

# Staff Report 46

**APPLICANT:**

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Suisun Resource Conservation District

**PROPOSED ACTION:**

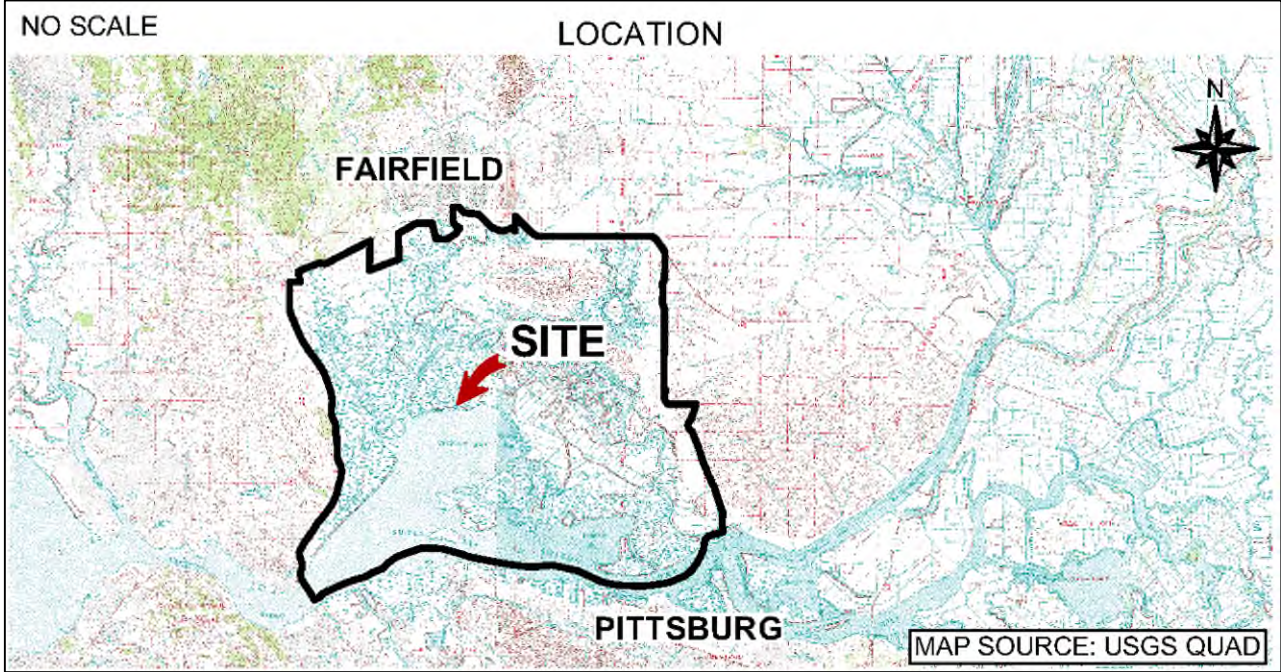
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Issuance of a General Lease – Dredging.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Suisun Marsh, which is bounded to the west by Interstate 680, Highway 12 to the north, Shiloh Road and Collinsville Road to the east, and Suisun Bay to the south, in Solano County (as shown in Figure 1).

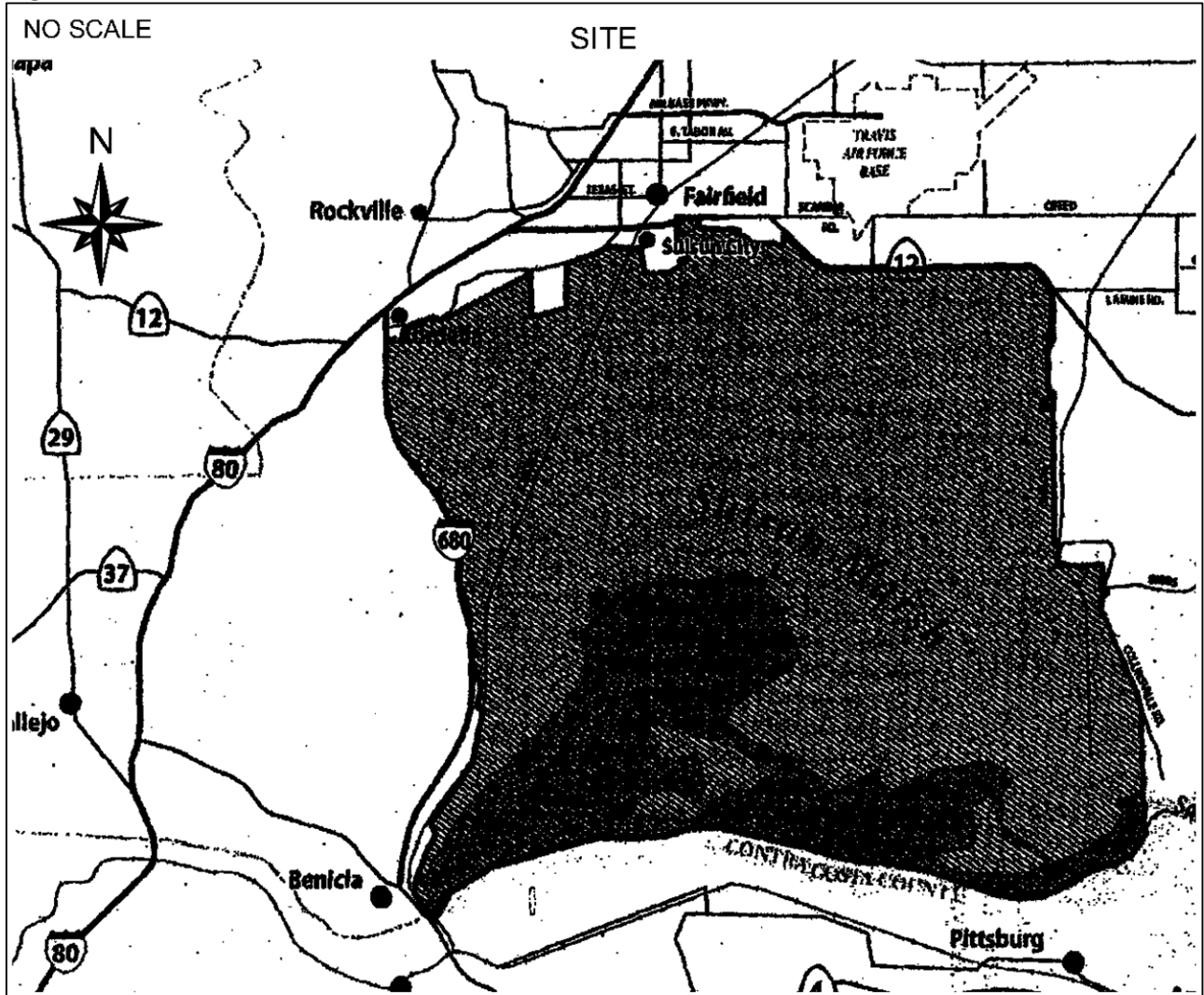
**Figure 1. Location**



**AUTHORIZED USE:**

Maintenance dredging to remove a maximum of 100,000 cubic yards (cy) of sediment annually from a maximum surface area of 19.83 acres (90,490 linear feet) adjacent to the levee; and not to exceed a maximum total of 1,000,000 cy of sediment over the entire 10-year lease term, for flood protection (as shown in Figure 2). Material will be placed on the adjacent levee crown.

**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 15, 2024, unless sooner terminated as provided under this Lease.

**CONSIDERATION:**

\$167 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.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**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 February 21, 2014, the Commission authorized a 10-year General Lease – Dredging to the Suisun Resource Conservation District for maintenance dredging in the Suisun Marsh, Solano County ([Item 04, February 21, 2014](#)). That lease expired on February 20, 2024. The Applicant is applying for a General Lease – Dredging, for proposed maintenance dredging in the bed of the Suisun Marsh. The project area in the Suisun Marsh is bounded to the west by Interstate 680, Highway 12 to the north, Shiloh Road and Collinsville Road to the east, and Suisun Bay to the south, in Solano County.

The Applicant represents more than twenty landowners with water control, permitting, and habitat management responsibilities in and adjacent to the Suisun Marsh. The proposed dredging work is needed to protect the adjacent parcels from flooding in case of levee failure. Further, the project activities will clear areas of the Marsh which are silted in. The dredging work will help maintain a navigable depth in the waterway which allows for safe boating. After performing the dredge activity, the materials will be placed on the levee(s) crown and the backslope mechanically placed in a manner as stated in permits from the applicable regulatory agencies. The levee(s) is managed by the Department of Water Resources (Lease 5683). The Project's overarching goal is to provide higher quality fill material for exterior levee repairs, and to improve drainage in cut channels by

removing accumulated silt which impairs managed wetland drainage and water control structure tidal operations.

According to the application package, the project activities include dredging a maximum of 100,000 cy of material annually from a maximum surface area of 19.83 acres (90,490 linear feet) in major and minor tidal sloughs, dredger cuts, and bays over a 10-year period, to maintain existing flood protection. This equates to a maximum total of 1,000,000 cy of dredged material for the duration of the 10-year lease term. The annual allotment for dredging within each region of the Suisun Marsh Plan will be allocated between State and private properties, depending on levee needs, and volume limitations determined by habitat types in adjacent waterways.

