

Staff Report 40

APPLICANT:

Brannan-Andrus Levee Maintenance District

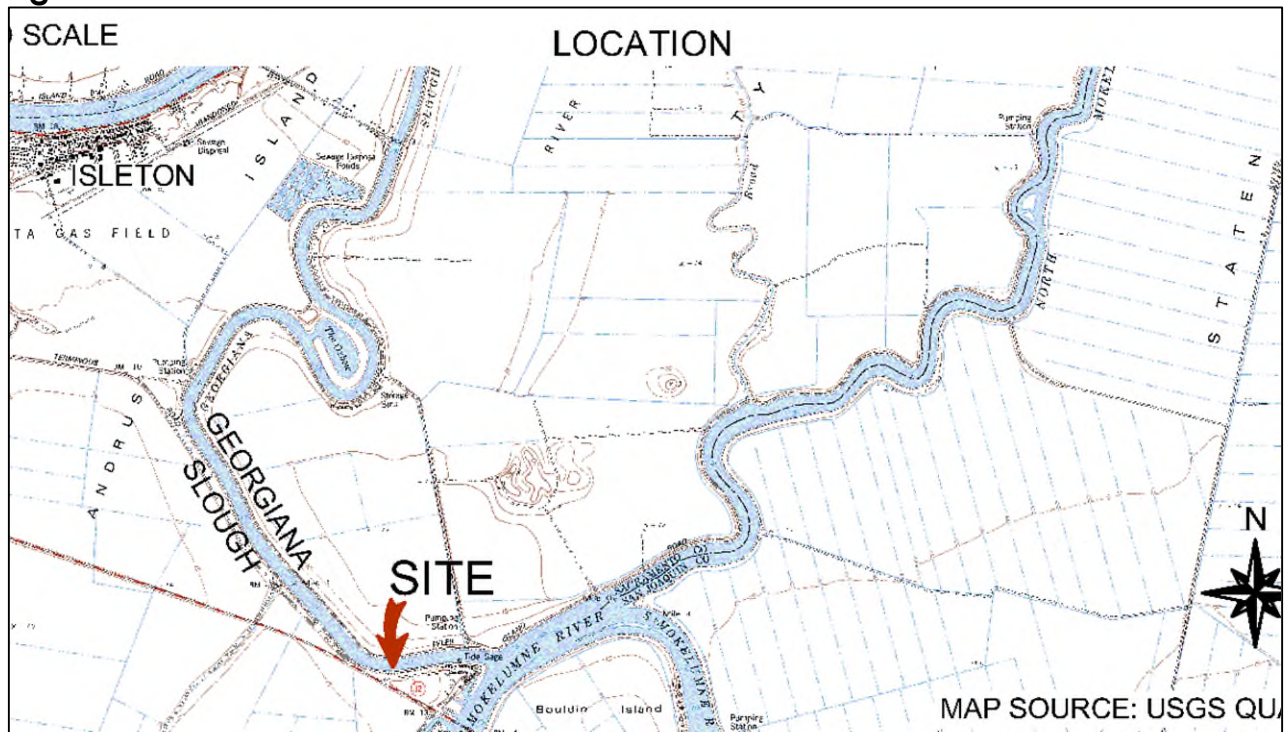
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Georgiana Slough, adjacent to Assessor's Parcel Numbers 156-0080-042 and 156-0090-001, near the confluence of the Mokelumne River, Sacramento County (as shown in Figure 1).

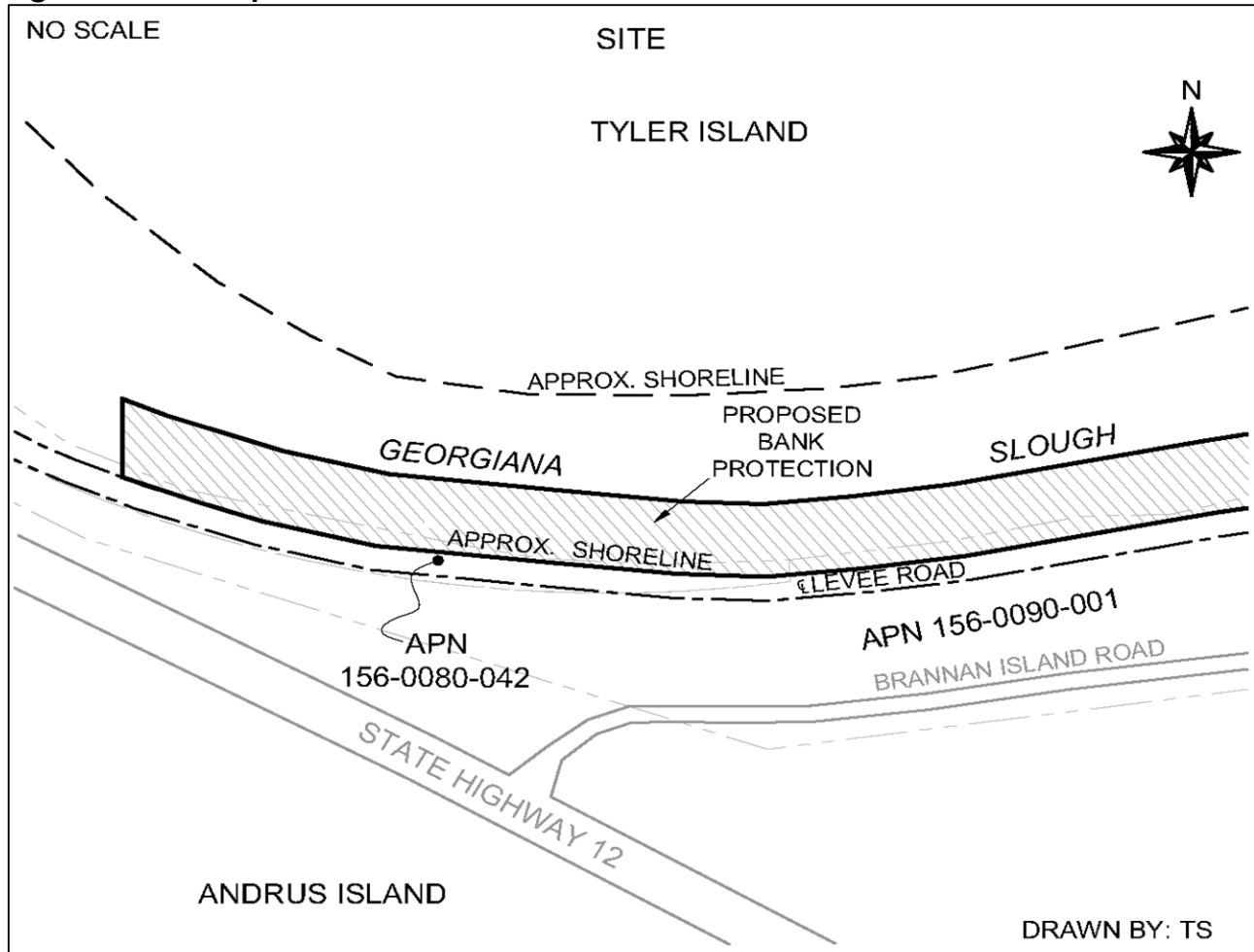
Figure 1. Location



AUTHORIZED USE:

Construction and use of erosion protection including rock slope protection, 6-inch minus backfill material, and planting benches under the Georgiana Slough Erosion Control and Habitat Enhancement Project (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 October 14, 2025.

CONSIDERATION:

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 place warning signage or buoys, or both, clearly visible from the shore and in the water, both upstream and downstream of the construction sites, to provide notice of the construction and to advise the public to exercise caution. Lessee shall place and maintain such signage during the term of the construction and shall notify the California Department of Parks and Recreation's Division of Boating and Waterways of the location, description, and purpose of such signage upon installation and removal.
- Provisions requiring Lessee to comply with certain safety and construction standards.
- Lessee will fully carry out, implement, and comply with all mitigation measures and reporting obligations applicable to the Lessee as set forth in the Mitigation Monitoring and Reporting Program (MMRP).

