

Staff Report 30

APPLICANT:

City of Sacramento

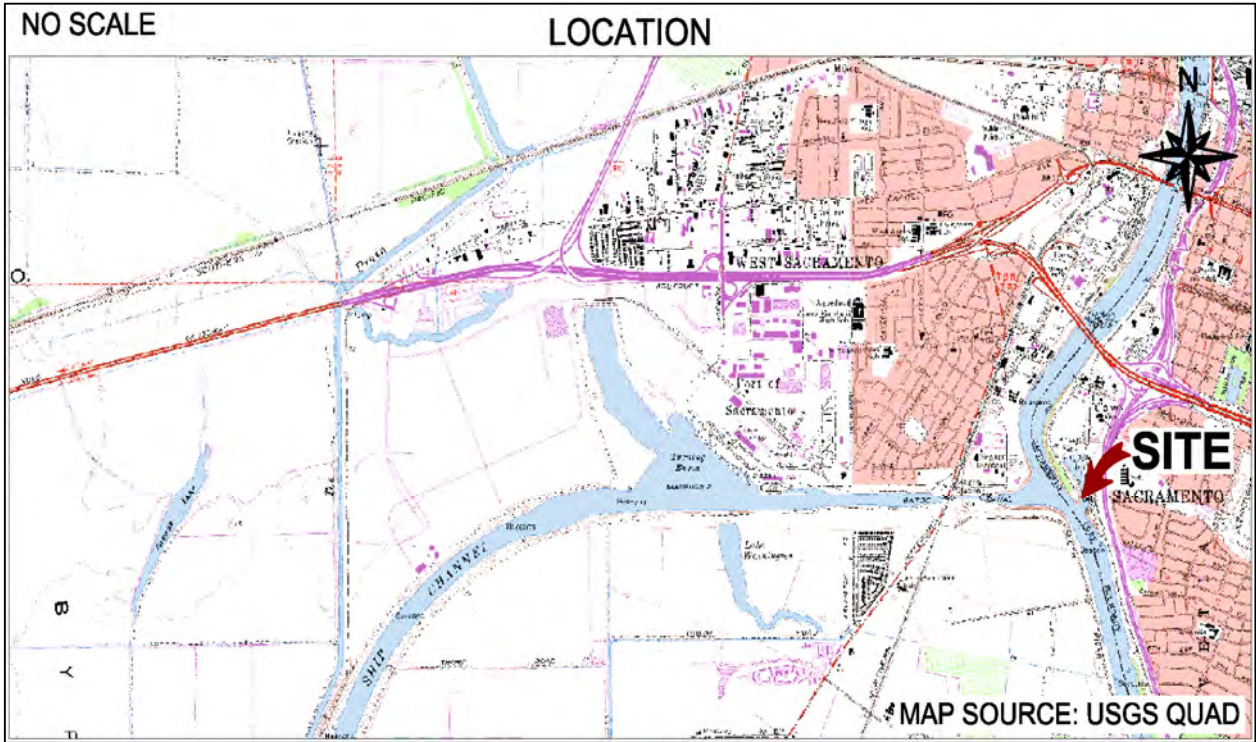
PROPOSED ACTION:

Issuance of a General Lease – Dredging

AREA, LAND TYPE, AND LOCATION:

Granted and Ungranted Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 009-0020-003, at the entrance to the Sacramento Marina in Miller Park and at the Miller Park Boat Ramp, Sacramento, Sacramento County (as shown in Figure 1).

