

**CALENDAR ITEM  
C32**

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04/20/17

PRC 8268.9

PRC 8446.9

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**TERMINATION OF A GENERAL LEASE – PUBLIC AGENCY USE AND  
AUTHORIZATION OF AN AMENDMENT OF A GENERAL LEASE – PUBLIC  
AGENCY USE**

**LESSEE:**

San Francisco State University Romberg Tiburon Center for Environmental Studies

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in San Francisco Bay, adjacent to the Romberg Tiburon Center for Environmental Studies (Romberg Tiburon Center), near Tiburon, Marin County.

**AUTHORIZED USE:**

Continued use and maintenance of a previously authorized finger pier, weather station, water quality instruments, and 32 pilings.

**LEASE TERM:**

10 years, beginning August 23, 2013.

**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 action to be in the State's best interest.

**PROPOSED AMENDMENTS:**

1. Amend the lease area of Lease No. PRC 8446.9 to include an area offshore of the Romberg Tiburon Center, which includes an existing 300-foot long, 8-inch diameter saltwater intake pipeline and riprap previously authorized by the Commission under Lease No. PRC 8268.9; and the use and maintenance of three dolphins, fill area with riprap bank protection, and a concrete wharf with seawall bank protection not previously authorized by the Commission.

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2. Installation, use, and maintenance of a scientific monitoring buoy positioned within the lease area. Buoy coordinates shall be submitted to Commission staff within 30 days of installation.
3. Replace the existing Exhibit A, Land Description and Exhibit B, Site and Location Map with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map.
4. Provisions relating to the effects of climate change, including the Lessee conducting visual inspections of the authorized improvements annually, and following all major storm or unusual wave events, and submitting a written narrative detailing such inspections.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, and 6501.1;  
California Code of Regulations, title 2, section 2000, subdivision (b).

**Public Trust and the State's Best Interests Analysis:**

On April 3, 1978, the United States of America through the Secretary of Health, Education, and Welfare granted Lessee title to property used by the United States Navy as a coaling station in 1905, by the John A. Roebling's Sons Company in the 1930s to reel cables for constructing the Golden Gate Bridge, and the Naval Net Depot in the 1940s to construct anti-submarine netting during World War II. These facilities are used by the Lessee as an off-campus research and teaching facility dedicated to the study of San Francisco Bay.

On September 20, 2013, the Commission authorized a 10-year General Lease – Public Agency Use, Lease No. PRC 8446.9, to the Lessee, beginning August 23, 2013, for an existing finger pier, weather station, water quality instruments, and 32 pilings ([Calendar Item C59, September 20, 2013](#)). That lease expires on August 22, 2023.

On September 20, 2013, the Commission authorized termination of Lease No. PRC 8268.9 and issuance of a new Lease No. 8268.9, a General Lease – Public Agency Use, for an existing 300-foot long, 8-inch diameter saltwater intake pipeline and riprap ([Calendar Item C60, September 20, 2013](#)), to coincide with the lease period of Lease No. PRC 8446.9.

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The Lessee has applied to amend Lease No. PRC 8446.9 to consolidate Lease No. PRC 8268.9 into it, amend the lease area to include existing facilities not previously authorized by the Commission, and for the installation, use, and maintenance of a scientific monitoring buoy within the proposed lease area in San Francisco Bay.

The Lessee requests to include facilities not previously authorized by the Commission into the larger lease area. These facilities include three dolphins, fill area with riprap bank protection, a concrete wharf with seawall bank protection which have existed for many years, and a research buoy. The entire upland adjoining the existing and proposed lease area is owned by the Lessee.

The research buoy will be placed near the Romberg Tiburon Center and will be used for educational purposes including monitoring the long-term environment, biological and physical oceanography, marine and estuarine biology, and ecology with emphasis on San Francisco Bay and local coastal zones and as a demonstration project to test ocean acidification for future deployment near the Farallon Islands. The study of the ocean environment and the long term impacts of ocean acidification are consistent with the Public Trust values of protecting the environment and fisheries.

**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 San Francisco Bay, which is a tidally-influenced site vulnerable to flooding at current sea levels; therefore, this area would 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 increased flooding through regular inundation and larger flooding events when combined with tidal events and storm surges. These climate change and sea-level rise impacts can also affect erosion and sedimentation rates through increased wave action and scour, which in turn can lead to decreased shoreline stability and structure.

Improvements within the lease area include a fixed finger pier, fixed weather station and water quality instruments on the finger pier, 32 concrete pilings, a 300-foot-long and 8-inch-diameter saltwater intake

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pipeline and riprap. Other improvements not previously authorized include three dolphins, fill area with riprap bank protection, and a concrete wharf with seawall bank protection. A new floating scientific monitoring buoy would be placed in the lease area to measure carbon dioxide levels.

The combination of these projected conditions raises the likelihood of damage to structures within the lease area. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement. In addition, pursuant to the proposed lease amendment, the Lessee will acknowledge that the Lease Premises are located in an area that may be subject to effects of climate change, including sea-level rise. The Lessee will also be required to conduct visual inspections of the authorized improvements annually and following all major storm events or unusual wave events and submit a written narrative detailing such inspection.

Since the lease would expire in 2023, a new sea-level rise analysis based on sea-level rise projections at that time would be conducted if a new lease is considered. However, the fixed finger pier structures and concrete wharf with seawall bank protection may require more frequent maintenance to ensure continued function during and after storm seasons and to avoid dislodgement of pier structures or potential damage to the wharf. The existing saltwater intake pipeline and riprap and the fill area with riprap protection may need additional riprap when water levels rise. The new floating buoy would be able to rise along with water levels. The floating buoy might need a longer chain in the future to connect the buoy to the anchor to accommodate rising sea levels. Regular maintenance, as required by the terms of the lease, would reduce the likelihood of severe structural degradation or dislodgement.

Sometime beyond the expiration of the current lease term in 2023, the existing 32 concrete pilings could be underwater and potentially cause hazards to public safety and navigation. These structures may need to be heightened to withstand higher levels of flooding and sea-level rise, may need to be removed, or may require warning signs posted near them notifying the public of a possible navigational hazard. As provided above, a new sea-level rise analysis would be conducted in the future if a new lease is considered and would assess the structures relative to sea-level rise projections at that time.

**Conclusion:**

Commission staff believes that the proposed lease amendment to consolidate the lease areas and include the installation of a monitoring

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buoy for scientific research will not substantially interfere with the Public Trust at this time and at this location, or for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action 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. **Termination and Consolidation of Leases:**  
The authorization to terminate Lease No. PRC 8268.9 and consolidate it into Lease No. PRC 8446.9 is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. **Existing Three Dolphins, Fill Area with Riprap Bank Protection, and Concrete Wharf with Seawall Bank Protection:**  
Staff recommends that the Commission find that this activity is exempt from the requirements of 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).
4. **Installation of a Scientific Monitoring Buoy:**  
Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(5).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

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**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Existing Three Dolphins, Fill Area with Riprap Bank Protection, and Concrete Wharf with Seawall Bank Protection:**

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).

**Installation of Scientific Monitoring Buoy:**

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 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(5).

**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, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

1. Authorize termination, effective April 20, 2017, of Lease No. PRC 8268.9, a General Lease – Public Agency Use, issued to San Francisco State University Romberg Tiburon Center for Environmental Studies.
2. Authorize the Amendment of Lease No. PRC 8446.9, a General Lease – Public Agency Use, issued to San Francisco State University Romberg Tiburon Center for Environmental Studies, effective April 20, 2017, to consolidate the improvements within Lease No. PRC 8268.9 into Lease No. PRC 8446.9;; to install, use,

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and maintain a scientific monitoring buoy; to include use and maintenance of three existing dolphins, fill area with riprap bank protection, and a concrete wharf with seawall bank protection not previously authorized by the Commission; replace the existing Exhibit A, Land Description and Exhibit B, Site and Location Map with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map and by this reference made a part hereof; and provisions relating to the effects of climate change, including the Lessee conducting visual inspections of the authorized improvements annually, and following all major storm or unusual wave events, and submitting a written narrative detailing such inspections; all other terms and conditions of the lease shall remain in effect without amendment.