PROJECT DESCRIPTION:

The Georgiana Slough Erosion Control and Habitat Enhancement Project would improve approximately 1,500 linear feet of bank protection and planting benches along the Georgiana Slough from Levee Mile (LM) 5.51 to 5.80, approximately a quarter mile upstream from the confluence of the Mokelumne River.

To construct the bank protection and planting benches, the existing levee material would be removed and placed on the landside slope and replaced with launchable rip rap at the levee toe and 6-inch minus backfill material on the waterside levee slope. Soil and planting beds will be used to complete the final grade of the wetland bench.

The proposed rock bank protection is designed to prevent bank erosion and resist wave wash. A launchable rip rap toe would provide resilience against riverbed scour since the rocks would launch into any voids created and fill any holes created beneath them. Vegetation would be removed to prepare for construction. A river barge equipped with a clamshell would be used to place quarry stones and shape the bank protection measures at the location.

The design is planned to reduce impacts to habitat and provide new habitat with low elevation planting benches. The benches would be composed of a planting soil mix to support vegetation, providing overhead cover and near-shore aquatic habitat during the low-flow season for listed fish species and other local wildlife. The

benches will also be faced with heavy coir fabric to increase channel roughness to reduce wave velocity until vegetation reaches full maturity. The width of the benches would vary between approximately 15 feet and 20 feet. The proposed crown width will be 25 feet and will feature a 20-foot-wide gravel patrol road comprised of 6-inch-deep Class II aggregate base. The landside embankment off the crown will be at a 3:1 slope to the existing grade. The project is estimated to construct approximately 0.39 acres and 1,473 linear feet of freshwater marsh habitat.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Brannan-Andrus Levee Maintenance District (BALMD) applied for a General Lease – Public Agency Use for the construction and use of erosion protection including launchable rip rap, rock slope protection, 6-inch minus backfill material, and planting benches under the Georgiana Slough Erosion Control and Habitat Enhancement Project.

The proposed use of sovereign land has not been previously authorized by the Commission. The proposed 20-year lease would begin on October 14, 2025, the date of the Commission meeting.

The Applicant is responsible for ensuring that levees are maintained in a manner that reduces the risk of flooding and works in partnership with the U.S. Army Corps of Engineers, California Department of Water Resources, and the Sacramento Area Flood Control Agency. The Project would protect and strengthen the Georgiana Slough levee to reduce riverbank erosion and reduce flood risk within the Sacramento metropolitan area. The high risk of flooding from levee failure threatens public safety, property, and critical infrastructure throughout Sacramento. Multiple erosion control measures are planned to allow conveyance of the 200-year flood flow without risk of levee failure.

While the proposed project will temporarily impact Public Trust uses while underway, the Applicant has agreed to limit such impacts to the extent necessary

to protect the public health and safety during the construction activity. Given the overall public value of this project, staff believes the proposed Project does not constitute an unreasonable interference with the Public Trust uses at this time and is in the best interests of the State. The Project's purpose is to provide enhanced levee erosion protection, protecting the public and Public Trust resources from potential flooding while preserving public access along the levee to the extent feasible and safe during the construction. The proposed habitat enhancement will add native vegetation within the floodplain to provide new habitat. The project will impact shaded river aquatic cover and riparian habitat; however, the project will create freshwater marsh habitat. Therefore, the habitat enhancement will provide a public benefit to the region by maintaining a healthy habitat for wildlife and, therefore, is consistent with the common law Public Trust Doctrine.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease requires the Applicant to conduct all construction and maintenance work safely and indemnify the Commission in the event of any liability resulting from the proposed action.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting California's coastal and inland waterways now. Likely impacts to the lease premises include, but are not limited to, sea level rise, saltwater intrusion, prolonged drought, extreme heat, and changes to the intensity and timing of precipitation events. These impacts can exacerbate natural hydrological processes such as erosion, scour, and sedimentation. These impacts may affect the existing improvements subject to the proposed lease, located on Georgiana Slough.

DATA & PROJECTIONS:

Water levels in tidally-influenced rivers will rise as sea levels rise. The California Ocean Protection Council updated the [State of California Sea Level Rise Guidance](#) in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. The San Francisco tide gauge is nearest to the lease premises; the projected sea level rise scenario for the region is displayed below in Table 1.