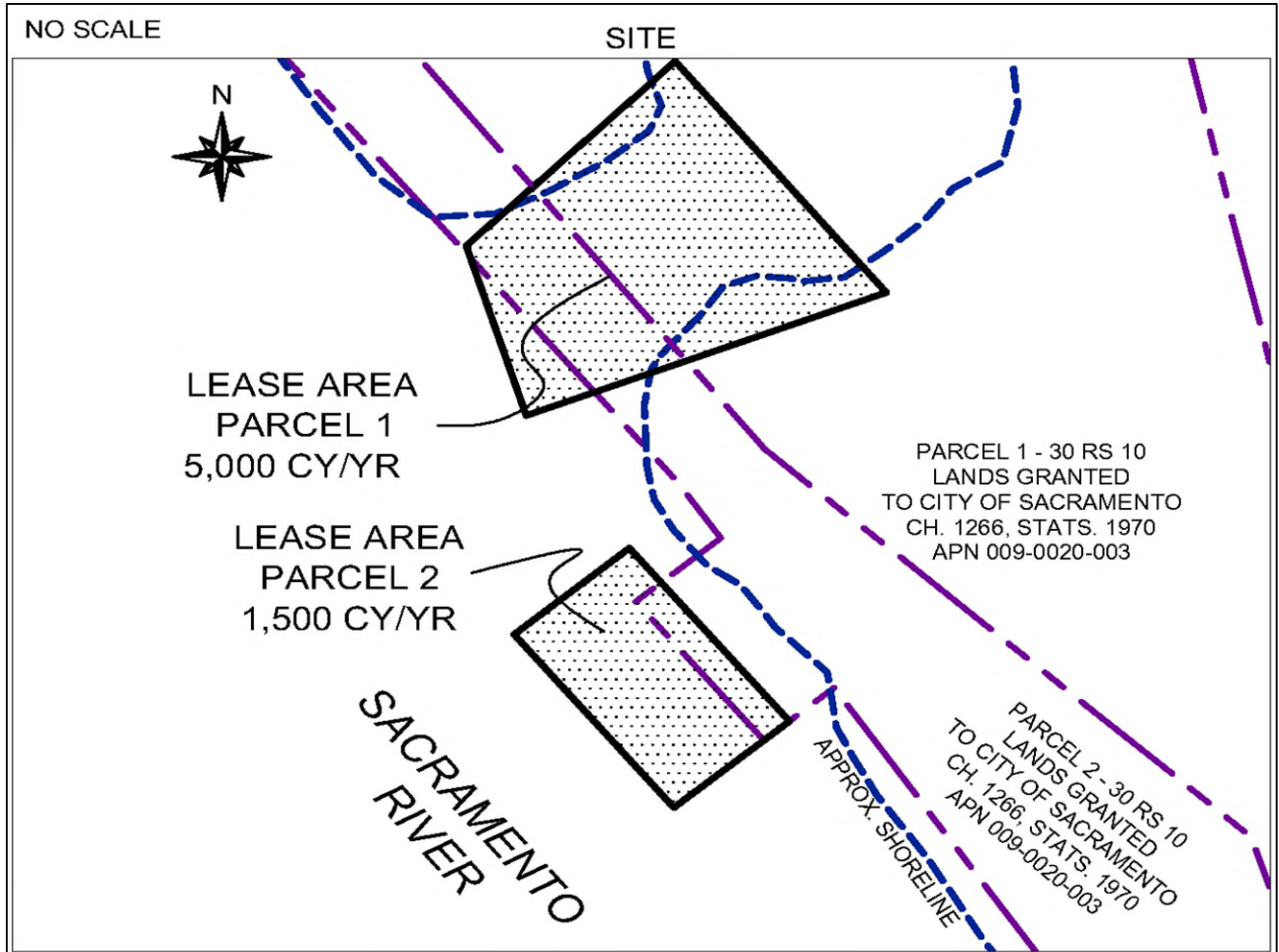
Figure 1. Location



AUTHORIZED USE:

Periodic dredging for continued access to the Sacramento Marina and the Miller Park Boat Ramp, with a combined annual maximum of 6,500 cubic yards (cy) of sediment dredged (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:

10 years, beginning August 3, 2024.

CONSIDERATION:

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Sediment dredged from the Lease Premises will initially be disposed of at either one of two city-owned upland parcels, the Broadway Corporation Yard or the city's overflow lot for dewatering, each approximately one-half mile from the dredging site, and then disposed of at the U.S. Army Corps of Engineers' (USACE) approved Kiefer Landfill site.
- 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:

On April 23, 2014, the Commission authorized issuance of a General Lease – Dredging to the City of Sacramento (City) for periodic dredging of the Sacramento River at the Miller Park Boat Ramp and at the entrance to the Sacramento Marina ([Item 10, April 23, 2014](#)). The lease expired August 2, 2024.

The City is now applying for a General Lease – Dredging to continue periodic dredging. The dredging project is located partly within lands granted to the City pursuant to Chapter 1266, Statutes of 1970, as amended, minerals reserved, and also within ungranted sovereign lands.

The prior lease authorized 13,000 cy; however, the City's permits now only allow for 6,500 cy. Since USACE, California Department of Fish and Wildlife, and the Central Valley Regional Water Quality Control Board will no longer permit 13,000 cy and the City has never dredged more than 6,500 cy in a single year, staff recommends staying consistent with other agencies by also authorizing no more than 6,500 cy per year. The dredging will increase access to the Sacramento Marina and provide a benefit to the public. The marina is used by boaters for both temporary mooring and as a launch site for their vessels. The facilities increase public access by providing a public site for water recreation, such as boating and fishing. At the

Miller Park Boat Ramp site, the dredging operation consists of dredging sediment from the boat ramp, immediately south of and adjacent to the beach area/entrance channel. Typically, the City dredges approximately 500 cy from the site annually. Dredging is performed with a clamshell pursuant to their USACE permit. At the Sacramento Marina Entrance Channel, the dredging operation consists of dredging sediment from the entrance channel. Typically, the City dredges approximately 1,000 cy from the site annually. While it is typical for the city to dredge around 1,500 cy there may be occurrences where they would need to dredge more in a single year, for that reason the applicant has been permitted by other agencies to dredge 6,500 cy.

For both projects, the dredged sediment will be placed into dump trucks from the clamshell while still wet and hauled to either the Broadway Corporation Yard or to the City's overflow lot for dewatering. After it is dewatered, the city may use the dredged material for beneficial public uses, such as fill for sandbags and other non-commercial uses. If materials are not used for these purposes, it is taken to the USACE-approved Kiefer Landfill where it is used as compacted cover fill.

The dredging contractor places a silt curtain at the dredging location. Wattle is placed along the beach and boat ramp to prevent erosion and contain any runoff from the clamshell operation. When dredging is complete, the beach area is reseeded, and wattle is left behind to prevent erosion while the vegetation grows.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and will have no significant impact on Public Trust-consistent uses or resources in the area. The proposed lease requires the lessee to 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 in the city of Sacramento on the Sacramento 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. 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.

Sea level rise could increase the Sacramento River’s inundation levels within the lease area. 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 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 lease area includes a yearly maintenance dredge to remove approximately 6,500 cubic yards within the entrance channels to the Sacramento Marina in Miller Park and the Miller Park Boat Ramp in the Sacramento River. The identified channel and area require dredging due to the accumulation of sediment impeding vessels from entering and exiting the marina and boat ramp 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.

CONCLUSION:

For all the reasons above, staff believe approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the 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 denies the application, the Applicant will be unable to engage in dredging on the subject State-owned lands. 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-
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 Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(4).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061 and California Code of Regulations, title 2, section 2905.

APPROVALS OBTAINED:

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

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 Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(4).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with 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:

Authorize issuance of a General Lease – Dredging to the Applicant beginning August 3, 2024, for a term of 10 years, for periodic dredging; consideration being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests.