

Staff Report 05

APPLICANT:

City of West Sacramento

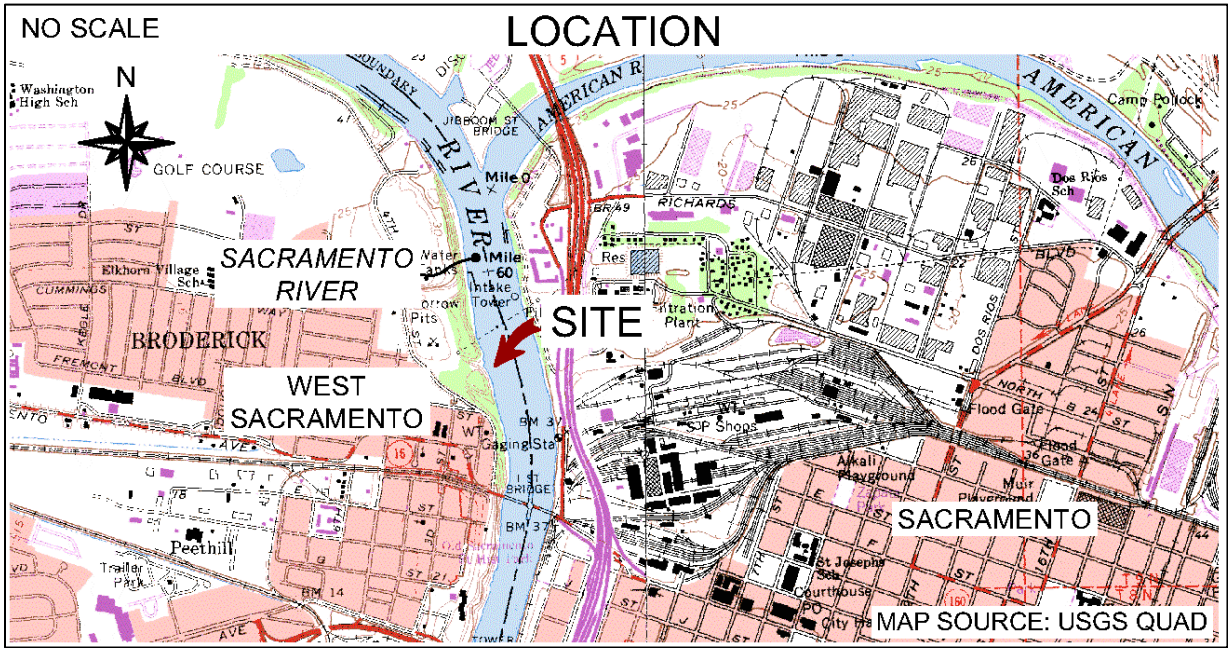
PROPOSED ACTION:

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 010-103-01, West Sacramento, Yolo County.

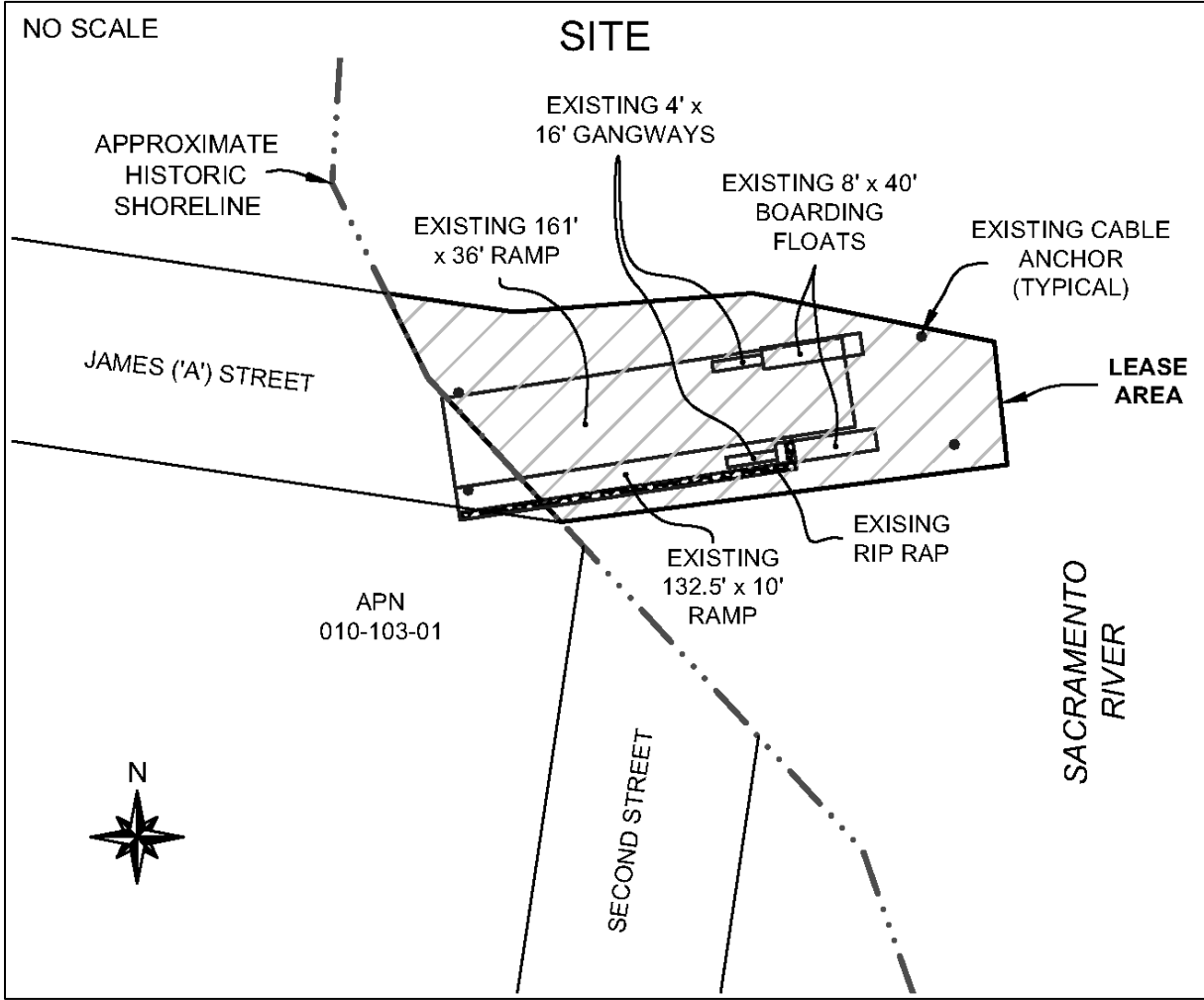
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of an existing concrete boat ramp, boat dock, two gangways, two boarding floats with cable system related to the Broderick Boat Launch Facility, and bank protection.

