

**STAFF REPORT
C26**

A 2, 4, 10

S 2, 3

06/21/18
PRC 6675.9
M.J. Columbus

GENERAL LEASE – DREDGING

APPLICANT:

Sonoma Resource Conservation District

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Petaluma River, Novato Creek, San Pablo Bay, Sonoma Creek, Tolay Creek, North and East Branches of Tolay Creek, Napa Slough, Second Napa Slough, Third Napa Slough, Hudeman Slough, Steamboat Slough, Schell Slough, Railroad Slough, Rainbow Slough, and San Antonio Creek, in Marin and Sonoma Counties.

AUTHORIZED USE:

Maintenance dredge 10,000 cubic yards of material per 2,500 linear feet of adjacent levee, per parcel, per year, but not to exceed a maximum of 150,000 cubic yards of material per year over the term of the lease for 25 Marin and Sonoma County landowners. Dredged material to be disposed of at the adjacent levee crown and mechanically compressed, or at the U.S. Army Corps of Engineers approved disposal sites.

LEASE TERM:

5 years, beginning ~~June-24~~ August 1, 2018.

CONSIDERATION:

No monetary consideration is proposed for the lease because: 1) the dredging will provide a public benefit by minimizing flooding threats; and 2) there is no commercial benefit from the project and the dredged material may not be sold, as specified in the lease.

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.

STAFF REPORT NO. C26 (CONT'D)

Public Trust and State's Best Interests Analysis:

On February 20, 2015, the Commission authorized a General Lease – Dredging to the Sonoma Resource Conservation District (Applicant) for dredging periodically to maintain and repair adjacent levee structures ([Item C64, February 20, 2015](#)). That lease expired October 11, 2017. The Applicant represents 25 Marin and Sonoma County upland landowners and is now applying for a new General Lease – Dredging to continue periodic dredging.

The Applicant is the sponsoring agency for Regional General Permits issued by the U.S. Army Corps of Engineers for ongoing levee maintenance on several properties in the Petaluma and Sonoma Creek drainage basins in Sonoma and Marin Counties. The Applicant represents landowners that own the uplands adjoining the lease premises. The U.S. Army Corps of Engineers permits allow the landowners to continue periodic maintenance of levees in order to prevent flooding.

The dredged material from the channels is used to maintain the levees. The dredging operation consists of mechanical excavation by long-reach excavators or draglines working from the top of the existing levees. Dredged material is excavated on the outboard side of the levee at the extreme reach of the available equipment to avoid damage to the levee toe. Dredged material is placed on the levee crown and mechanically compressed.

The Applicant's dredging consists of up to 4 cubic yards of material per linear foot of levee, not to exceed 10,000 cubic yards of material per 2,500 linear feet of adjacent levee, per parcel, per year, and not to exceed a cumulative maximum of 150,000 cubic yards of material per year. The frequency of maintenance will vary by landowner. The Applicant's current 2018 proposed dredging is for approximately 7,201 cubic yards of material for seven parcels by five landowners. Maintenance activities typically occur between June and October. Staff consulted with the U.S. Army Corps of Engineers and is recommending a 5-year lease term beginning ~~June 21~~ [August 1](#), 2018, to coincide with the U.S. Army Corps of Engineers proposed permit term.

Public access to the river, creeks, and sloughs within the project sites is constrained due to topography and private ownership of the uplands. Rafting, kayaking and fishing may be possible, but are limited due to the constraints of the surrounding area. No developed regional or neighborhood parks or other recreational facilities exist within or are directly adjacent to the project sites. Public access to the adjacent rivers,

STAFF REPORT NO. C26 (CONT'D)

creeks, and sloughs at the project sites is available but limited. Periodic maintenance dredging is intended to provide reinforced structural support to the levee. The dredging seeks to prevent levee failure and catastrophic flooding.

The lease includes certain provisions protecting the public's use of the proposed lease area by requiring the Applicant to obtain required permits prior to dredging. The Applicant will follow all work and timeframes provided by the required permitting agencies. The lease also requires the Applicant to conduct all repair and maintenance work safely. The proposed lease does not substantially interfere with Public Trust uses and is for a limited 5-year term. The dredging is intended to promote public health and safety by minimizing flooding threats.

