

Staff Report 15

LESSEE:

United States Geological Survey

PROPOSED ACTION:

Amendment of General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Old River, Middle River, San Joaquin River, Holland Cut, False River, South Fork Mokelumne River, North Fork Mokelumne River, Little Potato Slough, Three Mile Slough, Sacramento River, Sutter Slough, Steamboat Slough, Georgiana Slough, Miner Slough, Cache Slough, and Suisun Bay, in Contra Costa, San Joaquin, Sacramento, Yolo, and Solano Counties.

AUTHORIZED USE:

Continued use and maintenance of 29 water monitoring stations.

TERM:

15 years, beginning October 14, 2014.

CONSIDERATION:

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.

PROPOSED AMENDMENT:

Amend the lease to:

- Include in the Authorized Use and Improvements the installation, use, and maintenance of 24 additional pilings and monitoring stations; removal of 6 existing pilings; and the installation, use, and maintenance of 7 monitoring stations on existing United States Coast Guard channel markers.

- Replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
- Require the Lessee to ensure that all work vessels originating from outside the San Francisco Bay/Delta region have their submerged surfaces cleaned prior to transiting to the work sites to reduce the risk of nonindigenous species introduction.

All other terms and conditions of the lease shall remain in effect without amendment.

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 October 14, 2014, the Commission authorized a 15-year General Lease – Public Agency Use to the Lessee for continued use and maintenance of 17 existing water monitoring stations previously authorized by the Commission, and use and maintenance of 10 existing water monitoring stations not previously authorized by the Commission ([Item C41, October 14, 2014](#)). On October 18, 2018, the Commission authorized a Lease amendment for the use and maintenance of two existing pilings and the installation, use, and maintenance of two additional water monitoring stations in the Sacramento River ([Item C53, October 18, 2018](#)). The lease will expire on October 13, 2029.

The United States Geological Survey has operated and maintained a water monitoring network in the Sacramento-San Joaquin Delta since the 1970s. The sites provide valuable data necessary for water management in the Central Valley. This information is used by numerous federal, state, and local agencies participating in the water management programs of the Delta and San Francisco Bay system. Over time, as technology improved and monitoring needs changed, the network has expanded to include more locations and additional parameters. The goal is to collect flow, water quality, and fish movement data at stations throughout the region. To support this monitoring objective, there is a need for infrastructure maintenance and modification at some of the existing stations and a need for additional infrastructure at new locations.

The Applicant is proposing to drive 24 pilings at locations across the Sacramento-San Joaquin Delta, in the Lower Sacramento River, and the lower San Joaquin River to support these monitoring activities. The Applicant will also remove six pilings and install seven monitoring stations at existing United States Coast Guard channel markers.

The locations of the new monitoring stations have been identified based on the scientific needs of the monitoring network. The new stations will typically consist of an 18-inch-diameter steel piling that will house an electronics box, an aluminum mount with an acoustic doppler velocity meter, several PVC pipes that will house pressure sensors and water quality monitoring devices (known as sondes), solar panels, and navigational safety signage.

The installation of pilings would take less than two days per site and equipment to be used would include a tug and barge mounted crane with a vibratory hammer and a small work boat. The pilings installation and removal will be conducted using Best Management Practices (BMPs) to reduce sediment disturbance and turbidity and limit the risk of debris or contaminants entering the water. Some of the BMPs include working in low water where possible, removing the piling slowly, breaking the friction bond with surrounding sediment before removing, using a containment basin to control spills, and disposing of contained sediments at an appropriate upland disposal site.

The existing and proposed use of the monitoring stations does not significantly further alter the land, nor does it alienate the State's fee simple interest, permanently impair public rights, or substantially interfere with Public Trust needs, at this location, at this time, and for the foreseeable term of the lease.

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 Project sites are mostly subject to tidal movement, except for the lower Sacramento River site adjacent to the Fremont Wier, and the Verona site.

For the sites subject to tidal movement, 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 inundation levels within tidal 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. 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.

