

# Staff Report 50

General Lease – Public Agency Use

Agreement for the Transfer and Control of State-Owned Real Property

## **APPLICANT:**

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U.S. Department of the Navy

## **PARTIES:**

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California Department of Parks and Recreation

California State Lands Commission

## **PROPOSED ACTION:**

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### **AREA, LAND TYPE, AND LOCATION**

257 acres, more or less, of sovereign land along Silver Strand State Beach, near Coronado, San Diego County.

### **AUTHORIZED USE:**

Use and maintenance of the Silver Strand Training Complex North.

### **TERM:**

49 years, beginning September 1, 2021.

### **CONSIDERATION:**

The public health and safety, 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.

## **BACKGROUND:**

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Silver Strand is a narrow piece of low-lying land that connects Coronado Island with Imperial Beach in San Diego County. Silver Strand protects and shelters San Diego Bay from waves and storm surge.

The U.S. Department of Defense owns beaches both north and south of Silver Strand State Beach. Naval Amphibious Base Coronado is located at the northernmost end of Silver Strand and was established in 1943. It is the only Naval amphibious base on the West Coast and includes a population of approximately 5,000 personnel. Naval Amphibious Base Coronado and the adjacent beaches provide training for the U.S. Navy's Sea, Air, and Land Teams (SEALs), amphibious insertion, and other small units.

Between 1948 and 1952, the Commission authorized a series of transfers of jurisdiction to California Department of Parks and Recreation (State Parks) over certain accreted tide and submerged lands for uses connected with Silver Strand State Park ([Item 32, January 9, 1948](#), [Item 10, April 27, 1949](#), [Item 20, April 28, 1950](#), and [Item 13, February 14, 1952](#)). Together, these transfers of jurisdiction are known as Jurisdictional Transfer Out (JTO) 4.

In 1955, the Navy condemned areas along both the ocean and San Diego Bay sides of Silver Strand State Beach for Naval purposes. The 257 acres subject to the proposed lease was condemned by the Navy with a reversionary provision which would reconvey the land to the State when the parcel was no longer needed for military purposes. Subsequent to the reconveyance, there was a disagreement between the Commission and State Parks regarding which agency the parcel was conveyed back to. The underlying disagreement over reversion was never resolved, and a compromise was reached between the Commission and State Parks. The compromise included an Agreement for the Transfer of Control and Possession of State-Owned Real Property (Lease No. PRC 6320) from State Parks to the Commission ([Item 27, February 9, 1982](#)). In return, the Commission authorized Lease No. PRC 6319 to the Navy for continued use of the parcel ([Item 27, February 9, 1982](#)). All agreements and leases expire on August 31, 2021.

## **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 January 28, 1982, the Commission authorized the issuance of a Lease for Real Property to the Applicant for military training and related purposes at Silver Strand Training Complex North, at Silver Strand Beach in Coronado ([Item 27, February 9, 1982](#)). The lease expires on August 31, 2021. The Applicant is now applying for a

General Lease – Public Agency Use for the use and maintenance of military training and related purposes at Silver Strand Training Complex North.

The lease premises are located west and adjacent to State Route 75 and end at the property line of Naval Amphibious Base Coronado located to the north. Silver Strand State Beach is located to the south and includes camping facilities and other recreational opportunities, such as fishing, picnicking and swimming.

The 257-acre lease premises are a major component of the U.S. Navy's Silver Strand Training Complex whose mission is to support U.S. Navy and Marine Corps amphibious, special warfare, expeditionary, and mine countermeasure training and for Navy test and evaluation activities. The location is ideal for realistic military training.

Temporary training facilities located within the lease premises include:

- An obstacle course constructed of wood and used for Naval Special Warfare training. The course is surrounded by an approximately 400-foot by 475-foot chain link fence.
- An approximately 180-foot by 520-foot fenced compound with water pit, which provides physical testing of naval students, primarily during the fourth week of Navy SEALs training, known as "Hell Week."
- Signs prohibiting unauthorized access.
- Color-coded beach markers located every 500 yards on the beach.

The use of tidelands is essential for the Navy's amphibious training exercises, which by their nature are water dependent. According to the Navy, "[the training complex] provides a critical training range for west coast naval amphibious, special warfare, logistics-over-the-shore, and mine countermeasure readiness and certification activities, enabling military personnel to respond quickly to crises around the world."

The lease premises have been used for Navy operations since 1955. This use generally excludes the public and the area is surrounded by the Silver Strand Training Complex, which also prevents public access to the area for safety and security reasons. Public use would create a security risk for the Navy and a safety risk for the public. Despite the general exclusion of the public from the proposed lease premises, the public benefits from the Navy's use of the tidelands for military training, and the tidelands are uniquely suited for this training. Therefore, a lease authorizing the Navy's continued use of tidelands for the Silver Strand Training Complex North is consistent with the Public Trust Doctrine.

The proposed lease also does not alienate the property and avoids a potential federal condemnation. Therefore, staff believes the proposed lease of the property for the U.S.

Navy's training complex is consistent with the Public Trust Doctrine and in the State's best interests.

In the 1980s, Commission staff and State Parks staff disagreed over which agency had jurisdiction over the lease premises. To resolve the disagreement, State Parks transferred any jurisdiction it may have to the Commission through Lease No. PRC 6320. Staff is discussing whether there is still a jurisdiction dispute with State Parks. In order to allow the Navy's continued use of the lease premises, staff is also recommending the Commission authorize staff to negotiate and enter into an Agreement for the Transfer of Control and Possession of State-Owned Real Property (Agreement) with State Parks, on terms substantially similar to the Agreement authorized by the Commission in Lease 6320 (Exhibit C). This authorization would allow staff to work with State Parks to resolve any jurisdiction dispute without affecting the Navy's use of the property.

The Agreement would transfer State Parks' jurisdiction over the property, if any, to the Commission, and would run concurrently with the term of the proposed lease. The Agreement would also allow the Commission and State Parks to maintain their respective positions regarding their jurisdiction. If staff and State Parks negotiate an agreement substantially different than the existing agreement, then staff will submit the negotiated agreement to the Commission for its consideration.

#### **CLIMATE CHANGE:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, increased flooding, and erosion affect both open coastal areas and inland waterways in California. The Silver Strand Beach area for Coronado, California is a tidally influenced area vulnerable to wave action at the current sea level of the Pacific Ocean.

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. Projected sea-level rise scenarios for the lease area (La Jolla tide gauge) are listed in Table 1.

**Table 1. Projected Sea-Level Rise for La Jolla<sup>1</sup>**

<b>Year</b>	<b>Projection (feet)</b>
2030	0.9
2040	1.3
2050	2.0
2100	7.1

Source: Table 31, State of California Sea-Level Rise

Guidance: 2018 Update

Note: <sup>1</sup> Projections are with respect to a baseline of the year 2000.

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 areas. Climate change and sea-level rise will further influence coastal areas by changing erosion and sedimentation rates as beaches and coastal landscapes are exposed to increased wave force.

The U.S. Navy's ongoing and proposed activities in the lease area will not greatly impact any natural erosion to the Silver Strand Beach Area. These current and proposed activities will not increase the impacts of climate change-induced beach erosion and sea-level rise. The proposed lease contains an acknowledgement by the U.S. Navy that the lease premises may be subject to effects of climate change, including sea-level rise, that hazards associated with sea-level rise may require additional maintenance or protection strategies regarding the improvements on the lease premises, and that the U.S. Navy assumes the risks associated with such potential hazards.

## **CONCLUSION:**

The Navy's water-dependent training activities at this location are critical to maintaining Naval operations that help safeguard the public health and safety in the San Diego area and statewide, and a lease authorizing those activities avoids a federal condemnation of the State's property. Therefore, the issuance of this lease is consistent with the Public Trust Doctrine and is in the best interests of the State.

Authorizing staff to negotiate and enter into an Agreement for the Transfer of Control and Possession of State-Owned Real Property will allow the Commission and State Parks to maintain their positions regarding jurisdiction while allowing the Navy to continue to use the premises for its essential training activities. Therefore, the authorization to negotiate and enter into an Agreement for the Transfer of Control and

Possession of State-Owned Real Property is consistent with the 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 application 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 denies the application, the Applicant, as prior lessee, may be required to remove the facilities located within Commission jurisdiction and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
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 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

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

4. The Agreement for the Transfer of Control and Possession of State-Owned Real Property is not a project as defined by the California Environmental Quality Act 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, sections 15378, subdivision (b)(5).

## **EXHIBITS:**

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- A. Land Description
- B. Site and Location Map
- C. Agreement for the Transfer of Control and Possession of State-Owned Real Property

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that the issuance of the lease 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 14, section 15301.

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

Find that the proposed lease and jurisdictional transfer agreement will help safeguard the public health and safety in the San Diego area and statewide for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

1. Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning September 1, 2021, for a term of 49 years, for use and maintenance of Silver Strand Training Complex North, 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 health and safety, with the State reserving the right at any time to set a monetary rent, as specified in the lease, if the Commission finds such action to be in the State's best interests.
2. Authorize staff to negotiate and enter into an Agreement for the Transfer of Control and Possession of State-Owned Real Property with State Parks on substantially the same terms as shown in Exhibit C, attached and by this reference made a part hereof.