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 areas are located on the Petaluma River, Novato Creek, San Pablo Bay, Sonoma Creek, Tolay Creek, North and East branches of Tolay Creek, Napa Slough, Second Napa Slough, Third Napa Slough, Hudeman Slough, Steamboat Slough, Schell Slough, Railroad Slough, Rainbow Slough and San Antonio Creek in tidally influenced sites consisting of low-elevation reclaimed floodplains. These areas are vulnerable to flooding at current sea levels; therefore, this area will likely be at a higher risk of flood exposure given future projection scenarios of sea-level rise. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to increased flooding, and larger tidal events, and can affect erosion and sedimentation rates. For example, in tidally influenced waters such as the San Francisco Bay, increased storms and flooding will likely increase scour, leading to decreased bank and levee stability and excessive sediment accretion within the channels.

Regular maintenance dredging of the lease areas will decrease the occurrences of elevated wave crests in the event of a severe storm. The lease area dredging depth varies based on the depth of the channel as built when constructed. Regular maintenance and upkeep of the channels and levees will reduce the likelihood of severe bank and levee degradation or excessive sediment accretion within the channels in the event of a severe storm. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change, including sea-level rise.

STAFF REPORT NO. **C26** (CONT'D)

Conclusion:

For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the State's best interests.

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 lands and resources under the Commission's jurisdiction.

2. The Sonoma Resource Conservation District (SRCD), acting as the lead agency under the provisions of the California Environmental Quality Act (CEQA), determined that the project, as described above, was categorically exempt from CEQA pursuant to California Code of Regulations, title 14, section 15304, under Class 4, Minor Alterations to Land. A Notice of Exemption was filed to the State Clearinghouse on November 13, 2017 (SCH No. 2017118215). Staff concurs with SRCD's determination.

Staff recommends that the Commission also find that this activity is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

APPROVALS REQUIRED:

California Department of Fish and Wildlife
National Marine Fisheries Service
San Francisco Bay Conservation and Development Commission
San Francisco Bay Regional Water Quality Control Board
Sonoma County
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

EXHIBITS:

- A. Land Description
- B-1. Site and Location Map
- B-2. Site Map

STAFF REPORT NO. **C26** (CONT'D)

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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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 foreseeable 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 – Dredging to Sonoma Resource Conservation District beginning ~~June 21~~ August 1, 2018, for a term of 5 years, for maintenance dredging of 10,000 cubic yards of material per 2,500 linear feet of adjacent levee, per parcel, per year, but not to exceed a maximum of 150,000 cubic yards of material per year over the term of the lease for 25 Marin and Sonoma County landowners; as described in Exhibit A and shown on Exhibit B-1 and B-2 (for reference purposes only), attached and by this reference made a part hereof; dredged material will be disposed of on the adjacent levee crown and mechanically compacted, or at a U.S. Army Corps of Engineers approved disposal site; no monetary consideration is due for the lease because the dredging will provide a public benefit by minimizing flooding threats and there is no commercial benefit from the project; the dredged material may not be sold.

EXHIBIT A

PRC 6675.9

LAND DESCRIPTION

All those tide and submerged lands lying in the bed of San Pablo Bay, Petaluma River, San Antonio Creek, Novato Creek, Sonoma Creek, Toley Creek, Napa Slough, Second Napa Slough, Third Napa Slough, Hudeman Slough, Steamboat Slough, Schell Slough and Railroad Slough, situated in Marin and Sonoma Counties, State of California and adjacent to the following Southern Sonoma Resource Conservation District (SSRCD) parcels of land described in:

- 1) Corporation Grant Deed recorded July 31, 2002 as Document No. 2002114861, Official Records of Sonoma County (2-S);
- 2) Grant Deed recorded September 20, 2002 as Document No. 20022142697, Official Records of Sonoma County (3-S);
- 3) Grant Deed recorded September 29, 1999 as Document No. 1999121677, Official Records of Sonoma County (3-S);
- 4) Grant Deed recorded March 21, 1979 in Book 3537, Page 446, Official Records of Sonoma County (4-R);
- 5) Grant of Easement recorded October 13, 2005 as Document No. 2005152954, Official Records of Sonoma County (4-R);
- 6) Grant Deed recorded September 11, 2003 as Document No. 2003191003, Official Records of Sonoma County (6-F);
- 7) Individual Grant Deed recorded November 6, 1989 as Document No. 89106236, Official Records of Sonoma County (6-F);
- 8) Grant Deed recorded September 13, 1988 as Document No. 88076989, Official Records of Sonoma County (7-B);
- 9) Grant Deed recorded September 22, 1992 as Document No. 1992 0117385, Official Records of Sonoma County (7-B);
- 10) Quit Claim Deed recorded May 21, 2008 as Document No. 2008046807, Official Records of Sonoma County (8-K);
- 11) Quit Claim Deed recorded June 15, 2007 as Document No. 2007068223, Official Records of Sonoma County (9-T);
- 12) Quit Claim Deed recorded June 14, 2001 as Document No. 2001078080, Official Records of Sonoma County (11-H);
- 13) Grant Deed recorded February 13, 2013 as Document No. 2013015147, Official Records of Sonoma County (12-A);
- 14) Grant Deed recorded April 14, 2010 as Document No. 2010-0018596, Official Records of Sonoma County (13-C);

- 15) Gift Deed recorded July 10, 2008 as Document No. 2008063150, Official Records of Sonoma County (13-C);
- 16) Corporation Grant Deed recorded December 31, 1975 as in Book 3033, Page 217 Official Records of Sonoma County (14-C);
- 17) Individual Grant Deed recorded October 23, 1992 as Document No. 1992 0132458, Official Records of Sonoma County (15-J);
- 18) Quit Claim Deed recorded June 12, 2012 as Document No. 2012055851, Official Records of Sonoma County (17-M);
- 19) Quit Claim Deed recorded June 12, 2012 as Document No. 2012055852, Official Records of Sonoma County (17-M);
- 20) Quit Claim Deed recorded June 12, 2012 as Document No. 2012055853, Official Records of Sonoma County (17-M);
- 21) Grant Deed recorded November 15, 2005 as Document No. 2005169315, Official Records of Sonoma County (17-M);
- 22) Grant Deed recorded December 22, 1997 as Document No. 97-073948, Official Records of Marin County (18-R);
- 23) Grant Deed recorded April 10, 1967 in Book 2120, Page 406, Official Records of Marin County (18-R);
- 24) Grant Deed recorded April 26, 1968 in Book 2207, Page 85, Official Records of Marin County (18-R);
- 25) Grant Deed recorded April 10, 1967 in Book 2120, Page 392, Official Records of Marin County (18-R);
- 26) Trust Transfer Deed recorded November 29, 2006 as Document No. 2006147894, Official Records of Sonoma County (19-B);
- 27) Individual Grant Deed recorded November 21, 1997 as Document No. 1997 0108428, Official Records of Sonoma County (20-C);
- 28) Grant Deed recorded January 27, 2005 as Document No. 2005011513, Official Records of Sonoma County (21-L);
- 29) Grant Deed recorded July 27, 1956 in Book 1489, Page 285, Official Records of Sonoma County (21-L);
- 30) Corporation Grant Deed recorded September 25, 1991 as Document No. 91-061381, Official Records of Marin County (23-R);
- 31) Quit Claim Deed recorded October 31, 2000 as Document No. 2000114497, Official Records of Sonoma County (24-H);
- 32) Grant Deed recorded January 25, 2011 as Document No. 2011007795, Official Records of Sonoma County (25-M);
- 33) Grant Deed recorded October 7, 2014 as Document No. 2014071231, Official Records of Sonoma County (26-Y);

- 34) Grant Deed recorded April 19, 1982 as Document No. 82020350, Official Records of Sonoma County (26-Y);
- 35) Quitclaim Deed recorded December 9, 2016 as Document No. 2016114116, Official Records of Sonoma County (26-Y);
- 36) Grant Deed recorded July 7, 1995 as Document No. 1995 0054810, Official Records of Sonoma County (28-M);
- 37) Grant Deed recorded April 19, 1982 as Document No. 82020350, Official Records of Sonoma County (30-T);
- 38) Correction Quitclaim Deed recorded December 27, 2016 as Document No. 2016119191, Official Records of Sonoma County (30-T);
- 39) Grant Deed recorded July 8, 2005 as Document No. 2005097730, Official Records of Sonoma County (31-M);
- 40) Grant Deed recorded November 5, 2008 as Document No. 2008099991, Official Records of Sonoma County (32-P).

