

Staff Report 42

LESSEE/APPLICANT:

Woodbridge Irrigation District

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Mokelumne River, near Woodbridge, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of a 30-inch-diameter fish bypass pipeline.

TERM:

20 years, beginning September 25, 2016.

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 LEASE PROVISION:

Lessee agrees and acknowledges 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 September 25, 1967, the Commission authorized a 49-year Right-of-Way Permit PRC 3818 to the California State Department of Fish and Game for the construction, operation and maintenance of a bypass pipeline connected with operation of a fish screen at the Woodbridge Irrigation District Diversion Dam ([Item 5, September 25, 1967](#)). That permit expired on September 24, 2016. The Woodbridge Irrigation District (District) is applying for a new General Lease – Public Agency Use for the existing bypass pipeline.

The District's 30-inch-diameter fish bypass pipeline is mortar lined and mortar coated steel pipe that carries fish to a point downstream of the Woodbridge Irrigation District Dam. The bypass pipeline is connected to a fish screen that prevents fish from entering the District's canal system by a series of stainless steel screens with openings of 1.75 mm. Fish approaching the screen are channeled into the bypass pipeline that transports them downstream of the dam. The pipeline has a trash screen at the entrance and a computer system maintains a 1.25-foot-deep water level elevation in the pipeline by adjusting a cable overshot gate. Because the pipeline operates at approximately 50 percent capacity, it does not need air relief valves and requires little maintenance. The pipeline transports young salmon and steelhead to a fish counting trap before discharging them back into the Mokelumne River below the Dam. The pipeline is an integral part of the District's fish passage system which is responsible for counting and transporting fish past the Woodbridge Irrigation District Dam.

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 20 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 fish bypass pipeline outfalls into the Mokelumne River, which is a tidally influenced site 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

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: 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 that could increase the 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. For example, the potential for more frequent and stronger storm events may expose the lease area structures to higher flood risks and cause facilities to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation within the channel. Conversely, climate-change induced droughts could decrease river levels and flow for extended periods of time, exposing previously submerged structures to the elements and potentially leading to increased wear and tear on the pipeline. Lowered water levels could also reduce navigability of the channel, thereby increasing hazards and impacting the function and utility of the lease area structures. 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 combination of these projected conditions is unlikely to damage the fish bypass pipeline within the lease premises during the term of the lease, as the pipeline is constructed for underwater use. 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 the issuance of this 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 proposed lease; is consistent with the Public Trust; 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 facilities and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee 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 FINDINGS:

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 and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning September 25, 2016, for a term of 20 years, for a 30-inch-diameter fish bypass pipeline in the Mokelumne River, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration being 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 3818

LAND DESCRIPTION

A strip of submerged land, being six feet wide lying in the bed of the Mokelumne River, adjacent to fractional Section 34, Township 4 North, Range 6 East, MDM., as shown on Official Government Township Plat approved October 7, 1865, County of San Joaquin, State of California, the centerline of which is described as follows:

BEGINNING at a point lying distant N 76°25'37" E 10,002.98 feet from NGS Monument Valve (PID AE9870), said monument being a Survey Disk stamped "Valve 1997"; said point also being on the centerline of an existing 30" bypass pipeline; thence along the centerline of said pipeline the following thirteen (13) courses:

- 1) N 24°25'41" E 109.03 feet;
- 2) Along a curve to the right having a radius of 75.00 feet, through a central angle of 44°25'48" an arc length of 58.16 feet;
- 3) N 68°51'29" E 3.20 feet;
- 4) Along a curve to the left having a radius of 124.00 feet, through a central angel of 42°45'00" an arc length of 92.52 feet;
- 5) N 26°06'29" E 627.34 feet;
- 6) Along a curve to the left having a radius of 199.00 feet, through a central angle of 8°41'24" an arc length of 30.18 feet;
- 7) N 17°25'05" E 506.99 feet;
- 8) Along a curve to the left having a radius of 150.00 feet, through a central angle of 16°54'00" an arc length of 44.24 feet;
- 9) N 0°31'05" E 213.66 feet;
- 10) Along a curve to the right having a radius of 75.00 feet, through a central angle of 46°18'36" an arc length of 60.62 feet;
- 11) N 46°49'41" E 129.79 feet;
- 12) Along a curve to the left having a radius of 75.00 feet, through a central angle of 32°40'12" an arc length of 42.76 feet;
- 13) N 14°9'29" E 80.69 feet to the TERIMINUS OF SAID STRIP.

EXCEPTING THEREFROM any portion lying landward of Low Water of the Mokelumne River.

