

**STAFF REPORT
C53**

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10/18/18
PRC 7650.9
D. Simpkin

AMENDMENT OF LEASE

LESSEE:

United States Geological Survey

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Old River, Middle River, San Joaquin River, Holland Cut, False River, South Fork Mokelumne River, North Fork Mokelumne, Little Potato Slough, Threemile Slough, Sacramento River, Sutter Slough, Steamboat Slough, Georgiana Slough, Miner Slough, Cache Slough, in Contra Costa, San Joaquin, Sacramento, Yolo, and Solano Counties.

AUTHORIZED USE:

Continued use and maintenance of 27 water monitoring stations.

LEASE TERM:

15 years, beginning October 14, 2014.

CONSIDERATION:

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.

PROPOSED AMENDMENT:

Section 1, Land Use or Purpose and Authorized Improvements, of the Lease would be amended to authorize the use and maintenance of two existing pilings and the installation, use, and maintenance of two additional water monitoring stations in the Sacramento River.

Replace **Exhibit A, Land Description**, and **Exhibit B, Site and Location Map**, of the lease with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map. All other terms and conditions of the lease shall remain in effect without amendment.

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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.

Public Trust and State's Best Interests Analysis:

On October 14, 2014, the Commission authorized a 15-year General Lease – Public Agency Use to the Lessee for continued use and maintenance of 17 existing water monitoring stations previously authorized by the Commission, and use and maintenance of 10 existing water monitoring stations not previously authorized by the Commission ([Item C41, October 14, 2014](#)). The lease will expire on October 13, 2029.

The Lessee is now applying for an amendment of the lease to allow for the installation, use, and maintenance of two additional water monitoring stations attached to existing steel pilings located in the Sacramento River at the site of the old Miller Park courtesy dock. Use of these facilities for purposes of installing water monitoring stations is in the State's best interests. The water monitoring stations measure the river velocity by transmitting acoustic pulses via a transducer. The sites provide valuable flow magnitude and direction data necessary for water management in the Central Valley. This information is used by numerous federal, State, and local agencies participating in the water management programs of the Delta, San Francisco Bay system, and the State and Central Valley water projects.

The two water monitoring stations will be attached to existing, authorized infrastructure (pilings) under Lease No. PRC 4921.9. The existing pilings are all that remain of the old Miller Park courtesy dock that has been removed for many years. The Applicant has agreed to take over responsibility for the remaining two pilings as part of their water monitoring stations, which will allow the original lease requirements for the courtesy dock with the City of Sacramento to be satisfied and that lease will expire at the end of 2018. The water monitoring stations will not interfere with navigation and are a water-dependent use. The proposed amendment is therefore consistent with the Public Trust Doctrine.

Climate Change:

Climate change impacts including sea-level rise, increased wave activity, storm events, and flooding are not limited to the open coast. The lease area is located along the Sacramento River within a tidally influenced region vulnerable to flooding at current sea levels. In the foreseeable

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future, this area will be at a higher risk of flood exposure given projected scenarios of sea-level rise. The new facilities associated with this lease area include two water monitoring stations mounted on existing steel pilings.

By 2030, this region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly more than 5 feet by 2100 (National Research Council 2012). This effect could increase the Sacramento River's inundation levels within the lease area. In addition, 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, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise).

Climate change could have a number of impacts for this region. The amount and timing of snowmelt runoff will likely change such that runoff pulses are earlier in the season and stronger precipitation events will occur over a shorter period of time. This outcome is because warming temperatures will result in more water falling as rain rather than snow, earlier spring snowmelt, and less snowpack overall. In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. In addition, there will be greater amounts of runoff because less water will be trapped at higher altitudes in snowpack. Conversely, climate-change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. In rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises during the term of the lease. For example, the potential for more frequent and stronger storm events may expose the lease area structures to higher flood risks and cause facilities to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation within the channel. Conversely, prolonged drought conditions could lower water levels, exposing previously submerged structures to the elements and potentially leading to increased wear-and-tear on the pilings. Lowered water levels could also reduce navigability of the channel, thereby increasing hazards and impacting the function and utility of the lease area structures.

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The monitoring stations would be mounted underwater at an elevation that would avoid issues associated with the rise of the river due to storms and sea-level rise. The stations could also be adjusted during droughts. This mobility increases their resiliency to some climate change impacts; but, may require more frequent maintenance to ensure continued functionality during and after storm seasons and to avoid dislodgement of the stations from the existing pilings. The pilings may need reinforcement to withstand higher levels of flood exposure. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement.

Pursuant to the proposed lease, the applicant acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to effects of climate change, including sea-level rise.

Conclusion:

The use of the monitoring stations is consistent with the common law Public Trust Doctrine. The lease is limited to a 15-year term (11 years remaining) and does not grant the lessee exclusive rights to the lease premises. The activity would not involve the construction of permanent structures or facilities. Upon termination of the lease, the lessee will be required to remove all improvements from State land.

