

# Staff Report 28

**APPLICANT:**

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City of Suisun City

**PROPOSED ACTION:**

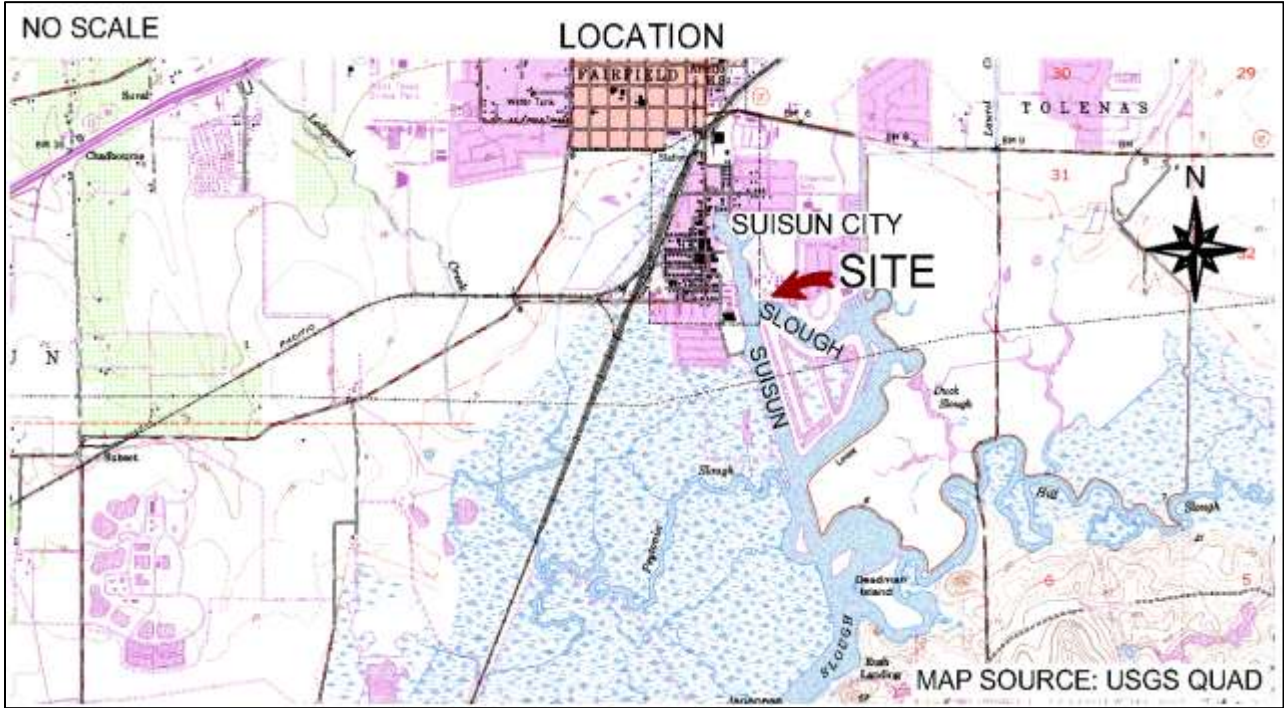
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Issuance of a General Lease – Public Agency Use.

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

Sovereign land located in Suisun Slough, adjacent to 703 Civic Center Boulevard, Suisun City, Solano County (as shown in Figure 1).

