

STAFF REPORT

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Lease 8449.9
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GENERAL LEASE - DREDGING

APPLICANT:

City of Petaluma

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Petaluma River, at the Petaluma Marina, adjacent to 781 Baywood Drive, Petaluma, Sonoma County.

AUTHORIZED USE:

Maintenance dredge a maximum of 120,000 cubic yards of sediment from the Petaluma Marina over the lease term to maintain navigable depths. Dredged material will be disposed of at a U.S. Army Corps of Engineers' approved in-Bay dredged material disposal site including the San Pablo Bay Disposal Site (SF-10), Shollenberger Dredged Materials Placement Site (Shollenberger Park), or Cullinan Ranch Restoration Project.

LEASE TERM:

10 years, beginning April 29, 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. The dredged material may not be sold.

SPECIFIC LEASE PROVISIONS:

- In performing dredging operations, the Lessee will abide by Best Management Practices to control turbidity to protect marine resources and habitats from excessive siltation in the general vicinity of the project.
- Lessee acknowledges that material dredged from the Lease Premises is the property of the State of California and shall not be sold, and that Lessee is not authorized to dredge for purposes of commercial resale,

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environmental mitigation credits, or other private benefit without Lessor's prior written consent.

- Lessee shall coordinate with the U.S. Coast Guard in placing and maintaining navigational buoys as a warning to boaters at all times during dredging activities. Public access to the Petaluma Marina and Petaluma River shall be maintained at all times during dredging operations.

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:

On June 28, 2010, the Commission rescinded authorization of a 10-year Dredging Lease, PRC 8449.9, to the City of Petaluma for maintenance dredging of a maximum 24,000 cubic yards of material annually and amended General Lease No. 7235.1 to the City of Petaluma to include maintenance dredging of a maximum 38,303 cubic yards of material annually at the Petaluma Marina ([Item C49, June 28, 2010](#)).

On June 22, 2017, the Commission terminated the existing General Lease No. 7235.1 and authorized a new 20-year General Lease – Public Agency Use for the continued use, maintenance, and operation of an existing public marina known as the Petaluma Marina, consisting of 220 uncovered berths, pilings, gangways, fuel dock and pump, launching ramp, restrooms, harbormaster's office, bank protection, and six security vessels ([Item C17, June 22, 2017](#)). The new lease did not include dredging as previously authorized by the Commission. That marina lease expires on June 30, 2037. The Applicant is now applying for a new dredging lease.

The proposed lease is for maintenance dredging of a maximum 120,000 cubic yards of material from the Petaluma Marina. Dredging to maintain the navigability of waterways and to promote water-oriented recreational use is generally consistent with the common law Public Trust Doctrine. The lease restricts the lessee from selling or using the dredged material for commercial purposes.

The proposed dredging will be performed by a crane barge with a clamshell bucket and loaded onto another barge. The material was found to be suitable for beneficial reuse by the Dredged Material Management Office (DMMO) for disposition at an U.S. Army Corps of Engineers' approved beneficial reuse sites including Shollenberger Park and Cullinan Ranch Restoration Project, and for in-Bay disposal at San Pablo Bay (SF-

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10). The dredging and disposal work window on the Petaluma River is from June 1 to November 30.

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 Petaluma River system which is tidally influenced 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 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.

Rising sea levels can lead to more frequent flood inundation in low-lying areas and larger tidal events and could increase the Petaluma River’s inundation levels within the lease area over the term of the lease. The area of the proposed lease will include areas subject to tidal influence and will be subject to climate change impacts. 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

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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 Project activities are specific to reduce the impacts of sediment accumulation within the Petaluma Marina. This action will support the broader purpose of improving navigation and reducing flood risk associated with the marina. If the marina is not dredged, the marina will remain shallow and not convey 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 under the lease would be short-term and consist of dredging accumulated sediment within the marina.

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, no monetary consideration will be charged as the project results in a public benefit; and the lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. 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 may not undertake any dredging within sovereign land. 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.
2. The DMMO is an interagency group comprised of representatives from the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the San Francisco Bay Conservation and Development Commission, the San Francisco Bay Regional Water Quality Control Board, the California State Lands Commission, and state and federal wildlife agencies.
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

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protection, preservation and responsible economic use of the land and resources under the Commission's jurisdiction and Strategy 1.3 of the Commission's Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.

4. 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.

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 proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize the issuance of a General Lease - Dredging to the Applicant beginning April 29, 2020, for a term of 10 years, to maintenance dredge a maximum of 120,000 cubic yards of sediment, over the lease term, from the Petaluma Marina as described on 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 finds such action to be in the State's best interests; such permitted activity is

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contingent upon Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, state, and local governments; dredged material shall be disposed of at beneficial reuse sites Shollenberger Park or Cullinan Ranch Restoration Project or in-Bay at SF-10; and the dredged material may not be sold.

