

Staff Report 33

APPLICANT:

Santa Cruz Yacht Club

PROPOSED ACTION:

Issuance of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Monterey Bay, near Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

Placement, use, and maintenance of five marker buoys, seasonally, from March 1 through November 30.

TERM:

10 years, beginning, April 26, 2022.

CONSIDERATION:

\$140 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount to less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5;
California Code of regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Santa Cruz Yacht Club (Applicant) is applying for a General Lease – Recreational Use, for the seasonal placement, use, and maintenance of five marker buoys in Monterey Bay, near the City of Santa Cruz.

The Applicant is a non-profit organization founded in 1928. Its members participate and support local, regional, and worldwide sailing regattas. Events include the Big Brothers/Big Sisters Day on the Monterey Bay Regatta, One Design races, SCORE (Santa Cruz Ocean Racing Extravaganza) races, and the West Marine Fun Regatta. The Applicant also hosts junior and young adult sailing events as well as evening and weekend events that are open to the local sailing community.

Each year, the Applicant places five marker buoys, composed of a 90-pound anchor, galvanized chain, and marker, to mark the course that vessels navigate during races. The marker buoys and anchors are placed in March and all equipment is removed by the end of November, each year. The Applicant has been placing marker buoys for many years at this location but has previously not been under lease.

On March 8, 2022, Commission staff issued a Letter of Non-Objection for the temporary placement of the five marker buoys to allow the Applicant to continue operating their evening and weekend events until the Commission had an opportunity to consider the lease application. The Applicant has provided sufficient evidence of liability insurance and has worked cooperatively with staff to submit a complete lease application. The Letter of Non-Objection will expire on May 3, 2022, which will allow sufficient time to execute a lease, should the Commission authorize the proposed lease.

The Applicant's community events and races promote access and use, and they enhance water-dependent recreational opportunities on sovereign land. The proposed lease is limited to a 10-year term, does not alienate the State's fee simple interest, or permanently impair public rights. The lease 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.

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 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 Monterey 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

Year	Projection (feet)
2030	0.8
2040	1.2
2050	1.9
2100	6.9

Source: Table 16, State of California Sea-Level Rise Guidance: 2018 Update

Note: 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). Climate change and sea level rise will further influence coastal areas by changing erosion and sedimentation rates.

Climate change is not expected to impact the buoys during the next 10 years of lease since the buoys would be installed each year with the appropriate length of chain connecting each buoy to its anchor. Therefore, it is not expected that the buoys would break off and become navigational hazards from climate change-related impacts. Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement.

CONCLUSION:

For the reasons stated above, staff believes the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values 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. 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.
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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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

APPROVAL REQUIRED:

Monterey Bay National Marine Sanctuary

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed issuance of the lease will not substantially interfere with 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 – Recreational Use to the Applicant beginning April 26, 2022, for a term of 10 years, for the seasonal placement, use, and maintenance of five marker buoys from March 1 through November 30, in Monterey Bay 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 \$140, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

A3530

LAND DESCRIPTION

Five (5) circular parcels of submerged land in the bed of Monterey Bay, County of Santa Cruz, State of California, being 500 feet in diameter the centers of which are located at the following described NAD 83 geographical coordinates:

PARCEL 1 - BUOY 1 (Black Point)

Latitude (N) 36°57.15', Longitude (W) -121°59.14'

PARCEL 2 - BUOY 2 (Start/Finish)

Latitude (N) 36°57.07', Longitude (W) -121°59.64'

PARCEL 3 - BUOY 3 (Wharf)

Latitude (N) 36°56.86', Longitude (W) -122°01.27'

PARCEL 4 - BUOY 4 (Mitchell Cove)

Latitude (N) 36°56.81', Longitude (W) -122°02.33'

PARCEL 5 - BUOY 5 (Natural Bridges)

Latitude (N) 36°56.60', Longitude (W) -122°03.70'

This description is based on geographic coordinates provided by the applicant and per 2021 annual report for Permit Number MBNMS-2016-020 dated February 28, 2022 and found in State Lands Commission lease application A3590.

