

# Staff Report 04

**LESSEE:**

City of Petaluma

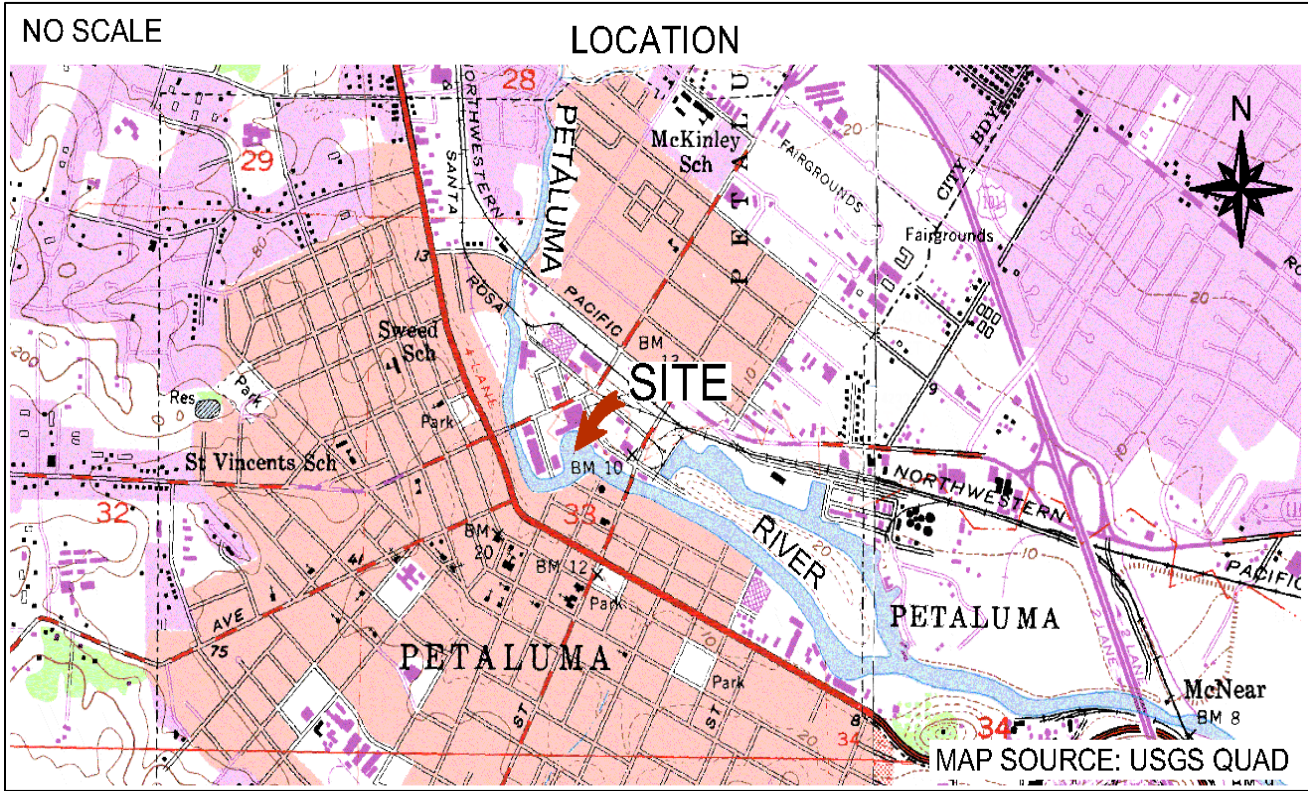
**PROPOSED ACTION:**

Amendment of a General Lease – Public Agency Use.

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

Sovereign land in the Petaluma River, at the Petaluma River Turning Basin, adjacent to 150 Weller Street, Petaluma, Sonoma County (as shown in Figure 1).

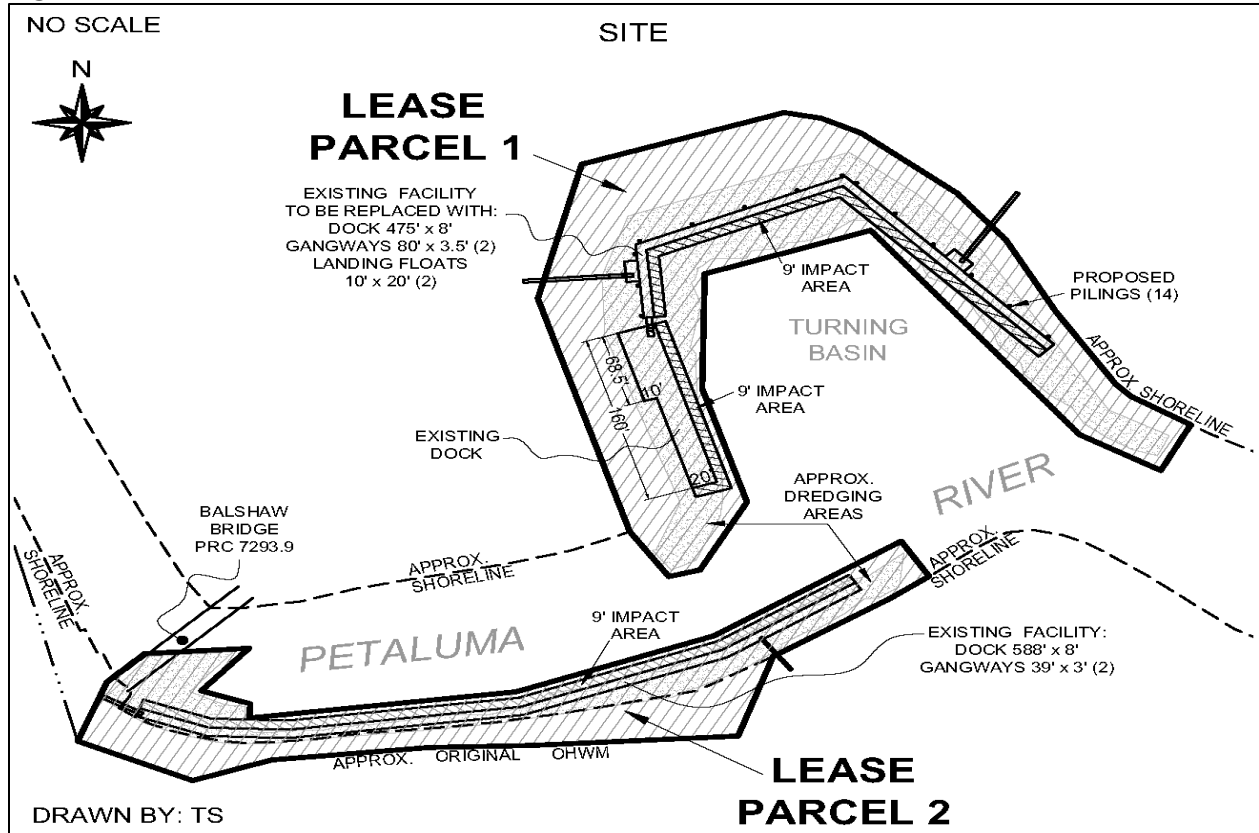
**Figure 1. Location**



**AUTHORIZED USE:**

Use and operation of two existing uncovered floating boat docks and four gangways; an existing platform, ramp, gangway, and utility conduits to accommodate electric and water lines; and a float house (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease premises is based on unverified information provided by the Lessee 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 August 9, 2016

**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. Consideration for the boat dock with float house is \$4,500 per year with an annual Consumer Price Index adjustment; and the State reserving the right to fix a different rent, as provided in the lease.

**PROPOSED AMENDMENT:**

- Authorize reconstruction of an existing dock with installation of 14 new 16-inch-diameter steel pilings, reconfiguration of two gangways to comply with American with Disabilities Act (ADA) standards, installation of new concrete floats, and restoration of bank and vegetation in areas affected by gangway and landing structures.
- Authorize periodic maintenance dredging of up to 30,000 cubic yards of material per year within the lease premises.
- Include special provisions related to dredging and construction activity, including requiring that the Lessee maintain relevant records and obtain all necessary approvals.
- 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.
- Lessee agrees and acknowledges that the hazards associated with climate change may require additional maintenance or protection strategies regarding the improvements on the lease premises.

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

**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 9, 2016, the Commission authorized a General Lease – Public Agency Use and endorsement of a sublease with the City of Petaluma (Lessee). That lease will expire on August 8, 2036 ([Item 1, August 9, 2016](#)). The proposed amendment is to authorize reconstruction of one of the two uncovered floating boat docks and authorize periodic maintenance dredging within the lease premises.

On August 2, 2022, the Commission issued a Letter of Non-Objection to the Lessee to conduct dredging within the lease premises at the Petaluma Turning Basin in the

Fall of 2022. Approximately 30,000 cubic yards (cy) of sediment was dredged and transported by barge to the San Pablo Bay Disposal Site, the Shollenberger Dredged Material Placement Site, and the Cullinan Ranch Restoration Site. The Lessee is now requesting an amendment to the lease to include maintenance dredging of approximately 30,000 cy of sediment per year over the remaining term of the lease within the lease premises at the Petaluma Turning Basin and the docks south of the Water Street pedestrian bridge.

