

**STAFF REPORT**

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06/28/19  
PRC 7934.9  
M. Schroeder

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

County of Santa Cruz

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in the Pajaro River at Monterey Bay, near Watsonville, Santa Cruz and Monterey counties

*AUTHORIZED USE:*

Periodic breaching, for flood control purposes, of a sandbar at the mouth of the Pajaro River.

*LEASE TERM:*

10 years, beginning June 28, 2019.

*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.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, section 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On June 1, 2009, the Commission authorized the issuance of a General Lease – Public Agency Use to the Applicant for the periodic breaching, for flood control purposes, of a sandbar at the mouth of the Pajaro River at Monterey Bay ([Item C31, June 1, 2009](#)). That lease expired on December 14, 2014. The Applicant is now applying for a General Lease – Public Agency Use, for the same purposes at the same location. The Applicant has authorization to use the upland adjoining the lease premises. The Pajaro River lagoon is located behind a large barrier beach. In some years, due to a decrease in flows from the Pajaro River and natural coastal processes, a sandbar forms at its mouth where the Pajaro River

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discharges to the Pacific Ocean. The formation of the sandbar closes the mouth of the river, preventing outflow to the ocean, and forms a lagoon. When the sandbar is in place, water levels can rise in the lagoon and its associated sloughs and marshes. The sandbar generally forms in the late summer or early fall. Natural breaches often occur during the early winter. When natural breaches occur, the lagoon typically stays open until late summer or early fall. During some years, ocean wave action or river flow is not sufficient to naturally breach the sandbar before flooding may occur. High water levels in the lagoon can cause flooding. Flooding can threaten farmlands, county roads, emergency access routes, sewage collection and delivery network, and electrical infrastructure.

Breaching activities will occur over two stages, mobilization and breaching. Water levels at the Watsonville slough staff gauge are monitored daily during periods of high flow in the Pajaro River during the rainy season, and biweekly during the dry season. From October 15 through March 1, when the gauge shows the water level has reached an elevation of approximately +3.5 feet mean sea level (MSL) and is rising, mobilization would begin.

A hydraulic excavator would be brought to the sandbar site on a rubber-tired vehicle to construct the channel to breach the sandbar. The hydraulic excavator and support vehicles would access the sandbar through an access route used by park rangers for patrolling Sunset State Beach. Breaching equipment and support vehicles would be mobilized along the beach. A staging area, measuring approximately 50 feet by 50 feet, would be set up adjacent to the breaching location.

Breaching of the sandbar would occur when the staff gauge at Watsonville slough reads +4.5 MSL and substantial river flows are forecast. Mechanical breaching of the sandbar would be timed to take place during daylight hours after high tide had peaked and receded. The Applicant would excavate an outlet channel near the southern end of the lagoon, beginning from the ocean side of the sandbar and working towards the lagoon. All material removed from the sandbar would be placed adjacent to the channel that is created and will not be sold.

The proposed lease includes certain provisions protecting the public use of the proposed lease area and requires the Applicant to obtain necessary permits for the project. The proposed project will alter the land for flood prevention, but the lease does not alienate the State's fee simple interest, or permanently impair public rights. The lease requires the Applicant to indemnify the Commission in the event of any liability resulting from the

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proposed action. The lease is limited to a 10-year term, and does not grant the lessee exclusive rights to the lease premises. Therefore, staff believes this use of public land 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 foreseeable term of the lease.

**Climate Change:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located in the Pacific Ocean, adjacent to the mouth of the Pajaro River, near Watsonville, Santa Cruz and Monterey counties.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Monterey tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

**Table 1. Projected Sea-Level Rise for Monterey<sup>1</sup>**

<b>Year</b>	<b>Projection (feet)</b>
2030	0.8
2040	1.2
2050	1.9
2100	6.9

Source: Table 28, State of California Sea-Level Rise Guidance: 2018 Update

Note: <sup>1</sup> Projections are with respect to a 1991 to 2009 baseline.

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run-up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches, coastal

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landscapes, and near-coastal riverine areas will be exposed to increased wave force and run-up, potentially resulting in greater beach or bank erosion than previously experienced.

The lease area includes an existing sand beach that in some years closes the mouth of the Pajaro River creating a lagoon. The mouth of the river is likely to accumulate additional sediment over the lease term due to increased flows within the river and deposit sediment from upland sources. In addition, beach exposure to wave action, storm surge, and higher total water levels will increase the amount of sand deposited on the front of the beach area. Therefore, it may require maintenance activities and dredging of the beach to ensure continued function during and after storm seasons and reduce the risk it poses to public safety for flood events in the river.

