

Staff Report 04

APPLICANT:

City of Petaluma

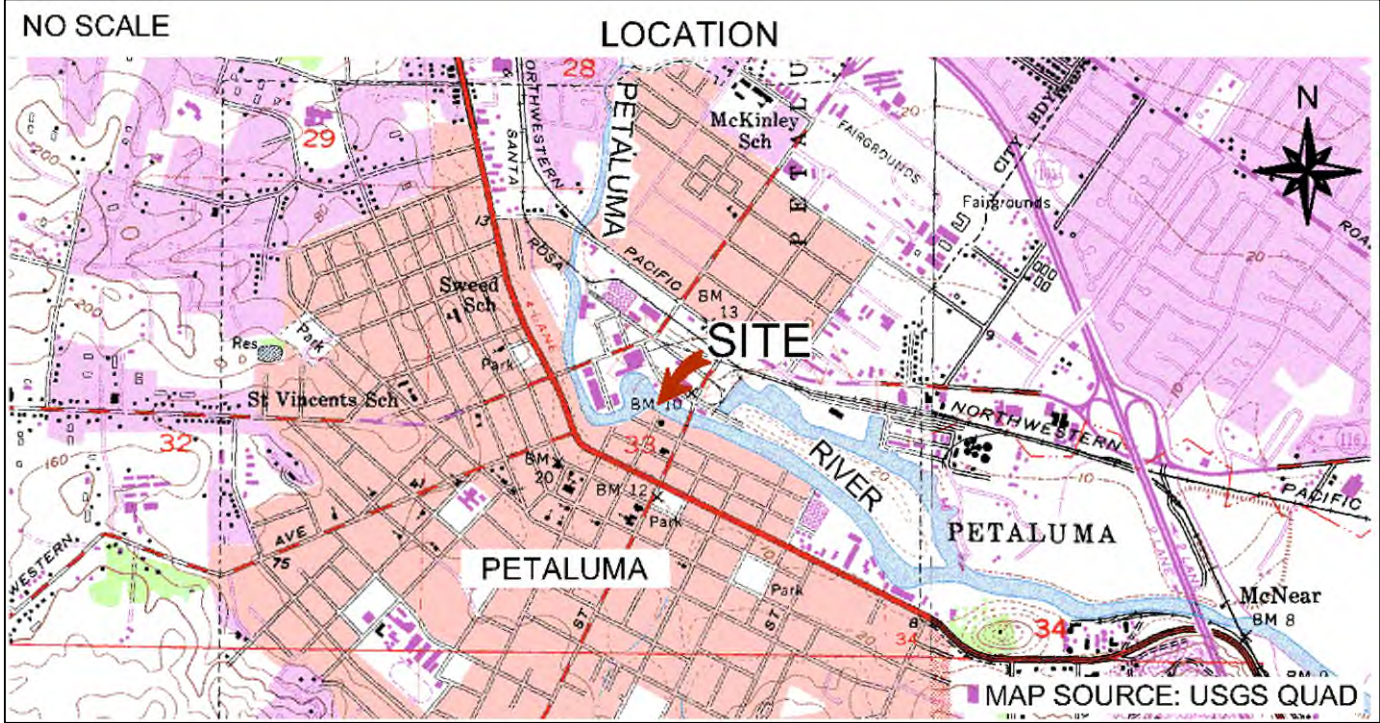
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Petaluma River, near First and C Streets, Petaluma, Sonoma County (as shown in Figure 1).

