

STAFF REPORT

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GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Andrew K. Marckwald

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Tomales Bay, adjacent to 19695 State Route 1, near Marshall, Marin County.

AUTHORIZED USE:

Use and maintenance of an existing mooring buoy not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 1, 2018.

CONSIDERATION:

\$125 per year; with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Lessee shall provide Lessor with proof of current and valid Protection and Indemnity or Watercraft Liability Insurance in an amount no less than \$500,000 per occurrence.
- Lessee agrees to comply with the Tomales Bay Mooring Program (TBMP) requirements, available online at www.slc.ca.gov/Leases-Permits/TomalesBay.html, and as it may be modified from time to time. Lessee agrees to abide by any reasonable modifications to the program.

BACKGROUND:

Tomales Bay is a significant biological resource that supports a diversity of habitats, including eelgrass beds, intertidal sand, mud flats, and salt and freshwater marshes. Thousands of species of birds, other vertebrates, invertebrates, and plants, including numerous threatened and endangered species, inhabit the bay. While Tomales Bay has long been considered a pristine

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body of water, human activity within the watershed has resulted in some degradation of the bay's habitat, water quality, and special status species.

Vessel use, both recreational and commercial, has played an important role throughout the modern history of Tomales Bay, and boating continues to be a popular activity for residents and visitors to the bay. Boats were identified as one of several pollution sources causing Tomales Bay to be listed as an impaired water body under the federal Clean Water Act. Consequently a proactive plan to prevent adverse impacts from boating on the bay was developed.

The Tomales Bay Vessel Management Plan (TBVMP) is the result of a long-term multiagency effort to streamline and coordinate vessel management activities for the benefit of the public. Implementation of the TBVMP is expected to improve water quality and protect wildlife, habitat, and public health, as well as facilitate recreational opportunities in Tomales Bay. The TBVMP was developed over the past decade by the Gulf of the Farallones National Marine Sanctuary (which was expanded north and west in 2015 and renamed the Greater Farallones National Marine Sanctuary (GFNMS)), and Commission staff in collaboration with nine local, state, and federal agencies with jurisdiction in Tomales Bay. This group is collectively known as the Tomales Bay Interagency Committee (TBIC).

Over time, the concerns of the public and participating agencies evolved from focusing on vessel sewage discharge and impacts from moorings and derelict or abandoned vessels to include the introduction of invasive species, disturbance to wildlife, and discharge of oil, fuel, and vessel maintenance products. The participating agencies determined that they should act in a coordinated manner to address all of these vessel-related management issues including the consideration of vessel storage needs in Tomales Bay. The GFNMS facilitated this collaborative process through the TBIC.

Upon consultation with the TBIC, GFNMS and the Commission established criteria for the siting of moorings on Tomales Bay to achieve the three goals of the plan: 1) protect public health and improve water quality; 2) protect habitat and decrease threats to and disturbance of wildlife; and 3) ensure safe and enjoyable water-related recreation. All moorings within Tomales Bay, except those used for aquaculture operations within State water-bottom lease areas, will be required to meet specific criteria protecting seagrass beds, pinniped haul-out areas, state parks, swimming beaches, boat launches, aquaculture lease areas, and navigational channels.

In 2015, the Commission was issued a permit by the National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries Program to implement the elements of the TBMP that involve the installation, maintenance,

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and removal of individual moorings in Tomales Bay. The permit was for a term of 11 years, with an expiration date of May 31, 2026. On April 28, 2016, the expiration date of the permit was extended by 2 years to May 31, 2028.

The TBMP caps the total number of moorings allowed in Tomales Bay at 165, including littoral landowner moorings, and the 35 authorized moorings associated with Lawson's Landing. This cap does not include moorings permitted for use by aquaculture operations solely within State water-bottom lease areas. The TBMP is not intended to be a static plan, but rather a living document based on an adaptive management approach, allowing flexibility for the plan to adapt to changing circumstances. To ensure that it is still meeting its goals and objectives, the TBMP will continue to be informally reviewed and evaluated as needed by the members of the TBIC and adapted as necessary.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

The existing mooring buoy is for the mooring of boats. Recreational boating is a water-dependent activity and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5). The Applicant owns the upland adjoining the lease premises and is now applying for a General Lease – Recreational Use for the use and maintenance of one mooring buoy.

The buoy has existed in Tomales Bay for many years and does not significantly alter the land. The proposed lease is consistent with the TBMP and includes provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years and a non-exclusive use provision. The proposed lease also requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease requires the payment of annual rent to compensate the people of the State for the occupation of the sovereign land involved. The lease does not alienate the State's fee simple interest or permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition.

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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 Tomales Bay, which is a tidally influenced site 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.

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 Point Reyes tide gauge was used for the projected sea-level rise scenario for the region as listed in Table 1.

Table 1. Projected Sea-Level Rise for Point Reyes¹

Year	Projection (feet)
2030	0.8
2050	2.8
2100	7.0

Source: Table 10, State of California Sea-Level Rise Guidance: 2018 Update

Note: ¹ Projections are with respect to a baseline of the year 2000.

The lease area includes one mooring buoy. While the mooring buoy is designed to float on the water’s surface and move with the ebb and flow of current tides, a longer chain connecting the buoy to the anchors on the bay bottom may be necessary in the future to accommodate rising sea levels. Regular maintenance will reduce the likelihood of severe structural degradation or dislodgement. The lease includes an acknowledgment that the lease premises may be subject to the effects of sea-level rise and may require additional maintenance or protection as a result, for which the lessee agrees to be solely responsible.

Conclusion:

For all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

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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. Pursuant to the Commission's delegation of authority and the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit.14, § 15025), staff prepared a Negative Declaration (ND) identified as CSLC ND No. 749, State Clearinghouse No. 2012082074, for the Tomales Bay Vessel Management Plan. The ND was prepared and circulated for public review pursuant to the provisions of CEQA, and adopted by the Commission on April 26, 2013 ([Item 113, April 26 2013](#)).
3. On April 26, 2013, the Commission found that, based upon the entire record before the Commission, including the Initial Study, the ND, and the comments received in response, there is no substantial evidence that the project may have a significant effect on the environment; California Code of Regulations, title 14, section 15074, subdivision (b).
4. 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 mooring buoy and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission adopted the ND in 2013, 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Tomales Bay Mooring Program Requirements

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the ND, CSLC No. 749, State Clearinghouse No. 2012082074, was adopted by the Commission on April 26, 2013.