During the years when the mouth of the Pajaro River closes, the river also has the potential to exacerbate the impacts of sea-level rise and increased storm and wave activity on sovereign land adjacent to the lease area. In the years the mouth of the river closes there could also be an increase in the potential of flooding upstream of the beach area.

The 10-year lease term provides both the Commission and the lessee an opportunity to check in after a relatively short-term interval to review the effects of sea-level rise and evaluate the design and functionality of the opened river mouth in order to make incremental adaptation steps as necessary and appropriate.

### **Conclusion:**

For the reasons stated above, staff believes the issuance of the proposed lease will not result in significant changes in the use of, or impacts to, Public Trust resources; does not substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the land and resources under the Commission's jurisdiction and Strategy 1.3 of the Commission's Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.

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2. A Mitigated Negative Declaration (MND), State Clearinghouse No. 2002122066, was prepared and adopted for this project by the County of Santa Cruz on January 22, 2003. Commission staff has reviewed this document. A Mitigation Monitoring Program was adopted by the County of Santa Cruz. The previous lease authorization for the Project was approved by the Commission on June 1, 2009, and relied on the adopted MND and Mitigation Monitoring Program. The Commission adopted the Mitigation Monitoring Program, on file at the Sacramento Office of the Commission, at the June 1, 2009 meeting, and it remains in full force.
  
3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission previously authorized the lease in 2009, staff concluded that such activity would not affect those significant lands and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

**APPROVALS OBTAINED:**

U.S. Army Corps of Engineers  
California Department of Fish and Wildlife  
Central Coast Regional Water Quality Control Board  
County of Santa Cruz Planning Department

**FURTHER APPROVALS REQUIRED:**

California Coastal Commission

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that a MND, State Clearinghouse No. 2002122066, and a Mitigation Monitoring Program were prepared and adopted for this project on January 22, 2003, by the County of Santa Cruz and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, 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 California Environmental Quality Act (CEQA) Guidelines section 15162 resulting in any new or

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substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

The previously adopted Mitigation Monitoring Program, on file at the Sacramento Office of the Commission, remains in full force.

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

Find that the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

**AUTHORIZATION:**

Authorize the issuance of a General Lease – Public Agency Use to the Applicant, beginning June 28, 2019, for a term of 10 years, for periodic breaching, for flood control purposes, of a sandbar at the mouth of the Pajaro River at Monterey Bay, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; 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 interests; and dredged material will be placed along the channel and may not be sold.

**EXHIBIT A**

**PRC 7934.9**

**LAND DESCRIPTION**

Two parcels of tide and submerged lands lying in the bed of Monterey Bay, Pacific Ocean and the Pajaro River adjacent to fractional Sections 25 & 36, T12S, R1E, MDM, as shown on the Official Township Plat approved June 16th, 1886, Santa Cruz & Monterey Counties, State of California and more particularly described as follows:

**PARCEL 1 – Sandbar Breaching – Pajaro River**

BEGINNING at a corner of that parcel of land granted to the State of California (State Parks) in that deed as recorded August 5, 1960 in Volume 1354 Page 14, in Official Records of said county and as shown on that Record of Survey filed in Map Book 52, Page 31 records of said county from which a USC&GS brass disc in concrete stamped "Pajaro Mouth #3" bears North 03°13'20" West 554.20 feet; thence from said corner northeasterly along said parcel North 64°01'50" East 777.82 feet, hereafter referred to as "Course A", to the center of Watsonville Slough per said map; thence leaving said parcel South 20°38'03" East 3880.00 feet; thence South 69°21'57" West 908.18 feet; thence North 21°24'09" West 3790.78 feet to a point on the southwesterly prolongation of "Course A"; thence along said prolongation North 64°01'50" East 185.37 feet to the POINT OF BEGINNING.

EXCEPING THEREFROM any portion lying landward of the Ordinary High Water Marks of the Pajaro River and Monterey Bay (Pacific Ocean).

**PARCEL 2 – Access Route**

Bounded on the southeast by the southwesterly prolongation of that above referenced "Course A"; bounded on the southwest by a line parallel with and 200 feet southwesterly measured perpendicular to the Ordinary High Water Mark of Monterey Bay (Pacific Ocean); bounded on the northwest by the southwesterly prolongation of a line as described in said deed "North 54°33'18" East, 362.58 feet to a 1" iron pipe with brass tag stamped L.S. 2362, said iron pipe being the most westerly corner of the Radio Station K.D.O.N. lease described in Volume 768, Page 329, Santa Cruz County Records"; bounded on the northeast by the Ordinary High Water Mark of Monterey Bay (Pacific Ocean).