## EXHIBIT A

LEASE 6319

### LAND DESCRIPTION

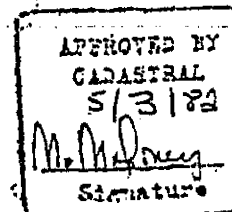
A parcel of tide and submerged land in the bed of the Pacific Ocean, San Diego County, State of California, more particularly described as follows:

- (1) Bounded on the northwest by the southeasterly line of the City limits of the city of Coronado, California, and the southwesterly prolongation thereof as shown on State Lands Commission "Plat of lands within and adjacent to Silver Strand State Park", filed as Miscellaneous Map No. 247, in the Office of the County Recorder of San Diego County, July 3, 1952, said southeasterly line intersecting concrete monuments designated "CCXII" and designated "Park Northwest" as shown on said Miscellaneous Map No. 247;
- (2) Bounded on the southeast by the southwesterly prolongation of a straight line intersecting Station No. 19 of San Diego Bay line of mean high water of 1948 and a 6 inch by 6 inch concrete monument designated "C.H.C." set for Engineer's Station 396 plus 08.29 E. C., said Engineer's Station being a point in a line which bears N 47° 18' 22" E 244.44 feet from Station No. 3 of the Pacific Ocean ordinary high water mark of 1941, all as shown on said Miscellaneous Map No. 247;
- (3) Bounded on the southwest by the Pacific Ocean line of the mean high water of 1948, as shown on said Miscellaneous Map No. 247;
- (4) Bounded on the northeast by the ordinary high water mark of 1941 as shown on said Miscellaneous Map No. 247.

Net area contains 257 acres, more or less.

END OF DESCRIPTION

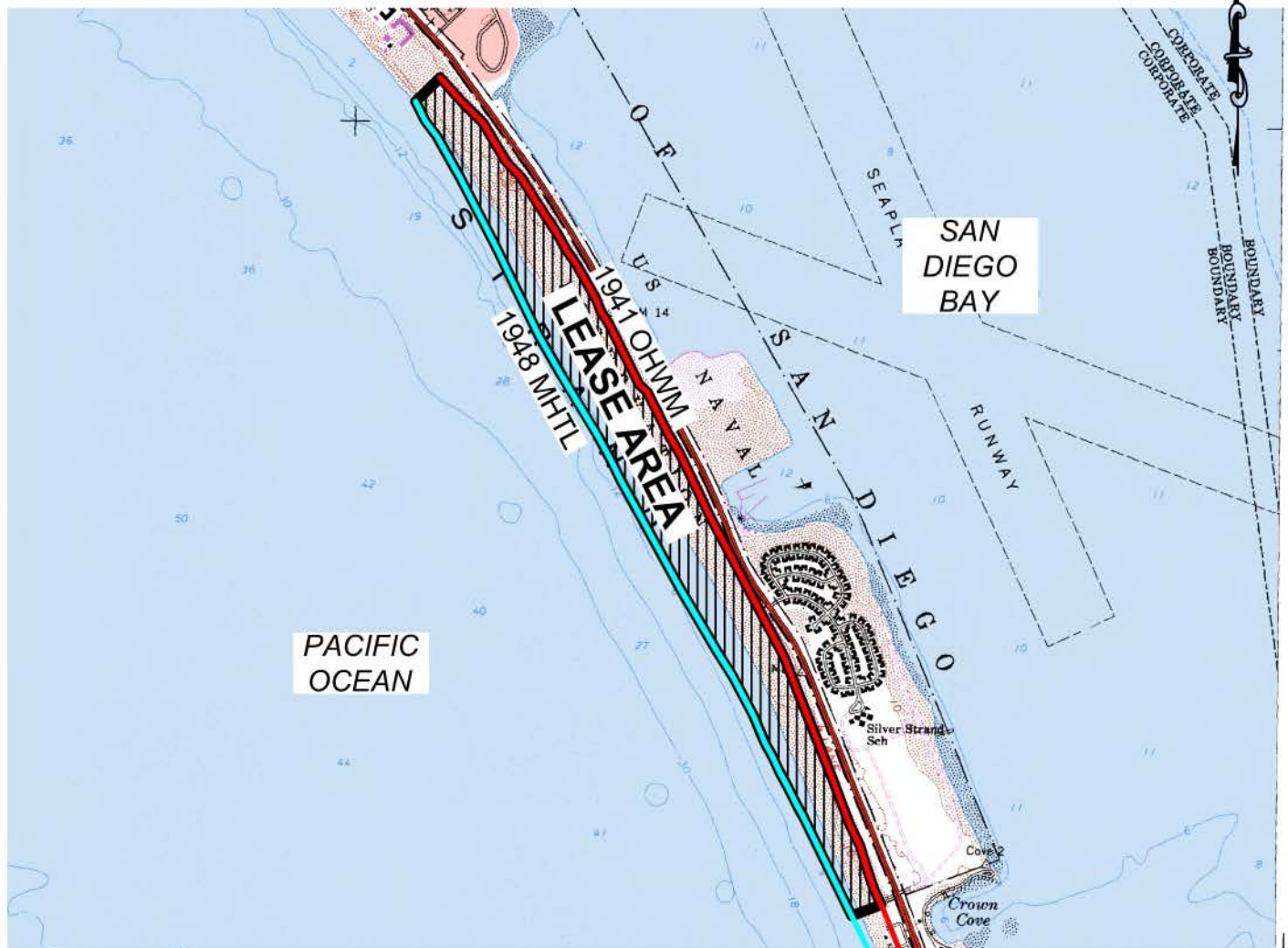
PREPARED APRIL 29, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.