Find that the Commission reviewed and considered the information contained in the previously adopted ND, and that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued under this authorization have been adequately analyzed, that none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with public rights to navigation and fishing or with the 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.

AUTHORIZATION:

Authorize a General Lease – Recreational Use to Andrew K. Marckwald beginning June 1, 2018, for a term of 10 years, for the use and maintenance of an existing mooring buoy not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$125, with an annual Consumer Price Index adjustment; and Protection and Indemnity or Watercraft Liability Insurance in the amount of no less than \$500,000 per occurrence.

EXHIBIT A

W 27230

LAND DESCRIPTION

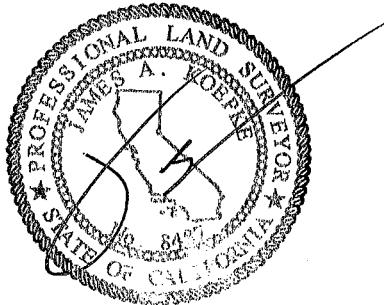
A parcel of submerged land situated in the bed of Tomales Bay in the Greater Farallones National Marine Sanctuary, lying adjacent to Tideland Survey 145, patented April 22, 1872, County of Marin, State of California, more particularly described as follows:

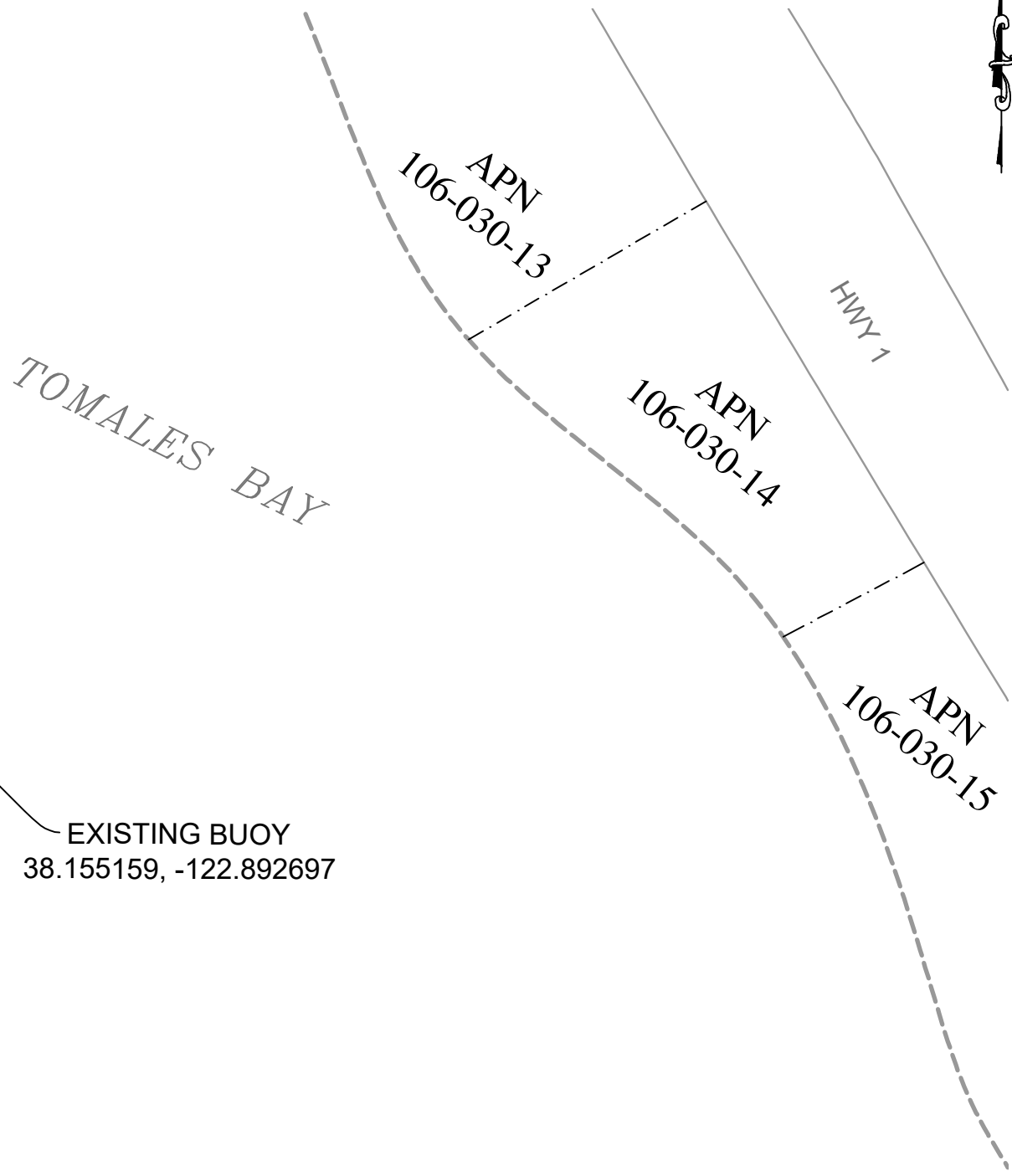
A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to that parcel described in Grant Deed recorded May 29, 1998 as Document Number 1998-0036241 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 04/24/2019 by the California State Lands Commission Boundary Unit.





