

Staff Report 32

LESSEE/APPLICANT:

United States Geological Survey

PROPOSED ACTION:

Recission of Approval of Lease 2407, a General Lease – Other, and Amendment of Lease Number PRC 7650, a General Lease – Public Agency Use.

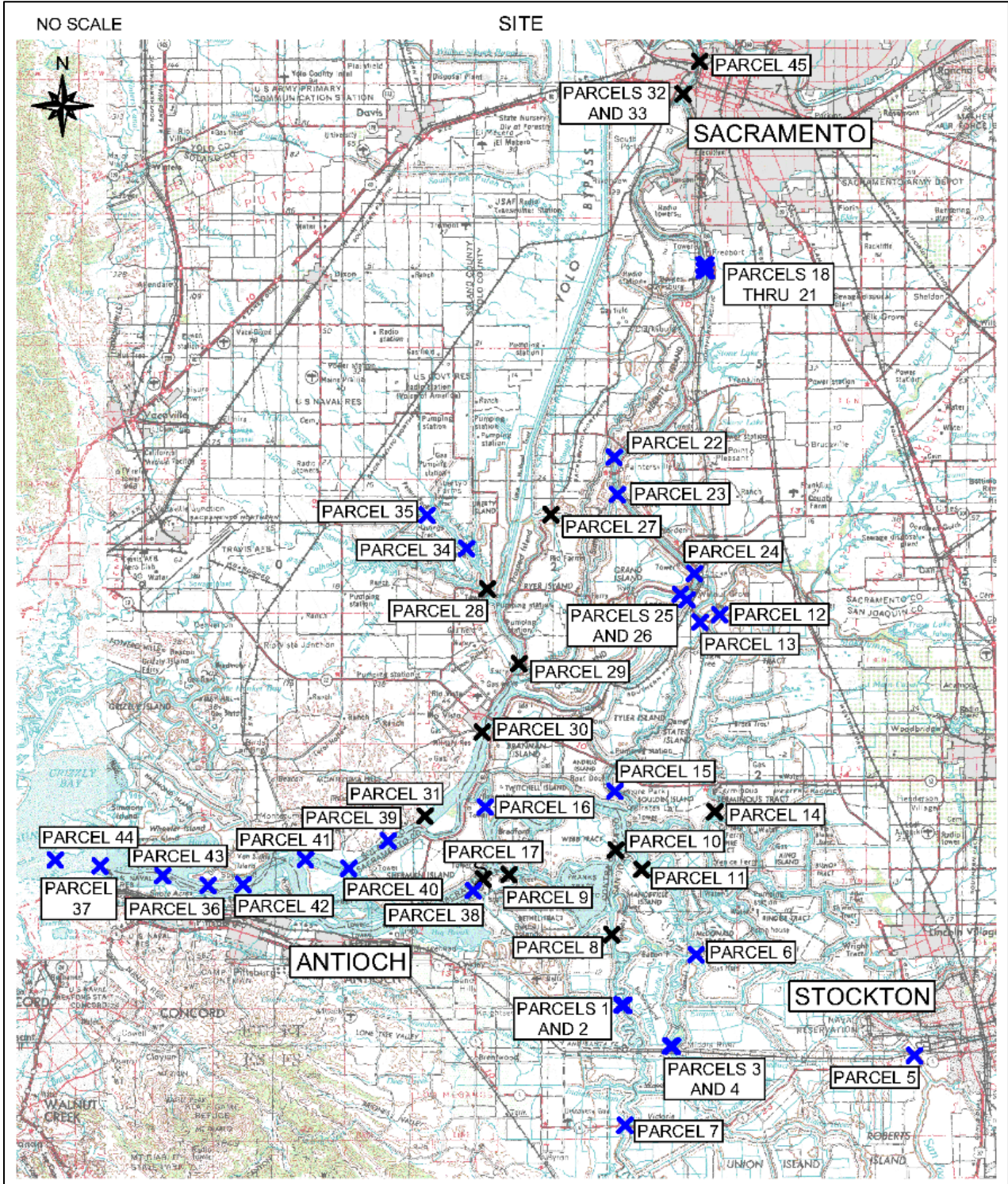
AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Old River, Middle River, San Joaquin River, Holland Cut, False River, South Fork Mokelumne River, North Fork Mokelumne River, Little Potato Slough, Three Mile Slough, Sacramento River, Sutter Slough, Steamboat Slough, Georgiana Slough, Miner Slough, Cache Slough, and Suisun Bay, in Contra Costa, San Joaquin, Sacramento, Yolo, and Solano Counties.

