

Staff Report 35

APPLICANT:

USGS California Water Science Center

PROPOSED ACTION:

Issuance of a General Lease – Other

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 002-0010-023, Sacramento, Sacramento County.

AUTHORIZED USE:

Caretaker status and maintenance of an existing 2-pile dolphin

TERM:

5 years, beginning April 26, 2022.

CONSIDERATION:

\$140 per year, with an annual Consumer Price Index adjustment; and \$694 to compensate for the unauthorized occupation of State land for the period prior to April 25, 2022.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- 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, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On May 28, 1959, the Commission authorized a 49-year Structure Permit to the Applicant for placement of three dolphins and a coaxial cable in the Sacramento River, upstream from the I Street Bridge, Sacramento, Sacramento and Yolo Counties ([Item C24, May 28, 1959](#)). The lease expired May 27, 2008. The Applicant has applied for a caretaker lease.

The three dolphins were installed shortly after 1959 in close proximity to one another, with two dolphins located on one side of the river and one dolphin located on the other side of the river. The placement enabled efficient use of the coaxial cable for establishment of an experimental ultrasonic flow meter station. Shortly after placement, the station was relocated to Freeport. Based on site visits completed by staff in 2015, there is one 2-pile dolphin still located on sovereign land. Staff have no records of the removal of the two other dolphins.

The Applicant has communicated to staff its desire to remove the dolphin and restore the leased lands. This proposed caretaker lease is for a limited duration of 5 years to provide the Applicant time to develop a plan for removal of the dolphin. The proposed lease contains language obligating the Applicant, by year 4 of the lease, to provide a plan to the Commission for removal of the dolphin and restoration of the Leased Lands.

Commission staff believes that the proposed lease for the dolphin in the Sacramento River will not substantially interfere with the Public Trust needs and values at this location because the dolphin occupies a relatively small area of sovereign land, is located outside of the main channel of the river, and is located close to the shoreline. Public access to the Sacramento River in the vicinity of the lease premises is through nearby dirt pathways, bicycle trails, and the nearby Broderick Boat Launch facility.

In addition, the dolphin has existed for several years at this location and does not permanently alienate the State's fee simple interest in the underlying land. Furthermore, the proposed lease for the dolphin will allow the Applicant to develop a plan for the eventual removal which is in the best interests of the State.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

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 facilities are located on the Sacramento 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 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: ¹ Projections are with respect to a 1991 to 2009 baseline.

This effect could increase Sacramento River's inundation levels within the lease area. 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 to the dolphin within the lease premises during the term of the lease. If the dolphin is damaged and would require reinforcement to remain in place, removal efforts should be accelerated as opposed to increasing infrastructure on state land.

Regular maintenance, as referenced in the lease, may 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 the effects of climate change, including sea level rise.

CONCLUSION:

For all the reasons stated above, staff believes that 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, for the term of the 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. 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 the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
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 interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize acceptance of compensation from the Applicant in the amount of \$694 for the unauthorized occupation of State land from April 26, 2017 through April 26, 2022.
2. Authorize issuance of a General Lease – Other to the Applicant beginning April 26, 2022, for a term of 5 years, for caretaker status and maintenance of an existing 2-pile dolphin, as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$140, with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

LEASE 2407

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, City of Sacramento, lying adjacent to New Helvetia Rancho, approved February 18, 1860, State of California and more particularly described as follows:

All those lands underlying an existing two-pile dolphin lying adjacent to those parcels described in Agreement for the Transfer of Jurisdiction of State-Owned Real Property, recorded January 25, 2018 in Document Number 201801250775 in Official Records of said County.

END OF DESCRIPTION

Prepared 08/09/2021 by the California State Lands Commission Boundary Unit.



