMPACT AREAS)

APPROXIMATE  
 TOE OF REVETMENT

AGREED BOUNDARY LINE

APPROXIMATE  
 TOP OF REVETMENT

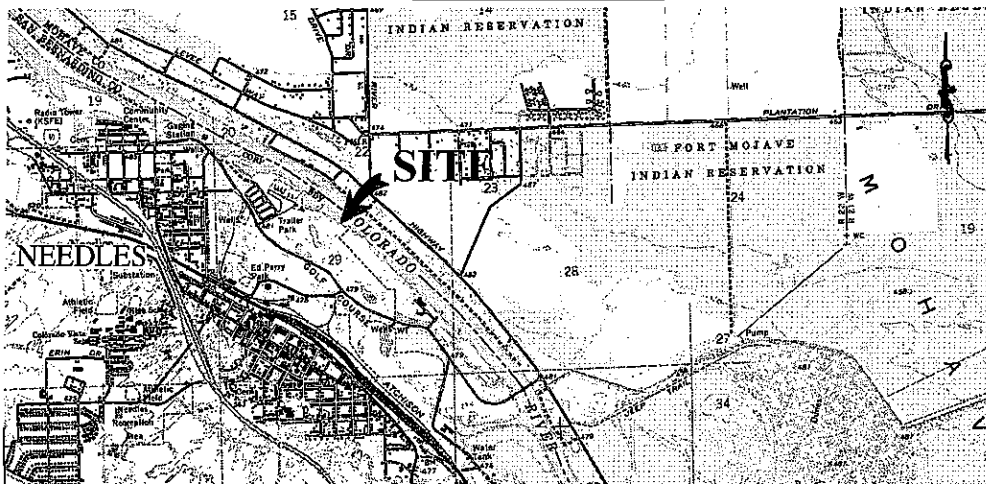
PUBLIC PEDESTRIAN  
 ACCESS EASEMENT

APN 0186-273-04

1234 BEACH DRIVE, NEEDLES

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 9191.1  
 MATHEWS  
 APN 0186-273-04  
 GENERAL LEASE -  
 RECREATIONAL AND  
 PROTECTIVE STRUCTURE USE  
 SAN BERNARDINO 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.