

# Staff Report 56

## APPLICANT:

Warren E. Gomes, Trustee of the Warren and Monett Gomes Family Trust dated April 12, 2007

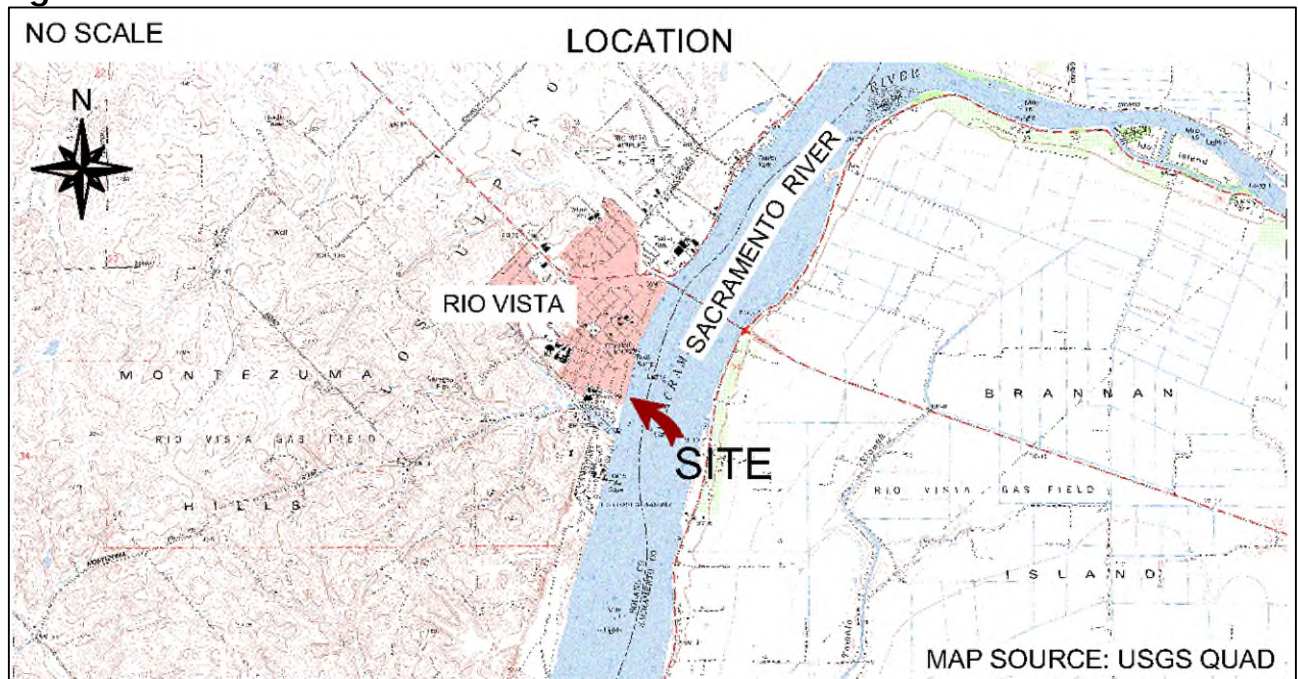
## PROPOSED ACTION:

Issuance of a General Lease – Recreational and Protective Structure Use.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 165 Edgewater Drive, near Rio Vista, Solano County (as shown in Figure 1).