## EXHIBIT A

PRC 8446.9

### LAND DESCRIPTION

A parcel of submerged land, whether filled or unfilled, situate in the bed of the San Francisco Bay, being adjacent to BTLC Lot 3 and BTLC Lot 4, Section 32, Township 1 North, Range 5 West, Mount Diablo Meridian, as shown on that certain map dated 1870 and titled "Map No. 1 of Salt Marsh and Tide Lands situate in the County of Marin" on file at the California State Lands Commission Sacramento Office, located in Marin County, State of California, and being more particularly described as follows:

BEGINNING at a point being the southeast corner of said BTLC Lot 3, said point being the southerly terminus of that certain course shown as "S36°06'35"E 373.35'" on that certain record of survey filed January 2, 1996 in Book 34 of Surveys, at Page 36, Official Records of said county; thence from said POINT OF BEGINNING along the easterly line of said BTLC Lot 3, North 36°06'35" West 373.35 feet; thence North 26°51'35" West 1121.92 feet; thence North 42°36'36" West 40.92 feet to the southeast corner of said BTLC Lot 4; thence leaving said easterly line of BTLC Lot 3 and along the easterly line of said BTLC Lot 4, North 42°36'36" West 761.29 feet; thence leaving said line, South 79°42'11" East 240.35 feet; thence South 48°23'10" East 534.54 feet; thence South 27°21'10" East 452.91 feet; thence North 62°35'07" East 353.18 feet; thence South 27°24'53" East 171.93 feet; thence South 62°35'07" West 368.78 feet; thence South 28°16'36" East 365.07 feet; thence South 44°13'46" East 497.88 feet; thence South 32°06'15" West 300.58 feet to the point of beginning.

