

Staff Report 41

APPLICANT:

California Department of Parks and Recreation

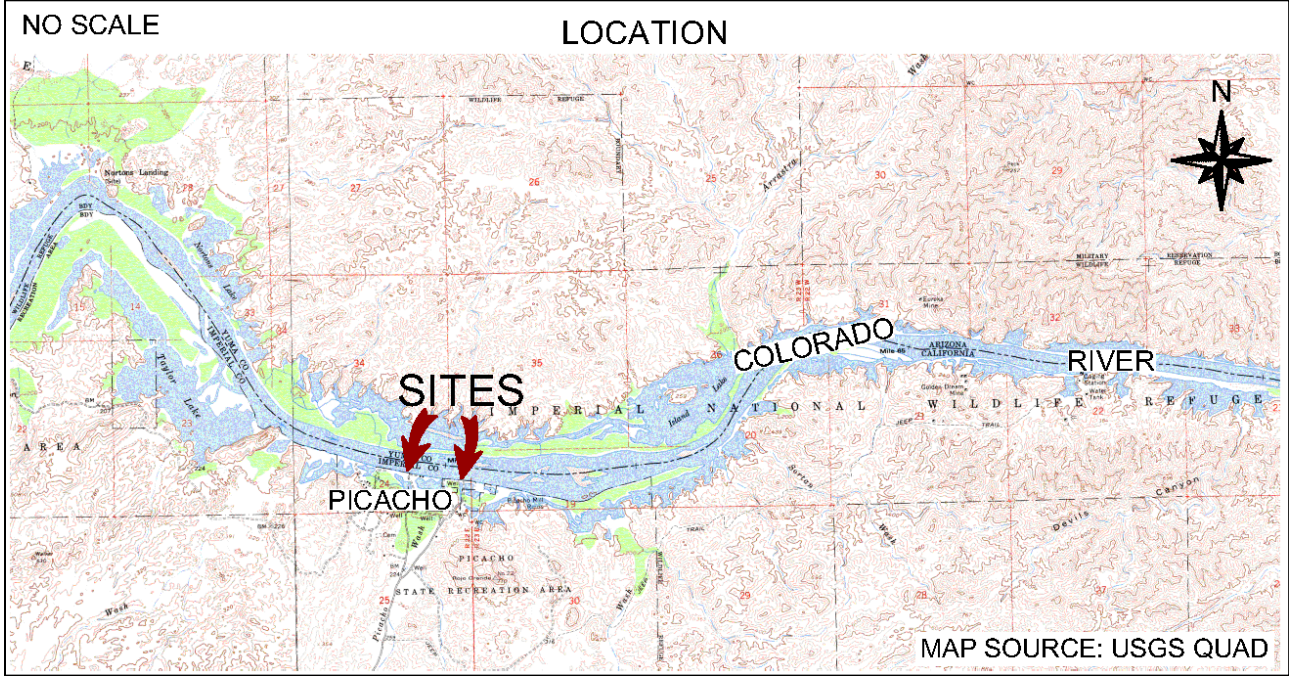
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Colorado River, near Picacho, Imperial County (as shown in Figure 1).

Figure 1. Location



AUTHORIZED USE:

Use of wooden bulkheads, two concrete boat launch ramps, boat tie-ups, and maintenance dredging (as shown in Figures 2 and 3).

