

**STAFF REPORT  
C47**

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02/04/19  
PRC 8785.1  
G. Asimakopoulos

**ASSIGNMENT OF LEASE**

**LESSEE/ASSIGNOR:**

Tamara N. St Claire and Richard W. Geven

**APPLICANT/ASSIGNEE:**

Terrie Gordon Gamble, Trustee of the Terrie Gordon Gamble Trust dated  
05/15/2015

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

Sovereign land in the Sacramento River, adjacent to 7027 Garden Highway, near  
Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing covered single-berth floating boat  
dock, gangway, strong arm, utility conduit, and bank protection.

**LEASE TERM:**

10 years, beginning April 29, 2013.

**CONSIDERATION:**

**Covered Single-Berth Floating Boat Dock, Gangway, Strong Arm, and  
Utility Conduit:** \$281 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 to be in the  
State's best interests.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1,  
6503, 6503.5, and 6505.5; 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 Tamara N. St Claire and

## STAFF REPORT NO. C47 (CONT'D)

Richard W. Geven, for the continued use and maintenance of an existing covered single-berth floating boat dock, gangway, strong arm, utility conduit, and bank protection ([Item C37, February 20, 2015](#)). The lease will expire on April 28, 2023.

On May 2, 2016, ownership interest in the upland parcel was transferred to Terrie Gordon Gamble, Trustee of the Terrie Gordon Gamble Trust dated 05/15/2015. The Applicant is now applying for an assignment of the lease and agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the lease. Staff recommends an assignment of the lease to reflect the change in ownership of the upland parcel from the Assignor to the Assignee. The assignment will be effective as of the date of transfer, May 2, 2016.

The lease assignment will not result in a change in the use of, or impacts to, Public Trust resources. Staff believes approval of this assignment will not substantially interfere with the common law Public Trust Doctrine and is in the best interests of the State.

### **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 on the Sacramento River, which at this location is 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. Improvements within the lease area include a covered single-berth floating boat dock, gangway, strong arm, utility conduit, and bank protection.

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.

STAFF REPORT NO. **C47** (CONT'D)

**Table 1. Projected Sea-Level Rise for San Francisco<sup>1</sup>**

<b>Year</b>	<b>Projection (feet)</b>
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 Sacramento River’s inundation levels within 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 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.

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 potential outcome 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 river 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 rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability.

The lease does not expire until April 28, 2023 and, until that date, may be subject to the climate change effects of the projected sea-level rise

STAFF REPORT NO. **C47** (CONT'D)

scenario provided above. Regular maintenance and implementing best management practices will help reduce the likelihood of severe structural degradation, dislodgement, or hazards from structures within the lease premises. Further climate change impact analyses on the leased facilities will be assessed at the time the lease expires, if an application is submitted for a new lease, and would be based on projected sea-level rise scenarios at that time.

**Conclusion:**

Approval of this lease assignment will not result in a change in the use of, or impacts to, Public Trust resources at this location, at this time, and for the foreseeable term of the lease. For these reasons, staff recommends finding that approval of this assignment is consistent with the common law Public Trust Doctrine 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 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. Assignment of the lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

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

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

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

Find that the proposed assignment of the 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.

STAFF REPORT NO. **C47** (CONT'D)

**AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 8785.1, a General Lease – Recreational and Protective Structure Use, of sovereign land as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Tamara N. St Claire and Richard W. Geven to Terrie Gordon Gamble, Trustee of the Terrie Gordon Gamble Trust dated 05/15/2015; effective May 2, 2016.

**EXHIBIT A**

**PRC 8785.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land, situate in the bed of the Sacramento River lying adjacent to Swamp and Overflowed Land Survey 923 patented May 18, 1872, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing covered floating boat dock, gangway, strong arm and appurtenant structures lying adjacent to that parcel as described in that Grant Deed, recorded April 29, 2013 in Book 20130429 Page 1553 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the of the Sacramento River.