EXHIBIT A

LEASE 8449.9

LAND DESCRIPTION

Two parcels of sovereign land situated in the bed of Petaluma River, City of Petaluma, County of Sonoma, State of California lying adjacent to fractional Section 34, Township 5 North, Range 7 West, Mount Diablo Meridian as shown on Official U.S. Government Township Plat approved October 3, 1864, and more particularly described as follows:

PARCEL 1

COMMENCING at a point at the easterly terminus of the curve with an arc length of 784.96 feet on the southerly line of the Northwestern Pacific Railroad right-of-way, indicated as Point "C" on that Record of Survey recorded in Book 185 of Maps at Page 15, Sonoma County Recorder's; thence South 76° 59' 12" East 755.10 feet to the POINT OF BEGINNING; thence the following eighteen (18) courses:

1. South 76° 59' 12" East 30.00 feet
2. South 10° 09' 03" West 560.70 feet;
3. South 09° 07' 21" East 127.39 feet;
4. South 61° 06' 16" East 248.49 feet;
5. South 07° 18' 10" West 130.65 feet;
6. South 54° 52' 52" West 142.34 feet;
7. South 67° 44' 27" West 100.44 feet;
8. South 50° 53' 43" West 406.86 feet;
9. North 42° 34' 57" West 369.13 feet to a point hereafter referred to as "Point A";
10. North 30° 57' 48" East 554.14 feet;
11. South 41° 04' 09" East 121.55 feet;
12. South 03° 56' 00" West 143.43 feet;
13. South 86° 04' 00" East 77.00 feet;
14. North 26° 12' 53" East 123.30 feet;
15. North 15° 42' 15" East 93.94 feet;
16. North 05° 09' 40" East 140.00 feet;
17. North 10° 16' 45" East 278.00 feet;
18. North 14° 34' 00" East 196.00 feet to the POINT OF BEGINNING.

PARCEL 2

BEGINNING at a "Point A" as referred in above described Parcel 1; thence the following twelve (12) courses:

1. North 30° 57' 48" East 554.14 feet;
2. North 41° 04' 00" West 24.45 feet;
3. North 86° 04' 00" West 28.50 feet;
4. South 48° 56' 00" West 91.00 feet;
5. North 41° 04' 00" West 292.00 feet;
6. North 48° 56' 00" East 83.50 feet;
7. North 03° 56' 00" East 33.00 feet;
8. North 41° 04' 00" West 221.00 feet;
9. South 48° 56' 00" West 203.43 feet;
10. North 41° 04' 00" West 362.99 feet;
11. South 26° 41' 55" West 60.44 feet;
12. South 24° 38' 10" East 67.50 feet to a curve to the left with a radius of 145.00 feet; thence along a curve through a central angle of 8° 16' 42", and an arc length of 20.95 feet; thence South 32° 54' 57" East 214.09 feet to a curve to the right with a radius of 255.00 feet; thence along a curve through a central angle of 08° 16' 47", and an arc length of 36.85 feet; thence South 24° 38' 10" East 696.54 feet to a curve to the left with a radius of 145.00 feet; thence along a curve through a central angle of 17° 56' 50", and an arc length of 45.42 feet; thence South 42° 34' 57" East 45.99 feet to the POINT OF BEGINNING.

