

Staff Report 34

General Lease – Public Agency Use

APPLICANT:

Suisun Resource Conservation District

PROPOSED ACTION:

AREA, LAND TYPE, AND LOCATION

Sovereign land in Goodyear Slough, near Benicia, Solano County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock and walkway previously authorized by the Commission; and use and maintenance of five existing mooring poles not previously authorized by the Commission.

TERM:

10 years, beginning August 20, 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 action to be in the State's best interests.

SPECIFIC PROVISIONS:

- Lessee agrees and acknowledges that the hazards associated with sea-level rise may require additional maintenance or protection strategies regarding the improvements on the lease premises.

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.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On May 5, 2008, the Commission authorized a 10-year General Lease- Public Agency Use to the Applicant ([Item C25, May 5, 2008](#)). That lease expired on September 30, 2017. The Applicant is now applying for a General Lease – Public Agency Use for the continued use and maintenance of an existing floating boat dock and walkway previously authorized by the Commission; and use and maintenance of five existing mooring poles not previously authorized by the Commission in Goodyear Slough.

The upland parcel adjoining the Lease Premises is owned by the Family Gun Club. The Applicant has a lease agreement with the Family Gun Club for use of the upland parcel for access to the floating boat dock and appurtenant facilities. The Applicant is a special district of the State of California created by the California Legislature under Public Resources Code sections 9003 and 9960 et seq., with the primary responsibility for promoting wetland conservation of the Suisun Marsh through improvements in water management practices on private lands within the primary management area. As a Resource Conservation District, the Applicant also is empowered to coordinate resource management efforts for purposes of watershed restoration and enhancement. The Applicant owns Lower Joice Island (also known as the Dean Witter – Harvey Sorensen Marshlands), which is a 1,300-acre island located between Suisun and Montezuma Sloughs. The floating boat dock and appurtenant facilities are the only point of access allowing mobilization of equipment and materials to support continued operation and maintenance of the island's facilities, management of its wetland habitats, and security provided by the resident caretaker.

The facilities will be used by the Applicant as part of their resource management efforts for wetland conservation. Conserving the wetlands benefits the public by providing a wildlife nursery, flood control, pollution filter, storm buffer and wind butter.

The existing improvements are owned and maintained by the Applicant and are used for the docking and mooring of boats needed to accomplish the Applicant's projects. The Applicant's wetland conservation projects in Suisun Marsh are consistent with the Public Trust, as the Applicant is protecting scenic and wildlife habitat values. Navigation is a traditionally recognized use for Public Trust lands. The existing floating boat dock and appurtenant facilities have existed at this location for many years and are located adjacent to the upland property where the Applicant has a lease with the upland owner. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5).

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years and a non-exclusive use provision. The facilities do not significantly alter the land, and the lease does not

alienate the State's fee simple interest, nor permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Additionally, the proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

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 in Goodyear Slough, in a tidally influenced site that is vulnerable to shallow coastal flooding at current sea levels and will be at 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 lease area 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. 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.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises during the term of the lease. The fixed facilities such as the mooring poles may need reinforcement or replacement in the future to withstand higher levels of flood exposure and storm activity. The floating boat dock and walkway are adaptable to variable water levels, allowing them to rise and fall with storms and droughts and increasing their resiliency to some climate change impacts, but may require more frequent maintenance or replacement to ensure continued function during and after storm seasons or to avoid dislodgement. The adjacent upland may also experience periodic or continuous inundation with rising water levels and more frequent flooding, and although the marsh habitat currently provides some bank protection, it is at risk of accelerated deterioration from higher and stronger currents and floods.

Regular maintenance, as required by the lease, will reduce the likelihood of severe structural degradation or dislodgement. 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 that the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with the Public Trust needs and values 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 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 be required to remove the existing floating boat dock, walkway, and five mooring poles and restore the premises to their original condition. Upon expiration or prior termination of the lease, the Applicant also has no right to a new lease or to renewal of any previous lease.
2. 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.

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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning August 20, 2019, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock and walkway previously authorized by the Commission; and use and maintenance of five mooring poles not previously authorized by the Commission, 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 finds such action to be in the State's best interests.