Table 1. Projected Sea Level Rise for San Francisco

Year	Intermediate-High (feet)	High (feet)
2040	0.7	0.8
2050	1.0	1.3
2070	2.2	2.9
2100	4.8	6.5

Source: Table 6, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

In addition to rising seas, warmer temperatures have led California and the Southwest region to experience a megadrought from 2000 to 2022, measured as the driest 22 years in the past 1200 years, and more megadroughts are projected through the end of the century (U.S. Global Change Research Program, Ch. 28. Southwest. In: [Fifth National Climate Assessment](#). 2023.). Hotter and drier conditions have led to declines in snowpack volumes, higher-elevation snow lines, earlier snowmelt, and reduced overall runoff. Streamflow and river volumes are lower and will be drawn down farther as temperatures continue to rise and demand for water increases. Despite the region's increasing aridity, flooding from extreme precipitation events is projected to increase, attributed to earlier snowmelt, sea level rise, and more intense and frequent atmospheric rivers. Minor and moderate flooding (flooding events defined as disruptive to damaging), attributed to higher water levels, is expected to increase five to ten orders of magnitude by 2100, according to [NOAA's 2022 Sea Level Rise Technical Report](#). The Delta Stewardship Council's [2021 Vulnerability Assessment](#) estimates that storm runoff in the Delta will increase by 44 percent by midcentury, increasing flooding risk to the region, particularly during the winter season.

ANALYSIS:

The lease premises are likely to experience more extreme conditions over the lease term than in the past, due to climate change. Changes to the timing and amount of runoff from the higher elevations of the watershed, stronger storm surge, and rising water levels will result in higher flood risks. Bank stability may be compromised due to increased channel erosion and undercutting from more intense precipitation and floods. Structures on the lease premises may be exposed to saltier water and corrode faster than before. Conversely, drought could lower water levels for longer portions of the year and expose structures that were historically designed to be submerged to air, wind, and heat. However, the improvements on the lease premises will likely reduce overall flood exposure.

RECOMMENDATIONS:

To further reduce the likelihood of adverse impacts to the lease premises and improvements, the lessee should inspect the improvements frequently and monitor for degradation, replacing damaged parts when necessary and elevating or relocating structures when exposure to flooding compromises structural function and integrity. Any future construction or activities on State land would require a separate authorization from the Commission. For more information regarding nature-based strategies, please refer to the [2023 Shoreline Adaptation and the Public Trust](#) report.

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 believe the issuance of this lease will not substantially interfere with Public Trust needs 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. The lessee also 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 purpose of the California Environmental Quality Act (CEQA) is to "avoid or minimize environmental damage where feasible." (CEQA Guidelines section 15021).

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2024061227, and a Mitigation, Monitoring, and Reporting Plan (MMRP) were prepared by BALMD and adopted on August 8, 2024, for this project. On August 14, 2025,

BALMD adopted an Addendum to the MND. Staff reviewed these documents and determined that the MND and Addendum adequately analyze and mitigate all potentially significant adverse environmental impacts that fall within the Commission's jurisdiction.

Pursuant to State CEQA Guidelines sections 15096, subdivision (g)(1), and 15097, subdivision (a), and in conjunction with approval of this Project, staff recommends that the Commission adopt BALMD's MMRP (provided for reference, [as linked](#)) for the portion(s) of the Project located on State lands, and delegates reporting and monitoring responsibilities to BALMD as the CEQA lead agency, per CEQA Guidelines section 15097. BALMD will remain responsible for enforcing the MMRP, unless otherwise delegated by such agency or until the Project is completed per CEQA Guidelines section 15097.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

APPROVALS REQUIRED:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2024061227, and a Mitigation Monitoring and Reporting Program (MMRP) were prepared by BALMD and adopted on August 8, 2025; that the Addendum to the MND was adopted by BALMD on August 14, 2025, 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 BALMD's MMRP, without change, mentioned above.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not cause an unreasonable interference with the public rights to navigation, fishing, and commerce or cause an unreasonable interference 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 October 14, 2025, for a term of 20 years, for the construction and use of erosion protection including rock slope protection, 6-inch minus backfill material, and planting benches; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.