

**STAFF REPORT
C60**

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10/18/18
PRC 4300.9
L. Pino

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

California Department of Parks and Recreation

PROPOSED LEASE:

LAND TYPE AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to Gaviota State Park, near Goleta, Santa Barbara County.

AUTHORIZED USE:

Operation, use, and maintenance of an existing public recreational pier and appurtenant facilities; and construction of the Gaviota Pier Repair Project.

LEASE TERM:

20 years, beginning March 1, 2018.

CONSIDERATION:

Public use and benefit; with the State reserving the right to fix a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

1. Lessee shall submit a final plan for the placement of the rock revetment. Upon review of the final plan by Lessor, a lease amendment may be required to modify the lease area to accurately reflect Lessee's actual use and occupation of sovereign land.
2. Lessee shall conduct periodic structural and utility safety assessment inspections for the improvements and provide reports for such inspections, to include any necessary remedial action plan, for Lessor's review and comment.
3. Lessee shall provide Lessor with an annual summary report on or before each Lease anniversary date, or a date to be mutually agreed to by Lessee and Lessor's staff. The report shall include any local monitoring information required by Lessee or other

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agencies or entities which relates to sea-level rise vulnerability and adaptation capacity of the facilities within the Lease Premises. Information shall include but is not limited to: sea-level rise and flooding vulnerability and risk assessments, updates or amendments to the Local Coastal Program, annual flooding frequency and extent, annual site photographs, schedule and nature of repair and maintenance operations, and coastal hazard remediation and removal. Pertinent information may be sourced from the Lessee itself or any other research conducted within the Lease Premises or adjacent land.

4. Five years prior to the expiration of this Lease, Lessee shall submit to Lessor a comprehensive summary report that details resiliency planning efforts and adaptation strategies related to sea-level rise impacts within the Lease Premises; and the findings from the utility safety assessment inspection report for the Gaviota Pier, including any emergency repairs made to structures located within the Lease Premises.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On August 28, 1969, the Commission authorized the issuance of Lease No. PRC 4300.9, a General Permit – Public Agency Use, for the operation and maintenance of the Gaviota Pier (Pier), a public recreational pier, to the California Department of Parks and Recreation (State Parks) for a term of 49 years, beginning March 1, 1969 ([Minute Item 9, August 28, 1969](#)). The lease has been amended twice. Most recently, on September 23, 1992, the Commission authorized an amendment of the lease approving a 5-year temporary use permit to Texaco Trading and Transportation, Inc. (Texaco) as a sub-permittee of State Parks; and allowing the installation of a 3-inch-diameter polyvinylchloride (PVC) fire-fighting pipeline on the underside of the Pier for emergency purposes and training exercises ([Item C29, September 23, 1992](#)). The current lease expired on February 28, 2018. The Applicant is now applying for a General Lease – Public Agency Use and authorization of the Gaviota Pier Repair Project (Project).

Severe winter storms in February 2014 caused heavy damage to the Pier, destroying about 100 feet of the seaward end of the Pier. Approximately

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470 feet of continuous timber structure remains from the shore abutment to a few feet beyond the boat launch crane. The Pier has been closed to the public since that time due to safety concerns.

The Gaviota Pier (Pier) is a public recreational pier adjacent to Gaviota State Park that, before its closure in 2014, was open to and used by the public for recreation, fishing, and recreational boating. The Pier is operated and maintained by State Parks and provides public recreational access to the beach and the ocean. A boat hoist is located on the Pier which facilitates recreational boating. Users of the boat hoist are required to take a training program and pay an annual fee, and funds generated from the annual fee and training program fee are used to support maintenance and repairs to the boat hoist. Approximately 100 people used the boat hoist per year before storm damage forced the Pier's closure.

No vehicles are allowed on the Pier. Consequently, only small boats that can be manually pulled on their trailer may be launched from the Pier. After boats are lowered into the water, trailers are stored at the parking lot. Upon return to the Pier, boat operators retrieve their trailers and again pull them down the Pier to reload their boats after use.

Anglers and surfers comprised the majority of boat hoist users due to the Pier's close proximity to Hollister Ranch, a popular surfing destination. Because Hollister Ranch is a private, gated community, the only way to access the surfing location is by boat. The Pier, located 2 miles from the closest Ranch surf break, is the closest boat access to Hollister Ranch. The next closest launching facility is Santa Barbara Harbor, which is 32 miles away. Fishing from the Pier is also popular. In addition to the boat hoist, the Pier also provided fish cleaning tables and other amenities to support and facilitate recreational fishing by the public from the Pier. The upland park area has a campground, a Caltrans rest stop along the highway, and multiple hiking trails and backcountry roads.

