

Staff Report 19

APPLICANT:

City of Stockton

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to 2500 Navy Drive, Stockton, San Joaquin County.

AUTHORIZED USE:

Operation and maintenance of an existing 36-inch-diameter buried pipeline for wastewater conveyance.

TERM:

20 years; beginning February 23, 2021.

CONSIDERATION:

The public health, safety, 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 PROVISIONS:

- Lessee shall perform inspections of the subject facilities and provide Commission staff with reports regarding their integrity and repair in accordance with the schedule detailed in Section 2 of the lease.

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 March 24, 1958, the Executive Officer, under delegation of authority from the Commission whose term expired on January 4, 1959 (Meeting Transcript, page 37, lines 8-11), authorized a 49-year Right-of-Way Easement to the City of Stockton (City), for the construction, operation, and maintenance of a buried 36-inch-diameter pipeline in the San Joaquin River. That lease expired on March 23, 2007. During the period of 2007 to 2019, staff mailed expiration notices to the address on file, to solicit a complete lease application. At that time, the City was focused on operational oversight and rehabilitation measures for the subject facilities. The rehabilitation measures included, but were not limited to, installation of a 32-inch-internal-diameter cured-in-place pipe (CIPP) liner that enhanced structural integrity and public safety. The City is now applying for a General Lease – Public Agency Use, for the operation and maintenance of the existing 36-inch-diameter buried pipeline under the bed of the San Joaquin River.

The subject facilities have existed at this location for many years. The facilities are used and maintained by the City, for conveyance of secondary treated effluent. The facilities operate in conjunction with the City's Regional Wastewater Control Facility, located at 2500 Navy Drive, Stockton, in San Joaquin County. Plant engineers monitor the daily treatment and distribution of wastewater to ensure compliance with regulatory permits and environmental standards. Treated wastewater is regulated by the Central Valley Regional Water Quality Control Board through the National Pollutant Discharge Elimination System (NPDES) permitting process. The City maintains an NPDES permit for its wastewater treatment plant (not within the lease area); however, an NPDES permit is not required for the subject facilities. The City maintains a Clean Water Program to ensure acceptable standards of sanitation and compliance with applicable codes and regulations.

The lease facilities offer a significant public benefit due to the year-round conveyance of wastewater, which has a direct impact on public health, sanitation, and environmental protection. The City submitted a Public Benefit Statement which describes the health and safety benefits provided by the subject facilities. Staff concurs with the assessment and deems this statement valid. According to City engineering staff, "The Regional Wastewater Control Facility (RWCF) treats an

average of 33 million gallons of wastewater per day for more than 116,000 residential, commercial, and industrial sewer connections within the City and nearby San Joaquin County areas. There is no alternate conveyance route for this flow. The City maintains permits with all applicable regulatory agencies, while emphasizing public health and safety."

The subject facilities are located at least 5 feet under the bed of the San Joaquin River, in a rural section of San Joaquin County. This location is considered at low risk for anchor strikes, based on its location and low patterns of boating traffic. The subject facilities do not impair public navigation or interfere with Public Trust uses of the land, due to the submerged location of the facilities.

The proposed lease is limited to a 20-year term and does not grant the lessee exclusive rights to the lease premises. The lessee must indemnify the State for any liability related to the subject facilities. The lessee will perform regular inspections of the authorized improvements and provide the results to Commission staff, as required by the lease. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

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 under the bed of the San Joaquin River in 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 lease area 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 and could increase 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, 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 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 combination of these projected conditions could increase the likelihood of damage and affect access to structures within the lease premises during the term of the lease. 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, prolonged drought conditions could lower water levels, exposing previously submerged structures to the elements and potentially leading to increased wear-and-tear. Lowered water levels could also reduce navigability of the channel, thereby increasing hazards related to the lease area structures.