Figure 2. Site Map

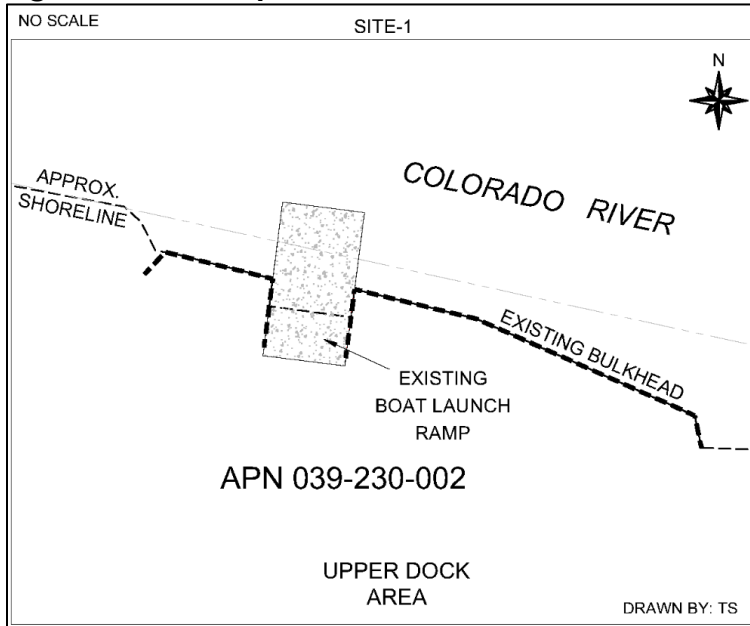
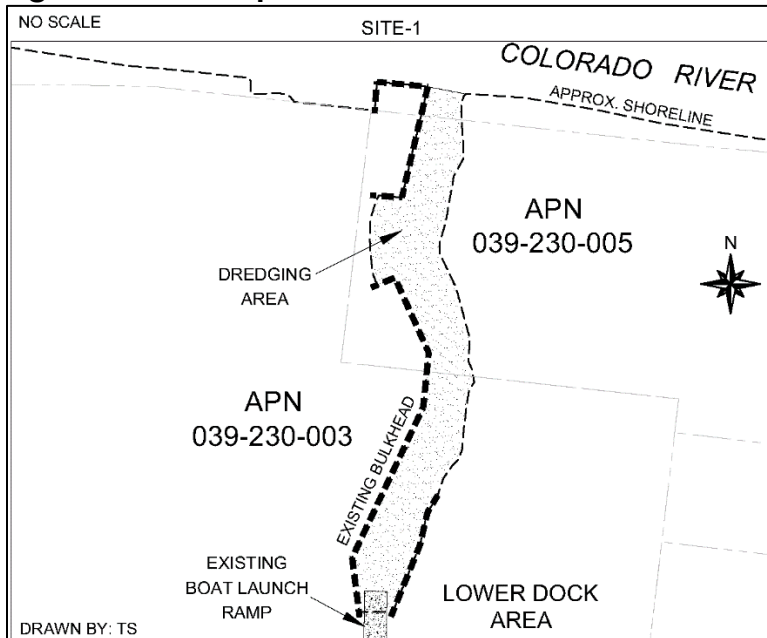


Figure 3. Site Map



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 1, 2025.

CONSIDERATION:

The 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 is authorized to dredge a maximum of 650 cubic yards annually.
- Lessee shall safely conduct all dredging and disposal operations in accordance with accepted dredging and disposal methods and with due regard for the protection of life and property, and preservation of the environment.
- Dredged material gathered during maintenance dredging will be disposed of at an authorized disposal site. The dredged material may not be sold.
- Lessee shall not refuel, maintain, or repair any vehicle or equipment within the Lease Premises or lands subject to Lessor's jurisdiction.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 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 September 30, 1976, the Commission authorized a Public Agency Permit to the Department of Navigation and Ocean Development for two 15-unit overnight boat-in areas, the existing marina and a boat launching area ([Item 4](#)). On October 28, 1976, the Commission authorized an amendment to change the lessee to the Department of Parks and Recreation ([Item 18](#)). This lease expired on March 31, 2025.

In the time since the prior permit was issued, the facilities on State land have changed. The Applicant is applying for a General Lease – Public Agency Use for the use of the existing improvements on sovereign land which consist of wooden bulkheads, two concrete boat launch ramps, boat tie-ups, and maintenance

dredging. Staff recommends issuance of a General Lease – Public Agency Use to the Applicant, effective April 1, 2025.

The improvements have existed for many years at this location and are a part of the Picacho State Recreation Area. They are being maintained by the Applicant on behalf of the general public and facilitate water-related recreation and public access. The improvements allow access for tourists and local residents to participate in water-dependent recreation such as fishing, boating, and swimming, thus increasing public access to sovereign lands.

