

**STAFF REPORT
C35**

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02/04/19
PRC 7757.9
A. Franzoia

GENERAL LEASE – DREDGING

APPLICANT:

City of Suisun City

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Suisun Slough and in the area around the Suisun City Marina, City of Suisun City, Solano County.

AUTHORIZED USE:

Maintenance dredge a maximum of 193,155 cubic yards of sediment from Suisun Slough and the area around the Suisun City Marina, not the marina itself, over the entire 10-year lease period to maintain navigable depths. Dredged material will be disposed of at the Pierce Island Levee Rehabilitation Project, a Dredged Material Management Office (DMMO) designated upland disposal site.

LEASE TERM:

10 years, beginning February 4, 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 to be in the State's best interests. The dredged material may not be sold.

SPECIFIC LEASE PROVISIONS:

- In performing dredging operations, the Lessee will abide by Best Management Practices to control turbidity to protect marine resources and habitats from excessive siltation in the general vicinity of the project.
- Lessee acknowledges that material dredged from the Lease Premises is the property of the State of California and shall not be sold, and that Lessee is not authorized to dredge for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.
- Lessee shall coordinate with the U.S. Coast Guard in placing and maintaining navigational buoys as a warning to boaters at all times during

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dredging activities. Public access to Suisun Slough shall be maintained at all times during dredging operations.

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

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

Public Trust and State's Best Interests Analysis:

The City of Suisun City was incorporated in 1868 and is located at the northern edge of the Suisun Marsh. Suisun Slough gives the public direct access to the Suisun Marsh and San Francisco Bay.

On August 22, 2008, the Commission authorized a 10-year Dredging Lease to the City of Suisun City for maintenance dredging of a maximum 120,510 cubic yards of sediment ([Item C34, August 22, 2008](#)). That lease expired on August 21, 2018, and the Applicant is applying for a new lease.

Dredging that maintains the navigability of waterways and uses that promote or facilitate water-oriented recreational use are generally consistent with the common law Public Trust Doctrine. The proposed lease is for maintenance dredging of a maximum 193,155 cubic yards of material over the lease term from Suisun Slough to improve the navigability of the waterway and facilitate water-oriented recreational uses. The lease restricts the lessee from selling or using the dredged material for commercial purposes. Dredged material will be deposited at the DMMO-approved Pierce Island Levee Rehabilitation Project.

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 consists of Suisun Slough adjacent to the Suisun City Marina (under separate Lease No. PRC 7625), a tidally influenced area that includes salt and brackish water marshes that are vulnerable to flooding at current sea levels and at higher risk of flood exposure given projected scenarios of sea-level rise. The identified channels are in need of dredging due to the accumulation of sediment impeding the ability of vessels from navigating at lower tides. The dredge spoils will be placed at the upland disposal site at the Pierce Island Levee Rehabilitation Project, which is not under Commission jurisdiction. The existing levees and Pierce Island area are currently in good condition.

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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. The San Francisco 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 San Francisco¹

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 Update

Note: ¹ Projections are with respect to a 1991 to 2009 baseline.

Rising sea levels can lead to more frequent flood inundation in low-lying areas and larger tidal events. 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). In rivers and 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. 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 in the lease area may require more frequent maintenance dredging as a result of increased sediment accretion resulting from increased duration and strength of future storms. Additional maintenance of the Pierce Island levees may be required as storm intensity and duration increase.

Regular maintenance dredging will reduce the likelihood of severe accretion. 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 effects of climate change, including sea-level rise.

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Conclusion:

For all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine, and that the project results in a public benefit 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.

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 4, Minor Alterations to Land, Dredging; California Code of Regulations, title 14, section 15304, example (g).

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

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 4, Minor Alterations to Land, Dredging; California Code of Regulations, title 14, section 15304, example (g).

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 foreseeable term of the proposed lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

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AUTHORIZATION:

Authorize the issuance of a General Lease – Dredging to the Applicant beginning February 4, 2019, for a term of 10 years, to maintenance dredge a maximum of 193,155 cubic yards of sediment, over the lease term, from Suisun Slough and in the area around the Suisun City Marina, not the marina itself, as described in Exhibit A and shown in Exhibit B (for reference purposes only); dredged material shall be disposed at the DMMO- approved Pierce Island Levee Rehabilitation Project and may not be sold.