Non-tidal sites would not be subject to sea-level rise, but climate change is still projected to increase flooding, drought, and storms as noted above. The combination of these projected conditions could also increase the likelihood of damage and affect the fixed features within the lease premises during the term of the lease. These structures may need reinforcement and possibly replacement to withstand higher levels of flood exposure and more frequent storm events.

Regular monitoring and maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation.

CONCLUSION:

For all the reasons above, staff believes that the amendment of this lease is consistent with the common law Public Trust Doctrine 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. 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. 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 the "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. **Removal of Deteriorated Monitoring Pilings:** 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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.
4. **Installation of Pilings and Monitoring Stations:** Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(5).

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

APPROVALS OBTAINED:

San Francisco Bay Regional Water Quality Control Board
Central Valley Regional Water Quality Control Board
U.S. Fish and Wildlife Service

APPROVALS REQUIRED:

U.S. Army Corps of Engineers

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Removal of Deteriorated Monitoring Pilings: 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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Installation of Pilings and Monitoring Stations: 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 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(5).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the amended lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize the amendment of Lease Number PRC 7650, a General Lease – Public Agency Use, effective October 21, 2021, for the installation, use, and maintenance of 24 additional pilings and monitoring stations; removal of 6 existing pilings; and installation, use, and maintenance of 7 monitoring stations on exiting United States Coast Guard channel markers; and to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

LEASE 7650

LAND DESCRIPTION

Forty-four (44) parcels of tide and submerged lands situate in the State of California, and being more particularly described as follows:

Parcel 1 (OLD-1)

A parcel of land in the bed of the Old River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°58'10.0" North, Longitude 121°34'20.2" West.

Parcel 2 (OLD-2)

A parcel of land in the bed of the Old River in Contra Costa County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°58'10.8" North, Longitude 121°34'26.5" West.

Parcel 3 (MID-1)

A parcel of land in the bed of the Middle River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°56'32.8" North, Longitude 121°31'55.5" West.

Parcel 4 (MID-2)

A parcel of land in the bed of the Middle River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°56'33.1" North, Longitude 121°32'01.4" West.

Parcel 5 (STK)

A parcel of land in the bed of the San Joaquin River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°56'07.3" North, Longitude 121°19'54.3" West.

Parcel 6 (MRC)

A parcel of land in the bed of the Middle River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related

appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°00'08.6" North, Longitude 121°30'43.9" West.

Parcel 7 (ORF)

A parcel of land in the bed of the Old River in Contra Costa County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°53'26.4" North, Longitude 121°34'18.2" West.

Parcel 8 (HOL)

A parcel of land in the bed of the Holland Cut in Contra Costa County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°00'57.0" North, Longitude 121°34'55.6" West.

Parcel 9 (FAL)

A parcel of land in the bed of the False River in Contra Costa County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'19.7" North, Longitude 121°40'01.7" West.

Parcel 10 (ORS)

A parcel of land in the bed of the Old River in Contra Costa County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°04'16.5" North, Longitude 121°34'42.1" West.

Parcel 11 (PPT)

A parcel of land in the bed of the San Joaquin River in San Joaquin County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'30.7" North, Longitude 121°33'24.6" West.

Parcel 12 (SFM)

A parcel of land in the bed of the South Fork Mokelumne River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°13'31.3" North, Longitude 121°29'28.1" West.

Parcel 13 (NFM)

A parcel of land in the bed of the North Fork Mokelumne River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°13'14.1" North, Longitude 121°30'26.8" West.

Parcel 14 (LPS)

A parcel of land in the bed of the Little Potato Slough in San Joaquin County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°05'46.0" North, Longitude 121°29'45.6" West.

Parcel 15 (MOK)

A parcel of land in the bed of the Mokelumne River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°06'35.8" North, Longitude 121°34'44.3" West.

Parcel 16 (TMN)

A parcel of land in the bed of the Three Mile Slough in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°05'59.7" North, Longitude 121°41'11.9" West.

