

Staff Report 29

APPLICANT:

U.S. Department of the Interior, Bureau of Reclamation

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 158-0050-001, near Emmaton, Sacramento County; and in the Mokelumne River, adjacent to Assessor's Parcel Number 069-020-190, near Staten Island, San Joaquin County.

AUTHORIZED USE:

Operation and maintenance of two existing water-quality monitoring recorder stations, consisting of a fixed pier, security building, and monitoring recording equipment at each location.

TERM:

20 years, beginning February 23, 2021.

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 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 February 23, 1967, the Commission authorized Permit No. PRC 3717.9, Permit No. PRC 3718.9, Permit No. PRC 3719.9, and Permit No. 3720.9, to the U.S. Department of the Interior, Bureau of Reclamation ([Item 34, February 23, 1967](#)). These Permits were for a term of 49 years and authorized the installation, operation, and maintenance of four water-quality monitoring stations at various locations in the Sacramento River, Mokelumne River, and Old River. The Permits expired on February 22, 2016. The Applicant is now applying for a new General Lease – Public Agency Use.

During the lease application process, the Applicant informed staff that the sites previously authorized under Permit No. PRC 3717.9 and Permit No. PRC 3720.9 were never developed, and the water-quality monitoring recorder stations were never installed. However, the sites previously authorized under Permit No. PRC 3718.9 (Emmaton) and Permit No. PRC 3719.9 (Staten Island) are still in operation. The undeveloped sites will not be utilized by the Applicant, and therefore, a new lease will not be required for those locations. Staff recommends that the lease premises for both Emmaton and Staten Island be consolidated through the issuance of a new General Lease – Public Agency Use, Lease 3717, for the operation and maintenance of two existing water-quality monitoring recording stations.

Emmaton and Staten Island are two nodes in a network of scientific monitoring stations that provide a continuous measurement of water salinity. The measurements are used by the operators of the Central Valley and the State Water Projects to observe the effects of transporting water through the Sacramento/San Joaquin Delta, and to prevent operations from causing harmful intrusion of salt water into the fresh-water areas of the Delta.

The Emmaton station is positioned inside a building located at the end of a pier in the Sacramento River. The upland parcel is owned by the U.S. Department of Defense. The pier is maintained by the Applicant and used by the California Department of Water Resources and the Applicant. This is a two-probe monitoring site, with a weight suspended below the bottom instrument to reduce movement due to the currents. The Staten Island station is positioned inside a building located at the end of a pier in the Mokelumne River. The upland parcel is owned by The Nature Conservancy and the pier is maintained by the Applicant. This is a one-

probe monitoring site, with a weight suspended below the bottom instrument to reduce movement due to the currents.

The waters of the Sacramento River and the Mokelumne River are used by the public for fishing, boating, swimming, and public access to adjoining waterways. Continual use of the lease premises for several years has not substantially impacted the Public Trust uses of the waterway. The public maintains access to the waterway within the lease premises.

The proposed lease contains certain provisions protecting the public use of the proposed lease area, including a limited 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 proposed lease, the lessee may be required to remove any improvements from State land and restore the lease premises to their original condition.

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 the Sacramento River and Mokelumne River in tidally influenced sites 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.

This effect could increase the Sacramento River's and Delta's inundation levels within the lease areas. 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 which could impact coastal areas. Climate change and sea-level rise will further influence these 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 to the piers supporting the walkways and monitoring station equipment along the Sacramento River and Mokelumne River. For example, the potential for more frequent and stronger storm events may expose the lease areas to higher flood action from severe storms and cause the monitoring equipment to be dislodged or accelerate the degradation of the walkways and piers which could present hazards to public safety. Conversely, prolonged drought conditions could potentially lead to increased wear-and-tear on the permanent structures. All fixed features, such as the piers, may need reinforcement to withstand higher levels of flood exposure and more frequent storm events. Regular maintenance, as required by the terms of 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 (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 the proposed lease will not substantially impair the public rights to navigation, fishing, or other 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 an 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. An applicant has no right to a new lease or to renewal of any previous lease. Denial of the application may result in a determination that the proposed activity on or use of state land is unauthorized and may result in legal action.

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 14, section 15301.

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

EXHIBITS:

- A. Land Description
- B-1. Site and Location Map Parcel 1
- B-2. Site and Location Map Parcel 2

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 14, section 15301.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that issuance of 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 proposed 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 two existing water-quality monitoring recorder stations as described in Exhibit A, Land Description, and as shown on Exhibits B-1 and B-2, Site and Location Maps (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, as specified in the lease, if the Commission finds such action to be in the State's best interests.

EXHIBIT A

LEASE 3717

LAND DESCRIPTION

Two parcels of tide and submerged land lying in the bed of the Sacramento River and South Fork of the Mokelumne River situate in County of Sacramento and County of San Joaquin, State of California and more particularly described as follows:

PARCEL 1

A strip of land 22.00 feet wide extending into the Sacramento River at the north shore of Sherman Island situate in Township 3 North, Range 2 East, Mount Diablo Base and Meridian, adjacent to the 223.88 acres parcel of land described as Parcel "A" in the Deed to Gino Celli, et al., recorded on June 21, 1944 in Book 1076 at Page 80 in Official Records of Sacramento County, State of California, more particularly described as follows:

BEGINNING at a point on the last natural ordinary high water mark of the Sacramento River, said point bears N 85° 34' 03" W 307.00 feet and N 04° 36' 25" E 69 feet more or less from the most northerly corner of aforesaid Parcel "A"; thence

N 04° 36' 25" E 71.00 feet; thence S 85° 23' 35" E 22.00 feet; thence S 04° 36' 25" W 75 feet to a point on the last natural ordinary high water mark of the Sacramento River; thence along said high water mark N 75° 04' 30" W 22 feet more or less to the POINT OF BEGINNING.

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

PARCEL 2

A strip of land 20.00 feet wide extending into the South Fork of the Mokelumne River at the south shore of Staten Island opposite the mouth of Potato Slough situate in Township 3 North, Range 4 East, Mount Diablo Base and Meridian, San Joaquin County, State of California, more particularly described as follows:

COMMENCING at the northeast corner of Section 18 Township 3 North, Range 5 East, Mount Diablo Base and Meridian; thence S 88° 50' 35" W 9935.82 feet to 6"x 8" concrete monument on the east shore of Potato Slough; thence N 43° 03' 13" W

856.85 feet; thence S 06° 56' 38" E 94 feet more or less to a the POINT OF BEGINNING on the ordinary high water mark of the north bank of the South Fork of the Mokelumne River; thence S 06° 56' 38" E 56.00 feet; thence N 83° 03' 22" E 20.00 feet; thence N 06° 56' 38" W 59 feet more or less to the ordinary high water mark; thence along said ordinary high water mark S 74° 30' 31" W 20 feet more or less to the POINT OF BEGINNING.