EXHIBIT A

PRC 7757.9

LAND DESCRIPTION

Two (2) parcels of tide and submerged land situate in the bed of Suisun Slough (Duck Slough), County of Solano, State of California, more particularly described as follows:

PARCEL 1 – DREDGE UNIT 2

COMMENCING at a NGS monument “SUISUN HILL 2, PID JT1994” (Epoch 1991.35) having CCS83 Zone 2 coordinates of Northing (y) = 1839997.25 feet, Easting (x) = 6555952.27 feet which bears North 76° 36’ 46” West, 18989.66 feet from a NGS monument “POTRERO AVA, PID JS4494” (Epoch 1991.35) having CCS83 Zone 2 coordinates of Northing (y) = 1835600.59 feet, Easting (x) = 6574425.94 feet; thence North 34° 47’ 41” West, 9047.80 feet to the POINT OF BEGINNING thence along the following thirteen (13) courses:

- 1) North 12° 12' 46" West 220.10 feet;
- 2) North 09° 22' 18" West 664.81 feet;
- 3) North 12° 37' 23" West 521.14 feet;
- 4) North 74° 59' 12" East 126.04 feet;
- 5) South 15° 39' 55" East 308.42 feet;
- 6) South 12° 42' 30" East 979.49 feet;
- 7) North 81° 11' 06" East 249.44 feet;
- 8) North 88° 31' 25" East 52.16 feet;
- 9) South 54° 13' 51" East 101.61 feet;
- 10) South 78° 32' 53" West 106.96 feet;
- 11) South 72° 25' 03" West 60.93 feet;
- 12) South 72° 34' 09" West 203.68 feet;
- 13) South 77° 22' 59" West 179.97 feet to the POINT OF BEGINNING.

PARCEL 2 – DREDGE UNIT 4

COMMENCING at a NGS monument “SUISUN HILL 2, PID JT1994” (Epoch 1991.35) having CCS83 Zone 2 coordinates of Northing (y) = 1839997.25 feet, Easting (x) = 6555952.27 feet which bears North 76° 36’ 46” West, 18989.66 feet from a NGS monument “POTRERO AVA, PID JS4494” (Epoch 1991.35) having CCS83 Zone 2 coordinates of Northing (y) = 1835600.59 feet, Easting (x) = 6574425.94 feet; thence South 31° 27’ 06” East, 8873.77 feet to the POINT OF BEGINNING thence along the following twenty-six (26) courses:

- 1) North 54° 13' 51" West 101.61 feet;
- 2) North 89° 29' 42" East 60.20 feet;

- 3) South 60° 15' 07" East 287.70 feet;
- 4) South 53° 02' 19" East 688.53 feet;
- 5) South 68° 51' 44" East 140.45 feet;
- 6) North 86° 58' 49" East 274.35 feet;
- 7) North 62° 51' 01" East 613.60 feet;
- 8) North 23° 34' 23" East 210.55 feet;
- 9) North 00° 18' 39" West 346.26 feet;
- 10) North 86° 49' 18" East 34.14 feet;
- 11) South 00° 48' 14" East 115.66 feet;
- 12) South 47° 59' 44" East 72.15 feet;
- 13) South 00° 50' 51" East 275.40 feet;
- 14) South 53° 39' 24" West 186.72 feet;
- 15) South 25° 10' 23" West 26.85 feet;
- 16) South 63° 06' 59" West 461.64 feet;
- 17) South 52° 36' 41" West 109.29 feet;
- 18) South 62° 42' 19" West 62.82 feet;
- 19) South 84° 57' 10" West 170.47 feet;
- 20) North 89° 04' 53" West 125.93 feet;
- 21) North 73° 23' 42" West 74.75 feet;
- 22) North 49° 31' 39" West 160.99 feet;
- 23) North 53° 24' 55" West 348.63 feet;
- 24) North 52° 26' 17" West 196.04 feet;
- 25) North 62° 24' 39" West 212.27 feet;
- 26) North 55° 25' 27" West 90.91 to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Suisun Slough (Duck Slough).