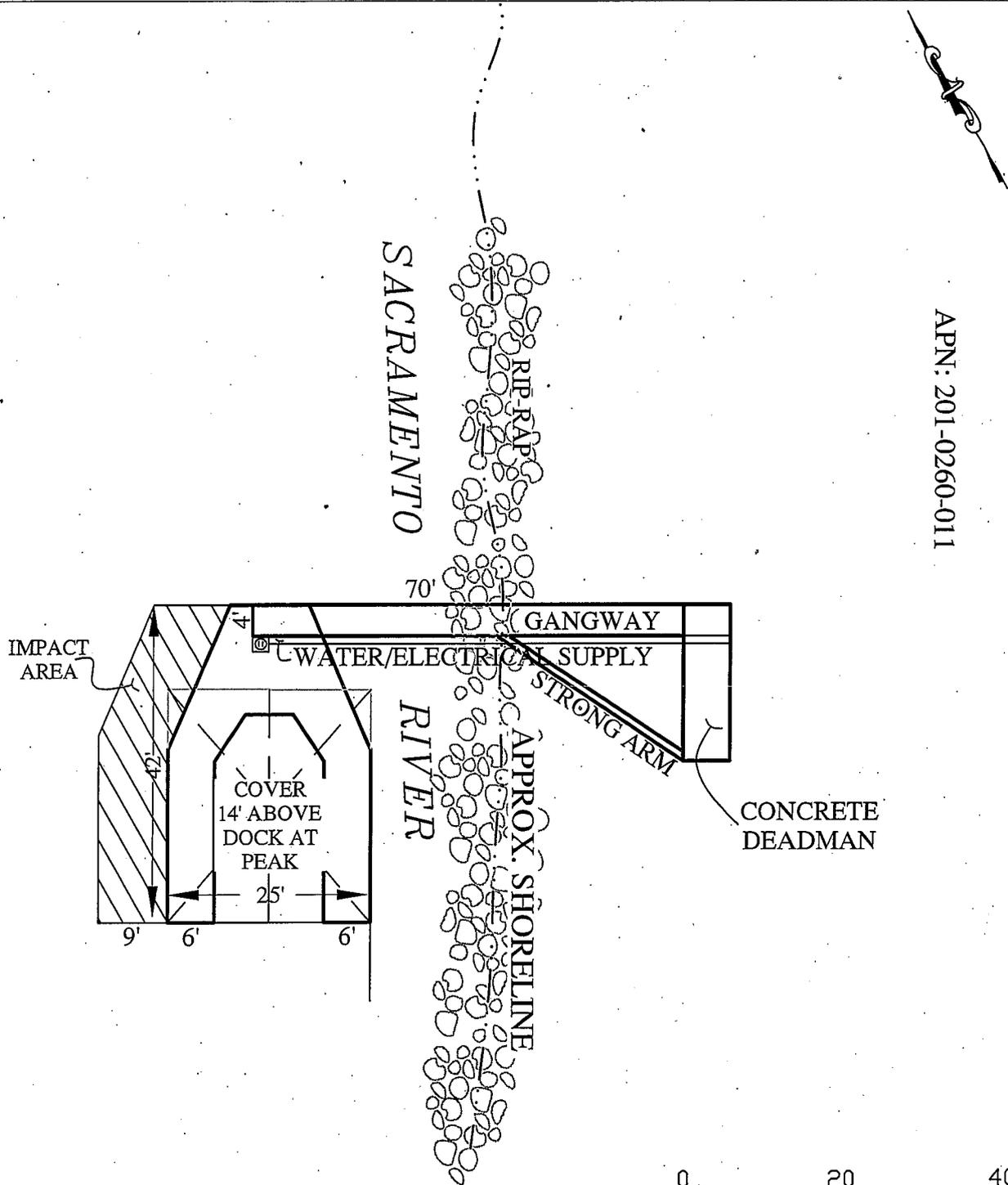
Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

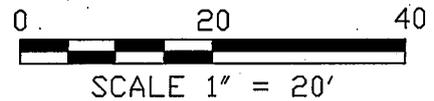
PREPARED 12/14/18 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



