

Staff Report 39

APPLICANT:

Reclamation District 2108

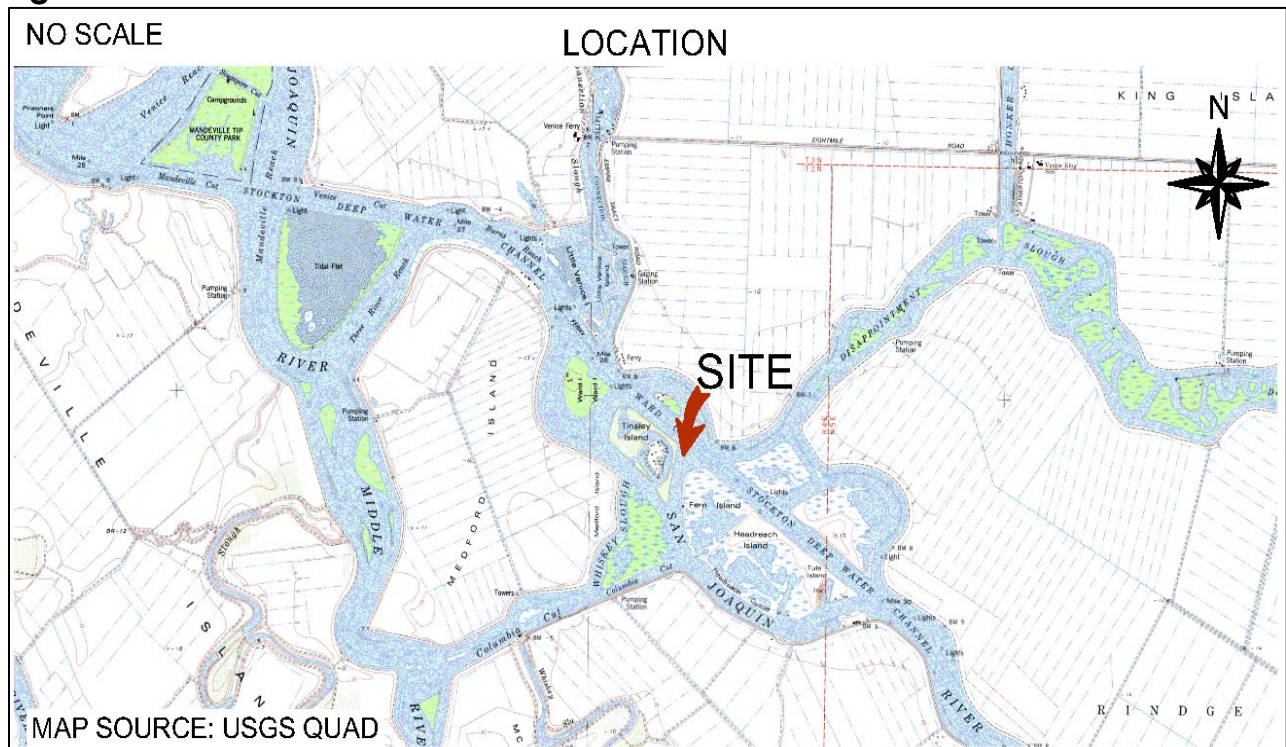
PROPOSED ACTION:

Issuance of General Lease – Public Agency Use and Dredging.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River at the entrance to Tinsley Island, near Stockton, San Joaquin County (as shown in Figure 1).