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

20 years; beginning May 31, 2022.

CONSIDERATION:

The public use and benefit, with the Lessor reserving the right at any time to set a monetary rent if the Lessor finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- The lease contains provisions requiring implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate. Lessee shall post the BMPs for "Guest Dock Users and Boaters" in prominent places within the Lease Premises. Upon request of Lessor, the Lessee shall provide a report on compliance with BMPs.
- 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. Further, Lessee agrees to conduct a structural assessment of the authorized improvements within 180 days of the 10th lease anniversary date, including an assessment of impacts thus far and those reasonably foreseeable over the remainder of the lease term due to sea level rise. The structural assessment shall be submitted to the Commission for review and comment and may require the development of a remedial action plan if the structural integrity of the authorized improvements poses a risk to the public health and safety.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On August 30, 1973, the Commission authorized the issuance of a 49-year Public Agency Permit to the County of Yolo, for the construction and maintenance of a concrete boat ramp and floating boat dock ([Item 6, August 30, 1973](#)). On December 19, 1974, the Commission authorized the amendment of a Public Agency Permit to affirm that an Environmental Impact Report was not required under the provisions of California Public Resources Code section 21065, and authorize issuance of an amendment to update the Land Description, known as Exhibit A, to reflect the lease area and facilities as amended ([Item 5, December 19, 1974](#)). On June 30, 1992, the Commission authorized the assignment of lease and approved repairs and reconstruction measures for the Broderick Boat Ramp ([Item 11, June 30, 1992](#)). This action assigned Lease No. PRC 4798 from the County of Yolo to the City of West Sacramento. On April 9, 2009, the Commission authorized an amendment of lease for construction, use, and maintenance of a 10-foot by 132.5-

foot concrete extension to the existing boat ramp, a 4-foot by 16-foot aluminum gangway, an 8-foot by 20-foot aluminum boarding float held in place by a cable anchoring system, placement of bank protection; the use of a temporary work area for the removal of a sunken vessel; construction and installation-related activities; amendment of Section 2 special provisions; and replacement of Section 3 and exhibits ([Item 18, April 9, 2009](#)). That lease expired on May 30, 2022. The Applicant is applying for a General Lease – Public Agency Use, for the use and maintenance of the existing concrete boat ramp, boat dock, two gangways, and two boarding floats with cable system related to the Broderick Boat Launch Facility, and bank protection in the Sacramento River.

The existing facilities are owned and maintained by the Applicant. The Broderick Boat Launch Ramp is open year-round providing the public with opportunities for fishing, recreational boating, rowing, and outdoor recreation. The facilities accommodate, promote, and foster recreational boating and provide access to the adjacent State waterways. The Applicant maintains these publicly accessible facilities at no cost to the State. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified recreational boating facilities as an authorized use of Public Trust land. (Pub. Resources Code, § 6503.5.)

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease 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 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 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: 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 existing boat launch is a fixed feature and is therefore more vulnerable to sea level rise and more frequent flood events. The boat launch may need additional fortification or repair and maintenance to ensure it does not become degraded and pose risks to public safety and navigation.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation. 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 above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the 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. If the Commission denies the application, the Applicant may be required to remove the boat ramp, boat dock, two gangways, two boarding floats with cable system, and bank protection and restore the premises to their original condition. 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" 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.

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.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning May 31, 2022, for a term of 20 years, for the use and maintenance of an existing boat launch ramp, boat dock, two gangways, two boarding floats with cable system, and bank protection; 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.