NO SCALE

## SITE



SILVER STRAND TRAINING COMPLEX NORTH, SILVER STRAND BEACH

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

LEASE 6319  
UNITED STATES NAVY  
GENERAL LEASE -  
PUBLIC AGENCY USE  
SAN DIEGO COUNTY



MJF 7/15/2020

PRC 6320.9

Agreement for the Transfer of Control  
and Possession of State-Owned Real Property

THIS AGREEMENT is entered into this 1<sup>st</sup> day of MAY, 1982, by and between the California Department of Parks and Recreation, hereinafter called Transferor, and the California State Lands Commission, hereinafter called Transferee, with the approval of the Director of General Services.

W I T N E S S E T H

WHEREAS, there exists a genuine dispute between Transferor and Transferee as to the extent of control and possession of each over that real property situated in the County of San Diego, State of California, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (hereinafter "Subject Property"), and

WHEREAS, Transferor and Transferee wish to be assured that control and possession of the Subject Property is exclusively in Transferee, subject to the leasehold interest therein held by the United States Navy pursuant to the 1955 settlement of Condemnation Action Number 1802-SD, USDC, which leasehold will expire November 17, 1985, for a term beginning on the effective date of this Agreement and ending August 31, 2021; for the purpose of enabling Transferee to lease to the United States Navy the entire Subject Property for a term beginning November 18, 1985, and ending August 31, 2021.

NOW, THEREFORE, pursuant to the provisions of Section 14673 of the Government Code of the State of California, Transferor hereby transfers unto Transferee and Transferee hereby accepts that control and possession, if any, presently held by Transferor, for a term beginning on the effective date of this Agreement, and ending August 31, 2021, of the Subject Property.

The consideration for this transfer of control and possession is the statewide public benefit, and a concurrent lease of 40 acres of land by Transferee to Transferor for use as an addition to Silver Strand State Beach.

This Agreement is expressly made without prejudice to the respective claims of Transferor and Transferee as to the right to control and possession of the Subject Property upon expiration of this Agreement.

The Agreement will be effective upon approval by the Director of General Services.

DEPARTMENT OF PARKS AND  
RECREATION

STATE LANDS COMMISSION

By: *Pat Pyman*  
Title: \_\_\_\_\_  
Date: JUL 22 1982

By: *Clive J. Hedrick*  
Title: Executive Officer  
Date: July 19, 1982

APPROVED:

DIRECTOR OF GENERAL SERVICES

By: *Edward R. Hill*  
Date: AUG 30 1982

## EXHIBIT "A"

## LAND DESCRIPTION

JTO-4/W 22481

A parcel of tide and submerged land in the bed of the Pacific Ocean, San Diego County, State of California, more particularly described as follows:

(1) Bounded on the northwest by the southeasterly line of the City limits of the city of Coronado, California, and the southwesterly prolongation thereof as shown on State Lands Commission "Plat of lands within and adjacent to Silver Strand State Park", filed as Miscellaneous Map No. 247, in the Office of the County Recorder of San Diego County, July 3, 1952, said southeasterly line intersecting concrete monuments designated "CCX11" and designated "Park Northwest" as shown on said Miscellaneous Map No. 247;

(2) Bounded on the southeast by the southwesterly prolongation of a straight line intersecting Station No. 19 of San Diego Bay line of mean high water of 1948 and a 6 inch by 6 inch concrete monument designated "C.H.C." set for Engineer's Station 396 plus 08.29 E. C., said Engineer's Station being a point in a line which bears N 47° 18' 22" E 244.44 feet from Station No. 3 of the Pacific Ocean ordinary high water mark of 1941, all as shown on said Miscellaneous Map No. 247;

(3) Bounded on the southwest by the Pacific Ocean line of the mean high water of 1948, as shown on said Miscellaneous Map No. 247;

(4) Bounded on the northeast by the ordinary high water mark of 1941 as shown on said Miscellaneous Map No. 247.

Net area contains 257 acres, more or less.

END OF DESCRIPTION

PREPARED APRIL 29, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

