

# Staff Report 35

## **LESSEE:**

---

National Park Service – Channel Islands National Park

## **PROPOSED ACTION:**

---

Amendment of Lease

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

Sovereign land located in the Pacific Ocean, Anacapa Island, Ventura County.

## **AUTHORIZED USE:**

Use and maintenance of one dock each at Anacapa, Santa Cruz, and Santa Barbara Islands; use and maintenance of one pier each at Santa Rosa and Santa Cruz Islands; use and maintenance of two steel mooring buoys each offshore of Anacapa Island and Santa Cruz Island; one steel mooring buoy each offshore of Santa Barbara Island and Santa Rosa Island; and use and maintenance of rock riprap at Santa Cruz Island.

## **TERM:**

20 years, beginning March 1, 2002.

## **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.

## **PROPOSED LEASE AMENDMENT:**

- Section 1: Amend the **Land Use or Purpose and Authorized Improvements** of the lease to authorize the replacement of the Anacapa Island dock and the installation of nine new pilings.
- Section 3: In addition to the existing Exhibit A, Anacapa Island Site and Location Map, add the attached Exhibit A-2, Land Description, and Exhibit A-3, Dock Site

and Location Map (for reference purposes only), [attached to this Staff Report as Exhibits A and B].

## **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:**

On June 18, 2002, the Commission authorized a 20-year General Lease – Public Agency Use to the National Park Service – Channel Islands National Park ([Item C27, June 18, 2002](#)) for:

- Use and maintenance of a dock on Anacapa Island, Santa Barbara Island, and Santa Cruz Island
- Reconstruction, use, and maintenance of a pier at Prisoner's Harbor, Santa Cruz Island
- Use and maintenance of a pier at Santa Rosa Island
- Use and maintenance of two steel mooring buoys each at Anacapa Island and Santa Cruz Island
- One steel mooring buoy each at Santa Barbara Island and Santa Rosa Island

On May 5, 2008, the Commission authorized an amendment to the lease to authorize the demolition and construction of a new pier at Bechers Bay, Santa Rosa Island ([Item C13, May 5, 2008](#)).

On April 5, 2019, the Commission authorized an amendment to the lease to authorize the removal of the existing Scorpion Cove Pier; the construction, use, and maintenance of a new pier; the relocation of one steel mooring buoy; and the retention, use, and maintenance of rock riprap ([Item C55, April 5, 2019](#)). The lease will expire on February 28, 2022.

The Lessee is now applying for an amendment of the lease to allow for the replacement of the existing dock at Anacapa Island. The existing 10-foot, 10-inch by 39-foot, 6-inch dock will be removed and replaced with a new 15-foot, 10-inch by 39-foot, 6-inch dock, along with nine new pilings.

Anacapa Island is the second-most-visited destination within the Channel Island National Park (Park or Lessee). Visitors to Anacapa Island enjoy numerous activities and amenities, including picnicking, interpretive programs, hiking, camping, swimming, diving, snorkeling, kayaking, fishing, and wildlife viewing.

The existing dock is 80 years old, and is the only access to the island. Individuals visiting the island transfer from vessels to the landing dock via a ladder. The existing dock has structural deficiencies that pose safety risks, including broken and missing fender piles, inadequate dock elevation, and a dilapidated deck. On July 10, 2013, a Park volunteer lost his life during a dock-to-vessel transfer. The Occupational Safety and Health Administration (OSHA) cited the Park with a Serious Violation and required the Lessee to identify and implement corrective actions. The Lessee believes that replacing the dock would accomplish the following objectives:

- Improve efficiency and safety
- Enhance the visitor experience
- Improve the landing dock while protecting marine and terrestrial environments
- Allow easier access for the Lessee's concessionaire, partner, and private vessels
- Improve passenger and cargo operations
- Preserve cultural landscape characteristics
- Increase resiliency to rising sea levels

The existing dock would be replaced from the landside with use of an existing crane. The existing ladder would be replaced with a mechanical platform and lift system. The new dock would also replace broken or missing fender piles, deck timbers, railings, and utilities. The new dock has been designed to last 50 years.

The new dock would allow the safe transport of visitors to Anacapa Island and assist the Lessee in implementing safe Park operations. The dock will allow visitors to enjoy water-dependent uses, recreational opportunities, and will not interfere with navigation. Staff believes the proposed amendment is, therefore, consistent with the Public Trust Doctrine.