AUTHORIZED USE:

Continued use and maintenance of 44 water monitoring stations (as shown in Figure 1, below).

Figure 1. 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:

15 years, beginning October 14, 2014.

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 interest.

PROPOSED AMENDMENT:

- Authorize maintenance of an existing 2-pile dolphin.
- Replace the existing Exhibit A, Land Description and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only), in the lease.
- Annual rent in the amount of \$140, with an annual Consumer Price Index adjustment, effective December 5, 2023.
- Compensation for unauthorized occupation of the 2-pile dolphin in the amount of \$85 for the period prior to December 5, 2023.

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

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On October 14, 2014, the Commission authorized issuance of Lease Number PRC 7650 for a General Lease – Public Agency Use for a term of 15 years for the continued use and maintenance of 27 water monitoring stations ([Item C41, October 14, 2014](#)). On October 18, 2018, the Commission authorized a lease amendment for two existing pilings and two additional water monitoring stations ([Item C53, October 18, 2018](#)). On October 21, 2021, the Commission authorized a second lease amendment to install 24 additional pilings and monitoring stations, remove 6 existing pilings, and install 7 monitoring stations on existing United States Coast Guard channel markers ([Item 15, October 21, 2021](#)). The lease will expire on October 13, 2029.

On April 26, 2022, the Commission authorized issuance of Lease 2407, a General Lease – Other, to the Lessee for an existing 2-pile dolphin ([Item 35, April 26, 2022](#)). The lease will expire on April 25, 2027. The lease was never signed and the Lessee is now applying for Amendment of Lease Number PRC 7650 to include the existing 2-pile dolphin and rescission of approval of Lease 2407.

The Lessee, under Lease Number PRC 7650, has operated and maintained a water monitoring network in the Sacramento-San Joaquin Delta since the 1970s. The various sites provide data for water management in the Central Valley. Several federal, state, and local agencies utilize the information. Over successive years, the network has increased to include additional locations. Throughout the region, the collection of water flow, water quality, and fish movement data takes place. The 2-pile dolphin is located upstream from the I Street Bridge in the Sacramento River and is identified as Parcel 45 under the new land description.

Staff believes the proposed amendment of Lease Number PRC 7650 to include the existing 2-pile dolphin located in the Sacramento River and identified as Parcel 45 will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease. The dolphin occupies a small segment of sovereign land, is located outside of the main channel of the river, and is near the shoreline.

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 the Sacramento River's inundation levels within the lease area. In addition, as stated in the [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 2-pile dolphin is fixed and therefore vulnerable to sea level rise and more frequent flood events. The dolphin may need additional fortification or repair and maintenance to ensure it does not become dislodged or degraded, as that could pose risks to public safety and navigation.