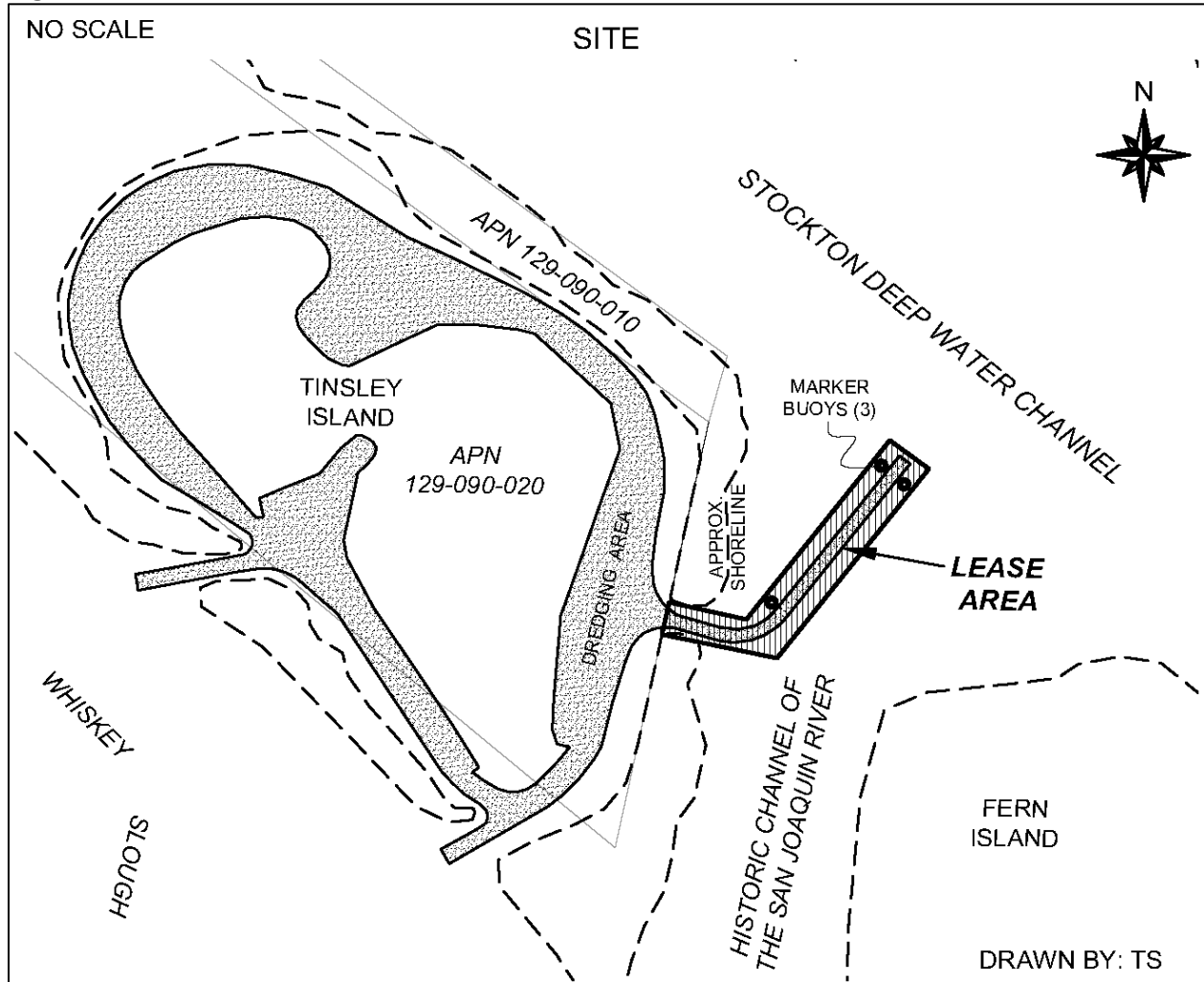
Figure 1. Location



AUTHORIZED USE:

Maintenance dredge of a maximum of 22,000 cubic yards (cy) of sediment over a 5-year period to maintain a navigable depth, and installation of three marker buoys (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:

5 years, beginning August 17, 2023.

CONSIDERATION:

\$140 per year, with an annual Consumer Price Index adjustment. Dredged material may not be sold.

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 5-year General Lease – Public Agency Use and Dredging, for maintenance dredging in the San Joaquin River at the entrance to Tinsley Island and installation of three marker buoys in the river, near Stockton, San Joaquin County. The maintenance dredging is required to maintain safe navigable depths in the river channel and area around Tinsley Island. The proposed marker buoys will help guide boating traffic safely in and out of the channel and raise public awareness.

The Applicant has requested the total volume of sediment proposed for dredging to be a maximum of 100,000 cubic yards, including 2 feet of allowable over dredge. Of these 100,000 cubic yards, approximately 22,000 cubic yards would occur within State Lands (20,000 cubic yards in the Main Channel and 2,000 cubic yards in Side Channel 1). The maintenance dredging is intended to occur in a single episode, but work may be required to occur incrementally over multiple dredge seasons depending on contractor availability. Therefore, the lease term being requested is for a period of 5 years (2023 through 2028).

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. 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. The dredged material will be disposed of at a Dredged Material Management Office (DMMO)-approved disposal site. The disposal process will involve using scows and on-site off loaders. The dredging will occur during the in-water work windows from August 1 through November 30. Additionally, three marker buoys will be installed in the main channel adjacent to the entrance of Tinsley Island by using 12-inch (or smaller) steel/concrete piles driven with a vibratory hammer from a floating derrick barge. Dredging and installation of marker buoys will improve navigational safety for users of Tinsley Island and the surrounding San Joaquin River.

The dredging would improve navigational depths facilitating navigation in the waterway and to Tinsley Island. 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 5-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 Stockton on the San Joaquin 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 lease area includes maintenance dredging to remove approximately 22,000 cubic yards within the entrance channel to Tinsley Island in the San Joaquin River and the installation of three marker buoys. The identified channel and area require dredging to remove the accumulated sediment that impedes vessels from safely entering and exiting the channel to Tinsley Island. The channel may require more frequent maintenance dredging as a result of increased sediment accretion resulting from increased duration and strength of future storms. In addition, the potential for more frequent and stronger storm events may cause the marker buoys to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation within the channel and San Joaquin River.

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, 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; is consistent with the common law 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. 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. **Marker buoys:** 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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(5).

Dredging: Staff recommends that the Commission find that this activity is exempt from the requirements of 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, California Code of Regulations, title 14, section 15300, and California Code of Regulations, title 2, section 2905.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
U.S. Fish & Wildlife Service
National Marine Fisheries Service
California Department of Fish & Wildlife
Central Valley Regional Water Quality Control Board

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Marker buoys: 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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(5).

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.

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; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use and Dredging to the Applicant beginning August 17, 2023, to dredge a maximum of 22,000 cubic yards of sediment over a 5-year period from the San Joaquin River at the entrance channel to Tinsley Island and to install three marker buoys; annual rent in the amount of \$140 per year, with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence; and dredged material may not be sold.