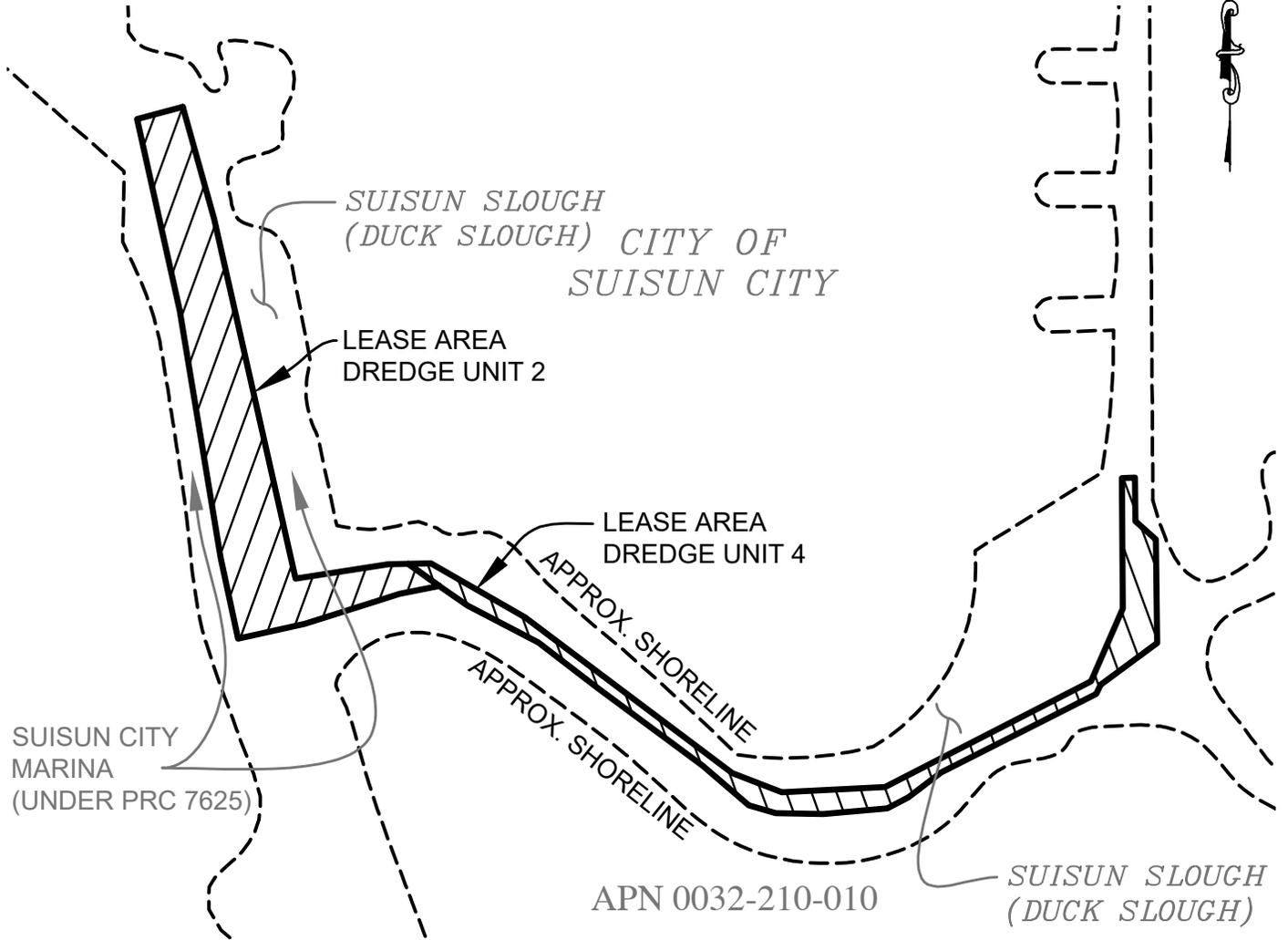
END OF DESCRIPTION

Prepared 11/5/2018 by the California State Lands Commission Boundary Unit.



NO SCALE

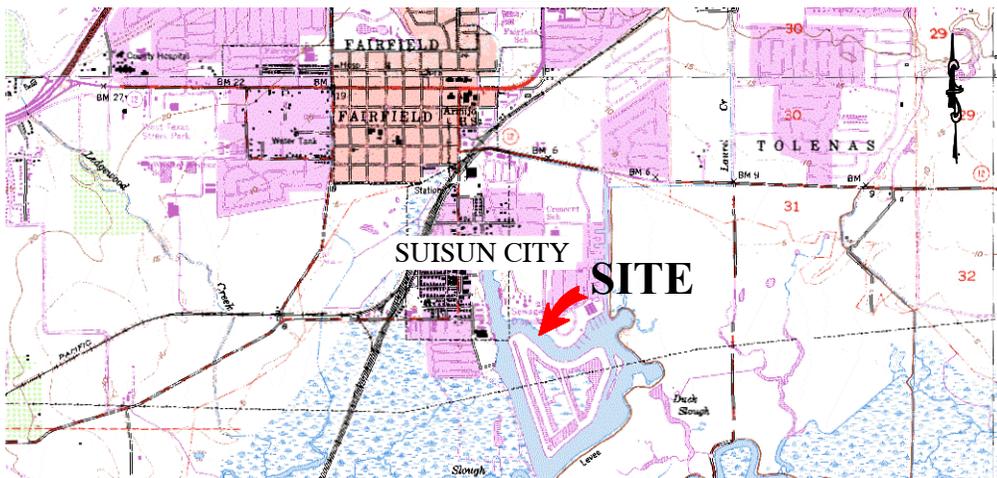
SITE



SUISUN SLOUGH, CITY OF SUISUN CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7757.9
 CITY OF SUISUN CITY
 GENERAL LEASE -
 DREDGING
 SOLANO COUNTY



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.