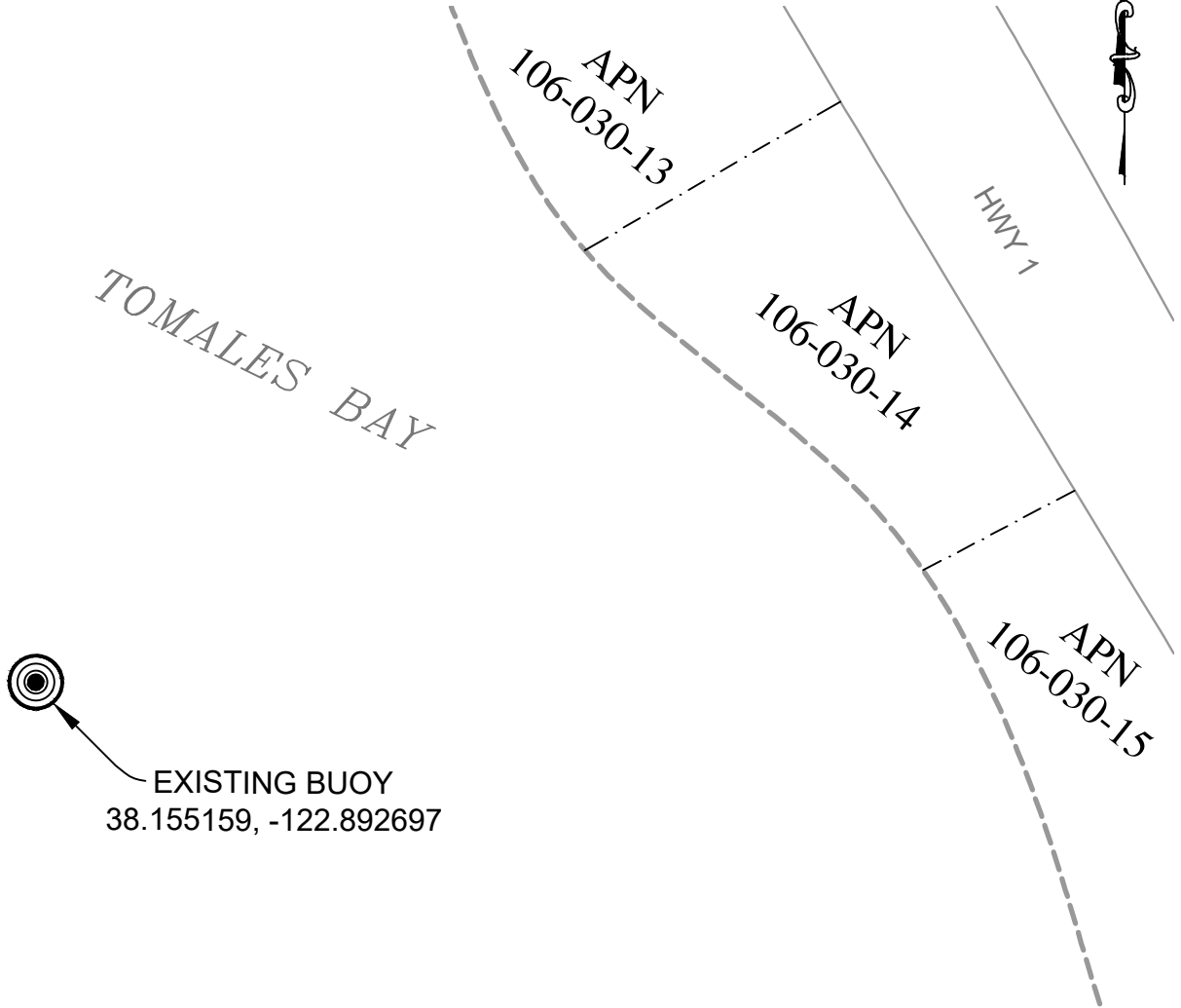
EXISTING BUOY
38.155159, -122.892697

EXHIBIT A



NO SCALE

SITE



19695 STATE ROUTE 1, NEAR MARSHALL

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 27230
 MARCKWALD
 APN 106-030-14
 GENERAL LEASE -
 RECREATIONAL USE
 MARIN 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.

TOMALES BAY MOORING PROGRAM REQUIREMENTS (POLICIES AND CRITERIA) MAY 2018

I. Introduction:

The *Tomales Bay Mooring Program* (MP) was developed as part of the Tomales Bay Vessel Management Plan by NOAA's Greater Farallones National Marine Sanctuary (GFNMS) staff in partnership with California State Lands Commission (CSLC) staff. Since 1981, when the GFNMS was designated, Sanctuary regulations have prohibited the discharge of materials into GFNMS and disturbance to the seabed, which includes the placement of moorings. Although mooring installation is still a prohibited activity, the establishment of the Vessel Management Plan in April 2013 and subsequent Mooring Program now allows for a mechanism to permit moorings. The program includes specific criteria for where moorings may be located on the bay, introduces mandatory specifications for mooring tackle, and requirements for the inspection and maintenance of moorings. Pursuant to the National Marine Sanctuaries Act, 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922) and California Code of Regulations (Title 2, Division 3, Chapter 1), all private mooring holders must obtain a CSLC lease.

GFNMS and CSLC are administering the Mooring Program together because regulations of both agencies apply in Tomales Bay. GFNMS has issued a permit to CSLC that makes it possible for CSLC to lease areas of state sovereign lands in the bay for moorings that comply with federal and state laws. The GFNMS permit to CSLC requires, for example, that leases not be located in seagrass beds and that mooring anchor must be appropriate for the specific conditions at each mooring lease location. CSLC will include the necessary GFNMS conditions into the lease agreements along with its own and those of several other agencies, such as required distances from swimming beaches, State Parks, and aquaculture areas. Therefore, while mooring lease applicants will only be dealing with CSLC and CSLC applications, the conditions that will apply to mooring leases in Tomales Bay will reflect CSLC and GFNMS requirements that were developed collaboratively with input from numerous agencies and stakeholders.

The primary goals for establishing a program for siting and permitting moorings on the bay are to: protect habitat; decrease threats to and disturbance of wildlife; and ensure safe and enjoyable water-related recreation by allowing moorings and removing and preventing illegally and improperly placed moorings and mooring materials. The Mooring Program (MP) uses an adaptive management approach for decisions regarding various mooring technologies (anchor and all other equipment) in Tomales Bay to select those that are the least damaging to the environment and appropriate for Tomales Bay hydrodynamic conditions. As new information is acquired and analyzed, requirements and specifications may be amended by GFNMS and CSLC in collaboration with the Tomales Bay Interagency Committee.

II. Tomales Bay Mooring Program Applicability and Exemptions:

- The MP allows for up to 165 moorings on Tomales Bay within CSLC and GFNMS jurisdiction. This includes 130 available leases for the use of State sovereign lands for privately owned vessel moorings and up to 35 moorings at Lawson's Landing. Use of State sovereign land for moorings at Lawson's Landing are subject to the terms and conditions of

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a 25-year commercial lease issued by CSLC in 1998 and that existing lease is not subject to the requirements of the MP for the remaining lease term. The 130 available leases are subject to the requirements of the MP.