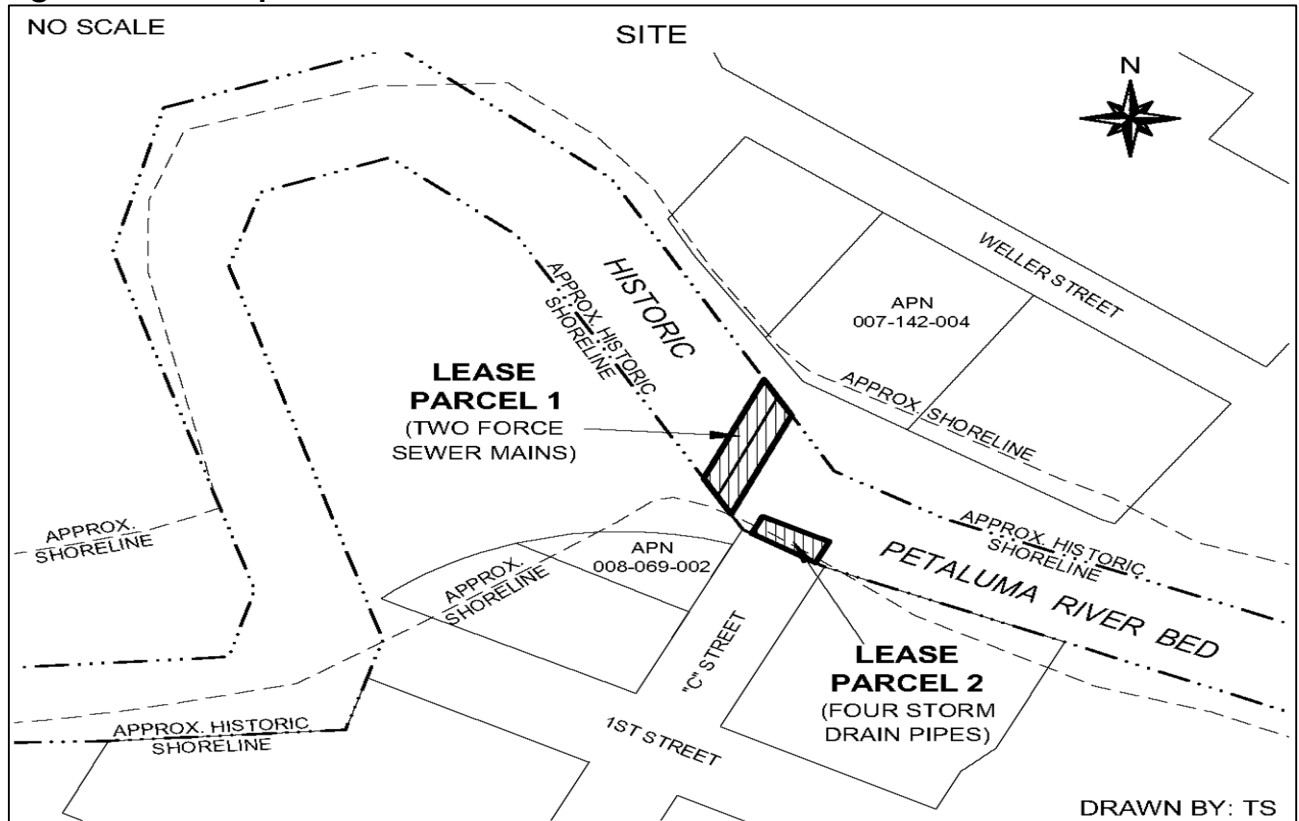
Figure 1. Location



AUTHORIZED USE:

Use and operation of an existing sewer force main with two pipes (8-inch-diameter and 14-inch-diameter) and one existing storm drainpipe (48-inch-diameter HDPE) previously authorized by the Commission, and three existing storm drainpipes not previously authorized by the Commission (12-inch-diameter HDPE, 12-inch-diameter and 24-inch-diameter CMP) (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 December 17, 2024.

CONSIDERATION:

The public use and benefit, with Lessor reserving the right at any time to set a monetary rent if Lessor finds such action to be in the State's best interests. Subject to modification by Lessor as specified in Section 3 - General Provisions, Paragraph 2.

SPECIFIC LEASE PROVISIONS:

- The right of occupation granted herein applies only to land actually underlying the pipelines, regardless of the Lease Premises described in Exhibit A and depicted in Exhibit B.
- No later than June 30, 2025, and at least once every five years thereafter, Lessee shall conduct condition assessments, certified by a California registered Civil/Structural Engineer.
- Lessee agrees to indemnify the State for the entire period of unauthorized occupation of state-owned land, from April 1, 2017, through December 16, 2024, as referenced in Section 2 – Special Provisions, Paragraph 10, and Section 3 – General Provisions, Paragraph 11.

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 December 19, 1968, the Commission authorized two 49-year Public Agency Permits (Rights of Way) to the Applicant for the installation of a sewer force main crossing with two pipes and an outfall sewer pipeline in the Petaluma River. This action resulted in the issuance of Lease PRC 4112 and Lease PRC 4135 ([Item 7, December 19, 1968](#)). These leases expired on March 31, 2017. At some point, the authorized outfall sewer pipe was repurposed for use as a storm drainpipe and three additional storm drainpipes were installed to support the Applicant’s flood protection and stormwater management program.

