

Staff Report 10

APPLICANT:

The Napa Yacht Club Homeowners Association

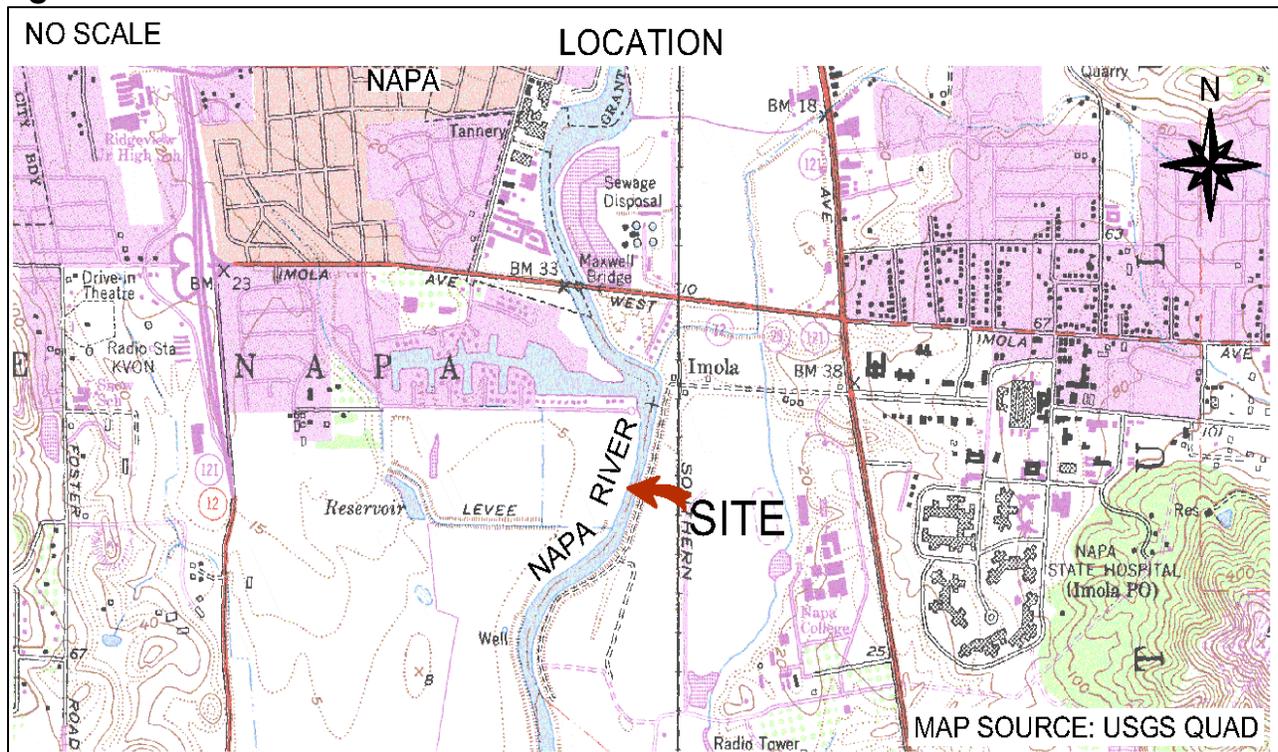
PROPOSED ACTION:

Issuance of General Lease – Dredging.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Napa River at the entrance channel to the Napa Yacht Harbor marina, Napa, Napa County (as shown in Figure 1).

