

**STAFF REPORT
C51**

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06/21/18
PRC 4345.9
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GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Trustees of the California State University

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Carquinez Strait, at the California Maritime Academy, adjacent to 200 Maritime Academy Drive, near Vallejo, Solano County.

AUTHORIZED USE:

Use and maintenance of an existing breakwater.

LEASE TERM:

20 years, beginning May 1, 2018.

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.

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 November 14, 1969, the Commission authorized a 49-year Protective Structure Permit to the State Department of Education for the construction of a breakwater to protect boating facilities at the California Maritime Academy ([Item C10, Minute Item 5, November 14, 1969](#)). That permit expired on April 30, 2018. The Applicant and successor-in-interest is the Trustees of The California State University. The Applicant is applying for a General Lease – Public Agency Use for the existing breakwater.

Most of the California Maritime Academy's existing pier and breakwater facilities are located within lands granted to the Department of Education

STAFF REPORT NO. C51 (CONT'D)

for the use and benefit of the California Maritime Academy, pursuant to [Chapter 840 of 1945](#) and [Chapter 135 of 1947](#). To accommodate a larger training ship, the California Maritime Academy rebuilt the existing pier facilities, extending the breakwater outside of the granted lands and onto State sovereign land.

The breakwater provides safe harbor and is part of existing pier facilities used for the mooring of boats, including the Training Ship *Golden Bear*, which serves as the primary training platform on which cadets apply skills introduced in the classroom and leadership skills acquired from their work assignments and responsibilities with the Corps of Cadets.

The existing facilities are used for docking and mooring of boats as well as maritime educational purposes which are generally consistent with the common law Public Trust Doctrine. The proposed lease does not alienate the State's fee simple interest, nor does it permanently impair public rights. The lease also has a limited term of 20 years, which allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time.

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 Carquinez Strait, near Vallejo, which is a tidally influenced site vulnerable to flooding at current sea levels.

In the foreseeable future, this area will 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 more frequent flood inundation in low lying areas and larger tidal events. In addition, as stated in *Safeguarding California* (California Natural Resources Agency 2014), 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 tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises during the term of the lease. The facilities associated with this lease area include the

STAFF REPORT NO. **C51** (CONT'D)

breakwater (built with metal pilings) in the Carquinez Strait. For example, the potential for more frequent and stronger storm events may expose the lease area breakwater structure to higher flood risks and cause this breakwater to be damaged or dislodged, presenting hazards to public safety, as well as dangers for navigation within the channel.

Because the breakwater (with metal pilings) is a fixed structure, it may not be adaptable to increased water levels and would be less resilient to climate change impacts. Therefore, to ensure continued functionality, the breakwater may require more frequent maintenance during and after storm seasons and to avoid dislodgement. The fixed breakwater features may also need reinforcement to withstand higher levels of flood exposure. Regular inspection and as-needed maintenance will reduce the likelihood of structural degradation or dislodgement of the structures. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises may be subject to effects of climate change, including sea-level rise.

Conclusion:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs 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.

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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

EXHIBITS:

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

STAFF REPORT NO. **C51** (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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed 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 issuance of a General Lease – Public Agency Use to the Trustees of the California State University beginning May 1, 2018, for a term of 20 years, for the use and maintenance of an existing breakwater, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

EXHIBIT "A"