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 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 approval of the proposed amendment of Lease Number PRC 7650 and rescission of the approval of Lease 2407 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 proposed amendment and recission 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 lessee has no right to a new lease or to 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. Recission of the approval of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

4. Staff recommends that the Commission find that amendment of the lease is exempt from the requirements of 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that amendment of the lease 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 amendment and rescission of approval of a lease will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the 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 rescission of the Commission's April 26, 2022, approval of Lease 2407, a General Lease - Other.
2. Waive rent, penalty, and interest due by Lessee for the period of April 26, 2023, through December 4, 2023, and void annual rent invoice number 57683 issued for Lease 2407.
3. Authorize acceptance of compensation from the Lessee in the amount of \$85 for unauthorized occupation of State land by the 2-pile dolphin for the period prior to December 5, 2023.
4. Authorize Amendment of Lease Number PRC 7650, a General Lease – Public Agency Use, effective December 5, 2023; to allow maintenance of a 2-pile dolphin, as described in Exhibit A and shown on Exhibit B (for reference purposes) attached and by this reference made a part hereof; annual rent in the amount of \$140, with an annual Consumer Price Index adjustment; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

LEASE 7650

LAND DESCRIPTION

Forty-five (45) parcels of tide and submerged lands situate in the State of California, and being more particularly described as follows:

Parcel 1 (OLD-1)

A parcel of land in the bed of the Old River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°58'10.0" North, Longitude 121°34'20.2" West.

Parcel 2 (OLD-2)

A parcel of land in the bed of the Old River in Contra Costa County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°58'10.8" North, Longitude 121°34'26.5" West.

Parcel 3 (MID-1)

A parcel of land in the bed of the Middle River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°56'32.8" North, Longitude 121°31'55.5" West.

Parcel 4 (MID-2)

A parcel of land in the bed of the Middle River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°56'33.1" North, Longitude 121°32'01.4" West.

Parcel 5 (STK)

A parcel of land in the bed of the San Joaquin River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°56'07.3" North, Longitude 121°19'54.3" West.

Parcel 6 (MRC)

A parcel of land in the bed of the Middle River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related

appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°00'08.6" North, Longitude 121°30'43.9" West.

Parcel 7 (ORF)

A parcel of land in the bed of the Old River in Contra Costa County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°53'26.4" North, Longitude 121°34'18.2" West.

Parcel 8 (HOL)

A parcel of land in the bed of the Holland Cut in Contra Costa County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°00'57.0" North, Longitude 121°34'55.6" West.

Parcel 9 (FAL)

A parcel of land in the bed of the False River in Contra Costa County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'19.7" North, Longitude 121°40'01.7" West.

Parcel 10 (ORS)

A parcel of land in the bed of the Old River in Contra Costa County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°04'16.5" North, Longitude 121°34'42.1" West.

Parcel 11 (PPT)

A parcel of land in the bed of the San Joaquin River in San Joaquin County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'30.7" North, Longitude 121°33'24.6" West.

Parcel 12 (SFM)

A parcel of land in the bed of the South Fork Mokelumne River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°13'31.3" North, Longitude 121°29'28.1" West.

Parcel 13 (NFM)

A parcel of land in the bed of the North Fork Mokelumne River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°13'14.1" North, Longitude 121°30'26.8" West.

Parcel 14 (LPS)

A parcel of land in the bed of the Little Potato Slough in San Joaquin County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°05'46.0" North, Longitude 121°29'45.6" West.

Parcel 15 (MOK)

A parcel of land in the bed of the Mokelumne River in San Joaquin County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°06'35.8" North, Longitude 121°34'44.3" West.

Parcel 16 (TMN)

A parcel of land in the bed of the Three Mile Slough in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°05'59.7" North, Longitude 121°41'11.9" West.

Parcel 17 (JPT)

A parcel of land in the bed of the San Joaquin River in Contra Costa County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'09.3" North, Longitude 121°41'18.3" West.

Parcel 18 (FPT-1)

A parcel of land in the bed of the Sacramento River in Yolo County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'04.8" North, Longitude 121°30'08.0" West.

Parcel 19 (FPT-2)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related

appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'05.0" North, Longitude 121°30'01.9" West.

Parcel 20 (FPT-3)

A parcel of land in the bed of the Sacramento River in Yolo County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'17.6" North, Longitude 121°30'09.8" West.