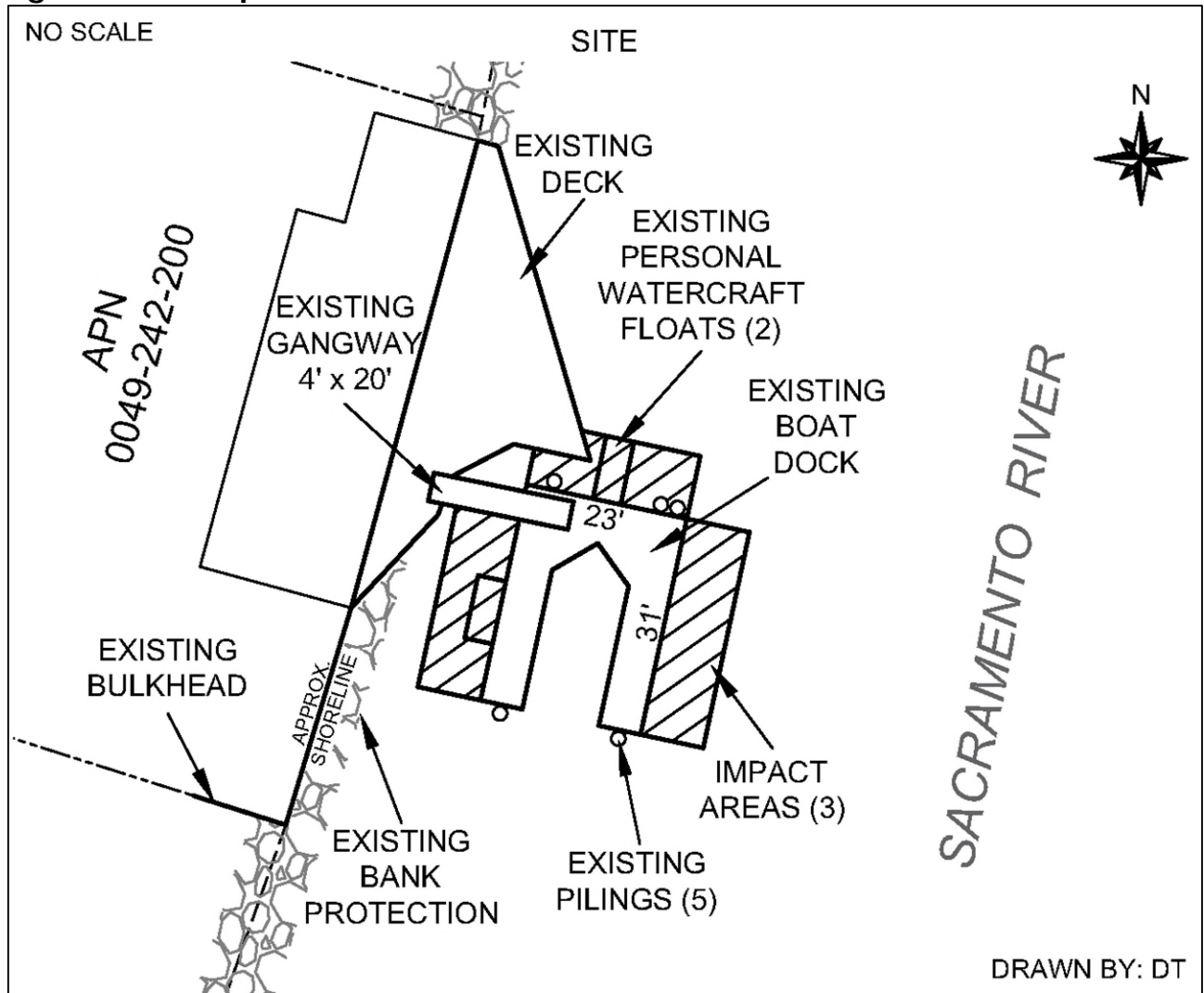
Figure 1. Location



**AUTHORIZED USE:**

Use of an existing deck, boat dock, appurtenant facilities, two personal watercraft floats, bulkhead, and bank protection (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:**

\$720 per year, with an annual Consumer Price Index adjustment; and \$335 for the unauthorized occupation of State land prior to December 16, 2025.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, sections 2000 and 2003.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On February 20, 2015, the Commission authorized the issuance of a General Lease – Recreational and Protective Structure Use to Warren E. Gomes, Trustee of the Warren and Monett Gomes Family Trust dated April 12, 2007, for the use of an existing deck, boat dock, gangway, two personal watercraft floats, bulkhead, and bank protection not previously authorized by the Commission ([Item 50, February 20, 2015](#)). The lease expired on February 19, 2025.

