

Staff Report 50

APPLICANT:

California Waterfowl Association, a California non-profit public benefit corporation

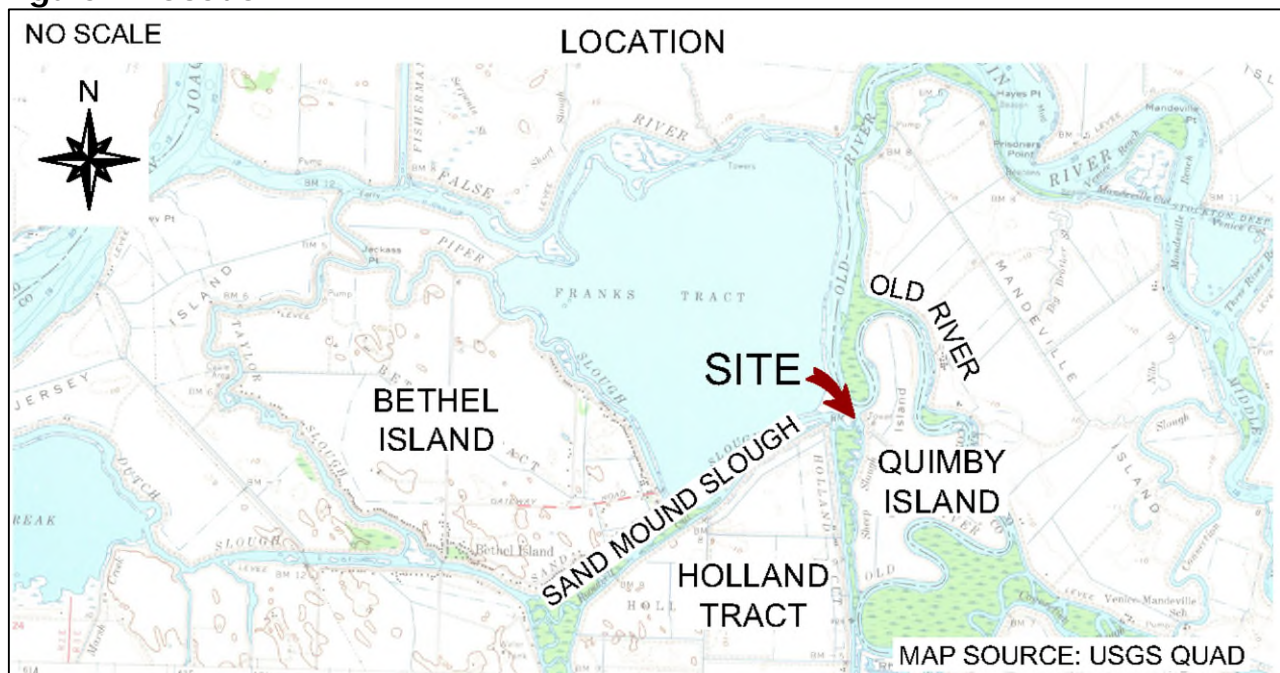
PROPOSED ACTION:

Issuance of a General Lease - Other.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Sheep Slough, adjacent to Quimby Island, Knightsen, Contra Costa County (as shown in Figure 1).

