

## STAFF REPORT

# 32

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### GENERAL LEASE – DREDGING

#### APPLICANT:

Reclamation District No. 1608

#### PROPOSED LEASE:

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

Sovereign land in Fourteenmile Slough, near Stockton, San Joaquin County.

##### *AUTHORIZED USE:*

Maintenance dredging of a maximum of 60,000 cubic yards of sediment from Fourteenmile Slough. Dredged material will be disposed of at one of two proposed dredge sediment placement facilities located on Lower Robert's Island. Dredged material may not be sold.

##### *LEASE TERM:*

3 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.

#### STAFF ANALYSIS AND RECOMMENDATION:

##### **Authority:**

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

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

The proposed dredging area of the Fourteenmile Slough has been accumulating sediment and debris for decades. The sediment and debris impede Reclamation District 1608's (RD1608) levee maintenance and flood response activities. The purpose of the Fourteenmile Slough maintenance dredging project is to remove the accumulated sediment and debris to improve navigation and access for levee maintenance, repairs and emergency flood activities within the RD1608 area.

## STAFF REPORT NO. 32 (CONT'D)

The dredging operations will be performed using standard hydraulic suction dredging equipment and methodology. The dredging equipment will be mounted on a small barge and the dredged sediment will be conveyed through a floating temporary pipeline. There will be no trenching or grading associated with the pipeline. The temporary pipeline will span from the dredging location through a farm road on land and the San Joaquin River, which would be the underwater portion of pipeline. The temporary pipeline in the San Joaquin River would be submerged with concrete collars and will not interfere with boat navigation. The pipeline would then surface at the opposite bank and float along the edge of the San Joaquin River toward the placement site. Construction access will be limited to boats to eliminate potential impacts to riparian habitats. The project is estimated to be completed in one dredge event within the biological work window of August 1 through November 30 to avoid impacts to aquatic species.

All dredged materials will be transported via the temporary pipeline and disposed of at a permitted offsite location on Lower Roberts Island. Two sites on Lower Roberts Island are being considered for dredge material placement. The proposed placement site is at the Port of Stockton's Roberts No.1 facility on Roberts Island, which has been permitted for the placement of dredged materials. The alternative placement site is further northwest and has been previously utilized for dredge spoil placement. The proposed and alternative sites are equipped with internal dikes lying below the levees, eliminating the risk of inadvertent discharge to the river due to dike failure.

Overall, the project is considered beneficial because it will improve navigation, which is a recognized Public Trust use, and improve access for levee maintenance, repairs and emergency flood activities. Furthermore, the project will not substantially impede or impair any other Public Trust uses in the area. The lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also has a limited term of 3 years, which allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time.

### **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 activity is located within the San Joaquin River system which is tidally influenced

## STAFF REPORT NO. 32 (CONT'D)

and 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.

Rising sea levels can lead to more frequent flood inundation in low-lying areas and larger tidal events and could increase the Fourteenmile Slough and the San Joaquin River’s 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 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.

The proposed dredging activities are specific to reduce the impacts of sediment accumulation within Fourteenmile Slough. This action will support the broader purpose of improving navigation and reducing flood risk associated with the identified watercourse. If the slough is not dredged, the channel of the slough will remain shallow and not convey

## STAFF REPORT NO. 32 (CONT'D)

adequate volumes of water in the event of a natural disaster or significant water event. Recreational boating would be inhibited by the tidal cycles; boating would be restricted to high tide and prevented during low tide. Activities on State lands would be short term and consist of dredging accumulated sediment within the Fourteenmile Slough channel.

Pursuant to the proposed lease, the applicant acknowledges that the lease premises and adjacent upland (not within the lease area) 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 and will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease, 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. 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 lease, RD1608 will not be authorized to conduct the proposed 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.
3. 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, example (g).