### END OF DESCRIPTION

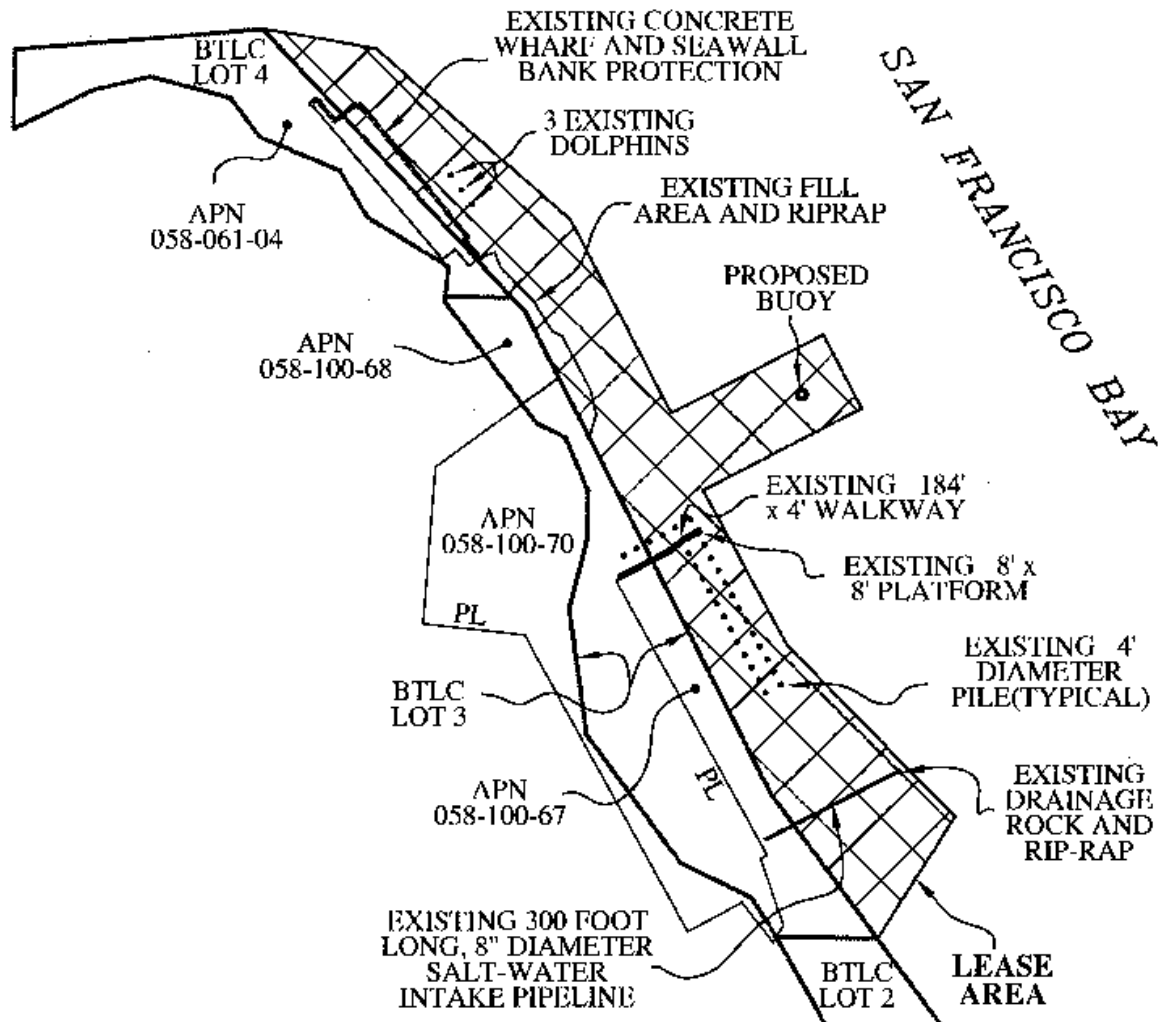
Prepared 02/28/2017 by the California State Lands Commission Boundary Unit.





NO SCALE

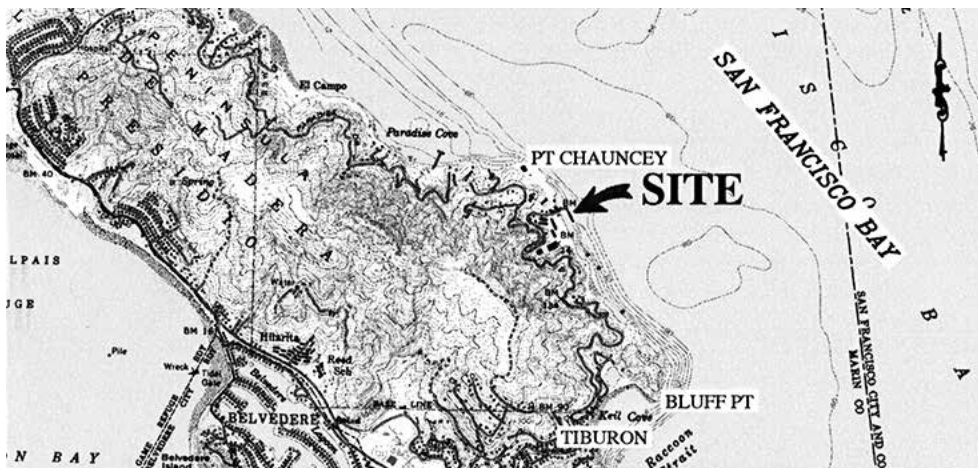
## SITE



## ROMBERG TIBURON CENTER

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 8446.9  
SAN FRANCISCO  
STATE UNIVERSITY  
APNs 058-100-67, 68, 70 &  
058-061-04  
GENERAL LEASE -  
PUBLIC AGENCY USE  
MARIN COUNTY



JWP 03/07/17