The dock reconstruction includes removal of 15 existing pilings and installation of 14 new 16-inch-diameter steel pilings as well as the reconfiguration of two existing gangways to comply with ADA standards to promote and increase public accessibility. The project also includes the installation of new concrete floats to replace the timber floats that have reached the end of their service life. The configuration of the dock will not change. The Lessee will restore any portions of the bank and vegetation affected by the project.

To the greatest extent possible, the new piles will be driven in approximately the same location to minimize any potential impacts. A vibratory hammer will be used to secure the pilings to the required embedment depth. If hard driving is encountered, the contractor may select to use an impact hammer or rock socketing to reach the required embedment. The Lessee anticipates removal to occur over the course of approximately 10 days and pile driving to be completed waterside within the Turning Basin over approximately 15 days, weather dependent. Once pilings have been installed, the pre-fabricated replacement concrete floats will be installed. Construction activities within the Turning Basin will occur before the end of the environmental work window of November 30, 2023, unless otherwise specified within the state and federal permit documents.

The proposed dredging will facilitate recreational boating and improve navigation. The docking facilities provide 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 Lessee leases the float house to a nonprofit public benefit corporation, the Petaluma Small Craft Center, that operates the Float House Small Craft Rental Center for the rental of non-motorized watercraft. The Lessee 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 proposed amendment does not alienate the State's fee simple interest or permanently impair public rights.

**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 leased facilities are located on Petaluma River, in a tidally influenced site that is vulnerable to shallow coastal flooding at current sea levels and will be at 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 lease area 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. 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 tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Near-coastal areas will be exposed to increased wave force and run up, potentially resulting in greater bank erosion than previously experienced. Finally, in tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises during the term of the lease. The facilities in the leased area will be submerged or will have to withstand flooding events and will likely need continued maintenance in the near future to ensure the

leased structures continue to withstand higher levels of flood exposure and storm activity. The proposed reconstructed dock will be a concrete floating dock to increase the serviceable life of the dock and allow it to withstand flooding and severe storm events. The new pilings, which are replacing the severely corroded pilings, will be able to withstand the additional load of a concrete floating dock. In addition, the adjacent upland may experience periodic or continuous inundation with rising water levels and more frequent flooding, creating a public safety hazard. Dredging that has occurred in this area, which was approved with a Letter of Non-objection on August 2, 2022, could reduce the impacts of flooding to the upland area and impacts to the reconstructed dock and pilings. However, dredging does not remove the possibility of damage from storm-created debris.

Regular maintenance, as required by the lease, will reduce the likelihood of severe structural degradation to the dock and pilings. Pursuant to the proposed lease amendment, the Lessee acknowledges that the Lease Premises and adjacent upland 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 this amendment will not substantially interfere with the 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:**

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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. If the Commission denies the application, the Lessee will not be authorized to perform maintenance dredging and reconstruct the dock and appurtenant facilities. The lessee has no right to a new lease or a renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. **Dredging:** 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.

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

4. **Dock Reconstruction:** 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 2, Replacement or Reconstruction; California Code of Regulations, title 2, section 2905, subdivision (b).

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:**

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United States Army Corps of Engineers (Dredging)  
San Francisco Bay Regional Water Quality Control Board (Dredging)  
California Department of Fish and Wildlife (Dredging)

## **APPROVALS REQUIRED:**

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United States Army Corps of Engineers (Pile Driving)  
San Francisco Bay Regional Water Quality Control Board (Pile Driving)  
California Department of Fish and Wildlife (Pile Driving)

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

**Dredging:** 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.

**Dock Reconstruction:** 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 2, Replacement or Reconstruction; California Code of Regulations, title 2, section 2905, subdivision (b).

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

For all the reasons above, staff believes that authorization of the lease will enhance Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**AUTHORIZATION:**

1. Authorize the amendment of Lease Number PRC 5607, effective August 17, 2023, to authorize reconstruction of an existing dock with installation of 14 new 16-inch diameter steel pilings, reconfiguration of two gangways to comply with ADA standards, installation of new concrete floats, restoration of bank and vegetation in areas affected by gangway and landing structures, and periodic maintenance dredging of a maximum of approximately 30,000 cubic yards of material per year; such permitted activity is contingent upon Lessee’s compliance with applicable permits, recommendations, or limitations issued by federal, state, and local governments; dredged material shall be disposed within an approved upland site; and dredged material may not be sold.
2. Authorize the Executive Officer or designee to replace Exhibits in the lease upon submission, review, and approval of as-built plans detailing the final location of the improvements following construction.