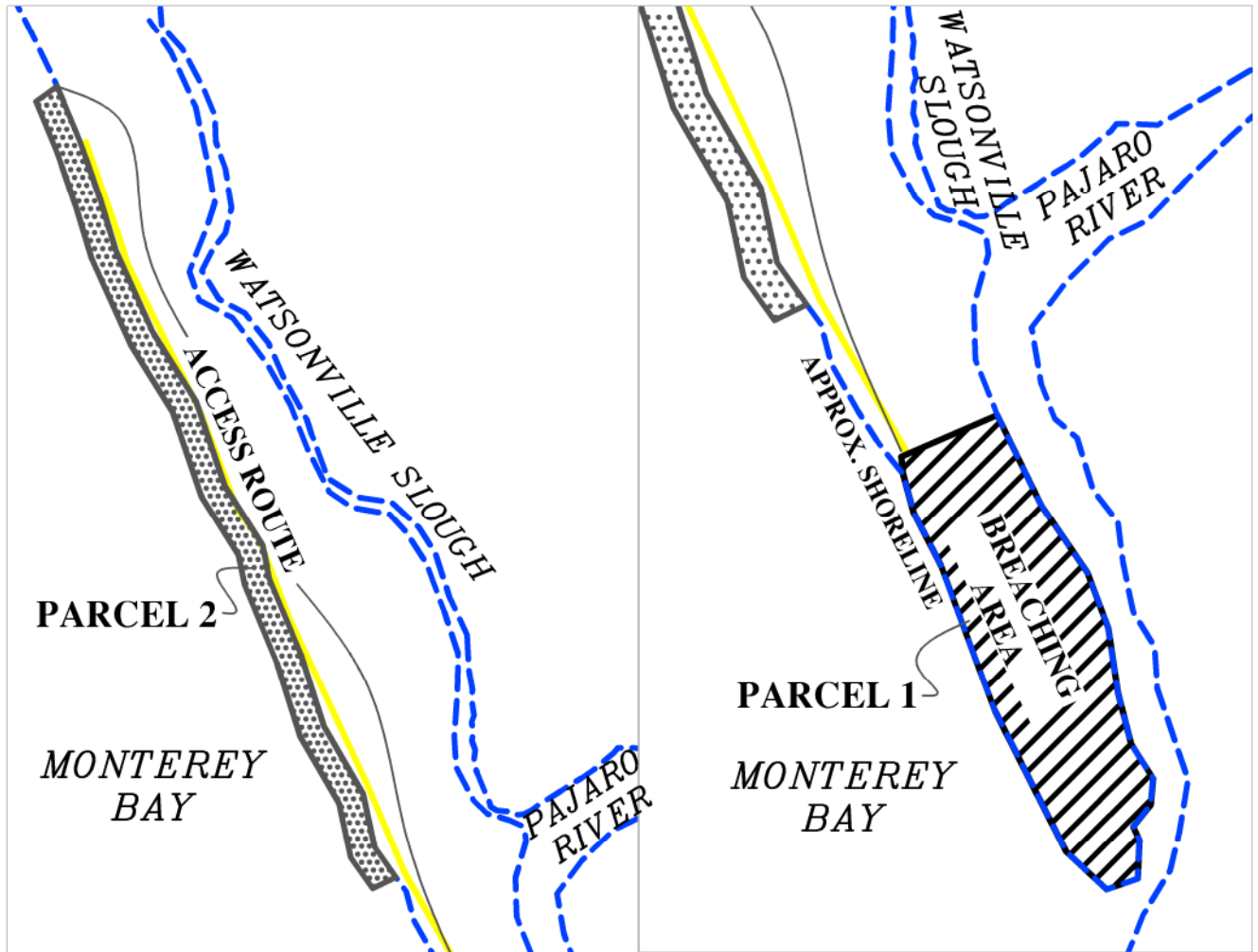
**END OF DESCRIPTION**

PREPARED 5/24/19  
BY THE CALIFORNIA  
STATE LANDS COMMISSION  
BOUNDARY UNIT



NO SCALE

### SITE



Periodic breaching of the sandbar barrier at the mouth of the Pajaro River

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 7934.9  
 SANTA CRUZ CO.  
 DEPT. OF PUBLIC WORKS  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SANTA CRUZ &  
 MONTEREY COUNTIES



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.