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

END OF DESCRIPTION

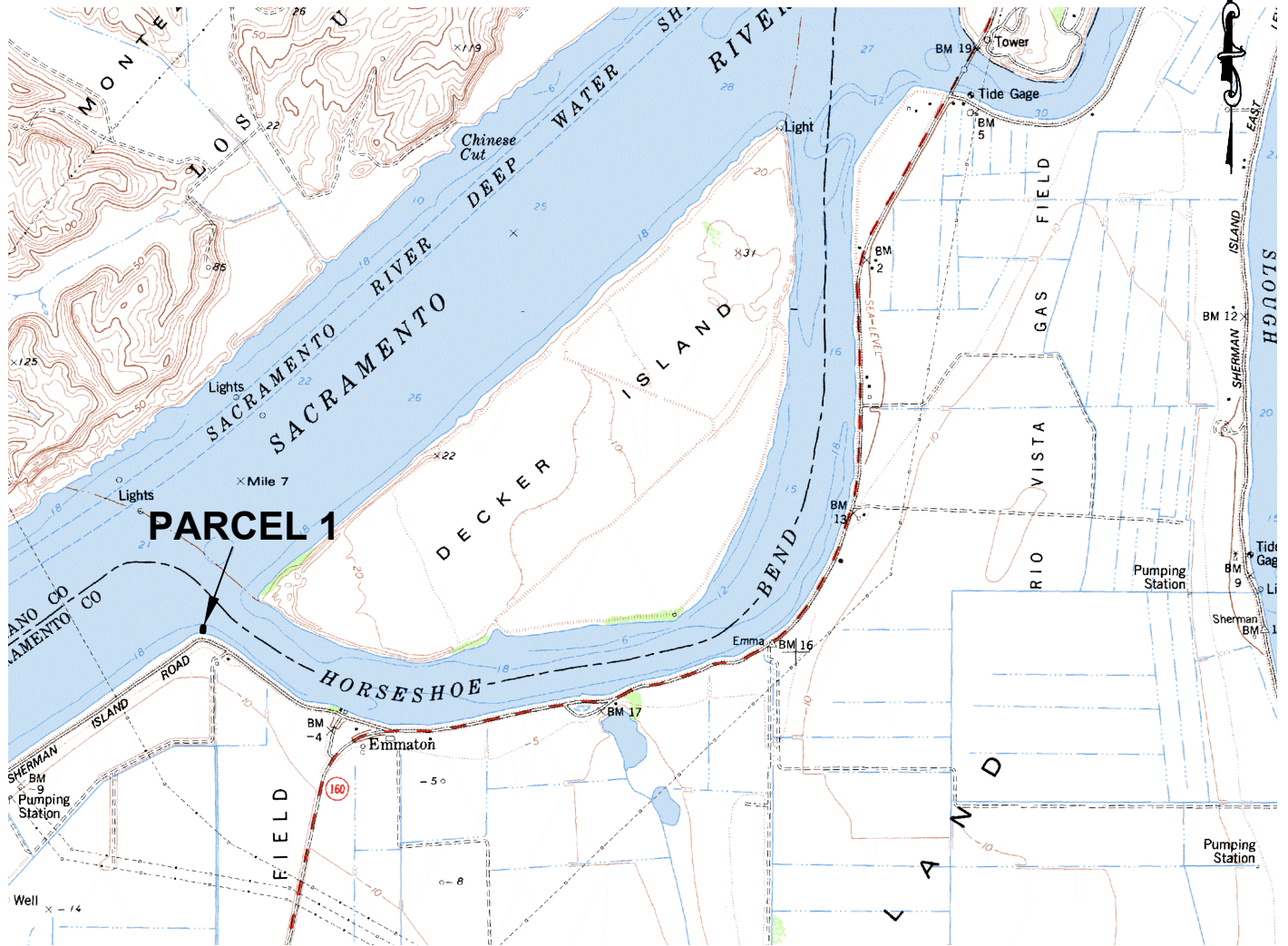
Revised 01/19/2021 by the California State Lands Commission Boundary Unit.

Based on original description prepared on February 1967 as found in PRC 3717 file (W.O. 6104, 6105, 6153 and 6222), Calendar Item 34.



