

**CALENDAR ITEM**

**49**

A Statewide

12/10/10

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S Statewide

B. Bugsch

J. Smith

**SEA LEVEL RISE REPORT INFORMATIONAL UPDATE**

**PARTY:**

California State Lands Commission

**BACKGROUND:**

At its meeting on December 17, 2009, the Commission considered and approved Minute Item 39 "A Report on Sea Level Rise Preparedness" (Report). The Commission's approval included 16 recommendations, one of which was to provide a one-year status update on implementation of the recommendations included in the Report. The Commission also directed staff to resurvey the major lessees and grantees within a year for an update on their efforts to address sea level rise.

On July 23, 2010, Commission staff resurveyed 110 major lessees and grantees. Twenty seven responses were received, of which 13 were first time responders. Of the 27 responses, thirteen respondents indicated that they have considered no action to address sea level rise. (See Exhibit A for a list of respondents to the August 2009 and July 2010 surveys.)

The 16 recommendations included in the Report are listed below and an update of their implementation follows:

**Recommendation 1**

Direct staff to continue giving careful consideration to the effects of sea level rise, including impacts to hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations. Direct staff to recommend feasible alternatives, project modifications, mitigation, or a combination of these measures, to avoid or reduce significant impacts.

**Implementation:** Staff developed language for environmental documents and includes the language when relevant. (See language in Exhibit B.)

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### **Recommendation 2**

Direct staff to undertake an inventory of existing leases to identify improvements/infrastructure vulnerable to projected sea level rises of 16" and 55".

**Implementation:** Staff developed a list of leases and is in the process of assigning priority categories to facilitate review. See also implementation of Recommendation 6 below. Additional staff is needed to comply with this recommendation.

### **Recommendation 3**

Direct staff to add a request for information concerning the potential effect of sea level rise on the proposed project to the Commission's Surface Leasing Application Form, Part III, Section B: Assessment of Environmental Impacts. If applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of the project.

**Implementation:** Staff developed language to include in the application package, which includes an assessment of sea level rise. (See language in Exhibit B.)

### **Recommendation 4**

Consider amending the Commission's applicable package to require that all new coastal development projects consider the implications of and include adaptation strategies for project sea level rises of 16" and 55", depending on the projected life expectancy of the project.

**Implementation:** Staff developed language to include in the application package. (See language in Exhibit B.)

### **Recommendation 5**

Where appropriate, staff should recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

**Implementation:** This is being done by staff, when applicable.

### **Recommendation 6**

Adopt engineering design standards, where authorized, requiring major facilities to withstand a defined storm event, such as a 100 year storm, taking into account sea level rise over the life of the project.

**Implementation:** Staff uses current engineering standards to assess a facility's ability to withstand a defined storm event. For marine oil terminals, a new MOTEMS regulation to address sea level rise will take effect January 2011 (Section 3103F.5.3.4). For all other major facilities, staff developed language to

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include in the application package to ascertain what engineering standards are being relied on to address potential impacts from sea level rise on proposed or existing facilities throughout the life of the project. (See language in Exhibit B.)

**Recommendation 7**

Include a provision in future leases requiring Lessees to comply with any provisions or standards that may be adopted by any regulatory agency that addresses sea level rise.

**Implementation:** Staff developed language to include in the Special Provisions Section of the Lease. (See language in Exhibit B.)

**Recommendation 8**

Continue to monitor changes from sea level rise in California and coordinate with and seek advice and expertise from other federal, state, or local agencies on this issue.

**Implementation:** Staff is complying with this recommendation.

- SLC is a member of the California Ocean Protection Council's Coast and Ocean Climate Action Team (CO-CAT) and the State Sea Level Rise Task Force and participated in the creation of an Interim Sea-Level Rise Guidance Document
- Staff continues to participate in the State's Climate Action Team
- Staff continues to monitor amendments to the San Francisco Bay Conservation and Development Commission's Bay Plan
- Staff will review the State Sea Level Rise Assessment Report scheduled to be completed in 2012

**Recommendation 9**

Give careful consideration to future Boundary Line Agreements and Title Settlements. Include a standard provision in such agreements stating that the Public Trust easement will move with submergence or when subject to the ebb and flow of the tide.

