

Staff Report 30

APPLICANT:

U.S. Department of Transportation, Maritime Administration

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Suisun Bay, adjacent to 2595 Lake Herman Road, near Benicia, Solano County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with finger piers, administration barge, and General Anchorage 26.

TERM:

25 years, beginning June 15, 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 July 6, 1995, the Commission authorized a 25-year General Lease – Public Agency Use to the Applicant for demolition of an existing wooden pier and causeway to construct a new pile supported pier and an existing General Anchorage 26 ([Item C49, July 6, 1995](#)). On April 29, 2020, the Commission authorized a short-term extension of the lease term by 1 year ([Item C75, April 29, 2020](#)). The lease initially expired on June 14, 2020, but now expires on June 14, 2021. The Applicant is now applying for the continued use and maintenance of an existing pier with finger piers, administration barge, and General Anchorage 26.

The lease premises include an anchorage site established in 1946 for the Suisun Bay Reserve Fleet, historically known as the "Mothball Fleet." The Suisun Bay Reserve Fleet is part of the National Defense Reserve Fleet. Originally, there were eight fleet sites throughout the United States. The Suisun Bay location is one of three sites still in operation and the only site serving the U.S. West Coast. In the 1950s, the number of anchored vessels in Suisun Bay was over 300. Over the years, several anchored vessels became outdated and were no longer useful. Subsequently, these vessels were removed and recycled by 2017. At present, there are seven vessels anchored and in good repair. The vessels are maintained using eight service barges and nine service craft anchored/moored throughout the lease area. Security is provided for the vessels. In the future, there could be increased use of the lease premises for vessel anchoring. In addition to the anchored vessels, the lease premises include five weather buoys and 18 barges. Anchored vessels in Suisun Bay are held in reserve in the event the vessels need to be placed back into service for national emergency purposes.

The waters of the Suisun Bay are used by the public for fishing, boating, swimming, and public access to adjoining waterways. Through a legal settlement in 2010 with environmental organizations the Applicant agreed to remove decaying and obsolete "non-retention" vessels from the anchorage, reducing the amount of heavy metals introduced into the bay from paint chips and debris. Staff understands that all "non-retention" vessels were removed prior to September 2017, as required by the settlement. The vessels that remain are maintained under security and are not accessible to the public, but the public maintains continual

access to the waterway within the lease premises. Navigating and anchoring of the vessels is consistent with the Public Trust, as these are maritime activities within the waterway.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 25-year term and does not grant the lessee exclusive rights to the lease premises and reserves an easement to the public for Public Trust-consistent uses. 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 includes provisions for water quality and marine invasive species.

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 near the city of Benicia on the Suisun Bay, a tidally influenced area that is vulnerable to flooding at current sea levels and 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 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. 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. In rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

These stronger storm events may also expose the lease area structures to higher risks and cause facilities to be damaged or dislodged, presenting hazards to public safety during the term of the lease. The floating administration barge is adaptable to variable water levels, allowing it to rise and fall, which increases its resiliency to some climate change impacts. The existing pier with finger piers may need reinforcement to withstand more frequent storm events. Regular maintenance, as required by the terms of the lease, will help reduce the likelihood of severe structural degradation. 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 the reasons stated above, staff believes the approval 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 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, as the prior lessee, may be required to remove the existing pier with finger piers, administration barge, and General Anchorage 26 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 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; is consistent with the Public Trust; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning June 15, 2021, for a term of 25 years, for the continued use and maintenance of an existing pier with finger piers, administration barge, and General Anchorage 26, 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 7838

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of Suisun Bay, northeasterly of the City of Benicia, Solano County, State of California, and being more particularly described as follows:

BEGINNING at the northeast corner of the "Granted Area" as shown upon that certain map filed in Book 12 of Surveys at Page 18, Solano County Records; thence along the Grant Boundary as shown on said map, North $23^{\circ}53'42''$ West 1,799.81 feet; thence leaving said Grant Boundary, North $41^{\circ}40'44''$ East 7,521.06 feet; thence North $42^{\circ}15'39''$ East 643.72 feet; thence North $47^{\circ}17'35''$ East 5,090.95 feet; thence North $44^{\circ}50'47''$ East 4,874.85 feet; thence South $48^{\circ}51'26''$ East 3,115.42 feet; thence South $40^{\circ}09'21''$ West 24,002.67 feet; thence North $31^{\circ}15'50''$ West 2,200.00 feet to a point on said Grant Boundary; thence along said Grant Boundary, North $31^{\circ}43'46''$ East 4,545.14 feet to the point of beginning.

EXCEPTING THEREFROM any portions lying landward of the Ordinary High-Water Mark of Suisun Bay.

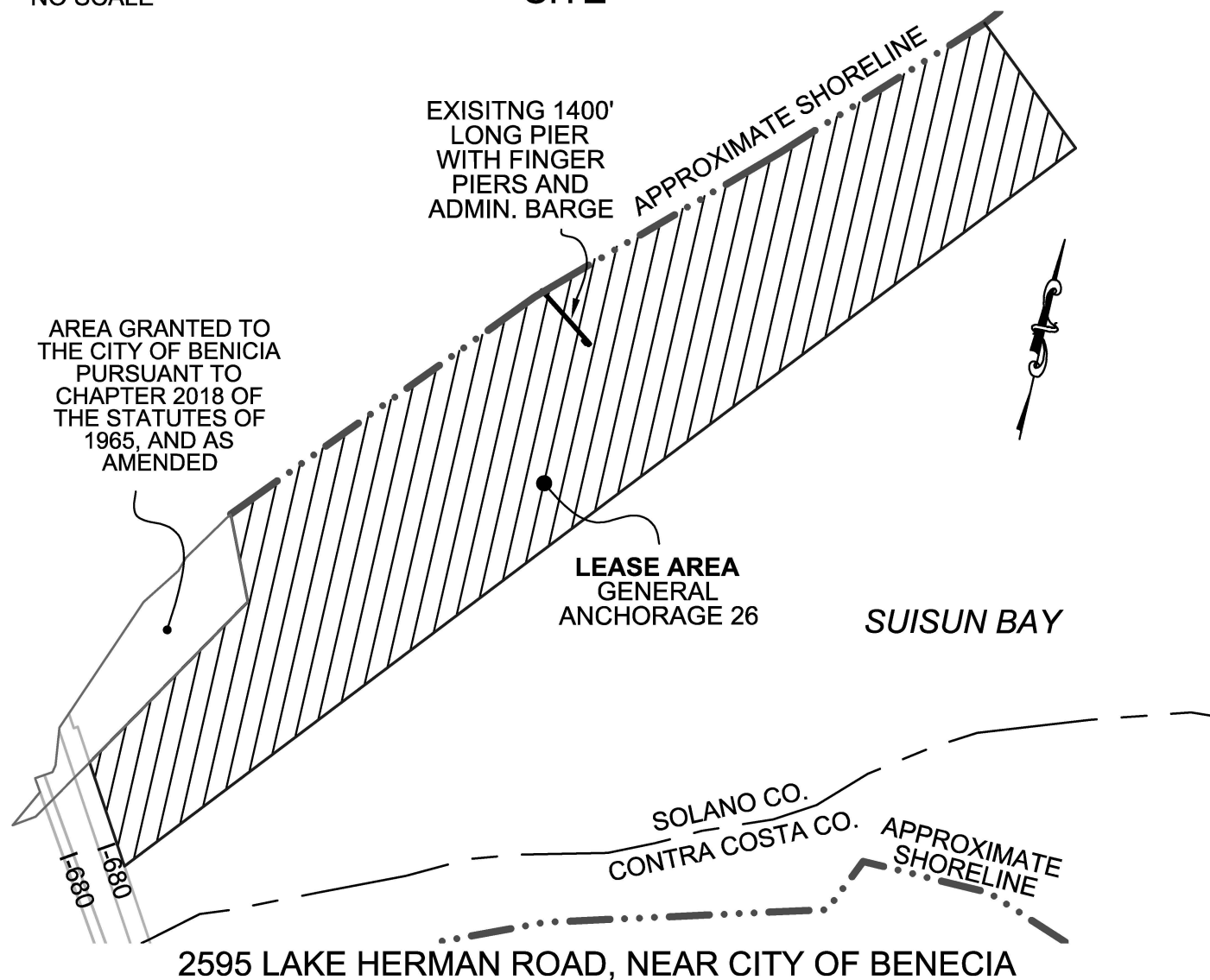
END OF DESCRIPTION

Prepared 12/02/2020 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



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 7838
U.S. DEPARTMENT OF
TRANSPORTATION
GENERAL LEASE -
PUBLIC AGENCY USE
SOLANO COUNTY



JWP 12/02/2020