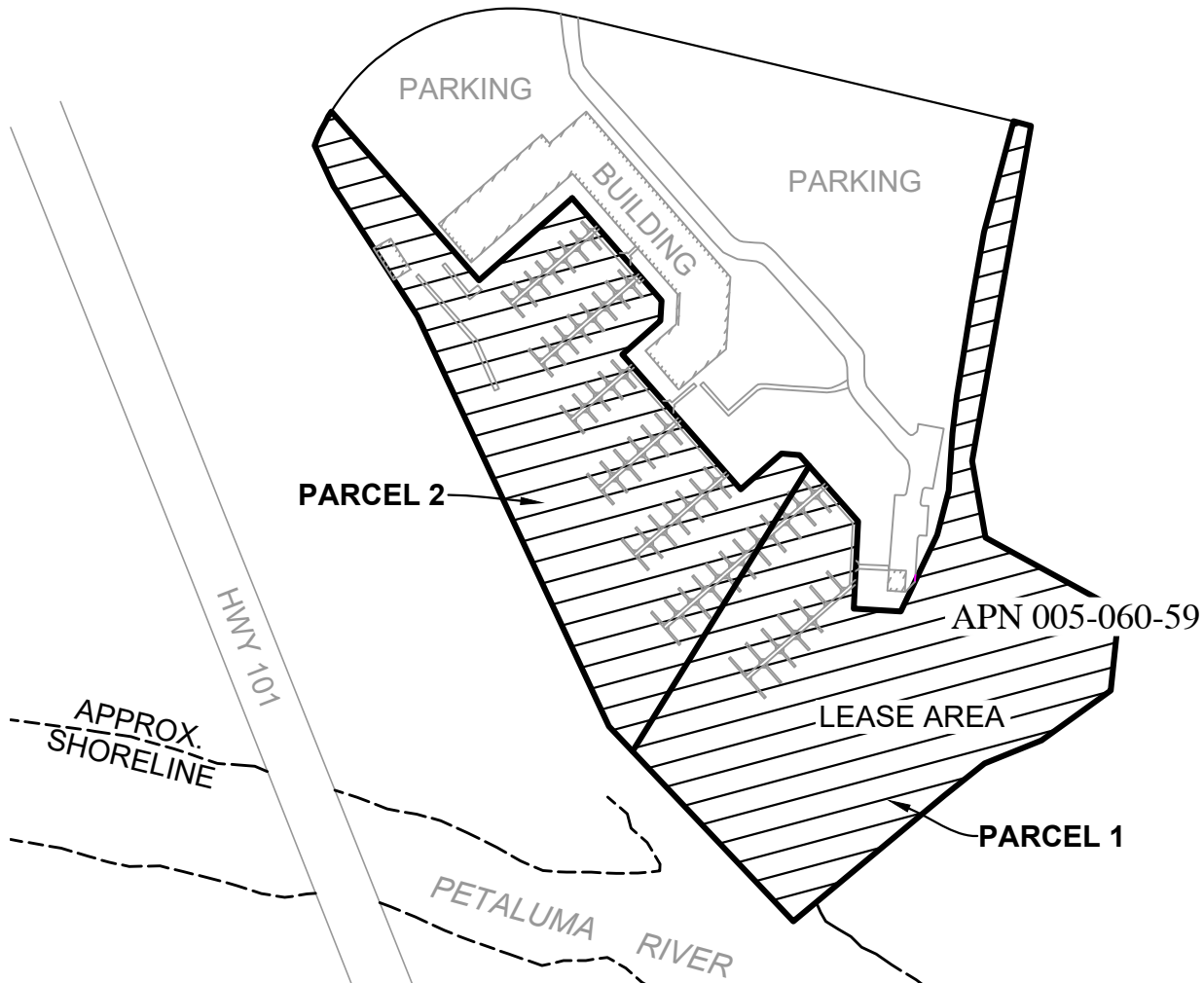
END OF DESCRIPTION

Prepared 03/24/2020 by the California State Lands Commission Boundary Unit.



NO SCALE

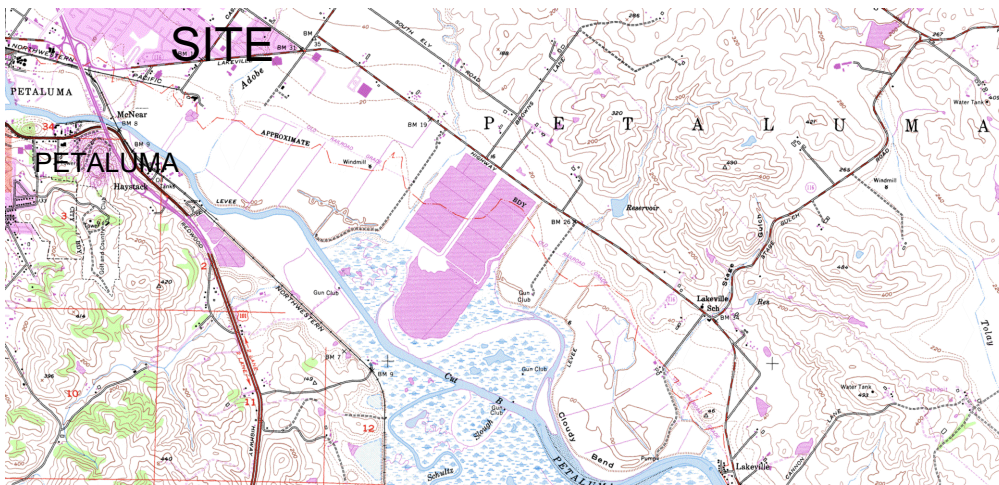
SITE



781 BAYWOOD DRIVE, CITY OF PETALUMA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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 8449.9
CITY OF PETALUMA
APN 005-060-59
GENERAL LEASE -
DREDGING
SONOMA COUNTY



TS 03/24/2020