Parcel 21 (FPT-4)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'18.5" North, Longitude 121°30'04.0" West.

Parcel 22 (SUT)

A parcel of land in the bed of the Sutter Slough in Yolo County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°19'44.5" North, Longitude 121°34'41.3" West.

Parcel 23 (STM)

A parcel of land in the bed of the Steamboat Slough in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°18'16.6" North, Longitude 121°34'32.1" West.

Parcel 24 (WGA)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°15'09.0" North, Longitude 121°30'42.5" West.

Parcel 25 (GEO)

A parcel of land in the bed of the Georgiana Slough in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'07.4" North, Longitude 121°31'05.3" West.

Parcel 26 (WGB)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'19.9" North, Longitude 121°31'25.5" West.

Parcel 27 (MIN)

A parcel of land in the bed of the Miner Slough in Solano County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°17'29.7" North, Longitude 121°37'51.8" West.

Parcel 28 (LIB)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'34.9" North, Longitude 121°41'03.3" West.

Parcel 29 (CCH)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°11'38.4" North, Longitude 121°39'29.2" West.

Parcel 30 (RIO)

A parcel of land in the bed of the Sacramento River in Solano County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°08'56.6" North, Longitude 121°41'20.3" West.

Parcel 31 (DEC)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°05'39.1" North, Longitude 121°44'11.7" West.

Parcel 32 (Miller Park Upstream)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related

appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°34'02.3" North, Longitude 121°31'08.8" West.

Parcel 33 (Miller Park Downstream)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath existing instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°34'01.8" North, Longitude 121°31'09.2" West.

Parcel 34 (UCS)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°16'10.6" North, Longitude 121°42'04.8" West.

Parcel 35 (ULT)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°17'29.7" North, Longitude 121°44'02.9" West.

Parcel 36 (CHIPPS)

A parcel of land in the bed of the Suisun Bay in Contra Costa County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°02'56.1" North, Longitude 121°55'00.1" West.

Parcel 37 (BUOY 19)

A parcel of land in the bed of the Suisun Bay in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'42.0" North, Longitude 122°00'22.7" West.

Parcel 38 (CM 23)

A parcel of land in the bed of the San Joaquin River in Contra Costa County, said parcel lying immediately proposed beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°02'42.3" North, Longitude 121°41'48.0" West.

Parcel 39 (CM 13)

A parcel of land in the bed of the Sacramento River in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°04'40.7" North, Longitude 121°46'02.0" West.

Parcel 40 (CM 10)

A parcel of land in the bed of the Sacramento River in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'35.4" North, Longitude 121°47'59.6" West.

Parcel 41 (CM 5)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'56.8" North, Longitude 121°50'08.9" West.

Parcel 42 (CM 31)

A parcel of land in the bed of the Suisun Bay in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°02'58.1" North, Longitude 121°53'15.4" West.

Parcel 43 (CM 24A)

A parcel of land in the bed of the Suisun Bay in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'18.6" North, Longitude 121°57'15.6" West.

Parcel 44 (CM 16)

A parcel of land in the bed of the Suisun Bay in Solano County, said parcel lying immediately beneath proposed instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'55.9" North, Longitude 122°02'36.7" West.

Parcel 45 (Sacramento River 2-Pile Dolphin)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath existing two-pile dolphin and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°35'18.72" North, Longitude 121°30'18.96" West.

END OF DESCRIPTION

This description is based upon NAD83 geographic coordinate locations of existing and proposed water monitoring stations provided by the U.S. Geological Survey.

Revised 03/13/2023 by the California State Lands Commission Boundary Unit.