- Moorings directly associated with aquaculture operations and located within state water bottom lease areas for aquaculture pursuant to a valid lease, permit, license or other authorization are regulated by California Department of Fish and Wildlife and Department of Public Health and not subject to the requirements of the MP.

III. CSLC Tomales Bay Mooring Program Lease Requirements:

- CSLC administers the MP and may issue leases for the use of sovereign land for individual moorings within Tomales Bay under a permit from GFNMS. Without exceptions, all owners of private vessel moorings located within Tomales Bay are required to obtain a lease from the CSLC.
- GFNMS has issued a permit to CSLC to allow for the issuance of mooring leases consistent with the criteria in the MP; therefore, in accordance with GFNMS regulations 15 CFR 922.82, moorings without a valid CSLC individual or commercial mooring lease are prohibited. No current or past Tomales Bay mooring owner is granted an automatic right to moor and no moorings will be automatically grandfathered in as exempt from the requirements of the MP.
- The cost of removal of an unauthorized mooring is the responsibility of the mooring owner.
- The Lessee purchases and owns all mooring tackle and pays for all installation, inspection, maintenance, and removal costs.
- Annual rent payment, proof of liability insurance, and a copy of current vessel registration is due annually to CSLC on or before lease anniversary date.
- CSLC *General Lease- Recreational Use* may have a term of no greater than 10 years.

IV. Special Conditions for Tomales Bay Mooring Leases:

- Only one vessel is allowed on a mooring at one time. The vessel on the mooring must be registered to that mooring and to the Lessee or be registered to a guest of the Lessee. Guest boats are allowed, with permission from the Lessee, for no longer than 30 consecutive days and only if they are the same size and weight or smaller than the vessel for which that mooring was designed.
- No sale or sub-leasing of mooring leases shall be allowed. Any sale, rental or sub-leasing of the mooring will result in immediate termination of the mooring Lease.

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- Transfer of moorings will require an assignment authorized by the CSLC. Transfers are not automatic with the sale of a vessel or the littoral property.
- All moored vessels (including guest boats) must be registered, and must display a current registration sticker or other visible proof of registration consistent with the requirements of applicable state and/or federal law.
- All mooring lessees shall maintain, and upon the due date of their rent annually submit proof of, liability insurance that shall adequately protect both Lessee and Lessor against public liability and property damage. Guest boats should also meet these insurance requirements.
- Each Lessee is responsible for ensuring that mooring tackle is inspected and maintained. Failure to maintain a mooring shall be considered grounds for termination of the mooring Lease.
- The moored vessel is required to be secured firmly and the anchor shall be of a size and design sufficient to prevent the vessel or mooring anchor from drifting, dragging or otherwise moving off the assigned mooring site.
- All vessels that are authorized to moor within Tomales Bay must remain in operable condition while attached to the mooring. Any vessel that presents a threat to life, property, or the environment may be removed or impounded at the owner's expense.

V. Tomales Bay Mooring Program Mooring Criteria:

All CSLC mooring Leases subject to the MP shall only be issued in locations meeting all of the following eight criteria (as depicted as “the combined mooring exclusion areas” in Figure 1, Figure 1a. and Figure 1b.):

1. Seagrass: No vessel moorings shall be allowed in seagrass beds.
2. Wildlife Disturbance: No moorings shall be allowed in areas within 300 feet of seal haul-out areas.
3. Parcels Under Private Ownership Outside of CSLC Jurisdiction: No vessel moorings shall be allowed on tidelands and submerged lands under private ownership.
4. NPS-owned Tide and Submerged Lands Outside of GFNMS Jurisdiction: Other than as necessary for NPS administrative use, no moorings shall be allowed on the submerged lands owned by NPS outside of GFNMS jurisdiction.
5. Swimming Beach/Boat Launch Areas: No moorings shall be allowed within 100 feet of swimming beaches and boat launch ramps.
6. State Parks: No moorings shall be allowed within 1000 feet offshore of State Parks property.
7. Aquaculture: No moorings shall be allowed within areas that fail to meet the California Department of Public Health calculations for safe distances between moorings and shellfish growing operations. No moorings shall be located within state water bottom

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lease areas for aquaculture unless authorized by the State of California.

8. Navigation Channels: No moorings shall be allowed within navigation channels of Tomales Bay.

The [Interactive PDF Map](#) contains layers showing the MP Mooring Criteria.

VI. Requirements for Location of Moorings:

- The CSLC will only issue leases on ungranted sovereign land under its jurisdiction. No mechanism through GFNMS and CSLC currently exists for authorizing moorings on private parcels.
- Moorings and associated ground tackle shall be located within the boundaries of the MP *Mooring Zones* depicted on *Figure 1*, with the following exceptions:
 1. *Aquaculture*: State of California authorized aquaculture moorings used for aquaculture operations within state water bottom lease areas;
 2. *Adjacent to Developed Littoral Properties*: Owners of developed littoral properties must apply for a lease for the use of submerged lands for the placement, use, and maintenance of one mooring directly adjacent to and offshore of that developed littoral parcel. The mooring and attached vessel must meet all of the requirements of the MP including criteria for siting, installation, inspection, and maintenance.
 3. *Preexisting Vessel Moorings*: Mooring owners that applied for a Lease during the MP initial rollout period (between August 10, 2015 and February 10, 2016), for moorings that existed prior to August 2013, were allowed to keep their moorings in the original location if that location met all MP mooring criteria, and the mooring passed an initial inspection.
- CSLC does not guarantee that a Lease will be issued for the same location as the desired mooring location proposed by the applicant, even if that site meets all MP mooring criteria and is within an approved mooring zone. Space and capacity for moorings may be limited in some mooring zones. Spacing limitations will be initially determined by the mooring contractor and his/her expert opinion, but capacity in each zone is subject to agency review and approval based on proximity to aquaculture operations or other sensitive sites, or restricted land access to the mooring sites. If the proposed site is not accepted, then CSLC will provide the applicant with an alternate location within a designated mooring zone, as near in proximity to the proposed location as feasible.