**Implementation:** Staff is complying with this recommendation and has included this language in recent title settlement agreements. (See language in Exhibit B.)

Staff included the language in two approved settlement agreements:

1. A Compromise Title Settlement Agreement with the 22<sup>nd</sup> District Agricultural Association over lands in the San Dieguito River in Del Mar.
2. A Boundary Line and Land Exchange Agreement with Oakland Harbor Partners, LLC.

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Staff is proposing the language in three other draft agreements:

1. A Land Exchange Agreement with City of San Diego for lands located in the vicinity of Mission Bay.
2. A Title Settlement, Public Trust Exchange, and Boundary Line and Land Exchange Agreement with the Department of State Parks and Recreation, the Redevelopment Agency of the City and County of San Francisco, The City and County of San Francisco, the Port of San Francisco for lands located within Candlestick Point and Hunters Point Shipyard.
3. A Land Exchange Agreement with North C.V. Waterfront L.P. and the San Diego Unified Port District for lands located in Chula Vista, San Diego County.

### **Recommendation 10**

Collect current information on the mean high tide line including, if necessary, conducting boundary surveys along the coastline and bays, and possibly some inland waterways.

**Implementation:** As discussed in the initial report, additional staff is needed to comply with this recommendation.

### **Recommendation 11**

Evaluate structures (wharves, docks, levees, breakwaters, piers, seawalls, flood control structures, etc.) subject to the ocean environmental for structural integrity and potential hazards as sea levels rise.

**Implementation:** Staff has undertaken an inventory of existing leases to prioritize those having critical improvements/infrastructure vulnerable to projected sea level rises of 16" and 55". The first level of priority involves marine oil terminals. As discussed in the initial report, additional staff is needed to comply with this recommendation.

### **Recommendation 12**

Continue to evaluate offshore platforms in state waters based on American Petroleum Institute Recommended Practices.

**Implementation:** All offshore platforms in California have been requalified based on American Petroleum Institute Recommended Practices within the last 15 years. As new standards are developed, they will be incorporated in SLC evaluations of platforms and included in future structural requalifications.

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**Recommendation 13**

Send the proposed changes to the Commission's application package addressing sea level rise to all grantees for their consideration and use.

**Implementation:** These will be mailed this month.

**Recommendation 14**

Provide copies of the Sea Level Rise Report to the survey recipients for their consideration and use and post the Report on the Commission's website.

**Implementation:** Completed on February 3, 2010.

**Recommendation 15**

Report back to the Commission in one year on the progress made by Commission staff and its grantees.

**Implementation:** Completed on December 10, 2010.

**Recommendation 16**

Direct staff to review the results of the "Sea Level Rise Assessment Report" required to be completed by 12/1/10, pursuant to Executive Order S-13-08, and, as soon as feasible after the report is released, to make recommendations to the Commission as to appropriate sea level rise estimates that should be accommodated by new development on sovereign lands. As part of these recommendations, staff will evaluate phasing procedures and make recommendations as appropriate.

**Implementation:** Awaiting the report, now scheduled to be completed in 2012.

In addition, on April 6, 2010, (Minute Item 54) the Commission supported legislation (AB 2598) which would require each local agency trustee of legislatively granted public trust lands to prepare a sea level action plan to prepare for sea level rise. AB 2598 passed the Assembly Natural Resources Committee, Assembly Appropriations Committee, Assembly Floor, and Senate Natural Resources and Water Committee. However, the bill was held on the Senate Appropriations Committee's suspense calendar at the very end of the legislative session.

**EXHIBITS:**

- A. List of Survey Respondents
- B. Implementation Language