As noted above, the Pier is adjacent to Gaviota State Park, which is the historic Chumash village site of Kashtayit, a Traditional Cultural Place that plays a significant role in Chumash maritime culture. In September 2017, State Parks consulted Native American Tribes that could be traditionally and culturally affiliated with the Project area. In addition, a literature search and field survey were conducted in October 2017. State Parks' Archaeologists conducted an underwater cultural survey on November 30, 2017, as requested by tribal representatives. The divers did not find any culturally significant artifacts.

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Although the Pier has been continually modified over the years, it is still considered to be a potentially eligible historic resource. For that reason, State Parks is using “in kind” materials (wood pilings) consistent with the Secretary of Interior’s Standards for the Treatment of Historic Properties.

The Pier is also within the Kashtayit State Marine Conservation Area (SMCA), where finfish and invertebrates are plentiful due to the adjacent abundant kelp forests creating rich habitat with unique biodiversity. The recreational take of finfish, invertebrates (except rock scallops and mussels), and giant kelp (*Macrocystis pyrifera*) by hand harvest is allowed within the SMCA. State Parks consulted with the California Department of Fish and Wildlife and received concurrence with the Project on March 27, 2018.

The Pier is a typical timber pier that extends from a small outcropping on a rock bluff. Because the rock continues into the water for some distance, the abutment and first seaward pile bent utilize steel piles. The remaining piles through the end of the pier are timber, except for steel pipe piles to support the boat access and hoist system.

The U.S. Navy originally constructed the Pier in 1943 as a 420-foot-long crash boat pier. In 1953, the Pier was remodeled and extended to its current length of 529 feet. State Parks took over operation of the Pier from the County of Santa Barbara on March 1, 1969.

Stedman & Dyson Structural Engineers performed an initial inspection of the February 2014 storm damage to the Pier and issued an interim evaluation report in May 2014. In April 2016, engineers from Moffat & Nichol inspected the Pier to verify and update the damage report and make recommendations for the Pier reconstruction project.

The proposed Project would replace the damaged portions of the Pier, as well as repair and reinforce the still standing portion to match the 20-year life expectancy of the proposed construction. The proposed Project would also update the facilities to current safety and accessibility standards and bolster the Pier to deal with the wave climate of the area.

The proposed Project would also include the repair of the concrete abutment where the Pier meets the bluff and placement of rock slope protection around the rebuilt abutment; removal and replacement of the boat hoist and associated electrical equipment; and removal and replacement of the lighting system, fish cleaning station, potable water

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line, and fire water line and hydrants. State Parks considers the repair work a priority for safety and continued public access.

Repair work for the proposed Project is anticipated to begin in the summer of 2019 and conclude no later than December 2022. Because the Pier is already closed to the public, impacts to public access associated with construction are negligible. To ensure public safety, the Pier will remain closed to the public during construction. The beach will remain open and accessible to the public during construction. Repair work will occur only on weekdays between 7 a.m. and 7 p.m. to minimize impact to public access during weekends. The anticipated time frame for repairs the Project is 8 months. The Pier repair portion of the Project is a like-for-like replacement, without any changes to the Pier's footprint; impacts are expected to be minimal and temporary.

The placement of additional rocks to bolster and repair the rock revetment at the base of the Pier will result in a larger revetment footprint than previously authorized; the full extent of the increased foot print is currently unknown. Once placement of the revetment is completed, and as-builts are submitted, an amendment of the lease may be required to include any portions of the revetment that encroach onto sovereign land; however, any resulting impacts from the expanded footprint of the revetment are expected to be minimal. The Project will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease

The proposed lease does not alienate the State's sovereign interest, or permanently impact public rights. The lease is limited to a 20-year term, to allow sufficient time to evaluate the condition of the Pier, and the feasibility of its continued use, before the end of its expected life. The lease does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease the lessee may be required to remove any improvements and restore the lease premises to their original condition.

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 the Pacific Ocean offshore of Gaviota State Beach, 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. For this assessment, staff considered a conservative approach based on the existing lease location

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and associated structures. Projected sea-level rise scenarios for the Gaviota Pier (Santa Barbara tide gauge) are listed in Table 1.

Table 1. Projected Sea-Level Rise for Santa Barbara¹

Year	Projection (feet)
2030	0.7
2040	1.1
2050	1.8
2100	6.6

Source: Table 22, *State of California Sea-Level Rise Guidance: 2018 Update*.