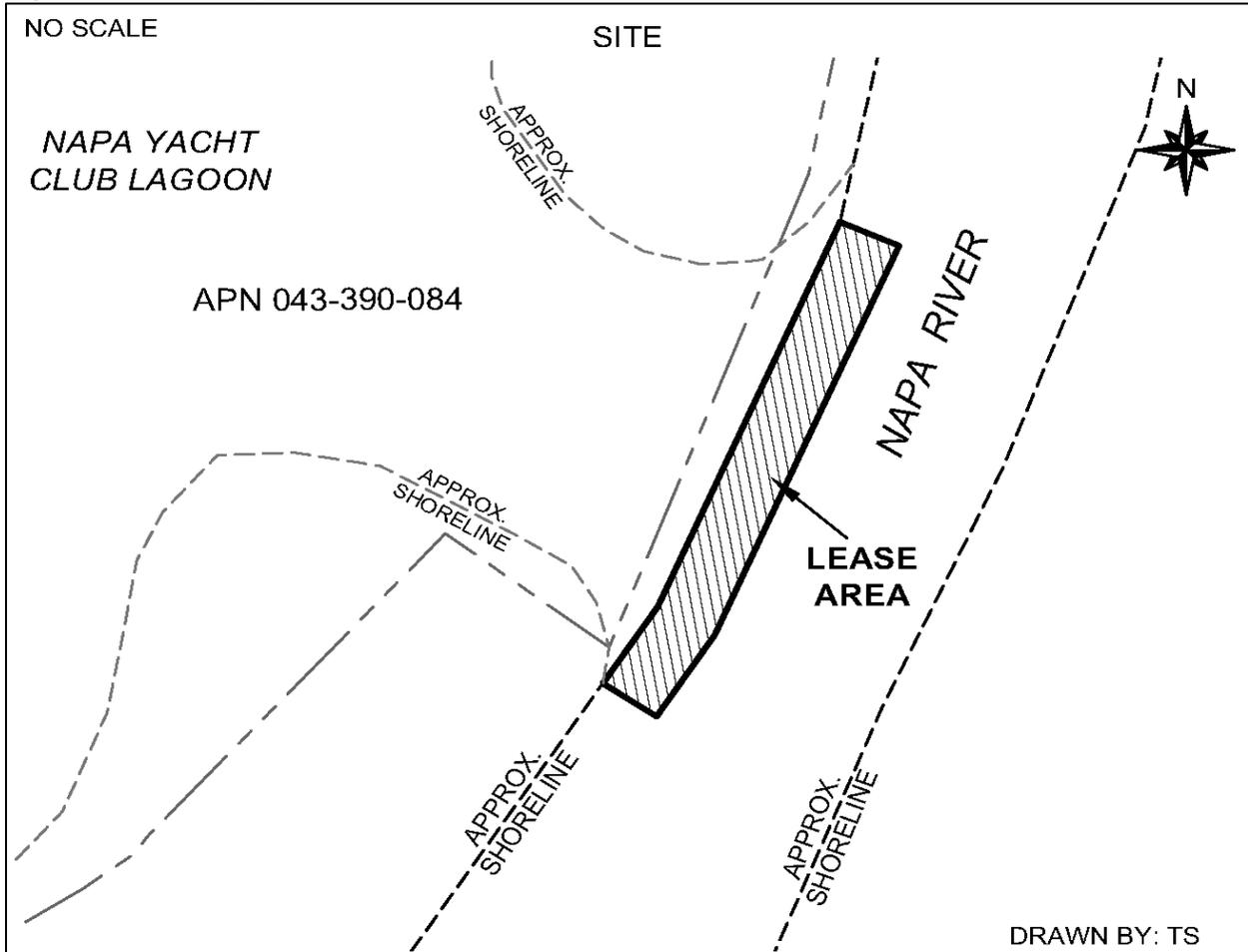
Figure 1. Location



AUTHORIZED USE:

Maintenance dredge a maximum of 5,000 cubic yards (cy) of sediment over a 10-year period to maintain a navigable depth (as shown in Figure 2). Dredged material will be disposed of at a Dredged Material Management Office (DMMO)-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 August 17, 2023.

CONSIDERATION:

\$140 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- 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:

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:

In March 2023, the Applicant applied for a 10-year General Lease – Dredging, for maintenance dredging in the Napa River at the entrance channel to the Napa Yacht Harbor marina. The maintenance dredging is required to maintain safe navigable depths in the river channel. Only a small portion of the Applicant's proposed dredging project will occur on State lands, as discussed further below.

The full project includes a proposed volume of approximately 300,000 cubic yards (cy) over a 10-year period on land with diverse ownership. Approximately 100,000 cy would be dredged during the first episode, with the remaining volume dredged during smaller episodes over the next 9 years. Of that total project volume, approximately 5,000 cy would occur on State lands at the entrance channel to the Napa Yacht Harbor marina, between the main channel of the Napa River and the area associated with the marina and homeowners' association. The Applicant proposes to complete the first episode in 2023, if all permits are obtained. Due to the total volume of sediment and the limited in-water work window, additional episodes will be needed to complete the proposed activity. Dredging is proposed to occur during the standard in-water window of August 1 through October 15, and as directed by permits from all regulatory agencies. The proposed dredging area includes the full marina area owned by the Napa Yacht Club Homeowners Association, not within state jurisdiction.

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 river and placed on the scow and then transported to an authorized disposal site. The dredged material would be disposed of at a DMMO-approved disposal site, which included but are not limited to SF-9, Imola, Montezuma, or Cullinan Ranch. The materials could not be sold or used for other private-benefit.

The proposed Project activities are necessary to reduce the impacts of sediment accumulation within the Napa River and the entrance channel to the adjacent marina and homeowners' association. This action will support the broader purpose of improving navigation and reducing flood risk in the river and marina areas. The marina's entrance channel was last dredged in 2013. If the proposed area is not dredged, the marina's entrance 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 dredging would improve navigational depths facilitating navigation in the waterway and to the marina. Navigation is a recognized Public Trust use. The marina facilities (not within the lease area) include one large public dock for guests and members of the public. The proposed dredging will allow the public dock to remain accessible to guest vessels which includes the public. 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 near the city of Napa on the Napa River, a tidally influenced area that is vulnerable to flooding at current sea levels and 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 rivers and 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. In rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

The Applicant proposes maintenance dredging to remove approximately 300,000 cy of sediment from the entrance channel to the Napa Yacht Harbor marina in the Napa River, of which 5,000 cy will be removed from the lease area over the 10-year term. The identified channel and area require dredging due to the accumulation of sediment impeding the ability of vessels from entering the marina safely. The channel may require more frequent maintenance dredging as a result of increased sediment accretion resulting from increased duration and strength of future storms.

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:

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. 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 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.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
U.S. Fish & Wildlife Service
National Marine Fisheries Service
California Department of Fish & Wildlife
Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission

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

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 August 17, 2023, for a term of 10 years, to dredge a maximum of 5,000 cubic yards of sediment over the term of the lease from the Napa River at the entrance channel to the Napa Yacht Harbor marina; 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; and the dredged material may not be sold or used for other private benefit.