

**STAFF REPORT  
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**GENERAL LEASE – DREDGING**

**APPLICANT:**

Georgia-Pacific Gypsum, LLC

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in the San Joaquin River, adjacent to 801 Minaker Drive, near Antioch, Contra Costa County.

*AUTHORIZED USE:*

One-time maintenance dredge of a maximum of 53,000 cubic yards of sediment from the San Joaquin River with a single knockdown, or levelling, episode after the maintenance dredging episode. Dredged material will be disposed of at one of two potential beneficial reuse sites. Dredged material may not be sold.

*LEASE TERM:*

5 years, beginning February 28, 2020.

*CONSIDERATION:*

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.

*SPECIFIC LEASE PROVISIONS:*

- Liability insurance in an amount no less than \$2,000,000 per occurrence.
- Lessee shall provide a detailed report of the volume and placement of dredged materials.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

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

## STAFF REPORT NO. 24 (CONT'D)

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

On January 26, 2012, the Commission authorized issuance of a Dredging Lease to Georgia-Pacific Gypsum, LLC, to dredge a maximum of 700 cubic yards of material to maintain an adequate navigable depth for cargo vessels that serve the adjoining Georgia-Pacific Gypsum Plant (Plant) in Antioch. The lease expired on January 25, 2015 ([Item 31, January 26, 2012](#)). Georgia-Pacific Gypsum, LLC, is now applying for a General Lease – Dredging for maintenance dredging of a maximum of 53,000 cubic yards of sediment material from the San Joaquin River near the Plant.

The proposed dredging area is located within the approach channel to the existing Plant wharf. Sediment within the dredging footprint has been determined to be predominantly sand. It would be mechanically dredged using a clamshell bucket or excavator, loaded into barges, and transported to one of two potential beneficial reuse sites at either the Montezuma Wetlands Restoration Project or Antioch Dunes.

The lessee anticipates that if the one-time dredging episode does not address every high spot within the entrance channel, or if sediment accumulates at a faster rate in localized areas following dredging, a single knockdown episode is proposed to occur after the maintenance dredging episode, though not necessarily in the same year. A knockdown, sometimes called bed-levelling, involves grading of sediment high spots into adjacent, lower spots within the same authorized dredging footprint. Knockdown equipment commonly consists of a heavy beam dragged across the channel bottom by a barge or tug, or a mechanical dredge bucket swept across the channel bottom. The equipment typically makes a pass over the area, while scraping a thin layer (approximately a few inches) into adjacent depressions. The knockdown episode is proposed in lieu of additional maintenance dredging to avoid mobilizing large dredging equipment for the purpose of moving a relatively small volume of accumulated sediment. The dredging and knockdown windows will be conducted within biological work window of August 1 through November 30 to avoid impacts to species.

Overall, the project is considered beneficial because it will promote water-related commerce and navigation, which is a recognized Public Trust use. Furthermore, the project will not substantially impede or impair any other Public Trust uses in the area. 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 thereon. The lease also has a limited term of 5 years, which allows the Commission flexibility to determine if the Public Trust needs of the area change over time.

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### **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 San Joaquin River, a tidally influenced area that is vulnerable to flooding at current sea levels and at higher risk of flood exposure given projected scenarios of sea-level rise. The proposed dredging will remove the accumulation of sediment impeding the ability of vessels from making calls upon the Plant to deliver or take materials at lower tides.

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 lease area 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.

Rising sea levels can lead to more frequent flood inundation in low-lying areas and larger tidal events. 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.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises (under Lease

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No. PRC 1589.1) during the term of the lease. The dredging lease area may require more frequent maintenance dredging and knockdown as a result of increased sediment accretion resulting from increased duration and strength of future storms.

The maintenance dredging as proposed under the lease will reduce the likelihood of severe accretion. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to effects of climate change, including sea-level rise.

### **Conclusion:**

For all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine, the project results in a public benefit, and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. The Applicant owns the upland adjoining the lease premises.
2. On October 27, 2011, the Commission authorized Lease No. PRC 1589.1, a General Lease – Industrial Use, to Georgia-Pacific Gypsum, LLC, for existing industrial docking and offloading facilities used in conjunction with the adjacent Plant. This lease expires on June 27, 2026. The lessee is applying for a separate General Lease – Dredging to provide for adequate navigation depths for ships serving the Plant.
3. 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.
4. Approval or denial of the application 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, the Applicant will not be allowed to conduct the maintenance dredging. 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.
5. 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,

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Minor Alterations to Land; California Code of Regulations, title 14, section 15304, example (g).

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

**APPROVALS REQUIRED:**

California Department of Fish and Wildlife  
National Marine Fisheries Service  
Central Valley Regional Water Quality Control Board  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Service

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the 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, example (g).

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

Find that the proposed lease 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, 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 – Dredging to the Applicant beginning February 28, 2020, for a term of 5 years, for a one-time maintenance dredging of a maximum of 53,000 cubic yards of sediment material with a single knockdown episode after the maintenance dredging episode, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission, at its discretion, determines such action to be in the State's best interests; liability

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insurance in an amount of no less than \$2,000,000; such permitted activity is contingent upon the Applicant's compliance with applicable permits, recommendations, and limitations issued by federal, state, and local governments; dredged material will be disposed of at one of two potential beneficial reuse sites and may not be sold.

## **EXHIBIT A**

**LEASE 8965.9**

### **LAND DESCRIPTION**

A parcel of tide and submerged land lying in the bed of the San Joaquin River, Contra Costa County, California, approximately one mile east of Antioch, California, more particularly described as follows:

Bounded on the east by the northerly prolongation of the easterly line of Parcel 1 of that quitclaim deed recorded March 3<sup>rd</sup>, 2008 in Doc-2008-0044067, Official Records of said county;

Bounded on the south by the Ordinary High Water Mark of the San Joaquin River;

Bounded on the west by a line lying parallel with and 1000 feet westerly from the northerly prolongation of the westerly line of Parcel 4 of said quitclaim deed.

Bounded on the north by a line lying parallel with and 550 feet northerly from the Ordinary High Water Mark of said river.

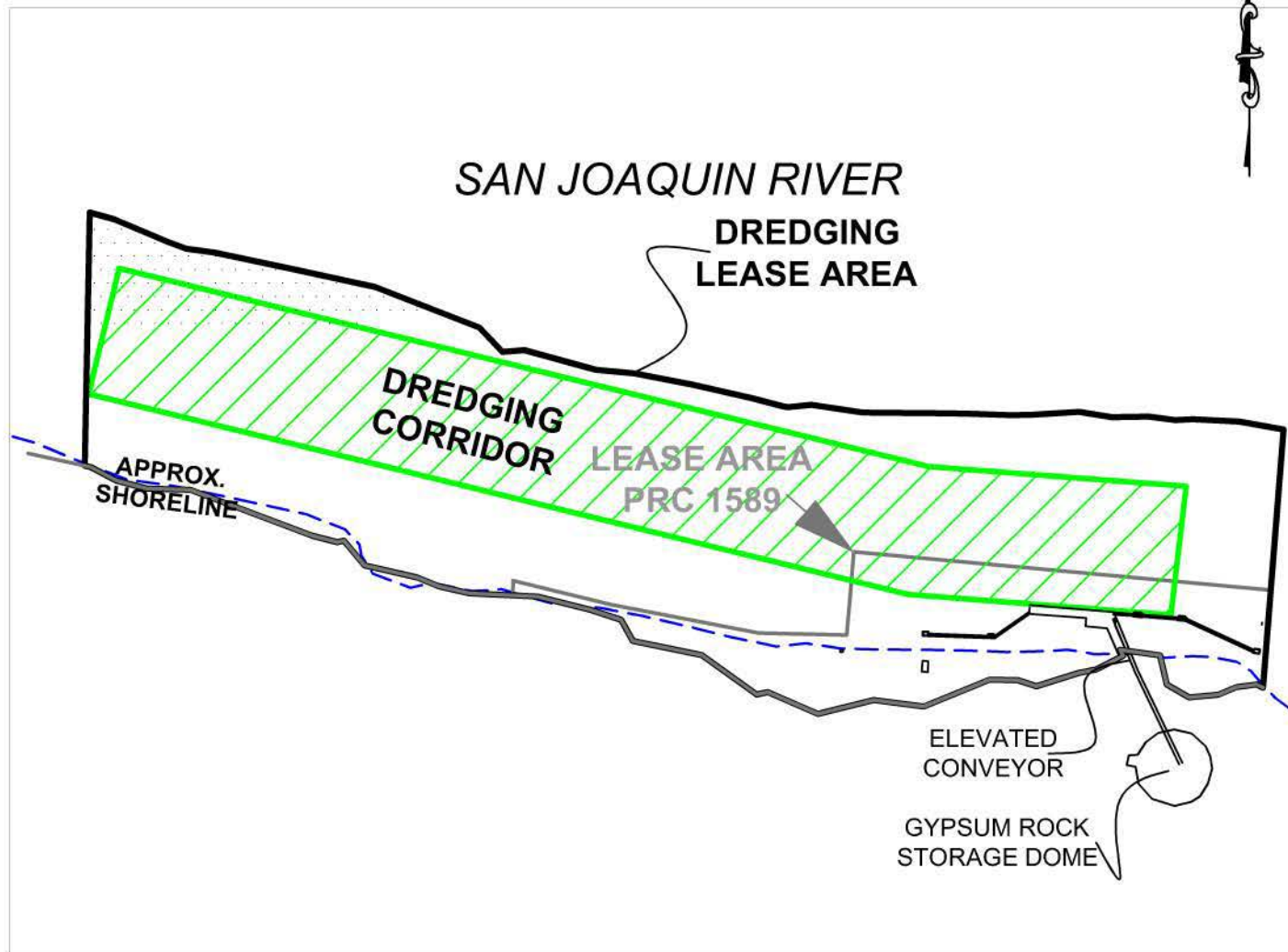
### **END OF DESCRIPTION**

PREPARED THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT 10/31/2020



NO SCALE

## SITE



801 MINAKER DR.- ANTIOCH

NO SCALE

## LOCATION



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 B

LEASE 8965.9  
GEORGIA-PACIFIC GYPSUM  
LLC.  
GENERAL LEASE -  
DREDGING  
CONTRA COSTA COUNTY



MJF 1/31/2020