Note: ¹ Projections use the year 2000 as the baseline.

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 increased storms and flooding will likely increase scour, leading to decreased bank stability and structure. The combination of these projected conditions increases the likelihood of future damage to the Gaviota Pier and the rock revetment within the lease area.

The deck of the existing Pier is approximately 22 feet above the mean lower low water. According to the specifications utilized in the engineering design of this pier, it will tolerate seawater and tidal action for a lifetime of approximately 20 years (the term of the lease). At the end of the lease term the condition of the Pier and rock revetment will be reassessed.

As discussed in the *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), armoring structures along the coast, while intended to safeguard upland communities and property, offer only temporary protection, eventually accelerating long-term erosion and leaving homes and property at risk. However, State Parks and its engineers do not anticipate that the rock revetment will contribute to or exacerbate future beach or bluff erosion in adjacent areas, rather it will protect the existing fragile rock surface in the abutment area of the Pier and prevent further erosion at the pier abutment.

In addition, Gaviota State Beach lies within the Santa Barbara littoral cell, which may help protect the area from erosion. A littoral cell is a coastal compartment that contains a complete cycle of littoral sedimentation including sources, transport pathways, and sediment sinks. Gaviota State Beach receives its sediment supply from fluvial and seacliff sediment sources along the coast. The Project site is located at the mouth of Gaviota Creek. The site-specific conditions at this location are stable due

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to the erosional effects of ocean waves and accretion of sediment from fluvial sources. Gaviota Creek, as a fluvial source of sediment, tends to stabilize the shoreline at this location despite a historical trend of declining sediment supply along California's Central Coast.

The Pier and rock revetment within the lease area may become vulnerable to more frequent overtopping or inundation during high tides, king tides, and storms, as well as from storm runoff. As a result, these structures may require more frequent maintenance to ensure continued function during and after storm seasons and to avoid dislodgement. In the future, these structures may also need additional fortification, or the Pier may need to be heightened to withstand higher levels of flood exposure and sea-level rise. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement. The lease includes an acknowledgement 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. Special provisions requiring inspections and reporting related to sea-level rise have also been included in the lease.

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.

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; 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. On January 18, 2018, State Parks determined that the Project, as described above, was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15301, Class 1, Existing Facilities; section 15302, Class 2, Replacement or Reconstruction; section 15304, Class 4, Minor Alterations to Land; section 15305, Class 5, Minor Alterations in Land Use Limitations; and section 15331, Class 31, Historical Resource

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Restoration/Rehabilitation. State Parks filed a Notice of Exemption with the State Clearinghouse on January 18, 2018 (SCH No. 2018018242).

Staff concurs with State Parks' determination and recommends that the Commission also find that this activity is exempt under the exemptions listed above.

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

FURTHER APPROVALS REQUIRED:

California Coastal Commission
U.S. Army Corps of Engineers
Regional Water Quality Control Board

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 under:

- Class 1, Existing Facilities (Cal. Code Regs., tit. 14, § 15301)
- Class 2, Replacement or Reconstruction (Cal. Code Regs., tit. 14, § 15302)
- Class 4, Minor Alterations to Land (Cal. Code Regs., tit. 14, § 15304)
- Class 5, Minor Alterations in Land Use Limitations (Cal. Code Regs., tit. 14, § 15305)
- Class 31, Historical Resource Restoration/Rehabilitation (Cal. Code Regs., tit. 14, § 15331)

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 proposed lease; is consistent with the common law Public Trust Doctrine; and is in the State's best interests.

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AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the California Department of Parks and Recreation beginning March 1, 2018, for a term of 20 years, for operation, use, and maintenance of the existing Gaviota Pier, and for construction of the Gaviota Pier Repair Project within the same footprint as the existing pier 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 to fix a monetary rent if the Commission finds such action to be in the State's best interests.
2. Delegate authority to the Executive Officer or designee to amend the lease and exhibits if necessary to accurately reflect the revetment's final location.

EXHIBIT A

PRC 4300.9

LAND DESCRIPTION

A strip of tide and submerged land 50 feet wide in the Pacific Ocean at Gaviota Pier, Santa Barbara County, California, said strip lying 25 feet of each side of the following described centerline:

BEGINNING at a point in the centerline of Gaviota Pier from which USC&GS triangulation station "TANK" bears North 89° 31' 18" East a distance of 3160.53 feet; thence from said point of beginning South 06° 05' 37" East along the centerline of Gaviota Pier and prolongation thereof a distance of 625.00 feet to the TERMINUS of said strip.