The Applicant is now applying for a General Lease – Recreational and Protective Structure Use for the use of the existing deck, boat dock with appurtenant facilities, two personal watercraft floats, bulkhead, and bank protection. Staff is requesting compensation in the amount of \$335 for the unauthorized use of State land prior to December 16, 2025. The Lessee has two pending invoices for holdover rent for the months of April and May 2025. Since the compensation requested will include the months of April and May 2025, staff is recommending that holdover invoices previously billed to the Lessee be voided and any penalty and interest associated with that billing be waived.

The Applicant owns the uplands adjoining the lease premises. The subject facilities are located directly waterward of this upland property, and the facilities occupy a relatively small area of the river. The subject deck, boat dock with appurtenant facilities, and personal watercraft floats serve to facilitate recreational boating. Recreational boating is a water dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land. (Pub. Resources Code, §6503.5.).

The bank protection and bulkhead protect the upland property and maintain the integrity of the river, which helps protect Public Trust resources for recreational and navigational use by the public.

The proposed lease will not interfere with navigation or substantially interfere with any Public Trust needs at this time or for the foreseeable future. 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 reserves an easement to the public for Public Trust consistent uses. Upon termination of the lease, the lessee may be required to remove the improvements and return the lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and 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:**

### ***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 deck, uncovered single-berth floating dock, steel pilings, gangway, personal watercraft floats, bulkhead, and bank protection subject to the proposed lease, located on the Sacramento River, near Rio Vista.

### ***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-high" and "high" scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. 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-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](#).

### **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 more air, wind, and heat. They could cease to function as intended, as water-related, water-dependent infrastructure (e.g., fixed docks could become disconnected from the water). 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.

**RECOMMENDATIONS:**

To reduce the likelihood of adverse impacts to the lease premises and improvements, the lessee should consider the following adaptation strategies to improve resiliency to climate change: 1) reduce erosion along the riverbank by enhancing the bank protection structure(s) by planting or restoring native vegetation (shrubs, trees); 2) inspect fixed structures frequently and monitor for degradation, replacing damaged parts when necessary and elevating or relocating structures when exposure to flooding compromises structural function and integrity; and 3) monitor floating structures for corrosion and degradation, especially joints, brackets, hinges, and piling hoops, and replace as necessary. 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 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 proposed lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of an 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. If the Commission denies the application, the Applicant may be required to remove the improvements and restore the premises to their original condition. 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 2021-2025 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 2, section 2905, subdivision (a)(2).

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

## **RECOMMENDED ACTION:**

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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 2, section 2905, subdivision (a)(2).

### **PUBLIC TRUST AND STATE’S BEST INTERESTS:**

1. Find that the existing and, for a limited period, continuing use of the existing boat dock, two personal watercraft floats, and appurtenant facilities does not substantially interfere with Public Trust needs and values at this location and is consistent with the common law Public Trust Doctrine.
2. Find that the existing and, for a limited period, continuing use of the existing deck, bank protection and bulkhead is not consistent with, but does not substantially interfere with Public Trust uses.
3. Find that issuing the proposed lease is in the best interests of the State.

### **AUTHORIZATION:**

1. Void invoice #63066 and #63236 issued by Commission staff on January 22, 2025, and February 24, 2025, for holdover rent billed to Warren E. Gomes, Trustee of the Monett Gomes Family Trust dated April 12, 2007, under Lease Number

9184, and waive penalty and interest associated with that invoice and rental amount.

2. Authorize acceptance of compensation from the Applicant in the amount of \$335 for the unauthorized occupation of State lands for the period prior to December 16, 2025.
3. Authorize issuance of a General Lease – Recreational and Protective Structure Use to the Applicant beginning December 16, 2025, for a term of 10 years, for the use of an existing deck, boat dock, two personal watercraft floats, appurtenant facilities, bulkhead, and bank protection; annual rent in the amount of \$720 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.