For all the reasons above, Commission staff believes amendment of the lease is consistent with the common law Public Trust Doctrine, will not substantially interfere with Public Trust needs at this time, 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 lands and resources under the Commission's jurisdiction.
2. 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 6, Information Collection; California Code of Regulations, title 14, section 15306.

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

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EXHIBITS:

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

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 6, Information Collection; California Code of Regulations, title 14, section 15306.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of the lease will not 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 the amendment of Lease No. PRC 7650.9, a General Lease – Public Agency Use, effective October 18, 2018, to allow for the use and maintenance of two existing pilings, installation, use, and maintenance of two additional water monitoring stations in the Sacramento River, and to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).

EXHIBIT A

PRC 7650.9

LAND DESCRIPTION

Twenty-nine (29) parcels of tide and submerged lands situate in the State of California, and being more particularly described as follows:

Parcel 1 (OLD)

A parcel of land in the bed of the Old River in Contra Costa County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°58'12" North, Longitude 121°34'16" West.

Parcel 2 (MID)

A parcel of land in the bed of the Middle River in San Joaquin County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°56'32" North, Longitude 121°31'57" West.

Parcel 3 (STK)

A parcel of land in the bed of the San Joaquin River in San Joaquin County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°56'08" North, Longitude 121°19'45" West.

Parcel 4 (MRC)

A parcel of land in the bed of the Middle River in San Joaquin County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°00'11" North, Longitude 121°30'39" West.

Parcel 5 (ORF)

A parcel of land in the bed of the Old River in Contra Costa and San Joaquin Counties, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 37°53'28" North, Longitude 121°34'09" West.

Parcel 6 (HOL)

A parcel of land in the bed of the Holland Cut in Contra Costa County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances

thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°00'59" North, Longitude 121°34'55" West.

Parcel 7 (FAL)

A parcel of land in the bed of the False River in Contra Costa County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'21" North, Longitude 121°40'01" West.

Parcel 8 (ORS)

A parcel of land in the bed of the Old River in Contra Costa County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°04'16" North, Longitude 121°34'44" West.

Parcel 9 (PPT)

A parcel of land in the bed of the San Joaquin River in San Joaquin County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'34" North, Longitude 121°33'26" West.

Parcel 10 (SFM)

A parcel of land in the bed of the South Fork Mokelumne River in San Joaquin County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°13'32" North, Longitude 121°29'28" West.

Parcel 11 (NFM)

A parcel of land in the bed of the North Fork Mokelumne River in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°13'24" North, Longitude 121°30'26" West.

Parcel 12 (LPS)

A parcel of land in the bed of the Little Potato Slough in San Joaquin County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°05'47" North, Longitude 121°29'46" West.

Parcel 13 (MOK)

A parcel of land in the bed of the Mokelumne River in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°06'22" North, Longitude 121°34'16" West.

Parcel 14 (TMN)

A parcel of land in the bed of the Threemile Slough in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°06'12" North, Longitude 121°41'10" West.

Parcel 15 (JPT)

A parcel of land in the bed of the San Joaquin River in Contra Costa County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°03'08" North, Longitude 121°41'16" West.

Parcel 16 (FPT)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°27'22" North, Longitude 121°30'01" West.

Parcel 17 (SUT)

A parcel of land in the bed of the Sutter Slough in Yolo County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°19'43" North, Longitude 121°34'38" West.

Parcel 18 (STM)

A parcel of land in the bed of the Steamboat Slough in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°17'05" North, Longitude 121°35'12" West.

Parcel 19 (WGA)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances

thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°15'28" North, Longitude 121°31'02" West.

Parcel 20 (GEO)

A parcel of land in the bed of the Georgiana Slough in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'14" North, Longitude 121°31'03" West.

Parcel 21 (WGB)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'20" North, Longitude 121°31'18" West.

Parcel 22 (MIN)

A parcel of land in the bed of the Miner Slough in Solano County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°17'30" North, Longitude 121°37'51" West.

Parcel 23 (LIB)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°14'32" North, Longitude 121°41'10" West.

Parcel 24 (DWS)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°15'22" North, Longitude 121°41'00" West.

Parcel 25 (CCH)

A parcel of land in the bed of the Cache Slough in Solano County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°12'46" North, Longitude 121°40'09" West.

Parcel 26 (RIO)

A parcel of land in the bed of the Sacramento River in Solano County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°09'36" North, Longitude 121°41'08" West.

Parcel 27 (DEC)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°05'36" North, Longitude 121°44'10" West.

Parcel 28 (Miller Park Upstream)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°34'02.4" North, Longitude 121°31'08.8" West.