NO SCALE

SITE



SACRAMENTO RIVER, AT HORSESHOE BEND

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-1

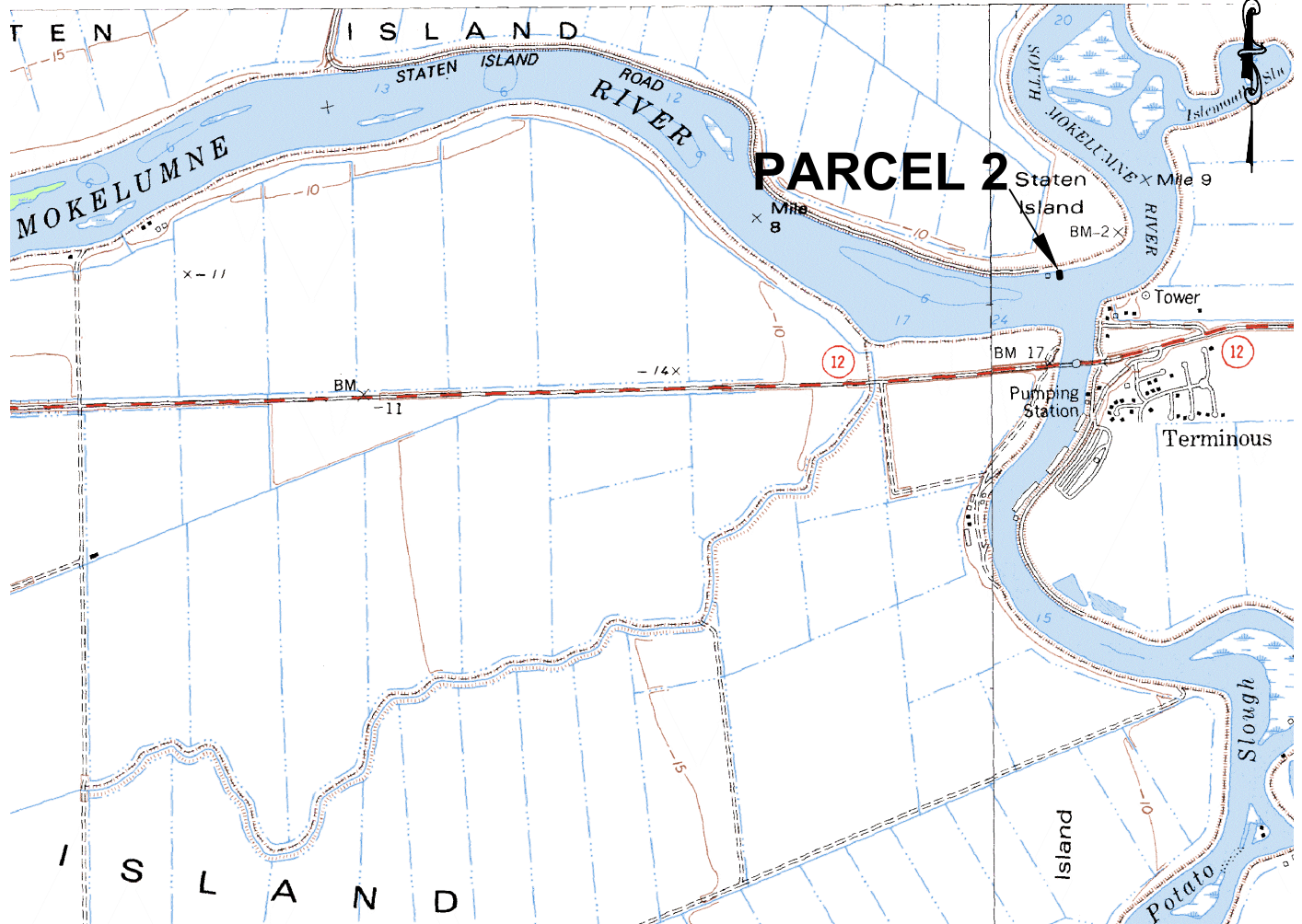
LEASE 3717
BUREAU OF RECLAMATION
APN 158-0050-001
GENERAL LEASE -
PUBLIC AGENCY USE
SACRAMENTO COUNTY



TS 01/19/2021

NO SCALE

SITE



SOUTH FORK OF THE MOKELUMNE RIVER AT
SOUTH TIP OF STATEN ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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Exhibit B-2

LEASE 3717
BUREAU OF RECLAMATION
APN 069-020-190
GENERAL LEASE -
PUBLIC AGENCY USE
SAN JOAQUIN COUNTY



TS 01/19/2021