Lessee: State Department of Education

PRC 4345.9

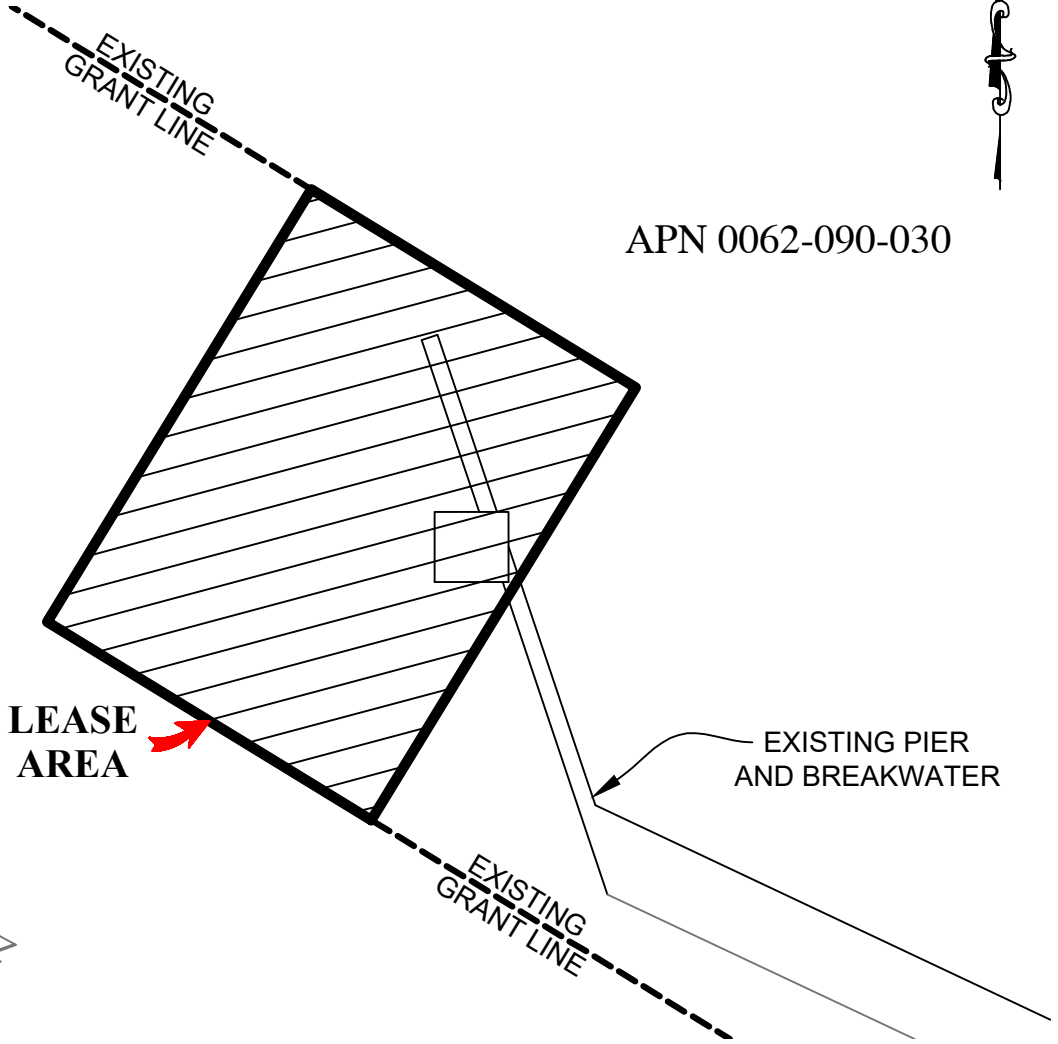
A parcel of tide and submerged land in the bed of Carquinez Straits, County of Solano, State of California, described as follows:

BEGINNING at a point on the bulkhead line established by the Secretary of War on April 22, 1941, along the north shore of Carquinez Straits, which point bears North 57° 39' 04" West 654.04 feet from the intersection of said bulkhead line and the prolongation southwesterly of the westerly line of a tract of land containing 10.4 acres now or formerly owned by the Great Western Power Company, which point of intersection bears North 57° 39' 04" West, 223.35 feet from Station No. 40 on the said bulkhead line; said point of beginning also being the most northerly corner of the tract of land containing 3.06 acres transferred to the jurisdiction and control of the State Department of Education by 1947 Statutes of California, Chapter 135; thence from said point of beginning along the said bulkhead line North 57° 39' 04" West, 150.00 feet; thence out into Carquinez Straits South 32° 20' 56" West 200.00 feet; thence South 57° 39' 04" East, 150.00 feet; and thence North 32° 20' 56" East, 200.00 feet to the point of beginning.

Prepared: *J. D. Schubert* Date: *April 7, 1969*
Checked: *Sol H. Minnick* Date: *4-10-69*
Approved: ROY H. MINNICK Date: *14 April 69*
L. S. 3415

NO SCALE

SITE



APN 0062-090-030

CARQUINEZ STRAIT

200 MARITIME ACADEMY DR, VALLEJO, CA 94590

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

PRC 4345.9
 TRUSTEES OF THE
 CA. STATE UNIVERSITY
 APN 0062-090-030
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SOLANO COUNTY



RGB 3/09/18