The maintenance dredging occurs when storm runoff makes the channel too shallow for boat access. When dredging does occur, a long reach excavator will be used. The frequency of the dredging events is done on an as-needed basis and can be required as often as once per year. No more than 650 cubic yards of material will be dredged annually. All dredged material will be pushed close to the boat dock or to the bank, then loaded onto a dump truck by another excavator. The dredged material will be used to backfill material lost at the boat ramp. Excess material, not used at the boat ramp, will be transported to the Picacho State Recreation Area's green waste area for drying and potential use in other projects. The lease includes provisions to ensure that all dredging and disposal operations are in accordance with accepted dredging and disposal methods. Additionally, all dredged material gathered that will not be used for projects at Picacho State Recreation Area will be disposed of at an authorized disposal site.

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 proposed lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

CLIMATE CHANGE:

INTRODUCTION:

Climate change is intensifying drought, wildfire, extreme precipitation events, and heatwaves in California and throughout the southwestern United States ([Fifth National Climate Assessment: Southwest Region](#), 2023). In the Colorado River basin, climate change impacts are projected to result in significant variability in weather and year-to-year precipitation. The water levels are regulated primarily by water

released from upstream dams. Lower water levels and greater variability in streamflow in the upper Colorado River could result in reduced water levels downstream in the lower Colorado River. Megadroughts, or periods of drought that last ten years or more, could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Increased stress to vegetation and drier soils from higher temperatures and rates of evapotranspiration (the direct loss of water from water bodies and/or soil and loss through plants) could lead to lower bank stability and increased erosion in the Colorado River. Warmer water temperatures reduce the available dissolved oxygen which may increase the likelihood of low oxygen events such as algal blooms which pose health risks to both wildlife and river users.

DATA & PROJECTIONS:

Precipitation for the region has historically (circa 1950-2005) averaged approximately five inches per year (low average: 1.5 inches; high average: 10.75 inches). Future climate projections indicate an increase in year-to-year variability, with reductions in minimum annual precipitation of up to 50 percent and increases in maximum annual precipitation of 40 to 65 percent by the end of the century ([California's Fourth Climate Change Assessment: Inland Deserts Region Report, 2018](#)). With this variability, more extreme droughts and extreme wet events are expected. Higher temperatures increase the risk of megadroughts, and the Southwest has already been experiencing a “megadrought period” since 2000, which has been identified as the driest 22-year period in the past 1200 years (Fifth National Climate Assessment: Southwest Region, 2023). Increasing evapotranspiration is also projected to reduce Colorado River flows by 20 to 30 percent at mid-century, and 35 to 55 percent at end-of-century. Higher seasonal temperatures have also caused changes in release-timing and volume of water from snowpacks resulting in earlier flooding than normal. In addition, atmospheric river systems are expected to intensify and increase flooding risks. The combination of dry soil and extreme wet events will make incidents of flash floods more common.

ANALYSIS:

Structures located on the Colorado River will likely experience both prolonged periods of low water levels where they are exposed to extreme heat and wind and high-water levels due to extreme flooding. Flood events create hazardous conditions due to higher water pressure and increased sediment and debris (both

floating and submerged) load. Bank stability may be compromised due to increased channel erosion and undercutting from more intense precipitation and floods. Rapid sedimentation following flood events could also result in the formation of navigational hazards like sand and gravel bars. The combination of these projected conditions could reduce the structural integrity of or increase the likelihood of damage to structures within the lease premises from floods or droughts during the term of the lease.

All the existing features on the lease premises are fixed and may need to be redesigned, relocated, or reinforced in the future to withstand higher levels of flood exposure. Any future construction or activities on State land would require a separate authorization from the Commission.

RECOMMENDATIONS:

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Nature-based strategies such as planting or restoring vegetation (e.g., shrubs, trees, grass) along the river can provide flood and erosion risk management benefits. Any future construction or activities on State land would require a separate authorization from the Commission. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are in an area that may be subject to the effects of climate change.

CONCLUSION:

For all the reasons above, staff believes issuance of this lease will not substantially interfere with the Public Trust needs at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and 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 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. **Existing infrastructure:** 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).

Maintenance dredging: Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(4).

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:

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 through the combination of the following exemptions: Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2), and Class 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(4).

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; 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 1, 2025, for a term of 20 years; for the use of wooden bulkheads, two concrete boat launch ramps, boat tie-ups, and maintenance dredging; consideration being the 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 interest.