VII. Mooring Tackle Requirements:

In order to prevent vessels from separating from their moorings during extreme weather and sea conditions on Tomales Bay, and to minimize environment impacts and public safety hazards, all vessel moorings authorized under the MP shall be subject to the following requirements, developed for Tomales Bay by the TBIC, for the design and construction, and inspection and maintenance of the mooring system:

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- Mooring Lessees shall own and be responsible for maintaining all mooring tackle.
- All mooring equipment must be installed and inspected in accordance with the MP tackle and inspection requirements and by a GFNMS approved Mooring Contractor, at the lessee's sole cost and expense.
- Owners of vessels over 55-feet must submit mooring plans from a credentialed marine engineer along with a completed CSLC lease application.
- The mooring tackle and anchor shall be appropriate for Tomales Bay benthic habitat and geologic and hydrodynamic conditions, and capable of withstanding extreme weather and sea conditions. Extreme conditions within Tomales Bay can include: maximum sustained winds of over 30 knots, with gusts over 75 knots; wave heights of up to six feet (3-6 second intervals); maximum current speed of 2-3 knots, and; a maximum tidal variation of 9.1 feet.

Buoys:

- Mooring buoys must be standard white, hard shell, with foam interior and with blue horizontal stripe. Buoys should be cleaned on a regular basis to ensure that blue horizontal stripe is above the water line.
- The associated CSLC lease number, not including the letters "PRC", must be prominently displayed on the mooring buoy in block letters (minimum of 3") using black oil-based paint or permanent marine-quality stickers appropriate for use on mooring buoys. Buoys should be cleaned on a regular basis to ensure that the CSLC lease number is prominently displayed at all times.
- The cleat, post or deck hardware, which attaches to the pendant, shall be visibly free of rot, corrosion or disrepair and capable of withstanding loads, to the satisfaction of the approved Mooring Contractor.
- If a pendant is used, then chafing gear is required between the pendant and vessel.

Mooring Anchors:

- Mooring anchors must be appropriate for the specific conditions at each mooring lease location and must be approved by an approved Mooring Contractor. Engine blocks, Manta Ray and helical type anchors are not authorized. Examples of acceptable mooring anchors include pyramid (e.g., Dor Mor) or mushroom type anchors, properly designed and constructed one or two concrete filled 55-gallon drums, and clean railroad wheels.
- Anchor weight and design shall be proportional to the size of the vessel being moored and must be sufficient to hold the vessel in extreme weather conditions.

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- Helix anchors are not permitted at this time but may be reconsidered upon further demonstration of their effectiveness, including long-term testing in Tomales Bay.

Rode:

- Chain and all metal components such as shackles, swivels, and eyes, shall be appropriately sized and of a high manufacturing quality (e.g. hot-dipped galvanized), to the satisfaction of the Mooring Contractor.
- Stainless steel safety wire or other binding material shall be required on all shackles to prevent unscrewing.
- If two individual lengths of chain (top and bottom chain) are required, they shall be shackled together, with swivel, to form one continuous length.
- Where the mooring chain is a single piece the shackle and swivel shall be placed between the anchor and chain.
- A shackle and swivel shall be used between buoy and top of mooring chain.
- All chain ½” and smaller shall be new upon initial installation.
- Seaflex or other elastic rodes shall not be permitted at this time but may be reconsidered upon further demonstration of their effectiveness including long-term testing in Tomales Bay.

VIII. List of GFNMS Approved Mooring Contractors:

- GFNMS staff have developed and will maintain a [list of mooring services contractors](#) approved for installing, inspecting and repairing/maintaining all moorings subject to the MP. Mooring installations will need to be inspected annually by an approved Mooring Contractor. Completed installation and annual inspection forms will be provided to CSLC.

IX. Inspection and Maintenance Requirements:

- Inspections by an approved Mooring Contractor shall be required for all moorings leased under the MP, at the mooring lessee’s sole cost and expense. Inspection is required annually and proof of inspection shall be submitted to CSLC annually within 30 days after inspection.
- It is the mooring Lessee’s responsibility to schedule and ensure that the required inspections occur.
- The mooring inspector must complete an *Annual Mooring Inspection Form*, which includes the current GPS location, in decimal degrees with an accuracy of a minimum of 5 decimal

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place digits, of the mooring anchor and a statement certifying the condition of the mooring tackle and whether or not it passes inspection. This form must be submitted by the mooring Lessee or Mooring Contractor to CSLC annually within 30 days after inspection.

- If the mooring does not pass inspection then the lessee shall be given 45-days to take corrective actions, and submit a revised *Annual Mooring Inspection Form* signed by an approved Mooring Contractor. If corrective action is not taken within 45-days, the lease will be considered in default and CSLC may take action to terminate the lease. Once the lease is terminated, mooring tackle is subject to removal, at the owner's expense, pursuant to the authority of local, state, and federal laws and regulations.
- Moorings/vessels that are determined during an inspection to be at risk of equipment failure shall be reported immediately by the Mooring Contractor to CSLC and GFNMS staff, and shall require immediate action including potential removal at the lessee's expense.
- Mooring pendants, if used, shall be inspected annually and kept in good condition at all times. The mooring lessee shall routinely check pendant for chafing and wear, and replace as necessary to prevent pendant failure.

X. Mooring Lease Application Process and Submittal Information Requirements For New Moorings:

The following section outlines the general lease application process for all new moorings.

- The following information shall be submitted by the applicant along with a completed [*Application for Lease of State Lands*](#) for review prior to consideration of a mooring lease by the CSLC at a public meeting:
 - ✓ The name and address of the vessel owner/mooring lease applicant;
 - ✓ A [*Pre-installation Mooring Proposal Form*](#) requesting a proposed mooring location and including a detailed description and schematic diagram of all mooring tackle planned for use, including the planned size, shape and color of the buoy;
 - ✓ Recent color photograph(s) of and general description of the size and type of vessel(s) to be attached to the mooring;
 - ✓ Documentation of vessel ownership in the lease applicants name, consisting of applicable valid Department of Motor Vehicle registration or U.S. Coast Guard Certificate of Documentation;
 - ✓ Proof of valid liability insurance upon the due date of their rent for the vessel(s) proposed to be moored;
 - ✓ Letter authorizing or permitting access through a privately owned parcel if applicable;
 - ✓ Statement of need if more than one mooring is being requested.
- If the mooring lease application is for a littoral property owner then the following

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information, in addition to the above requirements, shall be required to be submitted:

- ✓ The address and *Assessor's Parcel Number* of the developed littoral parcel.
- ✓ Copy of the current upland vesting document (Deed).
- Lessees shall be responsible for promptly notifying CSLC staff of any changes to the original information provided on the application.