EXCEPTING THEREFROM any portion lying landward of ordinary high water mark of the Pacific Ocean.

The sidelines of said strip to be lengthened or shortened as to begin on the ordinary high water mark of said Pacific Ocean and to terminate at a line perpendicular to the terminus of said centerline.

This description is based on the California Coordinate System 27, Zone 5.

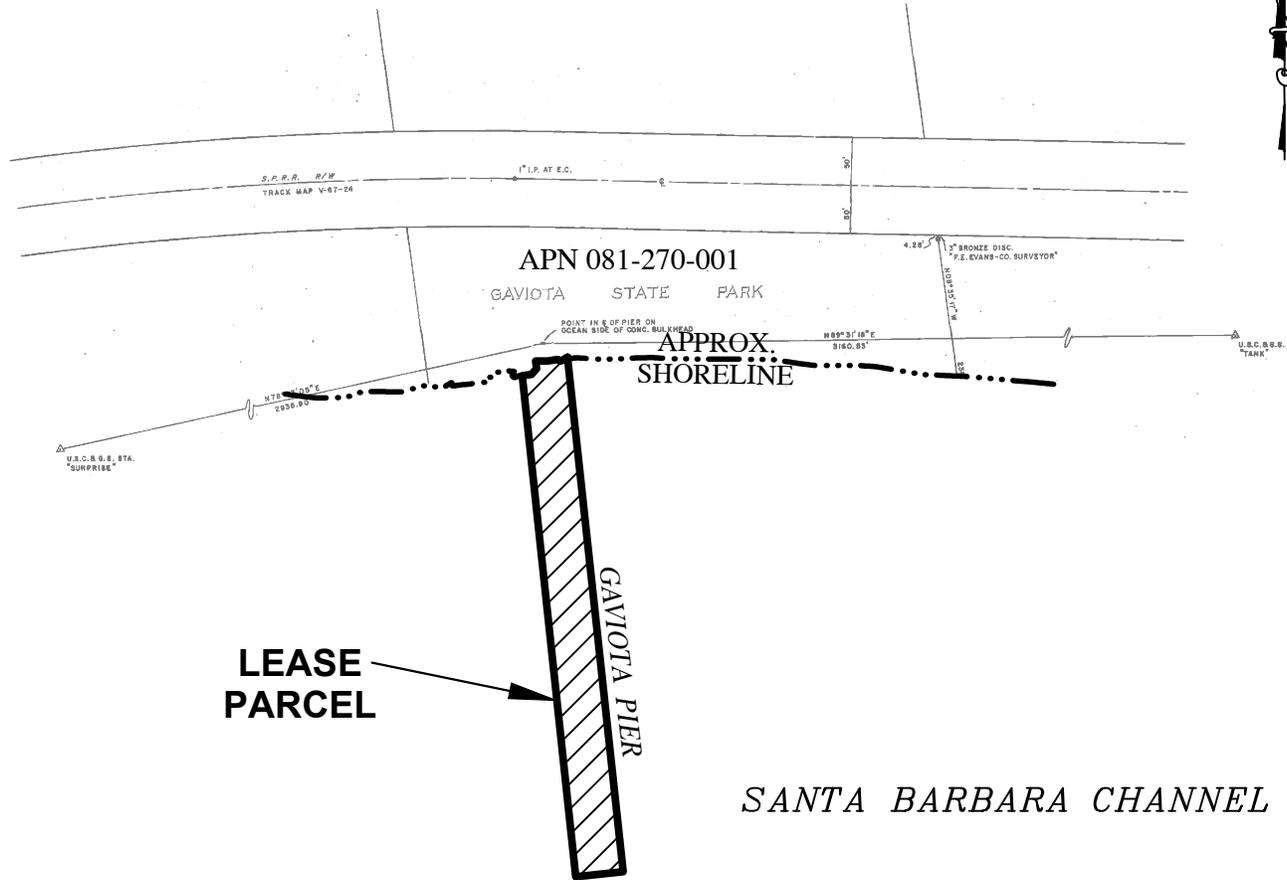
END OF DESCRIPTION

Revised by the California State Lands Commission Boundary Unit on 08/16/2017.
Original description prepared (reviewed) by SLC Boundary Services Unit on February 19, 1986 as found in PRC 4300 file, Calendar Item C 08.



NO SCALE

SITE



LEASE PARCEL

GAVIOTA STATE PARK BEACH, PACIFIC OCEAN

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 4300.9
 CA DEPARTMENT OF
 PARKS & RECREATION
 APN: 081-270-001
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SANTA BARBARA COUNTY



TS 05/14/18