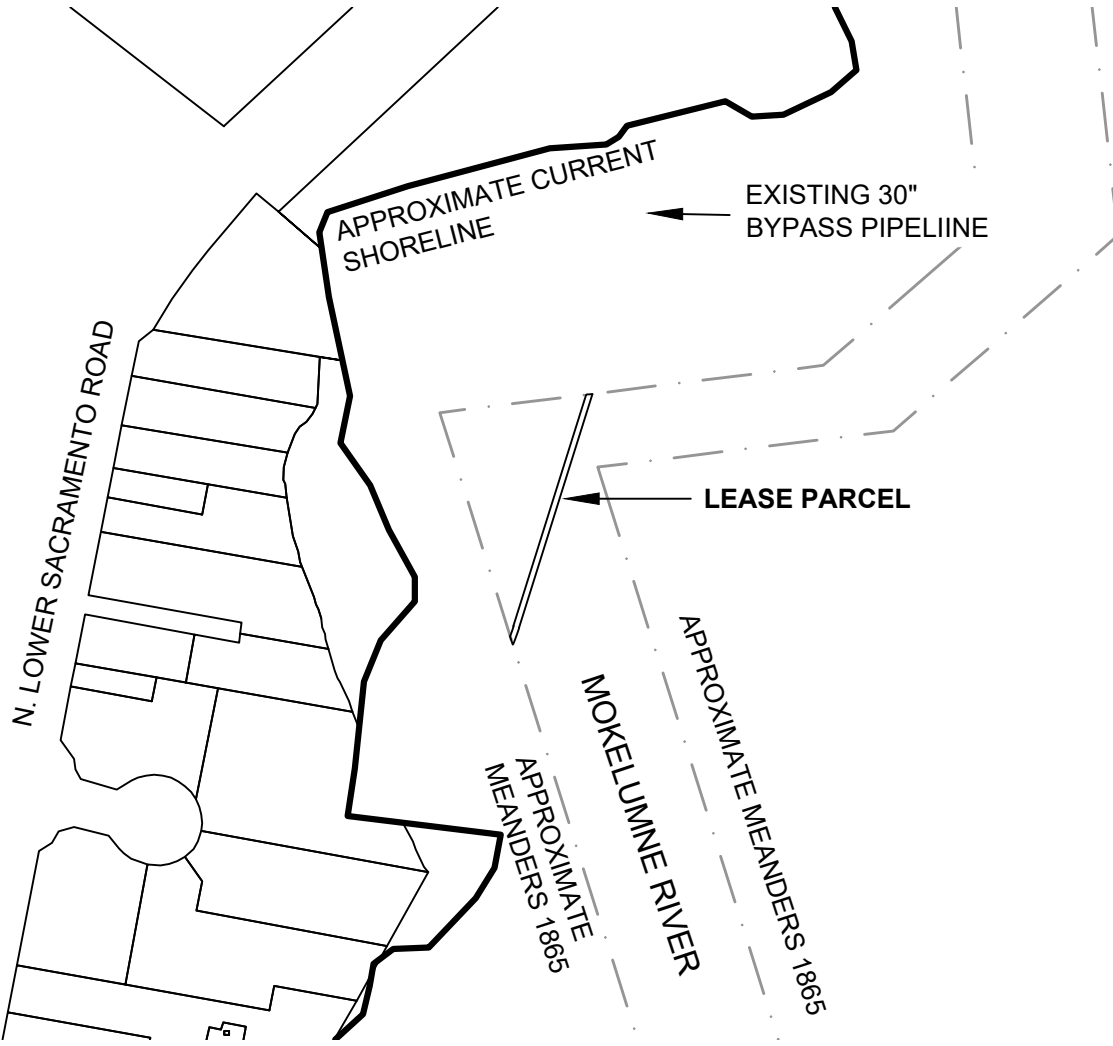
END OF DESCRIPTION

Prepared 9/8/2020 by the California State Lands
Commission Boundary Unit.



NO SCALE

SITE



MOKELUMNE RIVER, NEAR WOODBRIDGE

NO SCALE

LOCATION

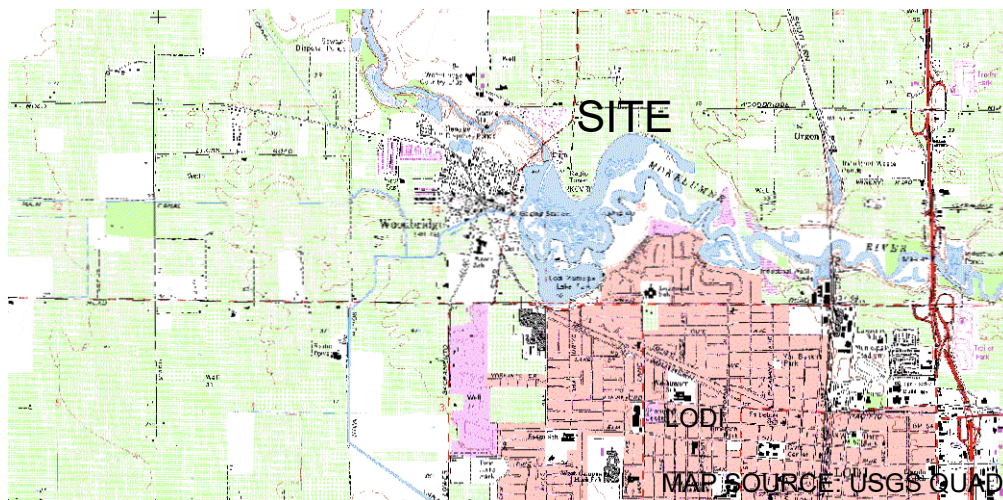


EXHIBIT B

LEASE 3818
 WOODBRIDGE IRRIGATION
 DISTRICT
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SAN JOAQUIN COUNTY



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.

DJF 11/17/2020