The project activities contain two potential dredging methods: 1) land-based long reach excavating from the crowns of the levees and 2) floating barge-mounted excavating or clamshell bucket dredging from the water. Most work will be completed by land-based excavators operating from the crown of the exterior levee and will not require navigational or marker buoys. The Applicant's contractors will follow the required navigational marker on the barge. While dredging from a floating barge has the additional advantages of providing water access to the site and allowing the removal of sediment from deeper areas of the sloughs and channels due to increased reach and distance from the levee crown, it may only be engaged with adequate water depth to accommodate the barge draft.

After initial placement on the levee, the dredged material will be smoothed and compacted with the excavator or clamshell bucket, creating a uniform layer that may range between 1- to 2-feet deep. After two to three months of drying, the dredged material will be disked and graded to integrate it with the soil in the existing levee. The Applicant will obtain permits from all applicable regulatory agencies having jurisdiction over the proposed project and ensure that annual allocations and limits of dredge materials utilized in particular waterways are not exceeded. The work activities will be performed during the in-water work window as stated on permits from regulatory agencies.

The work activities are located in an area with moderate recreational use. Staff believes that the proposed lease and work activities in the Suisun Marsh will not substantially interfere with the Public Trust needs and values at this location because the work is focused on specific areas and will be conducted as authorized in permits from regulatory agencies. The project work should not impact public access to the channels in the Suisun Marsh. The Applicant will contact the

Rio Vista and Vallejo Coast Guard Stations if there is potential for in-channel work to affect access and to ensure that changes within the Suisun Marsh channels will not significantly affect navigation. Alternate boating routes will be identified if dredging impedes navigation. Further, the Applicant will post notices on each managed wetland property participating in the Project. The proposed dredging will not occur during major summer holiday periods. The Applicant will remain in contact with the Rio Vista and Vallejo Coast Guard Stations, in case a navigational issue arises.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. In addition, the lease has a limited 10-year term and does not grant the lessee exclusive rights to the lease premises. Furthermore, the lessee will be subject to lease terms and conditions which promote public use and safety. The proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

#### **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 Fairfield in Suisun Marsh near Suisun Bay, 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. Staff evaluated the "high emissions," "low 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 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 annually remove approximately up to 100,000 cy from the Suisun Marsh. The identified area requires dredging to comply with the Suisun Marsh Habitat Management, Preservation, and Restoration plan. The marsh 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 believes that issuance of the proposed lease will not substantially interfere with the public rights to navigation and fishing; or substantially interfere with the Public Trust needs and values at this location, at this time, for the term of the lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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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 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. A Joint Document EIR/EIS, State Clearinghouse No. 2003112039, was prepared by the California Department of Fish and Wildlife and certified on December 22, 2011, for this project. Commission staff reviewed the EIR/EIS and Mitigation Monitoring and Reporting Program pursuant to the provisions of CEQA (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

The Commission considered the EIR/EIS at its February 21, 2014 meeting ([Item 4, February 21, 2014](#)). As part of the Commission's approval of the lease, the Commission adopted an independent Mitigation Monitoring Program, Findings, and Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15093, and 15096), as contained on file in the Sacramento office of the Commission and incorporated by reference hereto. The Commission's previously adopted Mitigation Monitoring Program remains in full force and effect.

No substantial changes to the project, to the circumstances in which the project occurs, or other new information requires an additional subsequent or supplemental EIR for the project to continue. The Applicant will be required by the terms of the proposed lease to continue to implement the Commission's previously imposed Mitigation Monitoring Program.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission considered the EIR/EIS in 2014, staff concluded that such activity would not affect those significant lands and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

## **APPROVALS REQUIRED:**

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- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service

- National Marine Fisheries Service
- California Department of Fish and Wildlife
- San Francisco Bay Regional Water Quality Control Board
- San Francisco Bay Conservation and Development Commission

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that an EIR/EIS, State Clearinghouse No. 2003112039, was prepared by the California Department of Fish and Wildlife and certified on December 22, 2011, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, 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.

Find that the Commission's previously adopted Mitigation Monitoring Program remains in full force and effect.

### **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 term of the 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:**

Authorize issuance of a General Lease – Dredging to the Applicant beginning August 15, 2024, for a term of 10 years, to dredge a maximum of 100,000 cy of



sediment per year from a maximum surface area of 19.83 acres (90,490 linear feet) adjacent to the levee; and not to exceed a maximum total of 1,000,000 cy of sediment over the lease term; annual rent in the amount of \$167, 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 any commercial purpose.