

Staff Report 28

APPLICANT:

Exxon Mobil Corporation

PROPOSED ACTION:

Issuance of a General Lease – Industrial Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, near Coal Oil Point, Santa Barbara County.

AUTHORIZED USE:

Use and maintenance of two mooring buoys.

TERM:

10 years, beginning October 19, 2022.

CONSIDERATION:

\$4,734 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- \$80,000 surety bond or other security.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5;
California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On October 19, 2012, the Commission authorized a 10-year General Lease – Industrial Use to Exxon Mobil Corporation (Applicant) for continued use and maintenance of one offshore mooring buoy previously authorized by the Commission and one buoy not previously authorized by the Commission ([Item C80, October 19, 2012](#)). That lease expires on October 18, 2022. The Applicant is applying for a new General Lease – Industrial Use for the two existing mooring buoys.

The two mooring buoys are used to moor crew boats that shuttle personnel between either Ellwood Pier or Santa Barbara Harbor and Exxon Mobil's facilities in the area, including the Santa Ynez offshore federal platforms. Each buoy consists of a 3,000-pound anchor, riser chain and 54-inch-diameter buoy.

The proposed lease does not alienate the State's fee simple interest, or permanently impair public rights. The lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. In addition, lease requires surety bond or other security to ensure the lease improvements would be removed in the event of a lease default. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

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 the Pacific Ocean, offshore of Ellwood, which is a tidally influenced site.

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 Santa Barbara tide gauge was used for the projected sea-level rise scenario for the region as listed in Table 1.

Table 1. Projected Sea-Level Rise for Santa Barbara

| Year | Projection (feet) |
|-------------|--------------------------|
| 2030 | 0.7 |
| 2050 | 1.8 |
| 2100 | 5.3 |

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

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

Improvements to the lease area include two mooring buoys. The effects of more frequent and intense storms and wave action may require more frequent inspection and maintenance of all components of the mooring buoys (i.e., block, chain, float, etc.). While the mooring buoys are designed to float on the water's surface and move with the ebb and flow of current tides, a longer chain connecting the buoys to the anchor on the seafloor may be necessary in the future to accommodate rising sea levels. Buoy maintenance reports from March 9, 2021, note that the anodes are 75 percent depleted, the mooring line for one buoy is in worn condition, and include a recommendation that the buoys be serviced at least every 18 months. This regular maintenance will reduce the likelihood of severe structural degradation or dislodgement. The lease includes an acknowledgement that the lease premises may be subject to the effects of sea-level rise and may require additional maintenance or protection as a result, for which the lessee agrees to be solely responsible.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially impair the public rights to access; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the lease 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 lease, the Lessee will not be authorized to continue to use the two mooring buoys. 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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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

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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease 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 term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Industrial Use to the Applicant beginning October 19, 2022, for a term of 10 years, for the use and maintenance of two mooring buoys, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$4,734 with an annual Consumer Price Index adjustment; liability

insurance in an amount no less than \$1,000,000 per occurrence; and surety bond or other security in the amount of \$80,000.

EXHIBIT A

LEASE 6371

LAND DESCRIPTION

A parcel of tide and submerged land situated in the Santa Barbara Channel in the Pacific Ocean, Santa Barbara County, State of California, more particularly described as follows:

COMMENCING at the Station Number 59, as shown on that map recorded in Book 35 Records Map at Page 89 in Recorders Office of said County, having California Coordinate System of 1983 Zone 5 coordinates of Northing (y) = 1985557.86 feet, Easting (x) = 5981973.58 feet; thence South 02° 51' 55" East 2194.95 feet to the POINT OF BEGINNING and a point herein described as Point A; thence North 88° 56' 08" East 160.95 feet to a point herein described as Point B; said point bears South 07° 02' 51" East, 2205.88 feet from said Station Number 59.

TOGETHER WITH circular areas having a 50-foot radius at Point A and Point B.

ALSO TOGETHER WITH a strip of land 50-foot wide lying equally on each side of the line connecting Point A and Point B.

The sidelines of said strip to be lengthened or shortened as to begin and terminate at said circular areas.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 5. All distances are grid distances.

END OF DESCRIPTION

Based on original description prepared by William L. Meagher, LS 5948 on 08/15/2012 as found in PRC 6371 file, Calendar Item 80.

Revised on 12/11/2020 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

ELLWOOD



ELLWOOD PIER

APPROX.
SHORELINE

LEASE AREA

(TWO EXISTING
MOORING BUOYS)



SANTA BARBARA CHANNEL
PACIFIC OCEAN

SANTA BARBARA CHANNEL, PACIFIC OCEAN, NEAR ELLWOOD PIER

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 6371
EXXON MOBIL
CORPORATION
GENERAL LEASE-
INDUSTRIAL USE
SANTA BARBARA COUNTY



TS 12/11/2020