

Staff Report 26

APPLICANT:

Port of Stockton

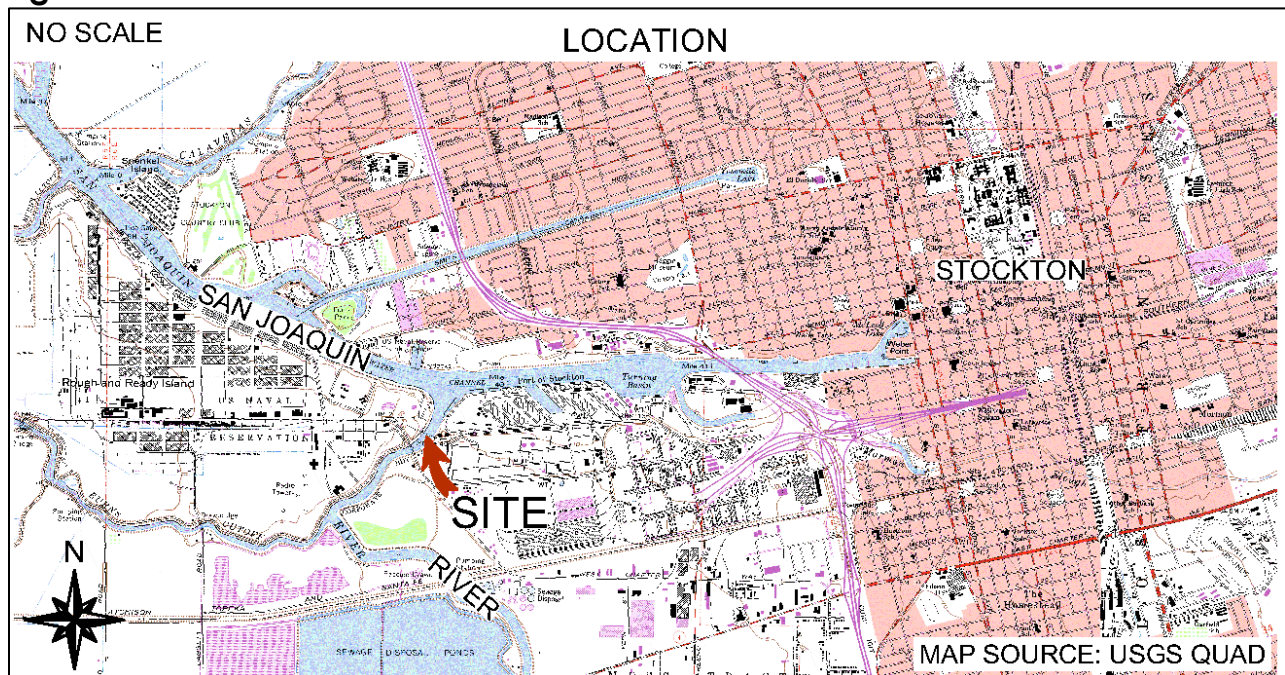
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to Assessor's Parcel Numbers 145-020-040, -090, and -130; and 162-030-070 in Stockton, San Joaquin County (as shown in Figure 1).

