

# Staff Report 39

Accept and Authorize the placement of a Memorial Plaque

## **PARTIES:**

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Barbara Gentile-Crary

California State Lands Commission

## **PROPOSED ACTION:**

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Accept and authorize the placement of a memorial plaque in remembrance of the 34 individuals who lost their lives aboard the MV *Conception* on sovereign land in the Pacific Ocean, Platt's Harbor, Santa Cruz Island, Santa Barbara County

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **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:**

On September 2, 2019, the dive boat MV *Conception* caught fire and sank in Platt's Harbor offshore of Santa Cruz Island. Thirty-four individuals, including 33 passengers and one crew member, who were asleep below deck lost their lives.

To honor and remember the lives lost, professional diver and educator, Barbara Gentile-Crary, has organized the placement of a memorial plaque in Platt's Harbor.

An approximately 16-inch by 12-inch rectangular bronze plaque will be attached to granite rock and placed on the seafloor near the location where the MV *Conception* sank. The names of the victims will be engraved on the plaque. The victims' families have approved the inclusion of the victims' names on the plaque.

The plaque will be transported on a boat to the location where it will be lowered into place by professional divers. Dive staff from the Channel Islands National Marine Sanctuary will observe the installation to ensure that the final resting location does not

interfere with marine life or will significantly impact the seafloor. The final location will be recorded and provided to Commission staff after placement.

Rather than recommend issuance of a lease for the placement and continued occupation by the plaque, staff recommends that the Commission accept the plaque as a gift on behalf of the people of California and authorize the placement of the plaque on sovereign land. If the Commission approves staff's recommendation, staff will provide Ms. Gentile-Crary with a Letter of Non-Objection to facilitate the installation of the plaque. The placement of the plaque will honor and act as a remembrance of the lives lost and will serve as a memorial for the victims' families, friends, and those in the diving community to visit and reflect. The site will be accessible to boats, kayakers, and divers, all of which are uses consistent with the common law Public Trust Doctrine.

**CLIMATE CHANGE:**

Climate change impacts, including sea-level rise, increased wave activity, storm events, and flooding may impact the site of the proposed action, which is located in Platt's Harbor, Santa Cruz Island. The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Los Angeles tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

**Table 1. Projected Sea-Level Rise for Los Angeles<sup>1</sup>**

Year	Projection (feet)
2030	0.7
2040	1.2
2050	1.8
2100	6.7

Source: Table 28, State of California Sea-Level Rise Guidance: 2018 Update

Note: <sup>1</sup> Projections are with respect to a 1991 to 2009 baseline.

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run-up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and

sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run-up, potentially resulting in greater beach erosion than previously experienced.

This increase in sea level combined with more frequent and stronger storm events will likely expose the harbor area to increased wave force, especially during storm events. However, the memorial plaque will be placed in approximately 60 feet of depth and 20 yards from shore, reducing the chance of degradation or destabilization of the plaque due to climate change.

**CONCLUSION:**

For all the reasons above, staff believes the acceptance of the plaque will not substantially interfere with the common law Public Trust Doctrine and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the proposed action is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission decides not to accept the plaque as a gift or authorize its placement on sovereign land, the Commission may consider an application for a lease for the occupation of sovereign land.
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, and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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

## **APPROVALS OBTAINED:**

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- Channel Islands National Marine Sanctuary
- U.S. Army Corps of Engineers
- California Coastal Commission

## **EXHIBIT:**

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A. Site and Location Map

## **RECOMMENDED ACTION:**

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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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the acceptance of the plaque and its placement on sovereign land will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable future; and is in the best interests of the State.

### **AUTHORIZATION:**

Accept a memorial plaque and authorize its placement on sovereign land in Platt's Harbor, Santa Cruz Island, Santa Barbara County, in honor and remembrance of the 34 lives lost in the fire of the *MV Conception*, as shown on Exhibit A (for reference purposes only).

NO SCALE

SITE

PACIFIC OCEAN



APN 199-050-048

PLATT'S HARBOR, SANTA CRUZ ISLAND

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 A

A 2651  
M/V CONCEPTION  
MEMORIAL PLAQUE  
APN 199-050-048  
SANTA BARBARA COUNTY



RGB 7/23/20