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

STAFF REPORT NO. **32** (CONT'D)

**APPROVALS OBTAINED:**

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

**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 3 years, for maintenance dredging of a maximum of 60,000 cubic yards of sediment material, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration to be 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; dredged material will be disposed of at one of two proposed dredge sediment placement facilities located on Lower Roberts Island and may not be sold.

**EXHIBIT A****LAND DESCRIPTION**

Four parcels of sovereign land lying within the bed of 14-Mile Slough (formerly portions of Mitchell Slough and 12-Mile Slough), located within Sections 24 & 25 of Township 02 North, Range 5 East, and in section 30 of Township 02 North, Range 6 East, MDM, County of San Joaquin, California, more particularly described as follows:

**PARCEL 1**

9.64 acres of Sovereign land lying in the bed of 14 Mile Slough (formerly Mitchell Slough and 12 Mile Slough) located in Sections 24 & 25, Township 2 North, Range 5 East, MDM, being designated as Assessor's Parcel Number 098-150-04 according to Page 15 of Assessor's Map Book 98 as of February, 2020.

**PARCEL 2**

4.10 acres of Sovereign land lying in the bed of 14 Mile Slough (formerly 12 Mile Slough) located in Section 30, Township 2 North, Range 6 East, MDM, being designated as Assessor's Parcel Number 098-150-03 according to Page 15 of Assessor's Map Book 98 as of February, 2020.

**PARCEL 3**

18.40 acres of Sovereign land lying in the bed of 14 Mile Slough (formerly 12 Mile Slough) located in Section 30, Township 2 North, Range 6 East, MDM, being designated as Assessor's Parcel Number 098-150-02 according to Page 15 of Assessor's Map Book 98 as of February, 2020.

**PARCEL 4**

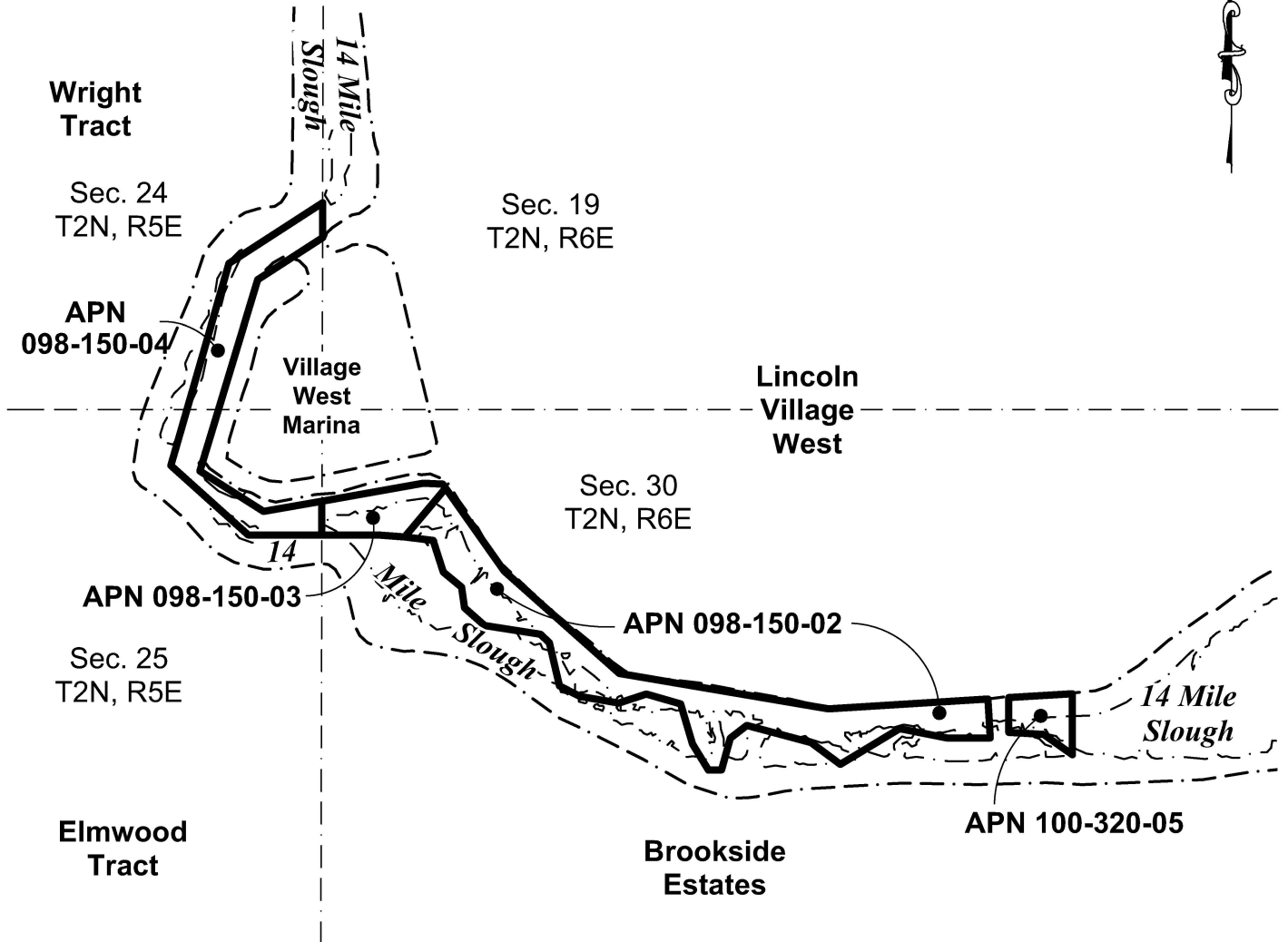
2.00 acres of Sovereign land lying in the bed of 14 Mile Slough (formerly 12 Mile Slough) located in Section 30, Township 2 North, Range 6 East, MDM, being designated as Assessor's Parcel Number 100-320-05 according to Page 32 of Assessor's Map Book 100 as of February, 2020.

