

STAFF REPORT

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08/23/19
PRC 9313.1
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ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Donald G. Dopkins and Janet N. Dopkins, Co-Trustees of the Dopkins Family Trust Dated February 21, 1997

APPLICANT/ASSIGNEE:

Shannon Clemence

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Mare Island Strait, adjacent to 46 Sandy Beach Road, near Vallejo, Solano County.

AUTHORIZED USE:

Continued use and maintenance of a portion of an existing residence, deck, and appurtenant facilities.

LEASE TERM:

30 years, beginning February 9, 2016.

CONSIDERATION:

\$278 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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, 6503, and 6505.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and the State's Best Interests Analysis:

On February 9, 2016, the Commission authorized a General Lease – Recreational and Residential Use to Donald G. Dopkins and Janet N. Dopkins, Co-Trustees of the Dopkins Family Trust Dated February 21,

STAFF REPORT NO. **27** (CONT'D)

1997 ([Item C31, February 9, 2016](#)). That lease will expire on February 8, 2046.

On April 30, 2019, interest in the upland parcel was deeded to Shannon Clemence. The Applicant is now requesting an assignment of the lease and agrees to perform and be bound by the terms, conditions, covenants, and agreements contained in 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, April 30, 2019. The lease assignment will not result in a change in the use of, or impacts to, Public Trust resources.

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 lease area is located in Mare Island Strait, which is a tidally influenced site vulnerable to flooding at current sea levels and will be at higher risk of flood exposure given projected scenarios of sea-level rise. The subject facilities are also classified within FEMA's Coastal High Hazard Area as an area currently subject to inundation by the 1 percent annual chance flood event, with additional hazards due to storm-induced velocity wave action.

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 Francisco¹

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: ¹ Projections are with respect to a 1991 to 2009 baseline.

STAFF REPORT NO. 27 (CONT'D)

Rising sea levels can lead to more frequent flood inundation in low-lying areas and larger tidal events and could increase inundation levels within the lease area over the term of the lease. 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. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Near-coastal riverine areas will be exposed to increased wave force and run-up, potentially resulting in greater bank erosion than previously experienced. Finally, in rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

Regular maintenance and implementation of best management practices, as required by the terms of the lease, will help reduce the likelihood of severe structural degradation, dislodgement, or hazards from the electrical conduits. Further climate change impact analyses on the leased facilities will be assessed at the time the lease expires in 2046, if an application is submitted for a new lease, and would be based on projected sea-level rise scenarios at that time.

Conclusion:

For all the reasons above, staff believes the assignment of this lease will not substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the assignment 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.
2. This activity 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.

STAFF REPORT NO. **27** (CONT'D)

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, section 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:

1. Find that the existing and, for a limited period, continuing use and maintenance of a portion of the residence, deck, and appurtenant facilities are not generally consistent with the Public Trust doctrine, but the current use does not substantially interfere with the trust; and,
2. Find that the assignment of the proposed lease is in the best interests of the State.

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 9313.1, a General Lease – Recreational and Residential 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 Donald G. Dopkins and Janet N. Dopkins, Co-Trustees of the Dopkins Family Trust Dated February 21, 1997, to Shannon Clemence, effective April 30, 2019.

EXHIBIT A

PRC 9313.1

LAND DESCRIPTION

A parcel of submerged land situate in Mare Island Strait, City of Vallejo, County of Solano, State of California, lying adjacent to and within the external boundaries of Parcel 46 as shown on that certain Record of Survey titled "Sandy Beach Cabin Sites", filed February 14, 1944 in Book 1 of Maps, at Pages 1 and 2, Solano County Records, and being more particularly described as follows:

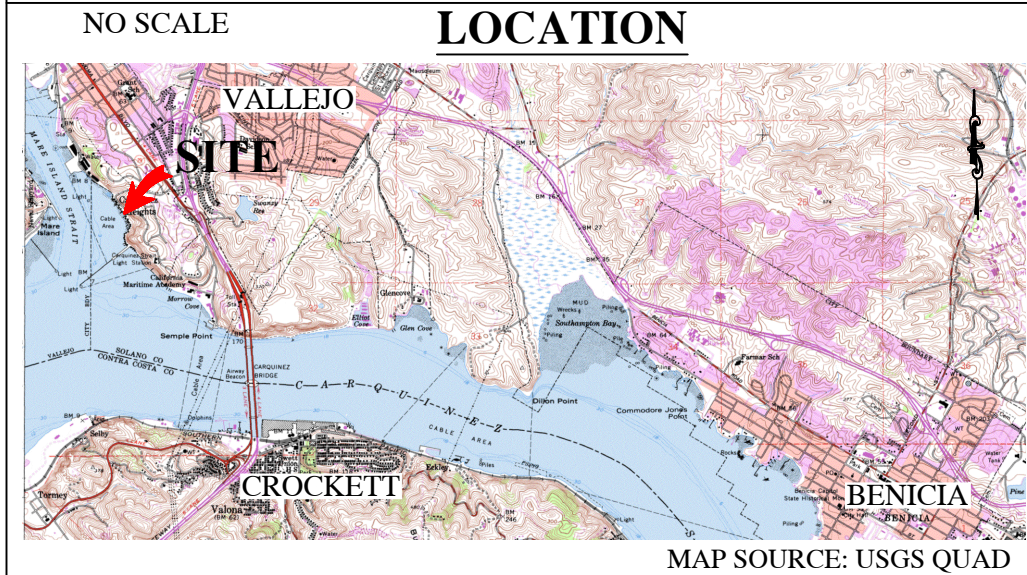
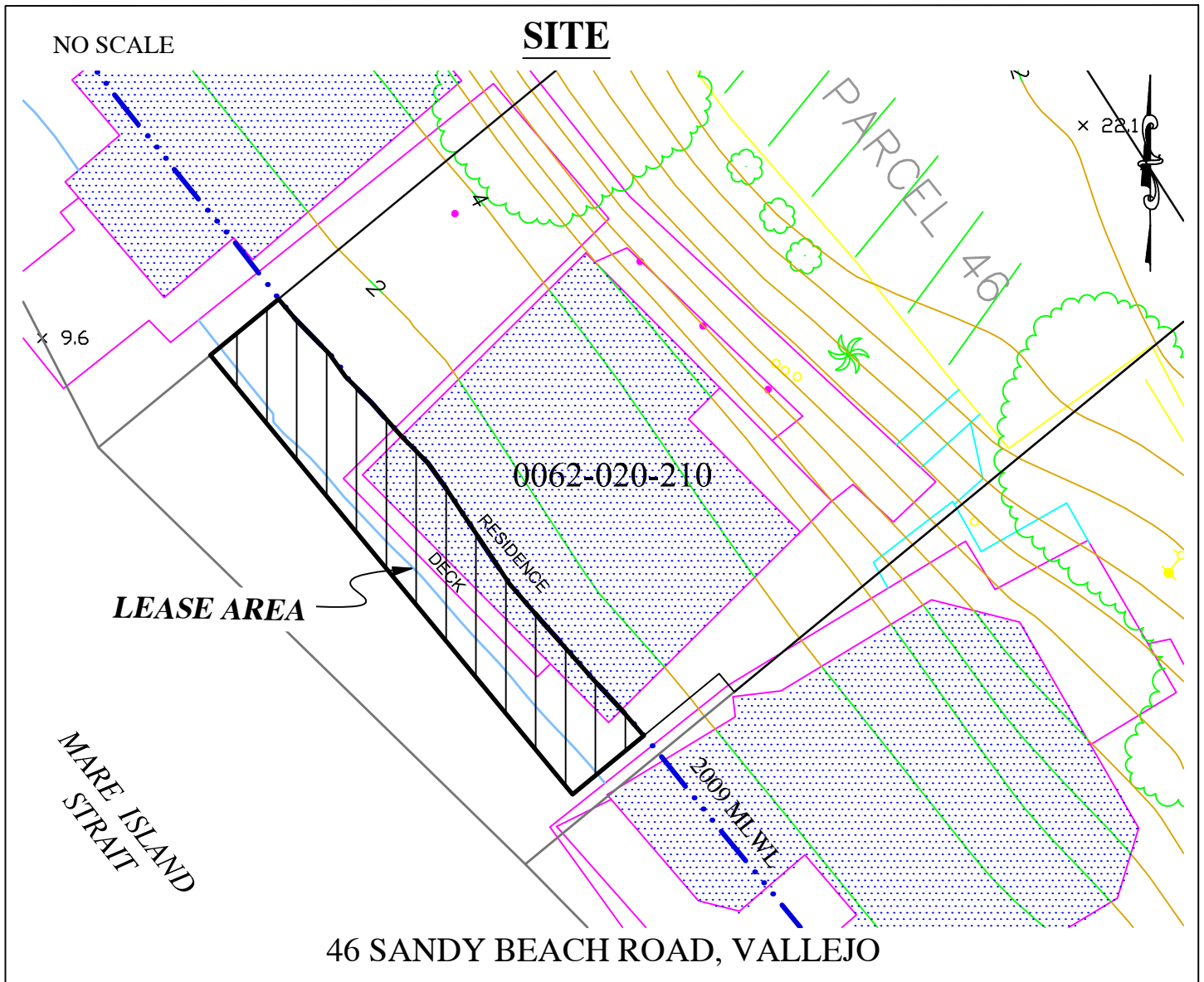
BEGINNING at the most northerly corner of said parcel; thence southwesterly along the northwesterly boundary and the southwesterly prolongation thereof, 112.8 feet; thence leaving said prolongation in a southeasterly direction perpendicular to said prolongation to a point on a line parallel with and three feet northwesterly of the southeasterly boundary of said parcel; thence northeasterly along said line, 23.8 feet; thence leaving said line in a southeasterly direction perpendicular to said line to a point on the southeasterly boundary of said parcel; thence northeasterly along said boundary to the easterly corner of said parcel; thence in the northwesterly direction along the northeasterly boundary of said parcel to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of Mare Island Strait.

END OF DESCRIPTION

Prepared 05/13/2019 by the California State Lands Commission Boundary Unit.





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.