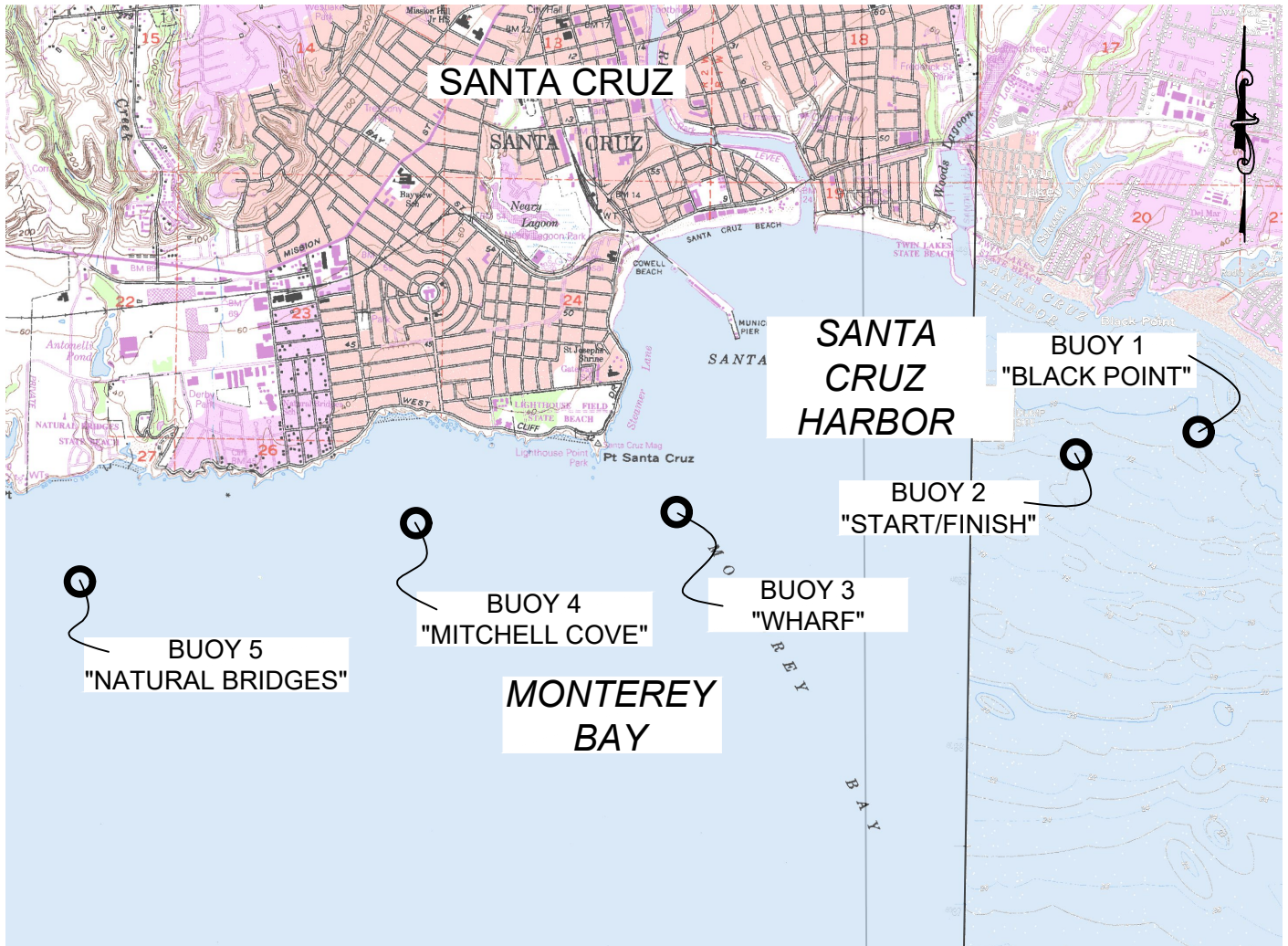
END OF DESCRIPTION

Prepared 3/22/2022 by the
California State Lands Commission
Boundary Unit



NO SCALE

SITE



5 SAILBOAT RACE TURNING BUOYS - MONTEREY BAY, SANTA CRUZ

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

A3530
SANTA CRUZ YACHT CLUB
GENERAL LEASE -
RECREATIONAL USE
SANTA CRUZ COUNTY



MJF 3/22/2022