

# Staff Report 32

**APPLICANT:**

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City of Benicia

**PROPOSED ACTION:**

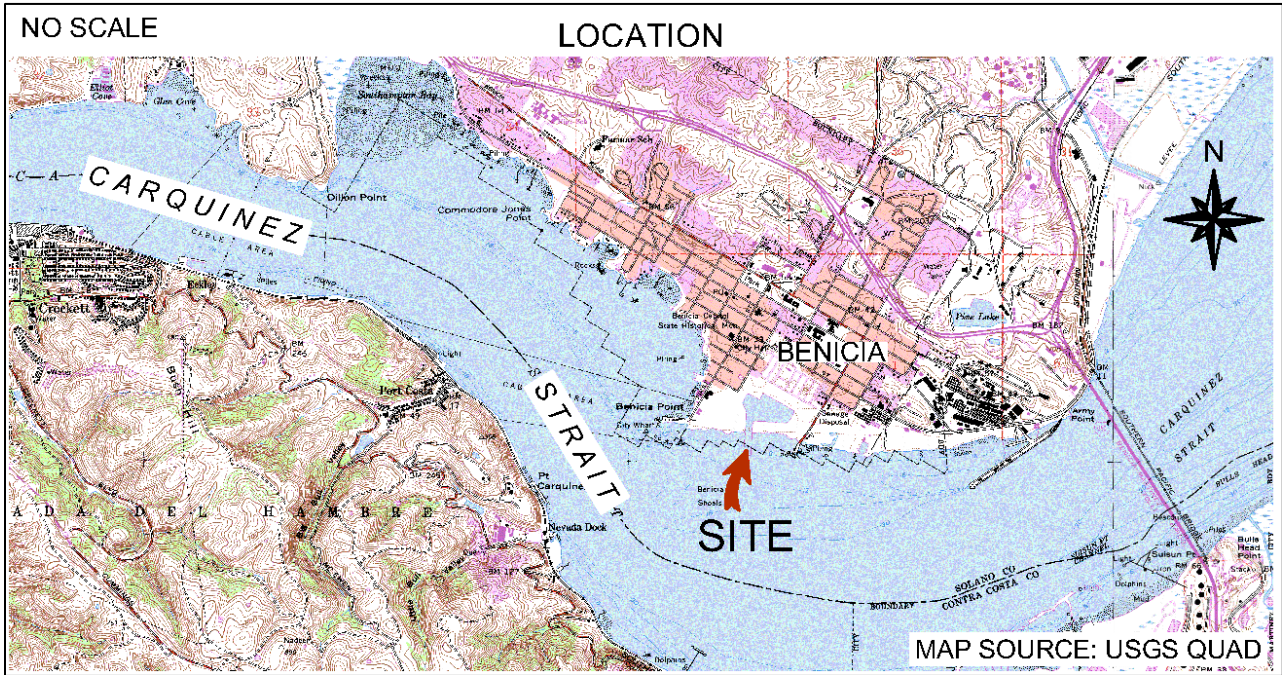
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Issuance of General Lease - Dredging

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Carquinez Strait at the outer channel to the Benicia Marina, Benicia, Solano County (as shown in Figure 1).