XI. Mooring Lease Costs:

- An application fee and filing fee will be required by CSLC upon receipt of a mooring lease application.
- Mooring lease rent shall be payable annually.
- Lease Application Fees do not include the costs of the mooring equipment or its installation, inspection, maintenance, annual rent, or removal.

XII. Mooring Installation and Positioning:

- The Mooring Contractor, who is responsible for installation of a mooring, is required to fill out a [Pre-installation Mooring Proposal Form](#), which shall be submitted to CSLC by the contractor or applicant who submitted the CSLC mooring lease application. Required submittal information on this form includes: GPS location of the proposed mooring anchor; a detailed description and schematic diagram of the proposed mooring tackle; current vessel registration and lessee's contact information.
- Lessee shall be required to have the mooring installed by an approved Mooring Contractor at the location approved in the CSLC Lease within 180-days of CSLC issuance of the lease, unless CSLC notifies the Mooring Contractor in writing that they are able to extend the 180-day deadline.
- If the Mooring Contractor does not install at the approved location, then they shall install as close to that location as feasible and submit, to CSLC, the final location and a written explanation of the reason it could not be installed at the approved location (e.g. too close in proximity to an existing mooring). Under no circumstances shall a mooring be installed in a location within the *Combined Mooring Exclusion Areas* depicted in the attached figures.
- Within 30 days of the mooring installation the Mooring Contractor who installed the mooring shall complete, and submit to CSLC, a *Post Mooring Installation Form*.
- Any new mooring installations within Mooring Zone 1 will require that a GFNMS observer be present throughout the installation to observe the process and approve the final location before the mooring contractor sets the mooring anchor.

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XIII. Mooring Lease Termination:

A Lease will include provisions that the lease may be terminated by CSLC upon a breach of the lease, which includes, but is not limited to the following occurrences upon described notification as outlined in the lease:

- Failure to pay mooring lease rent on time;
- Failure to provide evidence of the required liability insurance;
- Failure to submit an *Annual Mooring Inspection Form* (within 30 days of inspection due date);
- Failure to pay annual rent, and show annual proof of the required liability insurance and current vessel registration when due;
- Failure to comply with MP mooring tackle requirements or mooring inspection requirements;
- Failure to maintain mooring or perform required repairs and maintenance within 45 days of failing an annual mooring inspection;
- Failure to maintain the moored vessel in seaworthy and operable condition;
- Selling, renting, or subleasing a mooring lease; and
- Transferring ownership of a non-littoral property mooring lease, or transfer of a littoral property lease without prior approval by CSLC.

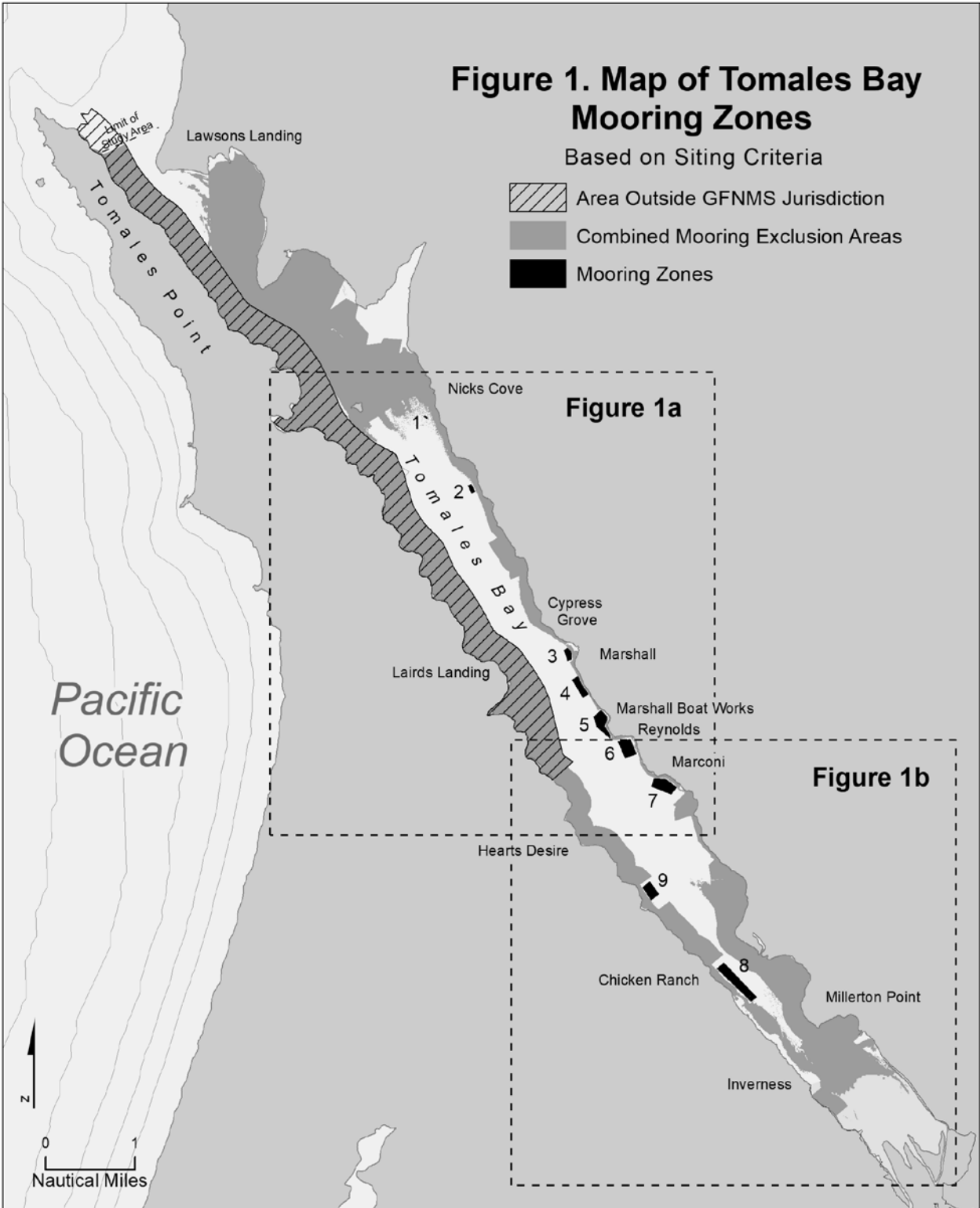
If the lessee does not remove a mooring system and associated vessel within 45 days of lease termination, then the mooring system and associated vessel shall be removed at the lessee's expense and would subsequently be in violation of state and federal laws and regulations including, but not limited to violations of California Public Resources Code, California Code of Regulations Title 14, The National Marine Sanctuaries Act and Regulations at 15 CFR, Part 922, Section H.