The existing sewer pipeline is buried under the bed of the San Joaquin River and therefore is unlikely to be affected by the conditions noted above. Pursuant to the proposed lease, the City acknowledges that the lease premises 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 this 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 proposed 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 (City) may be required to remove the buried pipeline and restore the premises to their original condition. 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. 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 this activity 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 issuance of 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; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning February 23, 2021, for a term of 20 years, for the operation and maintenance of an existing 36-inch-diameter buried pipeline for wastewater conveyance, 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 health, safety, 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 2108

LAND DESCRIPTION

A strip of tide and submerged land, fifty (50) feet wide, situate in the bed of the San Joaquin River, lying adjacent on the left to Swamp and Overflowed Land Survey 1192, patented March 24, 1877 and on the right bank to Swamp and Overflowed Land Survey 365, patented August 29, 1877, County of San Joaquin, State of California and lying twenty five (25) feet on each side of the following described centerline:

COMMENCING at a point on the intersection of the centerline of Kern Street and the southerly line of Charter Way in Stockton Industrial Sites, as shown on Drawing No. 6106, City of Stockton; thence West 2482.70 feet; thence North 22.00 feet; thence West 753.90 feet; thence South 08° 07' 00" West 723.40 feet to the POINT OF BEGINNING; thence from said point South 28° 44' 30" West 300.00 feet to the TERMINUS of said centerline.

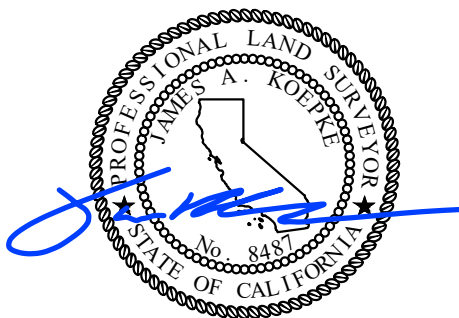
The sidelines of said strip to be lengthened or shortened so as to terminate at the ordinary high water mark of the left and right banks of said river.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left and right banks of said river.

END OF DESCRIPTION

Based on original description prepared by State Lands Commission Boundary Division on March 24, 1958 as found in PRC 2108 file.

Revised 12/21/2020 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

APN
163-330-030

LEASE
PARCEL
(36-INCH SEWER
PIPELINE)

SAN JOAQUIN

APPROX.
SHORELINE

RIVER

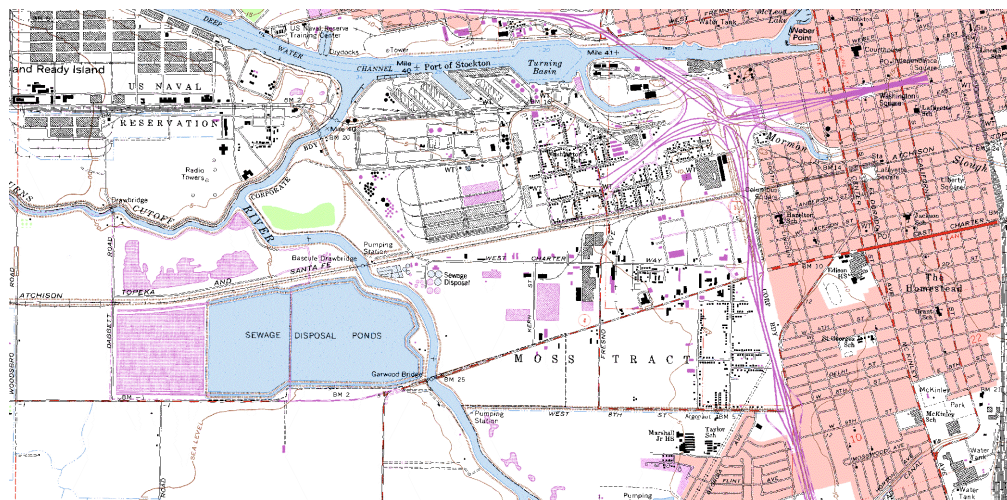
APPROX.
SHORELINE

APN
162-140-010

CROSSING SAN JOAQUIN RIVER AT 2500 NAVY DRIVE, STOCKTON

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 2108

CITY OF STOCKTON

APNs 163-330-030 &

162-140-010

GENERAL LEASE -
PUBLIC AGENCY USE
SAN JOAQUIN COUNTY



TS 12/21/2020