NO SCALE

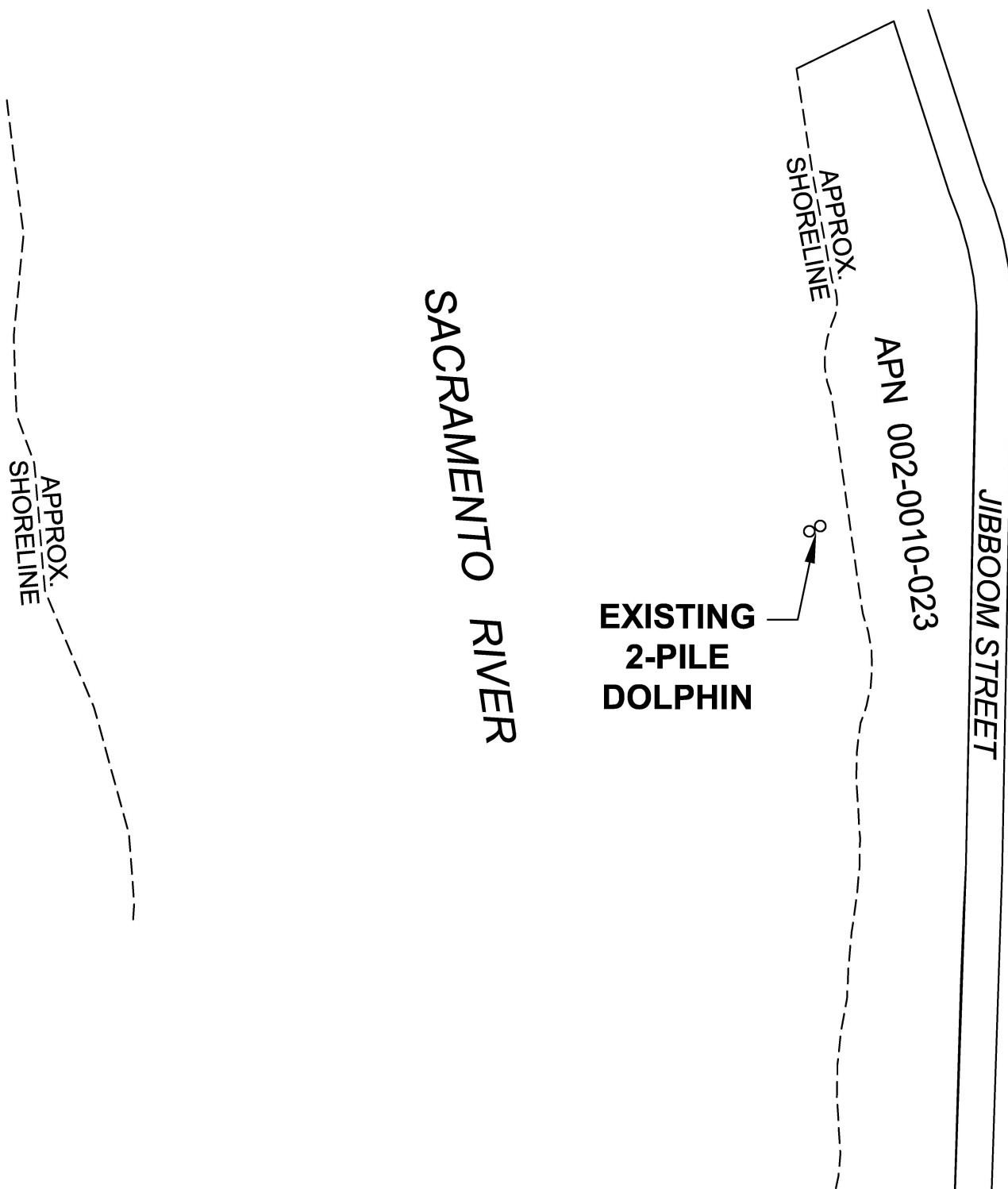


EXHIBIT A

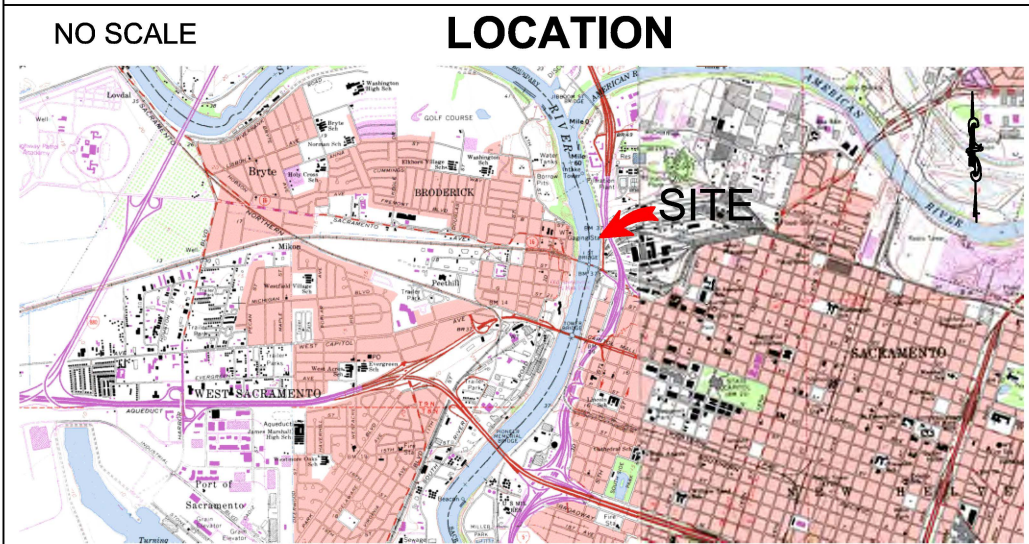
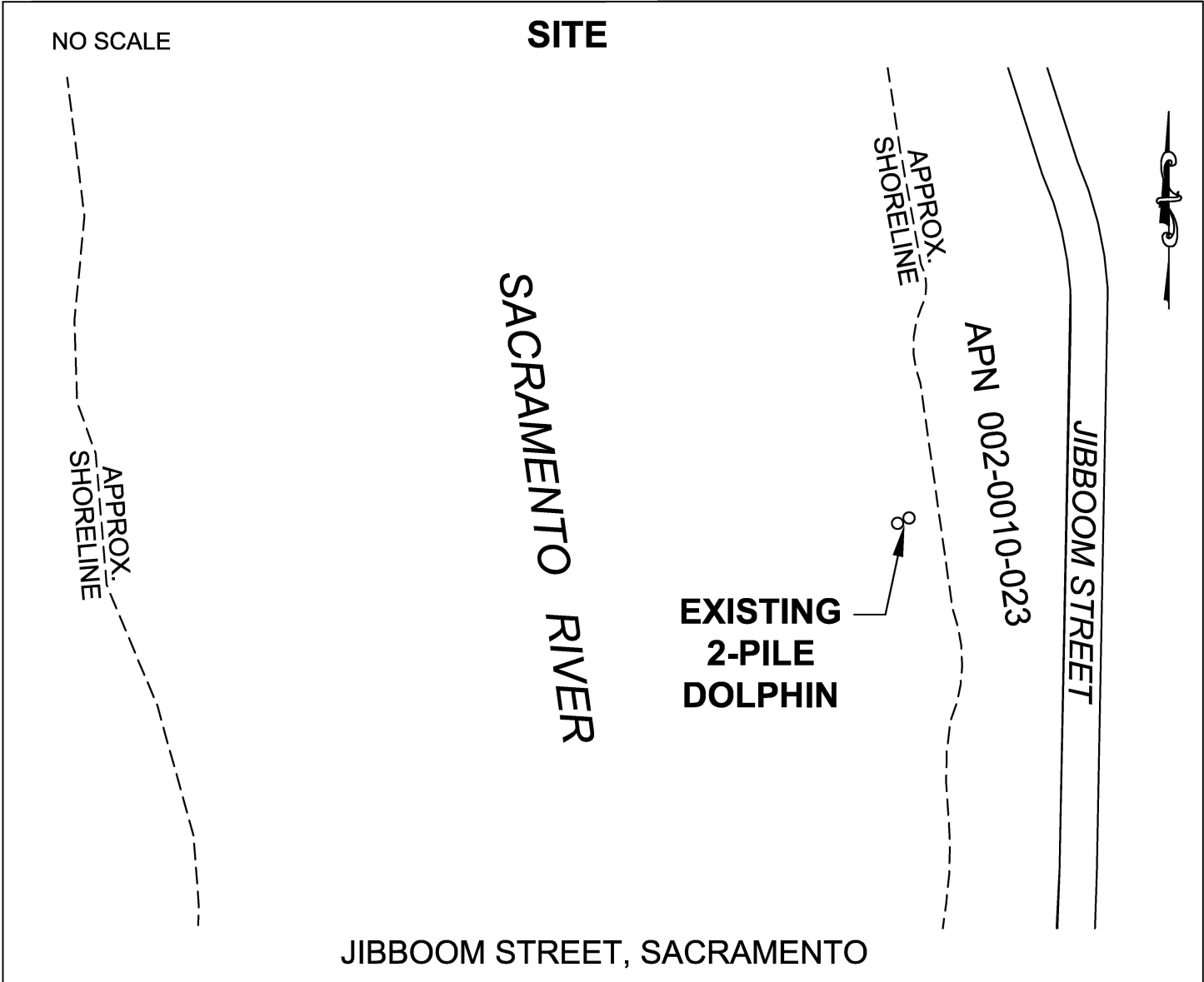
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LAND DESCRIPTION PLAT
LEASE 2407, USGS CALIFORNIA WATER
SCIENCE CENTER
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION





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.