XIV. Compliance Monitoring and Enforcement:

- Current laws and regulations shall be enforced. No unauthorized moorings are allowed to exist within Tomales Bay. GFNMS staff, in coordination with other TBIC agencies shall conduct regular ongoing compliance monitoring and maintain a database of permitted moorings on the bay.
- Once the MP initial rollout process is completed unauthorized moorings are subject to removal at the owner's expense and would be in violation of state and federal laws and regulations including, but not limited to violations of California Public Resources Code, California Code of Regulations Title 14, The National Marine Sanctuaries Act and Regulations at 15 CFR, Part 922, Section H.

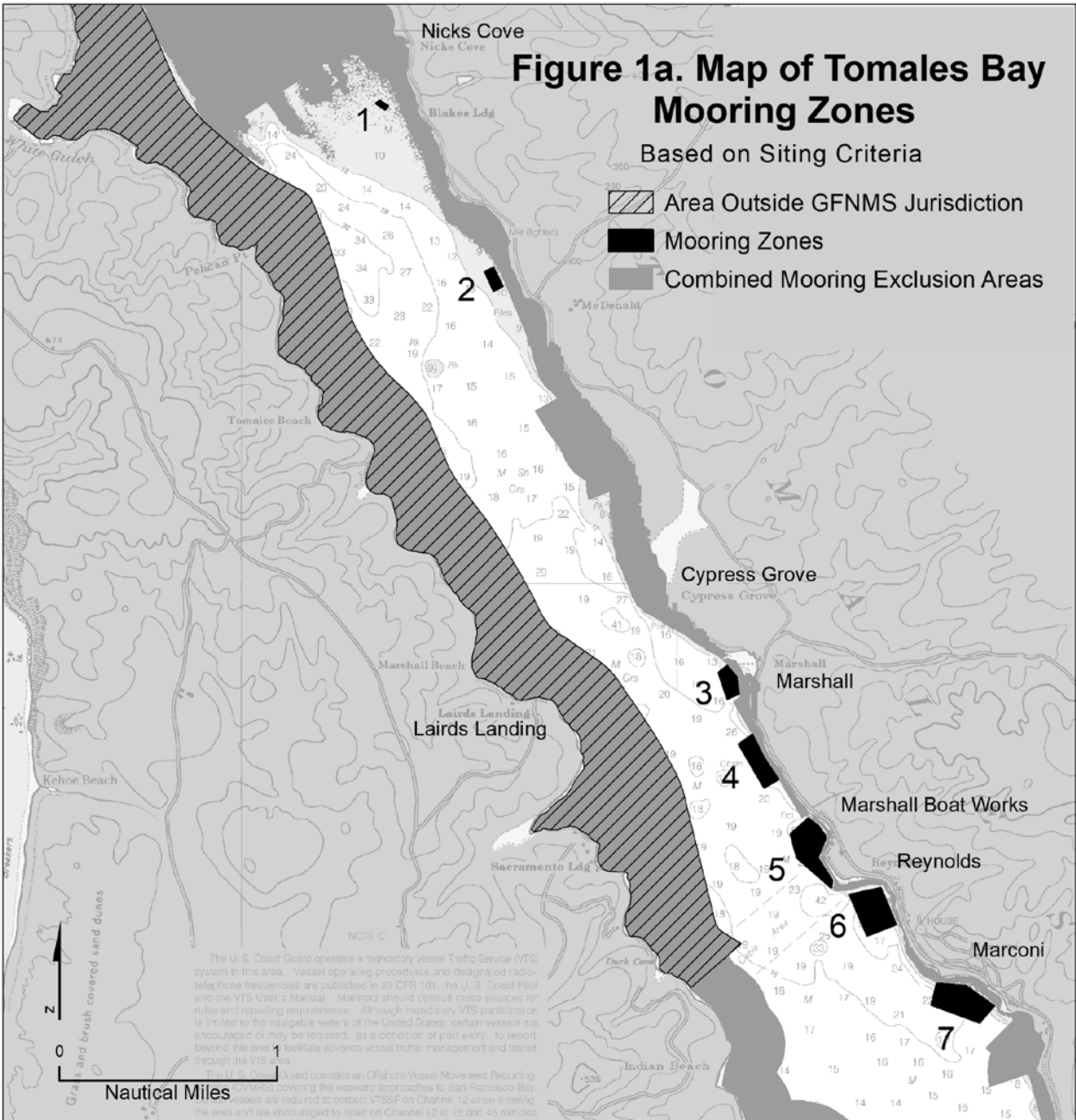
TOMALES BAY MOORING PROGRAM REQUIREMENTS (POLICIES AND CRITERIA) MAY 2018

Figure 1: Map of Tomales Bay Mooring Zones



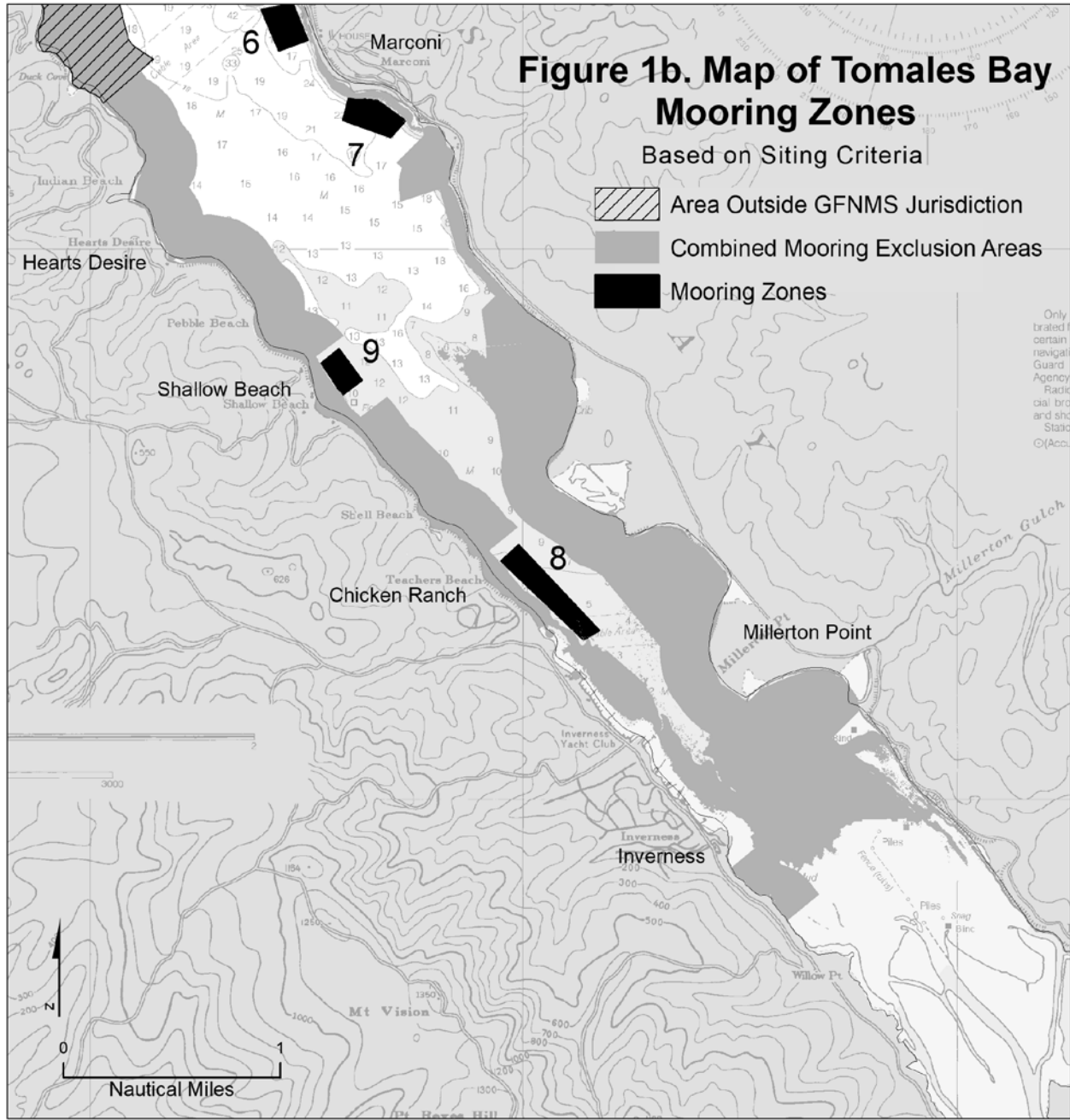
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Figure 1a: Map of Tomales Bay Mooring Zones



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Figure 1b: Map of Tomales Bay Mooring Zones



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Tomales Bay Mooring Zone Vertex Coordinates, May 2018:

The following tables include the location coordinates for the nine Tomales Bay Mooring Program zones. Connect the coordinates clockwise starting with Point 1 for each zone. To view these zones in more detail download the Tomales Bay Mooring Program [Interactive PDF Map](#) available on the GFNMS Tomales Bay webpage.

MOORING ZONE 1		
Point ID	Latitude	Longitude
1	38.19731	-122.92391
2	38.19755	-122.92317