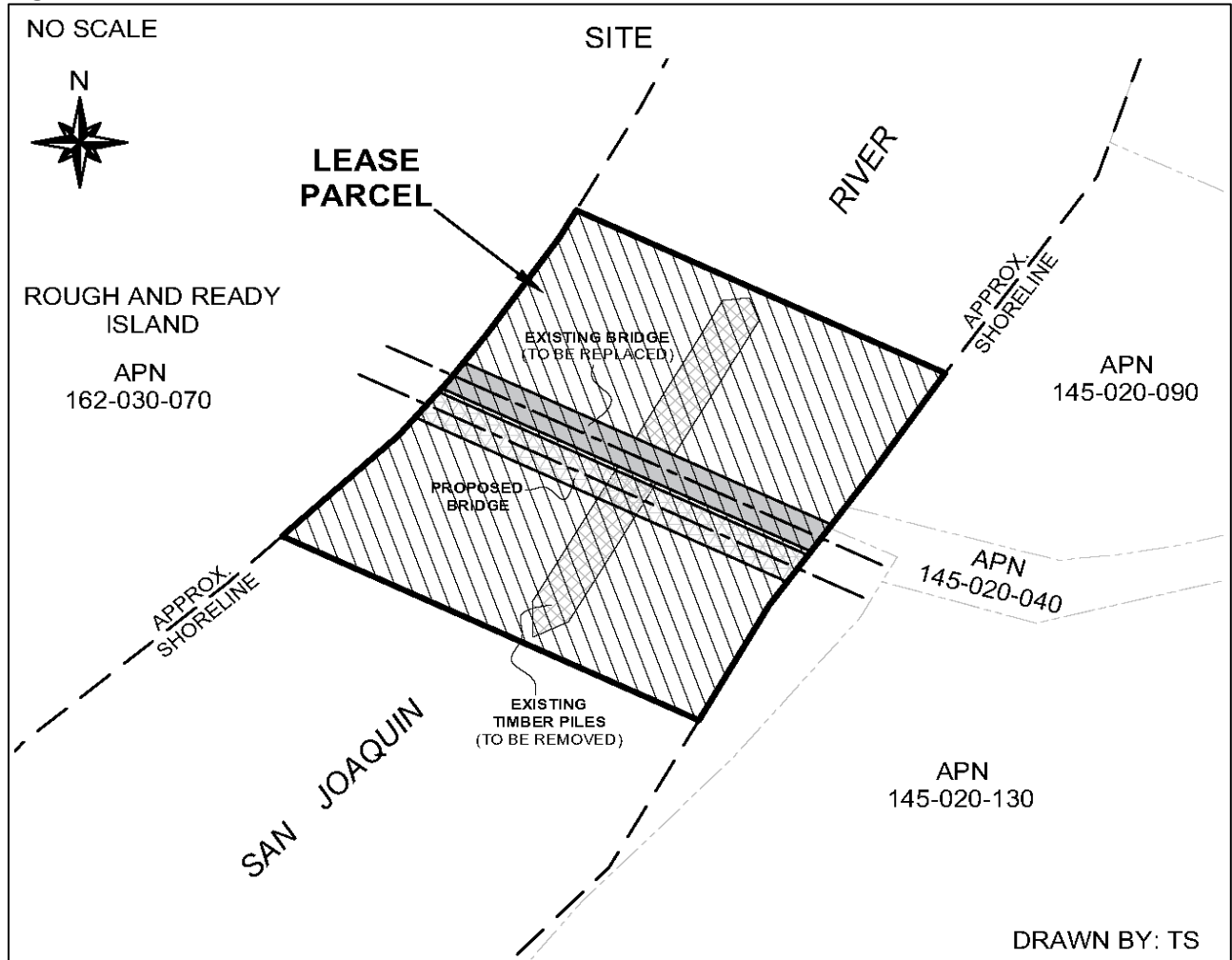
Figure 1. Location



AUTHORIZED USE:

Construction, use, and maintenance of a new railroad bridge; and the demolition and removal of the existing railroad swing bridge (as shown in Figure 2).

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:

20 years, beginning April 4, 2024.

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.

SPECIFIC LEASE PROVISIONS:

- Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor from all damages, injuries, or claims arising from the construction, maintenance, or operation of Lessee’s facilities on State land, including any attached, suspended, or otherwise fixed to the improvements.
- Lessee shall not install, attach, or authorize the placement or expansion of any other improvements on the bridge or within the Lease Premises without Lessor’s prior review and approval. Separate leases or subleases are required and shall be obtained for all utilities not operated by Lessee.
- Lessee shall place warning signage or buoys clearly visible from the shore and in the water both upstream and downstream of the construction site to provide notice of the bridge project, and to advise the public to exercise caution. Lessee shall notify the California Department of Parks and Recreation’s Division of Boating and Waterways of the location, description, and purpose of such signage or buoys upon installation and removal.
- Lessee agrees and acknowledges that the hazards associated with sea level rise and climate change may require additional maintenance or protection strategies regarding the improvements on the lease premises.
- Within 60 days of completing the construction of authorized improvements, Lessee will provide Lessor with photographs and a set of “as-built” plans that will show where the improvements have been placed. Lessor shall then replace Lease Exhibit A (Land Description) and Lease Exhibit B (Site and Location Map) to this Lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by Lessor’s Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in this Lease as though fully set forth herein.

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:

The Applicant applied for a General Lease – Public Agency Use for the replacement of a functionally obsolete railroad swing bridge (bridge) crossing the San Joaquin River. The bridge is adjacent to Rough and Ready Island and provides railcar access for transporting cargo between the Port of Stockton's East Complex and West Complex. The single-track wood and steel truss bridge has existed since the 1930s but was not previously authorized by the Commission.

The current bridge has outdated rail size, clearance, and weight limitations. Over time, the bridge has become susceptible to structural deficiencies that could lead to closure. The weight restrictions of the bridge only allow for locomotives with enough power to transport 30 to 40 carloads at once and the overhead truss structure prevents the passage of larger and taller railcars. Cargo volumes are anticipated to grow at the port; as a result there could be delay times for trains waiting for the bridge to clear. If a bridge closure were to occur, there would be no rail service between the port complexes. In October 2019, a fire on the bridge was caused by a spark from a railcar that ignited old creosote-treated wood that is part of the bridge's decking.

The Rail Bridge Replacement and Rail Improvement Project (Project) would replace the existing bridge with a new double-track railroad bridge with a removable center span. The new bridge would measure approximately 325 feet long. The bridge would be constructed of both structural steel and concrete. The concrete foundations of the bridge would be supported by cast-in-steel-shell concrete piles and installed using either vibratory methods or an impact hammer with noise attenuation.

A total of 235 existing in-water creosote-treated timber piles would be removed from the waterway. Removal of the piles, the existing concrete swing pier, and the abutments would occur with a crane and vibratory hammer but may also require use of a cofferdam. Removal of the bridge abutments and associated piles would require work on the levees on either side of the existing bridge. The front slope of the levee would remain unchanged. For the proposed bridge abutments, backfilling behind the existing levee crown for reinforcement purposes may be required. The existing bridge and all associated piles would be removed as part of the project. Construction is anticipated to take 4 years and would occur in four construction phases, with in-water construction occurring between July 1 to November 30, each construction year.

The proposed bridge would allow for larger and heavier locomotives, larger train cars with greater capacity, improve safety, and remove creosote-treated wood from the San Joaquin River. In addition, the bridge would meet modern horizontal clearance and loading standards and prevent delays by allowing for more than one train to access the bridge simultaneously. The new bridge would also provide for a more resilient rail system ensuring trains would be able to access Rough and Ready Island under varying conditions. Overall, the bridge would improve rail transport within the port.

The project is for a fixed bridge with a removable center span located upstream of the Navy Drive Bridge, another fixed span bridge with a removable center span, with 15 feet of vertical clearance at mean high water. In the past, the Navy Drive Bridge was a swing span bridge, but in 2018 the bridge was demolished and replaced with a fixed span bridge. In addition, the project is located upstream of other fixed span bridges identified as the City of Stockton utility crossing bridge with 14.5 feet of vertical clearance and the State Route 4 bridge with 13.45 feet of vertical clearance. The proposed bridge would have 12 feet of vertical clearance. Small boats would be able to pass under the proposed bridge, but larger boats would need to contact the Applicant for the bridge to be opened. As the bridge is near the Port of Stockton, the waterway is not heavily used by recreational boaters. The number of boats visiting the waterway is not anticipated to change as a result of the bridge replacement.

The current bridge has existed for many years at this location. The proposed lease includes provisions protecting the public use of the proposed lease area and requires the Applicant to obtain necessary permits for the project. Furthermore, the current and proposed bridges do not significantly alter the land, the lease does not alienate the State's fee simple interest, or permanently impair public rights. The lease requires the Lessee to indemnify the Commission in the event of any liability resulting from the proposed action. The lease is limited to a 20-year term and does not grant the lessee exclusive rights to the lease premises, which allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

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 San Joaquin 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 San Joaquin 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 new steel and concrete replacement rail bridge (two single-track fixed bridges) would have a removable center with a minimum closed vertical clearance of approximately 12 feet above the mean high water. This height would accommodate vessels in the event of an upstream levee or flood event. Section 2.5.2, *Rail Bridge Replacement*, in the Final MND states that “Based on sea level rise estimates for San Francisco, the elevation of the new bridge would be resilient to

predicted medium- to high-risk sea level rise projections from 2025 through 2125 throughout the bridge's intended 100-year design life." In addition, "The bridge superstructure would be capable of being raised to a higher elevation at the end floor beams with hydraulic jacks, enabling installation of riser blocks on top of the pier caps." Accordingly, direct impacts to the bridge structures due to projected sea level rise are not expected. However, climate change can affect precipitation events which can result in heavy rain inundating the bridge structures or contributing to structural damage. As the bridge structures in the water would be fixed and therefore more vulnerable to sea level rise and more frequent flood events, these structures may need additional fortification or repair and maintenance to ensure they do not become dislodged or degraded, as they could pose risks to public safety and navigation.

The bank (not within the lease area) is heavily vegetated, which provides additional stability and will reduce the amount of erosion and scour pressure experienced during future events because of the vegetation's underground root system. However, the bank remains at risk of accelerated deterioration from currents and floods and an alternative bank protection strategy, such as bank restoration, may be required in the future to protect any anchoring points of the bridge in the lease premise and reduce flood impacts to the upland.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation and dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are 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 the issuance of the proposed lease will not substantially interfere with Public Trust rights to navigation, fishing, and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the 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. If the Commission does not authorize the lease, the Applicant may not conduct the proposed project activities within lands under the Commission's jurisdiction. The lessee 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. The proposed lease includes a lease maintenance agreement to cover staff costs to comply with the lease terms.
4. A Mitigated Negative Declaration, State Clearinghouse No. 2021060578, and a Mitigation Monitoring and Reporting Program (MMRP) were prepared by the Port of Stockton (Port) and adopted on September 20, 2021, for this project. Staff reviewed these documents and prepared an independent Mitigation Monitoring Program (MMP) (attached, Exhibit A) incorporating the Port's document and recommends adoption by the Commission.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but the activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the California Environmental Quality Act (CEQA) review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

- U.S. Army Corps of Engineers
- U.S. Coast Guard
- U.S. Fish and Wildlife Service
- California Department of Fish and Wildlife
- Regional Water Quality Control Board
- Central Valley Flood Protection Board

EXHIBIT:

A. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2021060578, and a Mitigation Monitoring and Reporting Program were prepared by the Port of Stockton and adopted on September 20, 2021, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit A.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not significantly impair the public rights to navigation or substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the proposed lease; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning April 4, 2024, for a term of 20 years, for construction, use and maintenance of a new railroad bridge; and demolition and removal of the existing bridge; 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.

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 new improvements.