WATER MONITORING STATIONS

EXHIBIT B

LEASE 7650

U.S. GEOLOGICAL SURVEY

GENERAL LEASE -

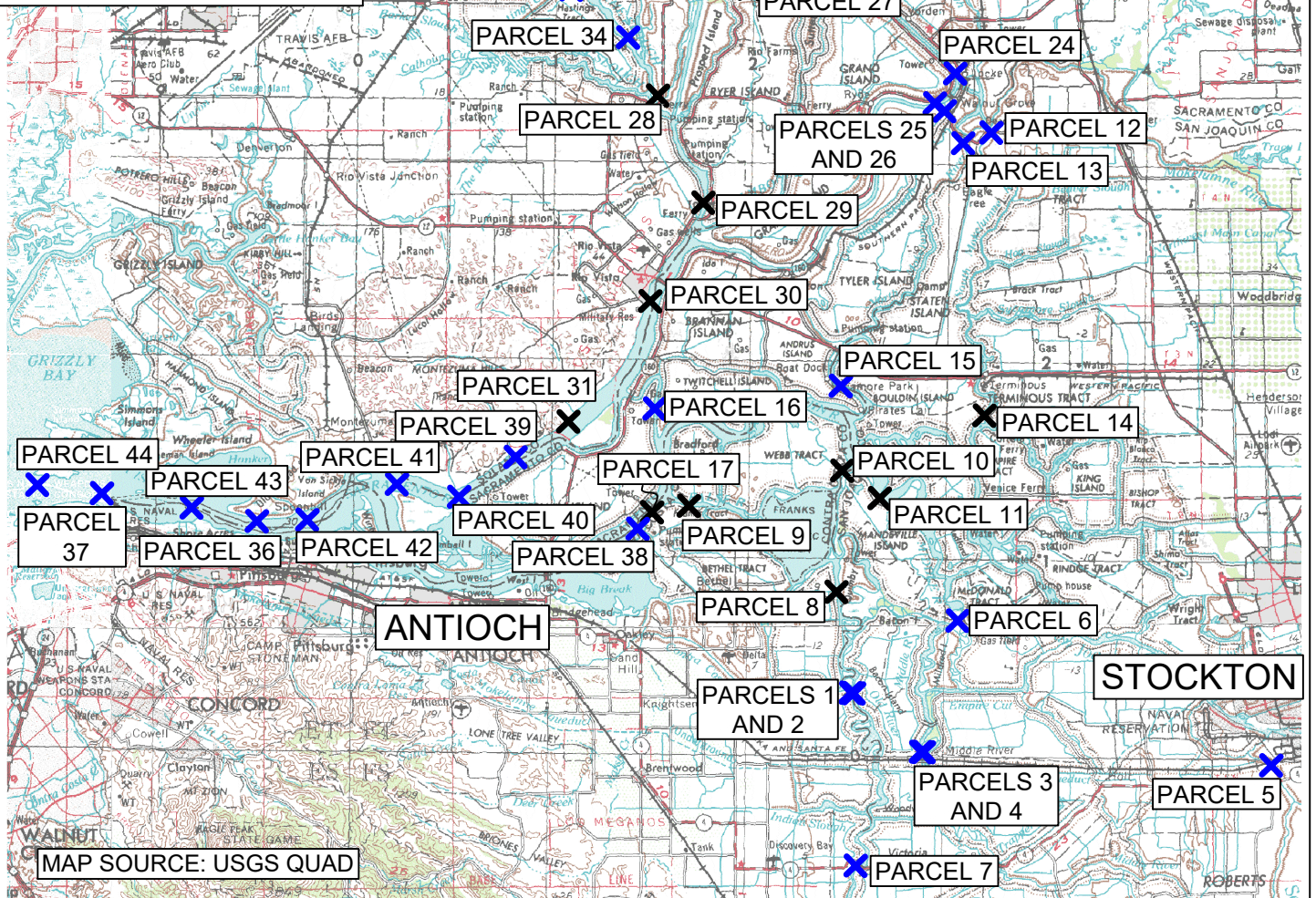
PUBLIC AGENCY USE

MULTI COUNTY AREA



SITE

TS 03/13/23



THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.