APN: 201-0260-011



\* ALL STRUCTURES SHOWN ARE EXISTING



### EXHIBIT A

Page 2 of 2

MJF 12/14/18

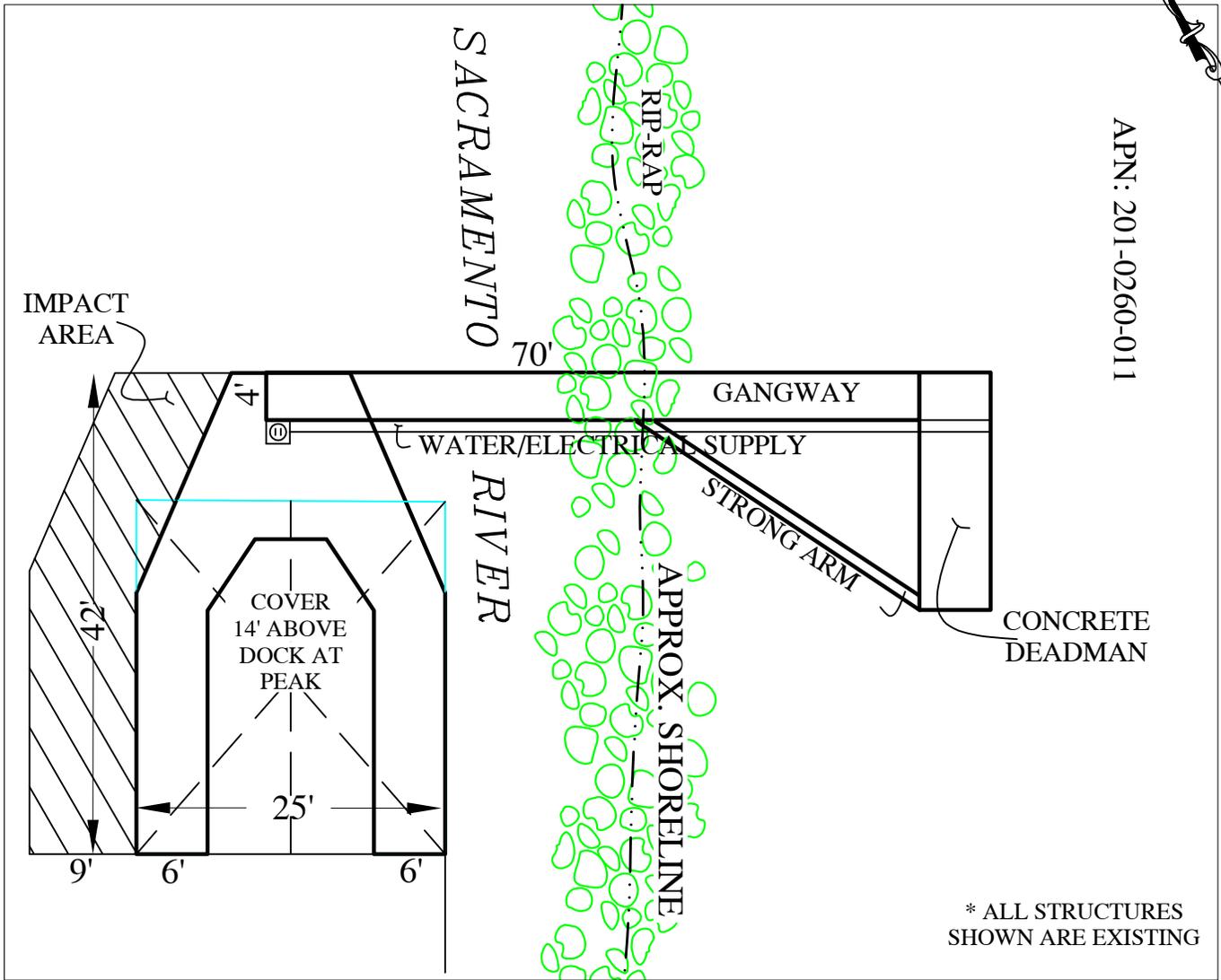
LAND DESCRIPTION PLAT  
PRC. 8785.1, GORDON GAMBLE TRUST  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE



APN: 201-0260-011

\* ALL STRUCTURES SHOWN ARE EXISTING

7027 Garden Highway, Sacramento River

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 8785.1  
 GORDON GAMBLE TRUST  
 APN: 201-0260-011  
 GENERAL LEASE -  
 RECREATIONAL & PROTECTIVE  
 STRUCTURE 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.