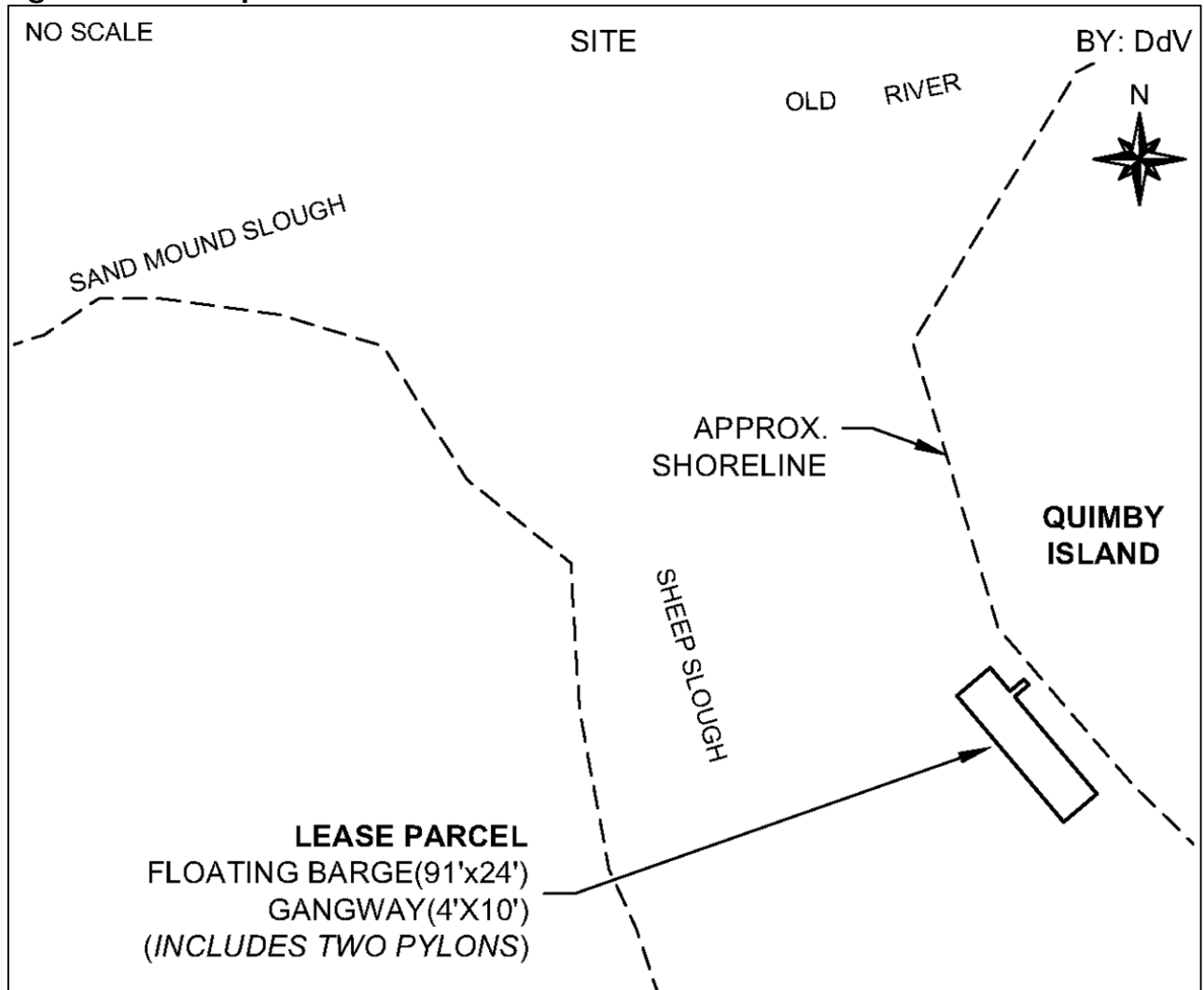
Figure 1. Location



AUTHORIZED USE:

Use of an existing floating barge and appurtenant facilities (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 December 16, 2025.

CONSIDERATION:

\$438 per year, with an annual Consumer Price Index adjustment; and \$193 for the unauthorized occupation of state land for the period prior to December 16, 2025.

SPECIFIC LEASE PROVISIONS:

- No refueling, repairs, or maintenance of vehicles or equipment will take place on the Lease Premises or on lands subject to Lessor's jurisdiction.
- The provisions of Section 3, Paragraph 11 shall also extend to the period of Lessee's unauthorized occupation of state-owned lands from July 8, 2025 to December 16, 2025.

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 is applying for a General Lease – Other, for the use of an existing floating barge and appurtenant facilities not previously authorized by the Commission, adjacent to Quimby Island, Knightsen, Contra Costa County.

The proposed use of sovereign land has not been previously authorized by the Commission. The subject floating barge and appurtenant facilities have existed for many years at this location; however, it was not owned by the Applicant until July 8, 2025, when they acquired Quimby Island.

The barge and appurtenant facilities are privately owned and maintained by the Applicant. The barge is parked against a gangway and two pylons in Sheep Slough adjacent to Quimby Island year-round and used approximately 5 to 6 times a year to transport heavy machinery to and from the island. Quimby Island is only accessible by boat and contains seasonal and semi-permanent wetlands, riparian and grassland areas. The heavy machinery is used for conservation efforts on the island and levee maintenance. The barge is used to transport equipment to Quimby Island and is consistent with the Public Trust.

The proposed lease will require the Applicant to pay compensation for the unauthorized use of State lands for the period prior to December 16, 2025. Additionally, the proposed lease will require the Applicant to indemnify the State for the entire period of unauthorized occupation, ensuring the State is protected.

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’s 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.

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 floating barge and appurtenant facilities subject to the proposed lease, located in Sheep 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. Commission staff evaluated the “intermediate” scenarios due to the lower vulnerability and exposure of the lease location and the adaptability of the barge. 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	Intermediate (feet)
2040	0.6
2050	0.8
2070	1.4
2100	3.1

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 ([Fifth National Climate Change Assessment: Southwest Region, 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](#).

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. Floating structures may be more adaptable to changing water levels than those that are fixed, but all structures may be at increased risk for damage from exposure to extreme heat and floods.

RECOMMENDATION:

To reduce the likelihood of adverse impacts to the lease premises and improvements, the lessee should monitor floating structures and appurtenant facilities for corrosion and degradation. 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 believes the issuance of the proposed lease will not substantially interfere with the 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.

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 not be authorized to moor the barge at this location and may be required to remove the improvements and restore the lease premises to their original condition. The lessee has no right to a new lease or a 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. 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 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 the 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:

1. Accept compensation from the Applicant in the amount of \$193, for the unauthorized occupation of State land for the period prior to December 16, 2025.
2. Authorize issuance of a General Lease – Other to the Applicant beginning December 16, 2025, for a term of 10 years, for the use of a floating barge and appurtenant facilities; annual rent in the amount of \$438, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.