3	38.19701	-122.92317
4	38.19701	-122.92278
5	38.19582	-122.92223
6	38.19548	-122.92332
7	38.19731	-122.92391
MOORING ZONE 2		
Point ID	Latitude	Longitude
1	38.18591	-122.91375
2	38.18475	-122.91312
3	38.18437	-122.91400
4	38.18554	-122.91469
5	38.18591	-122.91375
MOORING ZONE 3		
Point ID	Latitude	Longitude
1	38.16173	-122.89617
2	38.16105	-122.89541
3	38.16004	-122.89528
4	38.15972	-122.89613
5	38.16131	-122.89679
6	38.16173	-122.89617
MOORING ZONE 4		
Point ID	Latitude	Longitude
1	38.15758	-122.89421
2	38.15610	-122.89329
3	38.15487	-122.89223
4	38.15436	-122.89331
5	38.15700	-122.89528
6	38.15758	-122.89421

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Tomales Bay Mooring Zone Vertex Coordinates (continued)

MOORING ZONE 5		
Point ID	Latitude	Longitude
1	38.15150	-122.88867
2	38.15120	-122.88867
3	38.15017	-122.88922
4	38.14844	-122.88782
5	38.14827	-122.88812
6	38.15012	-122.89081
7	38.15157	-122.89130
8	38.15254	-122.88992
9	38.15204	-122.88917
10	38.15150	-122.88867
MOORING ZONE 6		
Point ID	Latitude	Longitude
1	38.14791	-122.88679
2	38.14831	-122.88440
3	38.14609	-122.88324
4	38.14542	-122.88545
5	38.14791	-122.88679
MOORING ZONE 7		
Point ID	Latitude	Longitude
1	38.14240	-122.87786
2	38.14119	-122.87574
3	38.14017	-122.87685
4	38.14124	-122.88053
5	38.14254	-122.88010
6	38.14240	-122.87786
MOORING ZONE 8		
Point ID	Latitude	Longitude
1	38.11029	-122.86084
2	38.10971	-122.86202
3	38.11449	-122.86838
4	38.11547	-122.86704
5	38.11029	-122.86084
MOORING ZONE 9		
Point ID	Latitude	Longitude
1	38.12650	-122.88220
2	38.12737	-122.88083
3	38.12546	-122.87907
4	38.12457	-122.88057
5	38.12650	-122.88220