**Figure 1. Location**

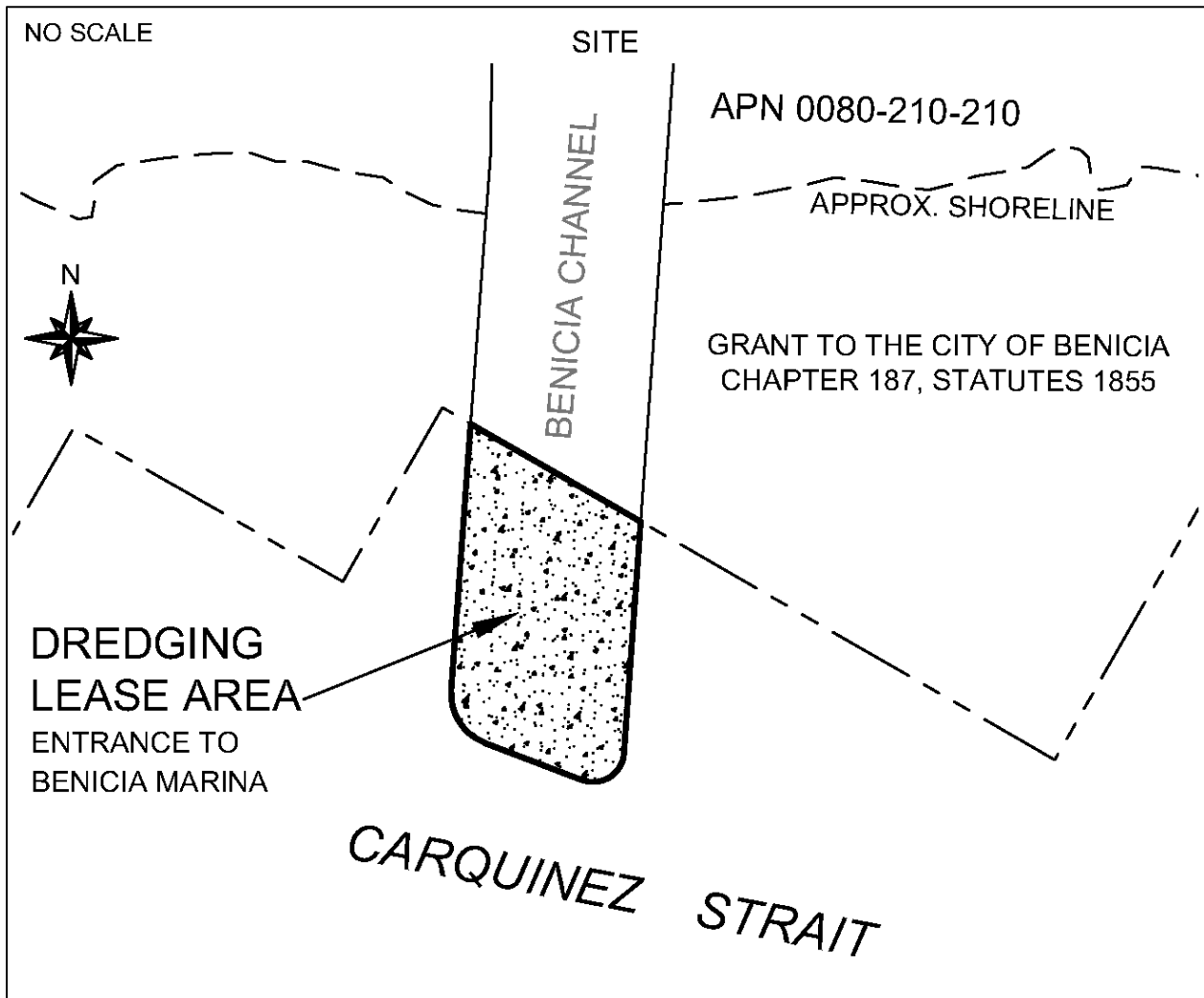


**AUTHORIZED USE:**

Maintenance dredge of a maximum of 7,500 cubic yards (cy) of sediment annually over 10 years to maintain a navigable depth (as shown in Figure 2). Dredged

material will be disposed of at a U.S. Army Corps of Engineers and Dredge Material Management Office-approved disposal site.

**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:**

10 years, beginning June 5, 2023.

**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; dredged material may not be sold.

**SPECIFIC LEASE PROVISIONS:**

- Liability insurance in an amount no less than \$1,000,000 per occurrence; Lessee may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the lease.
- Lessee acknowledges that material dredged from the Lease Premises is the property of the State of California and shall not be sold, and that Lessee is not authorized to dredge for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On August 14, 2012, the Commission authorized a 10-year General Lease – Dredging, to the Applicant for maintenance dredging of a maximum of 7,500 cy per year of material over the duration of the lease, from the outer channel to the Benicia Marina for maintaining a navigable depth to the Benicia Marina ([Item 37, August 14, 2012](#)). That lease expired August 13, 2022.

On August 15, 2022, staff issued a letter of non-objection to the Applicant. The letter allowed for one-time dredging to occur between August and December 2022. Maintenance dredging of the outer channel must occur every year due to the frequent sediment buildup. The letter provided the Applicant the ability to maintenance dredge while staff processed the application for renewal of the lease.

The Applicant has applied for a General Lease – Dredging for maintenance dredging of approximately 7,500 cy of material annually from the outer channel to the Benicia Marina within the Carquinez Strait. The maintenance dredging is required to maintain safe navigable depths in the marina's outer channel.

The material would be removed through mechanical clamshell dredge with placement of material into a scow. The mechanical clamshell dredge consists of a crane mounted on a barge, with a clamshell bucket on the end of the crane boom. The scows are open barges that can carry large quantities of sediment. The dredged material would be removed from the Strait and placed on the scow. The dredged material would then be transported to an authorized disposal site. The

dredging will occur during the in-water work windows between August 1 through November 30.

The dredging would improve navigational depths facilitating navigation in the waterway and to the marina. Navigation is a recognized Public Trust use. The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 10-year term, does not grant the Lessee exclusive rights to the lease premises, and 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.

**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 within ungranted sovereign land in Carquinez Strait at the entrance/exit to the Benicia Marina which is tidally influenced and 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.

Rising sea levels can lead to more frequent flood inundation in low lying areas and larger tidal events and could increase the Benicia Marina's inundation levels within the lease area over the term of the lease. The area of the proposed lease includes the entrance/exit channel to the Benicia Marina which will be subjected to tidal influence and climate change impacts. 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 decrease bank stability at a faster rate, thereby increasing sedimentation in the lease area.

The proposed Project activities are necessary to reduce the impacts of sediment accumulation within the Benicia Marina's entrance/exit channel. This action will support the broader purpose of improving navigation and reducing flood risk in the Benicia Marina and Carquinez Strait. The Marina's entrance/exit channel was last dredged in 2012. If the proposed area is not dredged, the marina's entrance/exit channel will remain shallow and recreational boating may be restricted to high tide and prevented during low tide, and the area may not convey adequate volumes of water in the event of flooding or extreme tides. The proposed activities on state lands would be short-term and consist of dredging accumulated sediment within the entrance/exit channel.

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, staff believes the issuance of the proposed lease will not substantially interfere with the 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:**

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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. The Applicant has no right to a new lease or to renewal of any previous lease.

2. The lease premises are adjacent to sovereign lands legislatively granted to the City of Benicia, Chapter 187, Statutes 1855.
3. 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.
4. 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, subdivision (g).

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

### **APPROVALS OBTAINED:**

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U.S. Army Corps of Engineers  
San Francisco Bay Conservation and Development Commission  
San Francisco Bay Regional Water Quality Control Board

### **RECOMMENDED ACTION:**

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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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304, subdivision (g).

#### **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 the 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 – Dredging to the Applicant beginning June 5, 2023, for a term of 10 years, to dredge a maximum of 7,500 cy of sediment annually from the Carquinez Strait at the entrance channel to the Benicia Marina, Benicia; consideration is 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 interest; liability insurance in an amount no less than \$1,000,000 per occurrence; Applicant may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the lease; and the dredged material may not be sold.