Parcel 29 (Miller Park Downstream)

A parcel of land in the bed of the Sacramento River in Sacramento County, said parcel lying immediately beneath instruments, cables, buoys, piles, and related appurtenances thereto, and being in the vicinity of NAD83 geographic coordinates Latitude 38°34'01.9" North, Longitude 121°31'09.2" West.

END OF DESCRIPTION

Parcels 28 and 29 prepared 08/02/2018 by the California State Lands Commission Boundary Unit. Parcels 1 thru 27 prepared 08/21/2014 by the California State Lands Commission Boundary Unit. Descriptions based upon NAD83 geographic coordinates provided by the U.S. Geological Survey.



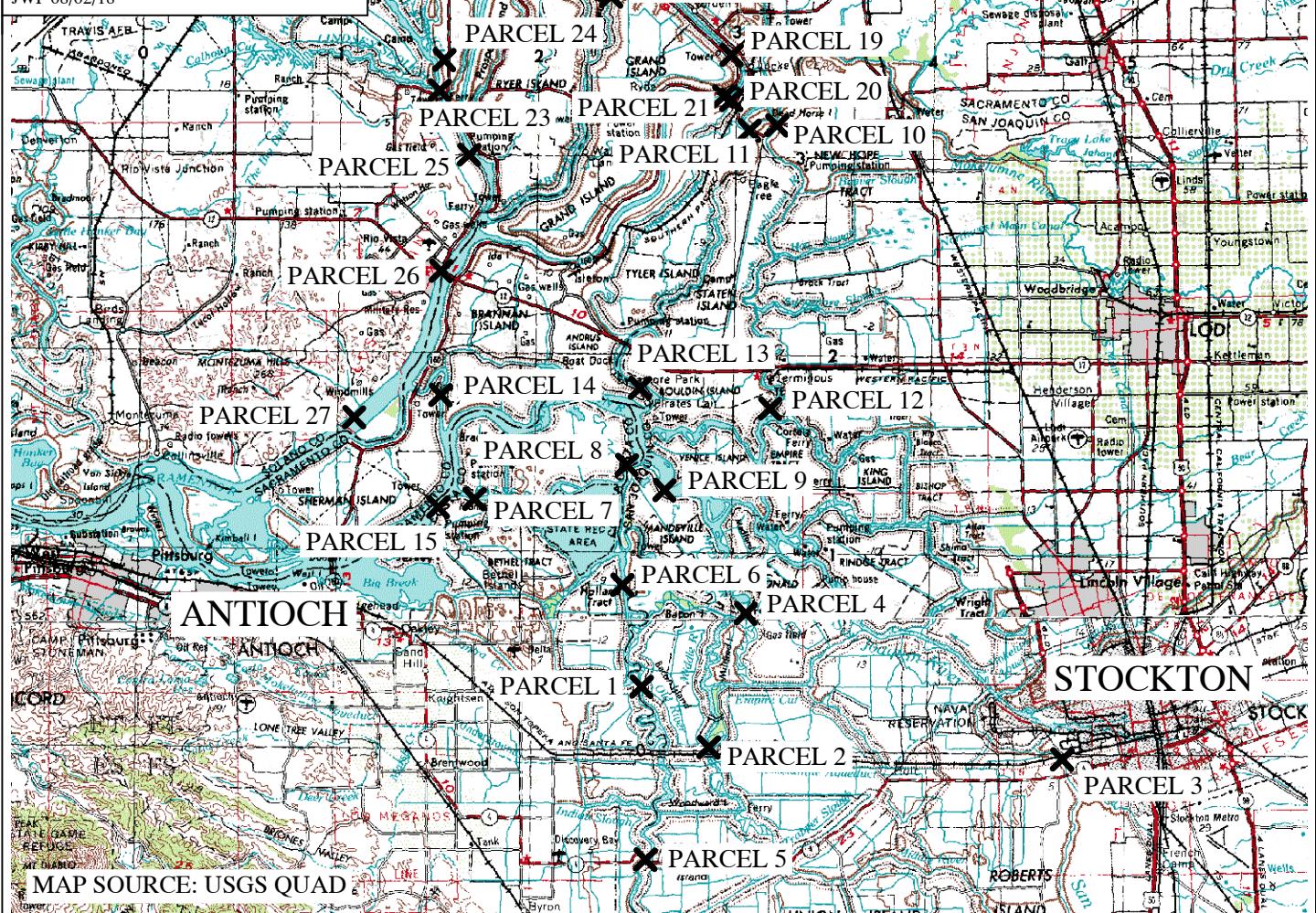
WATER MONITORING STATIONS

Exhibit B

PRC 7650.9
 U.S. GEOLOGICAL
 SURVEY
 GENERAL LEASE -
 PUBLIC AGENCY USE
 MULTI COUNTY AREA



JWP 08/02/18



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.