**TRIBAL COORDINATION AND CONSULTATION:**

The Lessee initiated consultation with the federally recognized Santa Ynez Band of Chumash Mission Indians and the non-federally recognized, traditionally associated Barbareño/Ventureño Band of Mission Indians in July of 2020. The Lessee met with the Santa Ynez Band's Elders Council and the Santa Ynez Band's designated consulting body, on August 4, October 20, 2020, and April 14, 2021. A member of the Barbareño/Ventureño Band attended the September 2020 public open house, and the Lessee met with the Barbareño/Ventureño Band Tribal Chair to discuss the project on February 25, 2021. The final design drawings and results of the submerged cultural resources survey were transmitted to both groups in December 2020, with a final request for any issues or concerns. As a result of these consultations, no new historic properties or resources with cultural and religious significance were identified, and no comments or concerns about the undertaking were expressed. In keeping with its Tribal coordination practices and pursuant to the Commission's Tribal Consultation Policy, staff contacted the Barbareño/Ventureño Band Tribal Chair on April 8, 2021 and confirmed that she had completed Consultation with the Lessee and had no concerns about the project. In addition, after the Lessee met with the Santa Ynez on April 14, 2021, staff confirmed that the Santa Ynez had no unresolved concerns about the project.

**CLIMATE CHANGE:**

The lease area consists of sovereign land located in the Pacific Ocean adjacent to Anacapa Island, Channel Islands National Park in Santa Barbara County. The dock provides access to the island and needs replacement.

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 (Santa Barbara tide gauge) are listed in Table 1.

**Table 1. Projected Sea-Level Rise for Santa Barbara**

<b>Year</b>	<b>Projection (feet)</b>
2030	0.7
2040	1.1
2050	1.8
2100	6.6

Source: Table 22, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a baseline of the year 2000.

Additional climate change impacts such as more frequent and stronger winter storm and flooding events may contribute to increased vulnerability throughout the lease area. Over the next 30 years, sea levels will continue to rise and storm impacts are likely to increase, potentially increasing the risk to Public Trust resources and values located within and around the lease area. The combination of increased wave action, storm activity, and sea-level rise could result in additional damage or degradation to the dock.

Replacement of the existing dock and ladder system with the new dock's mechanical platform and vertical lift system would provide safer and more accessible ingress and egress for visitors and Park staff. It would be 2 feet higher in elevation than the existing landing and have the ability to be raised an additional 3 feet to accommodate future sea-level rise. In this way, the rehabilitated dock is adaptable to increasing sea-level rise and climate change. However, it may require maintenance to ensure continued function during and after storm seasons and to reduce the risk it may potentially pose to public safety should it become a source of marine debris or a coastal hazard as a result of dislodgement or structural failure.

The 20-year lease expires in 2022 and will provide both the Commission and the lessee an opportunity to check in to evaluate the effects of sea-level rise and the design and functionality of all the improvements in order to make additional adaptation steps as necessary and appropriate.

### **CONCLUSION:**

For all the reasons above, staff believes the authorization of this amendment is consistent with the common law Public Trust Doctrine and in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

---

1. Approval or denial of the lease amendment 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 amendment, the Lessee will not be authorized to replace the existing dock. 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 the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

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

## **APPROVAL REQUIRED:**

---

California Coastal Commission

## **EXHIBITS:**

---

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

## **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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

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

Find that the proposed lease amendment 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.

### **AUTHORIZATION:**

Authorize amendment of Lease No. 8390.9, a General Lease – Public Agency Use, effective April 27, 2021, to allow the replacement of the existing dock and

installation of nine new pilings at Anacapa Island; and in addition to the existing Exhibit A, Anacapa Island Site and Location Map, add the attached Exhibit A, Land Description, and Exhibit B, Dock Site and Location Map as Amendment Exhibit A-2, Land Description, and Exhibit A-3, Dock Site and Location Map (for references purposes only); all other terms and conditions of the lease will remain in effect without amendment.

## EXHIBIT A

LEASE 8390

### LAND DESCRIPTION

A parcel of tide and submerged land, situated in the bed of the Pacific Ocean lying northeast of Anacapa Island, Ventura County, State of California, and more particularly described as follows:

COMMENCING at a NGS monument PID "EW7846" (Epoch 1991.35) which bears North  $71^{\circ} 01' 27''$  East, 2435.37 feet from a NGS monument PID "EW5091" (Epoch 1991.35); thence North  $70^{\circ} 50' 20''$  West 865.55 feet to the POINT OF BEGINNING; thence along the following four (4) courses:

1. North  $57^{\circ} 39' 22''$  East 49.50 feet;
2. South  $32^{\circ} 20' 38''$  East 25.00 feet;
3. South  $57^{\circ} 39' 22''$  West 49.50 feet;
4. North  $32^{\circ} 20' 38''$  West 25.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

All bearings and distances are based on California Coordinate System of 1983, Zone 5.

### END OF DESCRIPTION

Prepared 02/05/2021 by the California State Lands Commission Boundary Unit





NO SCALE

## SITE

APN 231-0-610-010

**PROPOSED DOCK  
REPLACEMENT AND  
EXTENSION**

APPROX.  
SHORELINE

**LEASE  
AREA**

PACIFIC OCEAN

ANACAPA ISLAND, CHANNEL ISLANDS NATIONAL PARK

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 8390

NATIONAL PARK SERVICE

APN 231-0-610-010

GENERAL LEASE -

PUBLIC AGENCY USE

VENTURA COUNTY



TS 02/05/2021