The Applicant is applying for a new General Lease – Public Agency Use, for use and operation of an existing sewer force main with two pipes (8-inch-diameter and 14-inch-diameter) and one existing storm drainpipe (48-inch-diameter HDPE) previously authorized by the Commission and three existing storm drainpipes (12-inch-diameter HDPE, 12-inch-diameter and 24-inch-diameter CMP) not previously authorized by the Commission, in the Petaluma River.

The Applicant is requesting consolidation of Lease 4112 and Lease 4135, since the subject improvements all serve the C Street sewer system and users within the city.

The C Street Pumpstation (not within the lease area) is located at 2 C Street in Petaluma. The pumpstation handles all the sewer flow on the west side of the city and transmits it to the Ellis Creek Treatment Facility. The full system serves approximately 30,000 users which includes public agencies, businesses, and residences. The sewer force main was installed between 1967 and 1968. It conveys untreated sewage to the C Street facility and is an essential part of the wastewater transportation and treatment system. Approximately 96-linear-feet of the sewer force main crosses under the bed of the Petaluma River within the Commission's jurisdiction. At the time of construction, the sewer force main was designed to have 8-feet of cover and 7-feet at the shallowest points of the river. The proposed lease requires a burial depth survey to be completed no later than June 30, 2025, and once every five years thereafter. Since the date of installation, there have been no major repairs or structural modifications to the sewer force main within the lease area. The Applicant monitors the sewer force main by conducting a general inspection on a weekly basis, where it checks the voltage and current and records the active cathodic protection. In 1995, the Applicant completed improvements to the pump station which included new anode stations for cathodic protection on both sides of the river (not within the lease area).

In addition to the sewer force main, the proposed lease includes four existing storm drainpipes. One of the drainpipes was repurposed from a sewer outfall to a storm drainpipe. The drainpipes outfall into the river and are often submerged during high water flows. The drainpipes enhance water management and flood protection for the city and surrounding area. The pipes are located on the south bank of the Petaluma River, below the ordinary high-water mark and therefore fall under the Commission's jurisdiction. The drainpipes are routinely cleaned and inspected before storm events. The Applicant notes the improvements are in acceptable working condition. Based on analysis by the Commission's boundary staff, the proposed lease area is approximately 2,881 square feet for the sewer force main and approximately 934-square-feet for the four storm drainpipes.

The sewer force main is submerged below the bed of the Petaluma River and does not impede surface use or interfere with Public Trust needs and values at this location, at this time. The four storm drainpipes are located on the bank of the river and extend slightly into the waterway, for outfall purposes. This portion of the river has low recreational use based on its urban location. The subject improvements do not significantly alter the land, and the lease does not alienate the State's fee simple interest or permanently impact public rights. The lease is limited to a 20-year term and does not grant the lessee exclusive rights to the lease premises. The

Lessee will indemnify the State for the period of unauthorized occupation of state-owned land from April 1, 2017, through December 16, 2024. Upon termination of the lease, the lessee may be required to remove any improvements 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 Petaluma 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 Petaluma 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 existing outfalls are fixed and currently submerged during high tide. Therefore, they are unlikely to be significantly affected by sea level rise and/or more frequent flood events or extended periods of drought. In addition, the two sewer pipelines are fixed and buried approximately 7 feet beneath the bed of the Petaluma River. These pipelines are also unlikely to be affected by climate change; however, depth of burial surveys will be conducted to confirm the pipelines do not become exposed.

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 the effects of climate change, including sea level rise.

CONCLUSION:

For all the reasons above, Staff believe the issuance of this lease will not 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 a lease is a discretionary action by the Commission. Each time the Commission approves or rejects the 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 must remove the improvements and restore the property to its original condition. The lessee has no right to a new lease or renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Staff recommend 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 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

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

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 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

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 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.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning December 17, 2024, for a term of 20 years, for the use and operation of an existing sewer force main with two pipes (8-inch-diameter and 14-inch-diameter) and one storm drainpipe (48-inch-diameter HDPE) previously authorized by the Commission and three existing storm drainpipes (12-inch-diameter HDPE; 12-inch-diameter and 24-inch-diameter CMP) not previously authorized by the Commission; consideration is the public use and benefit, with Lessor reserving the right at any time to set a monetary rent if Lessor finds such action to be in the State's best interests.