**END DESCRIPTION**

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NO SCALE

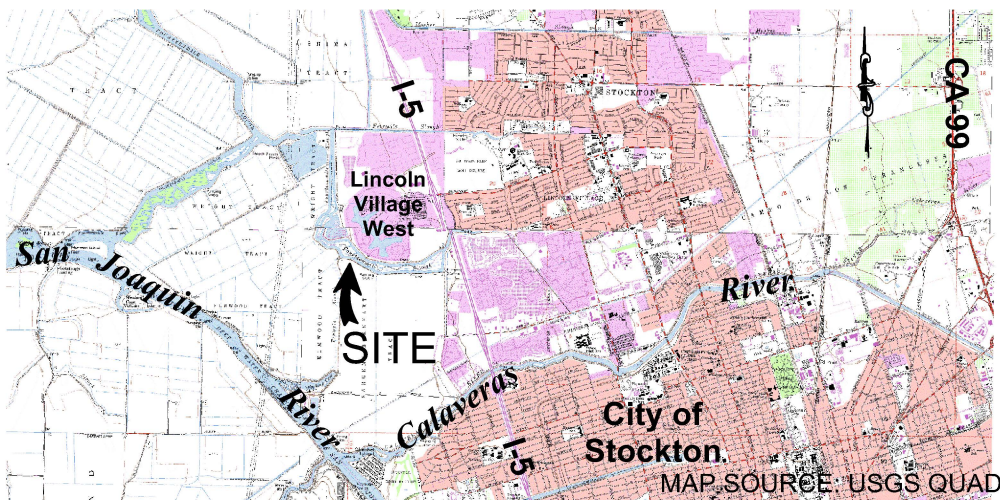
## SITE



## RECLAMATION DISTRICT 1608 - 14 MILE SLOUGH

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

A2117

RECLAMATION DIST, 1608

APN 098-150-02, 03 & 04

and 100-320-05

GENERAL LEASE -

DREDGING

SAN JOAQUIN COUNTY



EAP 2/12/20