

**STAFF REPORT  
C58**

A 78  
S 39

11/29/17  
W 27130  
D. Simpkin

**GENERAL LEASE – OTHER**

**APPLICANT:**

Regents of the University of California San Diego

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in the Pacific Ocean, located adjacent to Naval Amphibious Base Coronado (NABC), city of Coronado, San Diego County.

*AUTHORIZED USE:*

Installation of up to eight seafloor bottom mounted pressure and current sensors.

*LEASE TERM:*

10 years, beginning November 29, 2017.

*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 interests.

*SPECIFIC LEASE PROVISIONS:*

Lessee shall remove all improvements no later than the end date of this lease.

**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:**

Applicant has submitted an application for a General Lease – Other for a research project to obtain simultaneous measurements of waves, tides, water table, wave run-up, wave setup, and the eroding 1.3-kilometer-long

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sand berm at the NABC. The measurements will be used to improve numerical models for coastal flooding and inundation and berm erosion during storms and El Niño weather patterns when shoreline infrastructure is vulnerable.

The Applicant's Scripps Institution of Oceanography (SIO) proposes to install one to eight seafloor bottom mounted pressure and current sensors in late Fall (October to November) and remove the sensors during the following Spring (April to May) of each year. The sensors are attached to pipes which are buried by hand in the submerged sand using high-powered seawater jets to fluidize the sand. Pressure sensors are buried beneath the sand while current sensors protrude approximately 0.5 meter above the ocean floor and will be placed at water depths 6 meters or deeper. SIO staff divers will verify that all instruments are deployed on soft bottom substrate (sand) and not within 25 feet of sensitive habitats as required by the National Oceanic and Atmospheric Administration. The installation and recovery of sensors will take approximately one day. The number and location of sensors may change from year to year depending on data collected during the previous year.

The research is supported by the California Department of Parks and Recreation (State Parks) and the U.S. Army Corps of Engineers (USACE). The results and data collected from the project will be shared with State Parks and USACE through conference presentations and publications.

Scientific study and education are generally consistent with the common law Public Trust Doctrine. The proposed lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises. The activity would not involve the construction of permanent structures or facilities, and all temporary equipment would be located underwater. Upon termination of the lease, the lessee will be required to remove all improvements from State land.

**Climate Change Analysis:**

The proposed project involves the placement of sensors approximately 6 months out of the year in the surf zone and offshore waters adjacent to NABC. The activity would not involve the construction of permanent structures or facilities. Due to the type of activity and short-term, temporary nature of the project, sea-level rise would not affect the project.

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**Conclusion:**

For all the reasons above, Commission 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 lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. To accommodate the placement of sensors during Fall 2017, staff provided a Letter of Non-Objection to the Applicant on September 20, 2017, with the understanding that a lease for the project is required, and the issuance of such a lease is contingent upon approval by the Commission. If the project is denied, the Applicant will be required to remove all equipment at its sole risk and responsibility.
2. 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.
3. 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 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(3).

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

4. 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.

**EXHIBITS:**

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

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**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 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(3).

**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.

**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:**

Authorize issuance of a General Lease – Other to the Regents of the University of California San Diego beginning November 29, 2017, for a term of 10 years, for the installation of up to eight seafloor bottom mounted pressure and current sensors as described in Exhibit A, and shown in 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 if the Commission finds such action to be in the State's best interests.

## EXHIBIT A

W 27130

### LAND DESCRIPTION

A parcel of submerged land in the bed of the Pacific Ocean, County of San Diego, State of California, lying adjacent to Parcel 7-A as shown on Miscellaneous Map No. 253 filed March 17, 1953 in the office of the Recorder of said County, and being more particularly described as follows:

COMMENCING at a point on the "Mean High Water Mark Jan. 1948" on the Pacific Ocean, shown as Station 30 on that certain map titled "Survey of the Ordinary High Water Mark on the Shore of Pacific Ocean Vicinity of Del Coronado Hotel", indexed as CB 255 and on file at the Sacramento office of the California State Lands Commission; thence along said "Mean High Water Mark Jan. 1948", North 29°08'55" West 61.31 feet to the POINT OF BEGINNING; thence North 29°08'55" West 57.77 feet; thence North 38°32'48" West 314.54 feet; thence North 36°31'45" West 336.01 feet; thence North 41°28'06" West 118.53 feet; thence leaving said "Mean High Water Mark Jan. 1948", and along the following three (3) courses:

- 1) South 45°38'26" West 3390.31 feet,
- 2) South 44°27'27" East 822.28 feet, and
- 3) North 45°35'59" East 3290.14 feet to the point of beginning.

EXCEPTING THEREFROM any portions lying landward of the "Line of Ordinary Low Water Mark Jan. 1948" on the Pacific Ocean as shown on said Miscellaneous Map No. 253.

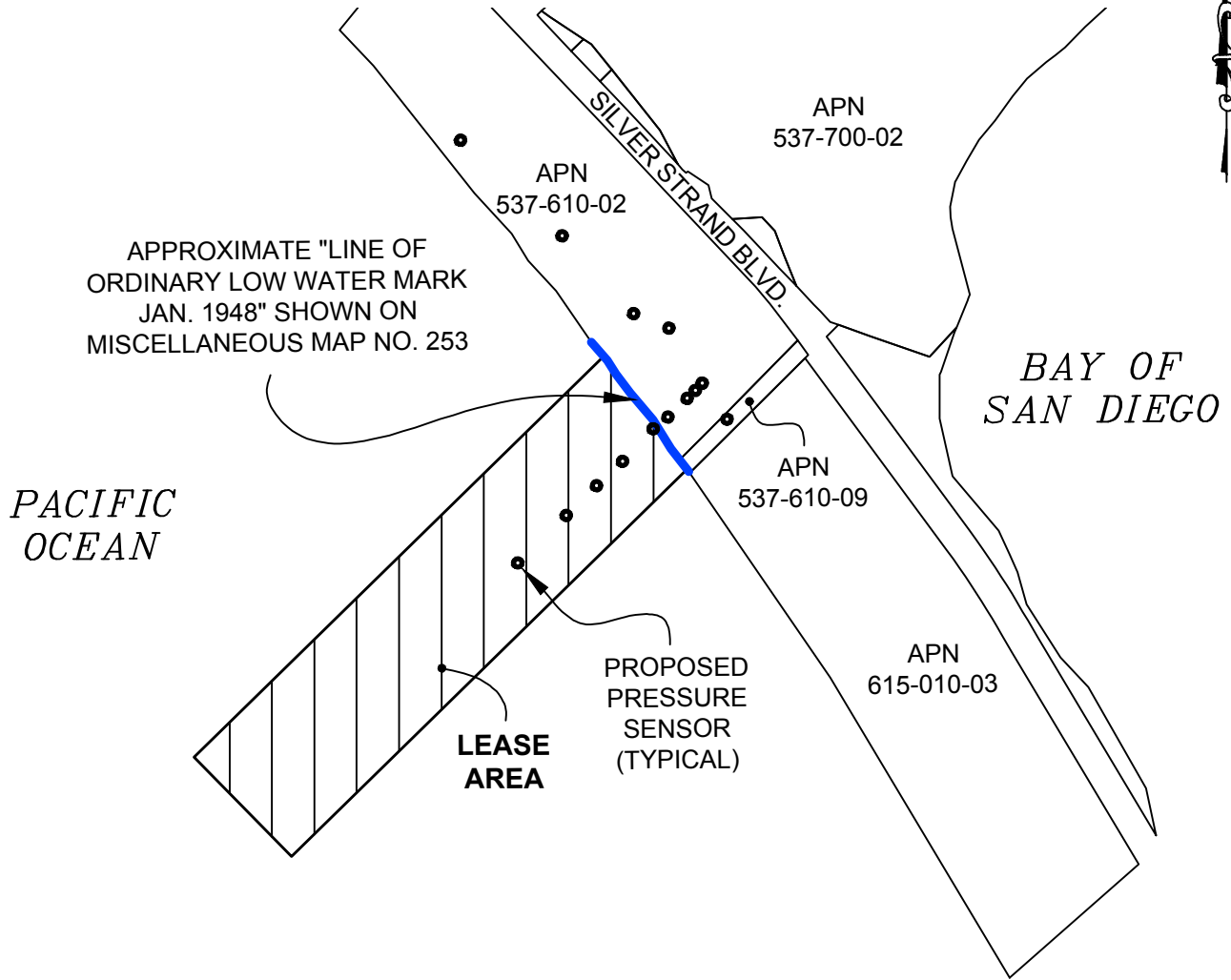
### END OF DESCRIPTION

Prepared 10/03/2017 by the California State Lands Commission Boundary Unit.



NO SCALE

### SITE



### NAVAL AMPHIBIOUS BASE CORONADO

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

W 27130  
 REGENTS OF THE  
 UNIVERSITY OF  
 CALIFORNIA SAN DIEGO  
 APNs 537-610-02 & 537-610-09  
 GENERAL LEASE - OTHER  
 SAN DIEGO COUNTY

