

Staff Report 40

APPLICANT:

Monterey County Water Resources Agency

PROPOSED ACTION:

Issuance of General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Old Salinas River channel, near Castroville, Monterey County.

AUTHORIZED USE:

Use and maintenance of an existing concrete box culvert with concrete mat, steel slide gate, log boom, riprap bank protection, and appurtenant facilities.

TERM:

20 years, beginning November 1, 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.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resource 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 12, 1997, the Commission authorized the issuance of Lease No. PRC 7935.9, a General Lease – Public Agency Use, for a 25-year term to Monterey

County Water Resources Agency for the installation, use, and maintenance of a concrete box culvert and steel slide gate in the Old Salinas River channel to provide flood protection and stability to the adjacent Salinas River Lagoon, beginning November 1, 1996 ([Item 38, February 12, 1997](#)). The lease expired on October 31, 2021.

During the lease application process, staff became aware that additional improvements maintained by the Applicant had been placed within the lease premises during the previous lease term, including riprap bank protection, concrete mat, a water level monitoring gauge, and a log boom, which were not previously authorized by the Commission. The Applicant has applied for a new lease for the use and maintenance of all the existing previously authorized and unauthorized facilities at the site.

The existing facilities are used for flood control purposes and do not substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease. The existing facilities do not significantly alter the land, and the lease does not alienate the State's fee simple interest or permanently impact public rights. The lease is limited to a 20-year term and does not grant the lessee exclusive rights to the lease premises. 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 requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

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 lease area is located in the Old Salinas River channel, adjacent to Salinas River Lagoon near Castroville.

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 Monterey tide gauge was used for the projected sea level rise scenario for the lease area as listed in Table 1.

Table 16. Projected Sea Level Rise for Monterey

Year	Projection (feet)
2030	0.8
2040	1.2
2050	1.9
2100	6.9

Source: Table 28, 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 Old Salinas 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 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 cause damage to the bank protection 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. Lowered water levels could also increase the potential for impacting the function and utility of the lease area structures.

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 (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, Commission staff believes the issuance of this Lease will not 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 a lease 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 early termination of the lease, the lessee also has no right to a new lease or renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Area 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 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 lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning November 1, 2021, for a term of 20 years, for the use and maintenance of an existing concrete box culvert with concrete mat, steel slide gate, log boom, riprap bank protection, and appurtenant facilities as described in Exhibit A and as shown on Exhibit B (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 if the Commission finds such action to be in the State's best interests.

EXHIBIT A

LEASE 7935

LAND DESCRIPTION

Three parcels of tide and submerged land, whether filled or unfilled, situate in the bed of the Old Salinas River, Monterey County, State of California, and being more particularly described as follows:

Parcel 1

All those lands underlying an existing concrete box culvert, slide gate, and water level monitoring gage, lying adjacent to Parcel F as shown on the Record of Survey of Mulligan Hill Ranch, filed in Volume 5 of Surveys at Page 9, Records of Monterey County.

Parcel 2

All those lands underlying existing rip rap, lying adjacent to Parcel F as shown on the Record of Survey of Mulligan Hill Ranch, filed in Volume 5 of Surveys at Page 9, Records of Monterey County.

Parcel 3

All those lands underlying an existing wooden log boom, lying adjacent to Parcel F as shown on the Record of Survey of Mulligan Hill Ranch, filed in Volume 5 of Surveys at Page 9, Records of Monterey County.

EXCEPTING THEREFROM any portions lying landward of the ordinary high-water marks of the Old Salinas River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/26/2022 by the California State Lands Commission Boundary Unit.



APN
229-041-012

OLD
SALINAS
RIVER

APN
135-021-005

EXISTING CONCRETE BOX
CULVERT, SLIDE GATE,
AND WATER LEVEL
MONITORING GAGE

APPROX. HISTORIC SHORELINE

APPROX. HISTORIC SHORELINE

EXISTING
RIP RAP

EXISTING
WOODEN
LOG BOOM



NO SCALE

EXHIBIT A

PAGE 2 OF 2

JWP 1/26/2022

LAND DESCRIPTION PLAT
LEASE 7935, MONTEREY COUNTY
WATER RESOURCES AGENCY
MONTEREY COUNTY

CALIFORNIA STATE
LANDS COMMISSION