EXHIBIT A

LEASE 8781

LAND DESCRIPTION

A parcel of tide and submerged land lying in the bed of Goodyear Slough, County of Solano, State of California, and more particularly described as follows:

BEGINNING at the southeasterly corner of the Suisun Resource Conservation District Boat Dock, said southeasterly corner being N34°37'57"E 232.32 feet more or less from a 2" Iron Pipe with cross on top of steel plate as shown on Record of Survey "Being a portion of Swamp and Overflowed Survey No. 519" recorded September 18, 1962 in Book 8 of Surveys, Page 13, County of Solano; thence S73°20'13"W 34.00 feet to the west bank of Goodyear Slough; thence along said bank N16°39'47"W 33.00 feet; thence leaving said bank N73°20'13"E 34.00 feet; thence S16°39'47"E 33.00 feet to the POINT OF BEGINNING.

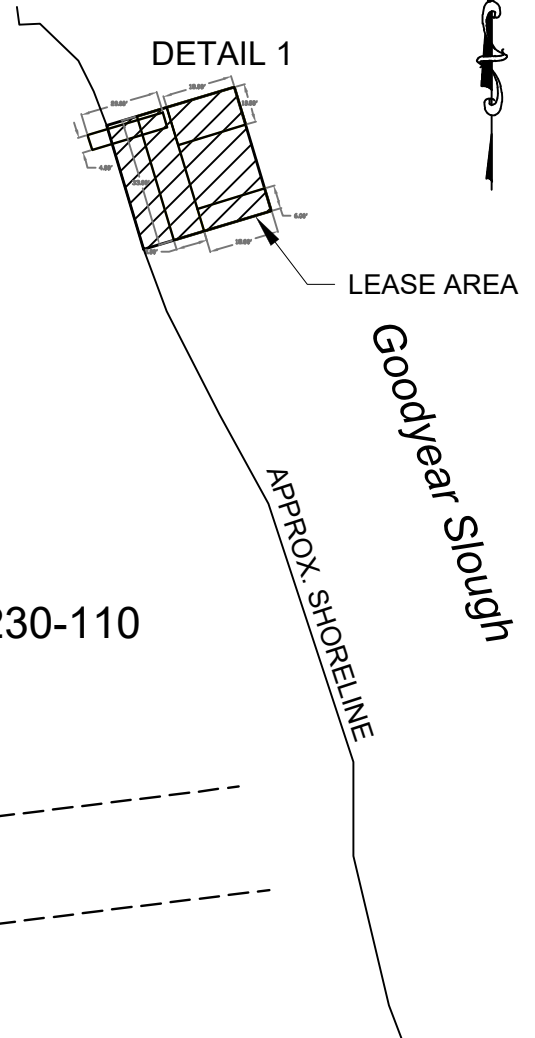
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said Goodyear Slough.

END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Unit March 20, 2020.



SITE



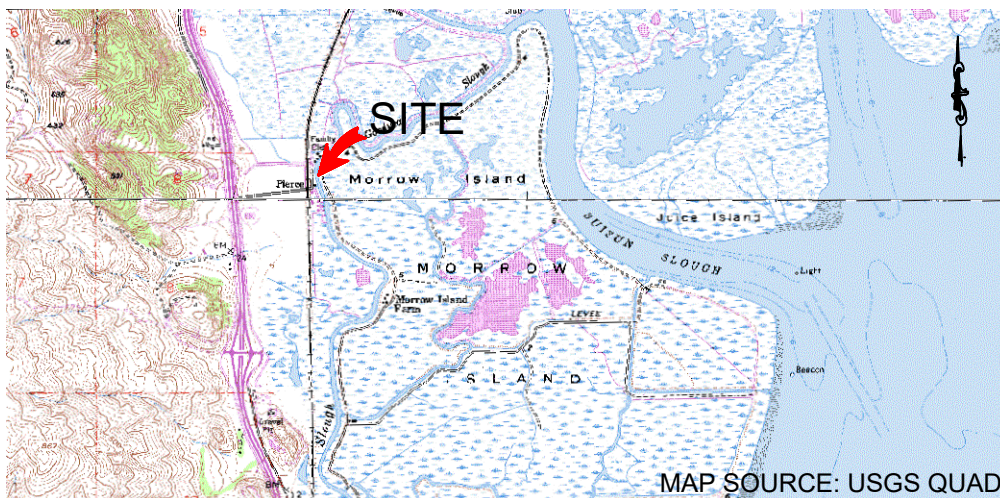
DETAIL 1

APN 0090-230-110

PIERCE LANE

GOODYEAR SLOUGH SUISUN MARSH

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 8781
SUISUN RESOURCE
CONSERVATION DISTRICT
APN 0090-230-110
GENERAL LEASE -
PUBLIC AGENCY USE
SOLANO COUNTY



JAK 3/20/20