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the banks of said river, bay, creeks and sloughs.

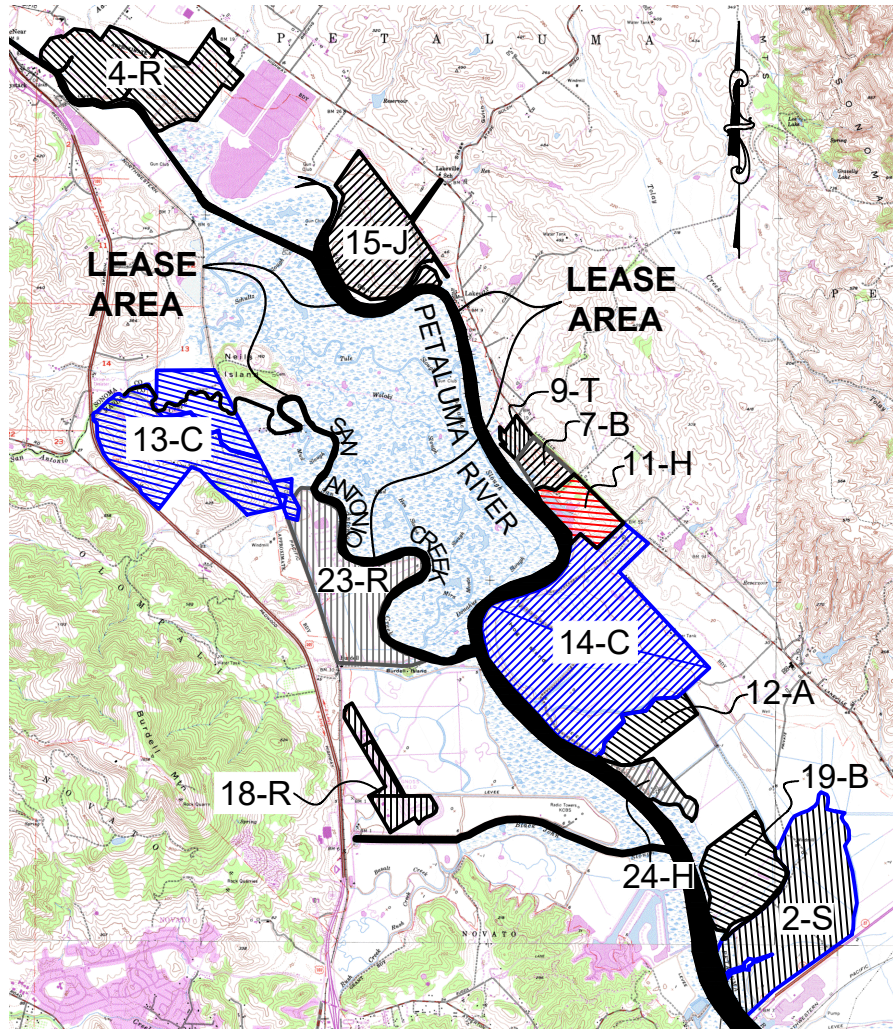
END OF DESCRIPTION

Prepared 06/14/2018 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



SRCD Parcels No.:

- 2-S - APN 068-130-013
- 4-R - APN 068-010-034
APN 017-170-001
- 7-B - APN 068-110-026, 27
- 9-T - APN 068-060-038
- 11-H - APN 068-110-025
- 12-A - APN 068-120-012
- 13-C - APN 019-360-001
APN 125-130-04, 05, 06
- 14-C - APNs 068-120-001, 002
- 15-J - APN 068-020-001, 002
- 18-R - APNs 125-190-24, 54, 70
- 19-B - APR 068-130-001, 008
- 23-R - APN 125-160-13
- 24-H - APN 068-120-015

PETALUMA RIVER, SAN ANTONIO AND NOVATO CREEKS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B-1

PRC 6675.9
SONOMA RESOURCE
CONSERVATION DISTRICT
DREDGING LEASE
MARIN & SONOMA
COUNTIES



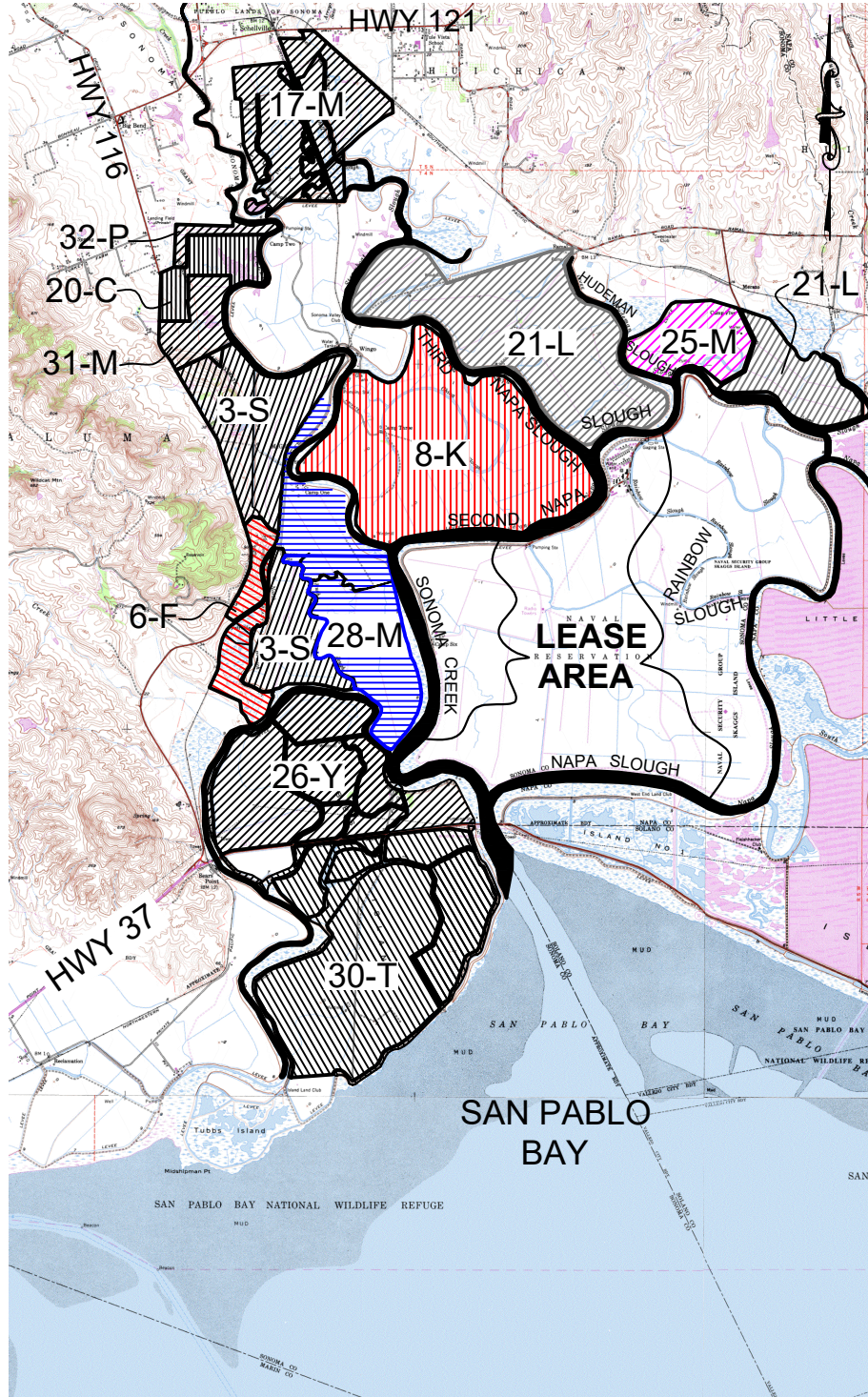
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- 8-K - APNs 128-491-013, 014, 015
- 17-M - APNs 128-471-003, 004, 015
APNs 128-471-007, 014
APN 128-471-006
APN 135-012-005
- 20-C - APN 128-491-056
- 21-L - APNs 128-491-005, 006, 007
APN 128-491-016
- 25-M - APN 128-491-041
- 26-Y - APNs 068-190-005, 007, 008, 009
APNs 068-190-013, 015, 017
APN 068-180-008
- 28-M - APNs 128-491-022, 023
- 30-T - APNs 068-180-003, 004, 005, 006
APN 068-180-007
APNs 068-180-011, 013, 017, 020
- 31-M - APN 128-491-059
- 32-P - APN 128-471-017

- LEASE AREA

SAN PABLO BAY, SONOMA CREEK, TOLEY CREEK, NAPA SLOUGH, SECOND NAPA SLOUGH, THIRD NAPA SLOUGH, HUDEMAN SLOUGH, STEAMBOAT SLOUGH, SCHELL SLOUGH AND RAILROAD SLOUGH.

Exhibit B-2
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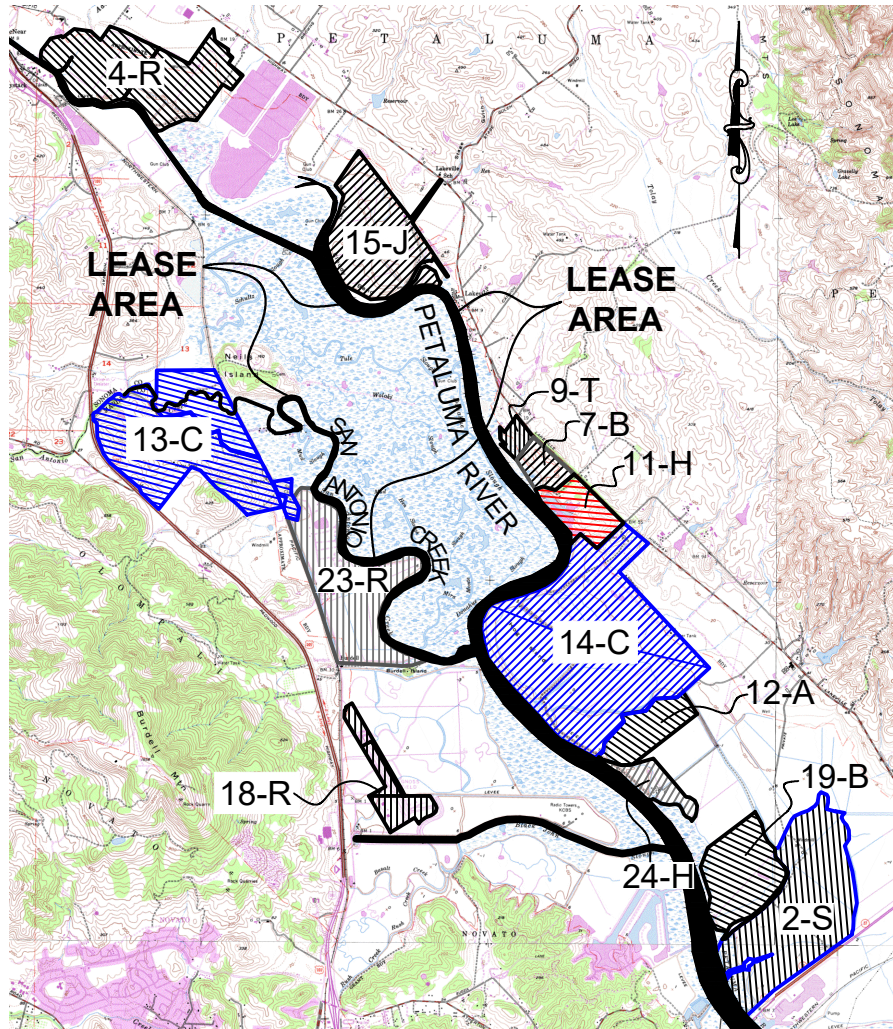
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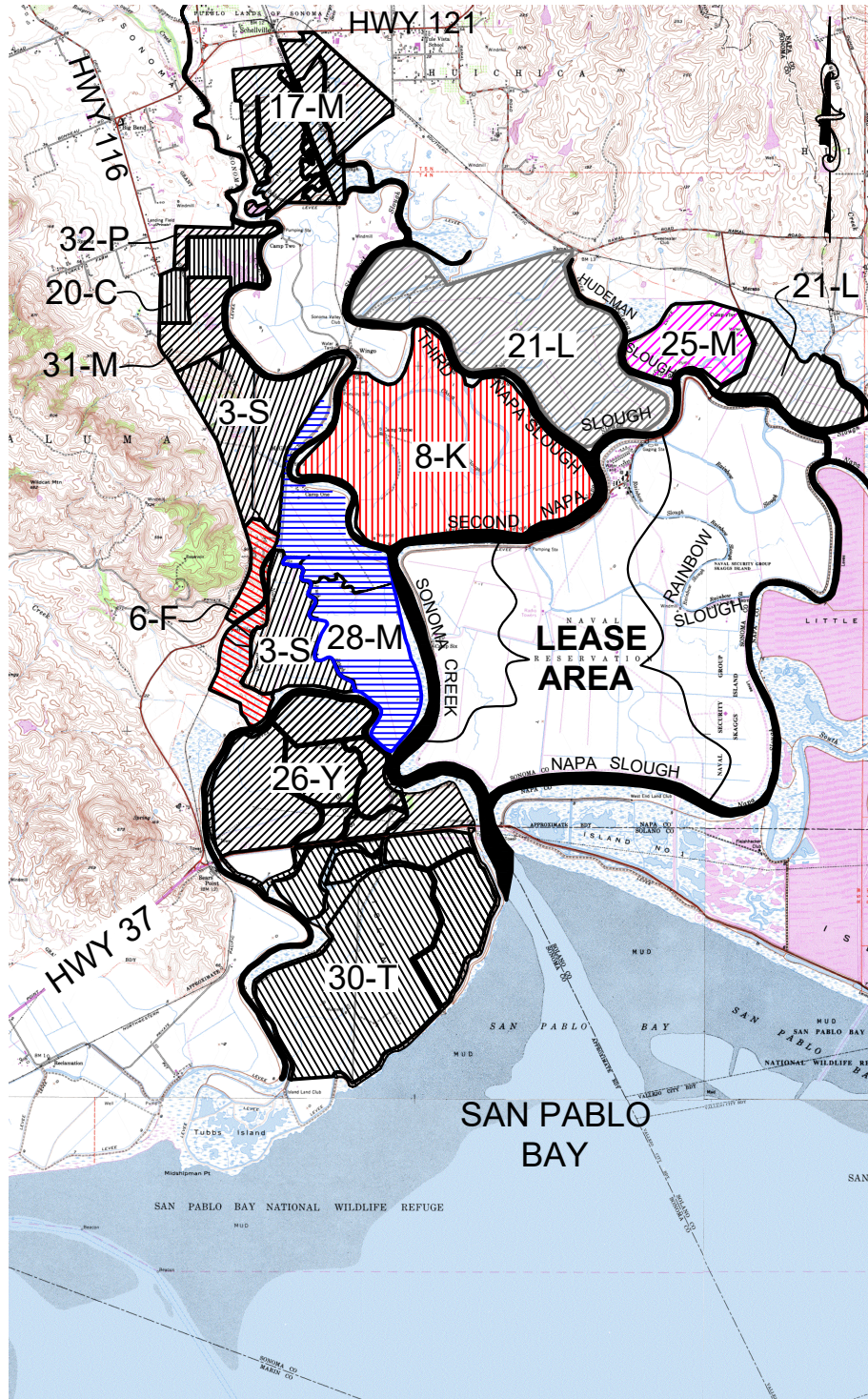


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APN 128-491-011
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APN 142-122-004
- 8-K - APNs 128-491-013, 014, 015
- 17-M - APNs 128-471-003, 004, 015
APNs 128-471-007, 014
APN 128-471-006
APN 135-012-005
- 20-C - APN 128-491-056
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