Parcel 17 (JPT)

A parcel of land in the bed of the San Joaquin River in Contra Costa County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'09.3" North, Longitude 121°41'18.3" West.

Parcel 18 (FPT-1)

A parcel of land in the bed of the Sacramento River in Yolo County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'04.8" North, Longitude 121°30'08.0" West.

Parcel 19 (FPT-2)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related

appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'05.0" North, Longitude 121°30'01.9" West.

Parcel 20 (FPT-3)

A parcel of land in the bed of the Sacramento River in Yolo County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'17.6" North, Longitude 121°30'09.8" West.

Parcel 21 (FPT-4)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'18.5" North, Longitude 121°30'04.0" West.

Parcel 22 (SUT)

A parcel of land in the bed of the Sutter Slough in Yolo County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°19'44.5" North, Longitude 121°34'41.3" West.

Parcel 23 (STM)

A parcel of land in the bed of the Steamboat Slough in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°18'16.6" North, Longitude 121°34'32.1" West.

Parcel 24 (WGA)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°15'09.0" North, Longitude 121°30'42.5" West.

Parcel 25 (GEO)

A parcel of land in the bed of the Georgiana Slough in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'07.4" North, Longitude 121°31'05.3" West.

Parcel 26 (WGB)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'19.9" North, Longitude 121°31'25.5" West.

Parcel 27 (MIN)

A parcel of land in the bed of the Miner Slough in Solano County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°17'29.7" North, Longitude 121°37'51.8" West.

Parcel 28 (LIB)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'34.9" North, Longitude 121°41'03.3" West.

Parcel 29 (CCH)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°11'38.4" North, Longitude 121°39'29.2" West.

Parcel 30 (RIO)

A parcel of land in the bed of the Sacramento River in Solano County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°08'56.6" North, Longitude 121°41'20.3" West.

Parcel 31 (DEC)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°05'39.1" North, Longitude 121°44'11.7" West.

Parcel 32 (Miller Park Upstream)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related

appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°34'02.3" North, Longitude 121°31'08.8" West.

Parcel 33 (Miller Park Downstream)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°34'01.8" North, Longitude 121°31'09.2" West.

Parcel 34 (UCS)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°16'10.6" North, Longitude 121°42'04.8" West.

Parcel 35 (ULT)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°17'29.7" North, Longitude 121°44'02.9" West.

Parcel 36 (CHIPPS)

A parcel of land in the bed of the Suisun Bay in Contra Costa County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°02'56.1" North, Longitude 121°55'00.1" West.

Parcel 37 (BUOY 19)

A parcel of land in the bed of the Suisun Bay in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'42.0" North, Longitude 122°00'22.7" West.

Parcel 38 (CM 23)

A parcel of land in the bed of the San Joaquin River in Contra Costa County, said parcel lying immediately proposed beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°02'42.3" North, Longitude 121°41'48.0" West.

Parcel 39 (CM 13)

A parcel of land in the bed of the Sacramento River in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°04'40.7" North, Longitude 121°46'02.0" West.

Parcel 40 (CM 10)

A parcel of land in the bed of the Sacramento River in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'35.4" North, Longitude 121°47'59.6" West.

Parcel 41 (CM 5)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately proposed beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'56.8" North, Longitude 121°50'08.9" West.

Parcel 42 (CM 31)

A parcel of land in the bed of the Suisun Bay in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°02'58.1" North, Longitude 121°53'15.4" West.

Parcel 43 (CM 24A)

A parcel of land in the bed of the Suisun Bay in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'18.6" North, Longitude 121°57'15.6" West.

Parcel 44 (CM 16)

A parcel of land in the bed of the Suisun Bay in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'55.9" North, Longitude 122°02'36.7" West.

END OF DESCRIPTION

Prepared 08/12/2021 by the California State Lands Commission Boundary Unit. This description is based upon NAD83 geographic coordinate locations of existing and proposed water monitoring stations provided by the U.S. Geological Survey.