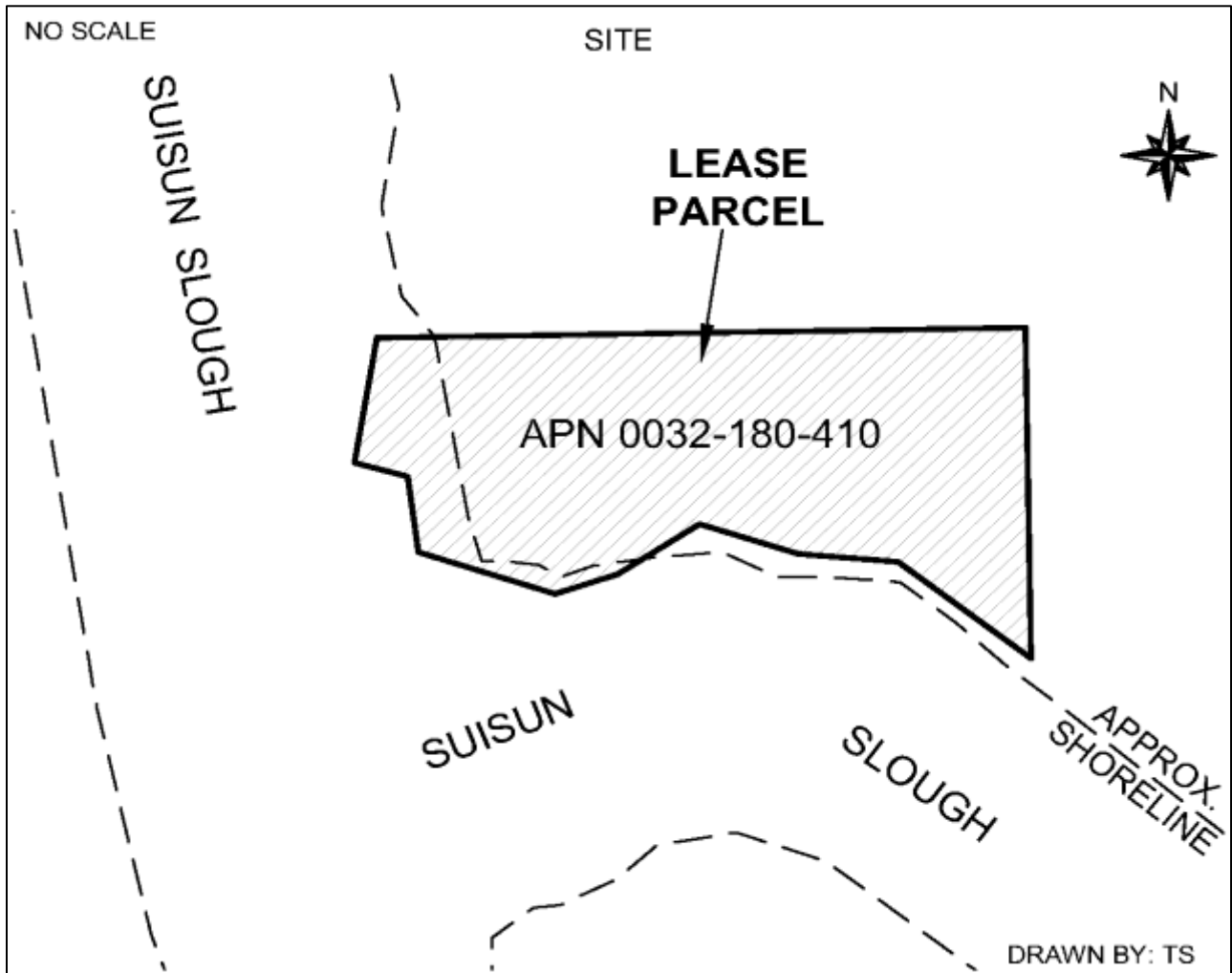
**Figure 1. Location**



**AUTHORIZED USE:**

Use of wetland habitat with public promenade 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:**

20 years, beginning April 7, 2026.

**CONSIDERATION:**

The public use and benefit, with the State reserving the right to set monetary rent if the Commission finds such an action to be in the State's best interests.

**SPECIFIC LEASE PROVISIONS:**

- Lessee shall not add or allow other parties to add any improvements on the Lease Premises without the prior express written consent of Lessor.
- No refueling or maintenance of vehicles, equipment, or watercraft shall take place within the Lease Premises.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**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:**

On April 6, 1994, the Commission approved a Compromise Title Settlement Agreement (Agreement) and issuance of a 30-year General Lease – Public Agency Use, Lease 7846, with the City of Suisun City (City) ([Item 37](#)). The Agreement resolved a title dispute in which the City granted the Commission an approximately 3.59-acre parcel of land in exchange for the Commission quitclaiming its sovereign interest in a separate parcel of land that had been improved, reclaimed, and filled and no longer qualified as tidelands or submerged lands. Lease 7846 was then issued to the City for maintenance of a road, public promenade, and wetland habitat on the parcel granted to the Commission. The lease expired on June 30, 2025.

The City is now applying for a General Lease - Public Agency Use for the use of wetland habitat with public promenade and bank protection. Prior leases mention a road as well, but no roads were constructed, and the City has no plans to construct roads, make improvements, or implement any changes to the wetland habitat. Their intention is to continue maintaining the parcel in its current natural state and to preserve its habitat and public access functions.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-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 all improvements from State land and restore the lease premises to their original condition. 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 coastal California now. Likely impacts to the lease premise 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 riprap bank protection, concrete sidewalk, and tidal marsh habitat subject to the proposed lease, located on Suisun Slough.

***DATA & PROJECTIONS:***

Water levels in tidally-influenced areas 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**

<b>Year</b>	<b>Intermediate-High (feet)</b>	<b>High (feet)</b>
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 1,200 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 withdrawals. 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 higher water levels will result in higher flood risks. The risk of rising water levels and potential erosion could affect the existing habitat characteristics of the present tidal marsh located within the lease area. Wetland habitats generally respond to rising water levels by migrating inland, but could be constrained due to surrounding development.

The wetland habitat provides the area with some protection from sea level rise and improves resilience to flooding. Wetlands buffer uplands from moderate flood risks because they can absorb more water than dry lands. They provide additional benefits, including carbon sequestration, nursery habitat for juvenile fish, and water filtration. The bank on the southern edge of the lease area is naturally vegetated, while the western edge is protected with rock riprap and is at greater risk of erosion and accelerated deterioration from sea level rise and floods.

**RECOMMENDATIONS:**

To reduce the likelihood of adverse impacts to the lease premises and improvements, the lessee should consider several adaptation strategies to improve resiliency to climate change. In the future, if erosion or the bank protection requires modifications to the bank, Commission staff suggest the lessee consider nature-based solutions such as native vegetation to stabilize the sediment. Maintaining a wide buffer between the bank and upland improvements will minimize potential impacts from flooding and erosion. Examples of wetland restoration efforts adjacent to and surrounding the lease parcel, such as the Hill Slough Tidal Habitat Restoration and Peytonia Slough Area, could provide insight into appropriate

solutions to improve the areas resilience to flooding and erosion. For more information regarding nature-based strategies, please refer to the 2023 [Shoreline Adaptation and the Public Trust](#) report. Any future construction or activities on State land would require a separate authorization from the Commission.

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 approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the lease; is consistent with the Public Trust Doctrine; 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. 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 to renewal of any previous lease.
2. Because Suisun Slough is tidally influenced, any lands below the ordinary high-water mark may be sovereign lands subject to the Public Trust Doctrine. This lease does not purport to establish the precise boundary between sovereign and private lands. Rather, the Commission requires a lease to encompass any portion of the project area that lies within or may overlap sovereign lands, thereby ensuring Public Trust resources are adequately protected. The State expressly reserves all sovereign rights, title, and interests in such lands below the ordinary high-water mark.
3. 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.

4. 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:**

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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 14, section 15301.

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

Find that the proposed lease will not substantially interfere with 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:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning April 7, 2026, for a term of 20 years, to authorize the use of wetland habitat with public promenade and bank protection; consideration being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests.