

Staff Report 32

APPLICANT:

Golden Gate Bridge, Highway and Transportation District

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use and Dredging

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Corte Madera Creek and San Francisco Bay, Larkspur, Marin County.

AUTHORIZED USE:

- Maintenance dredge a maximum of approximately 1,280,000 cubic yards of material over 10 years to maintain a navigable depth.
- Use and maintenance of fifteen existing marker buoys.

TERM:

10 years, beginning June 23, 2022.

CONSIDERATION:

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.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence; Lessee may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the lease.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On April 6, 2010, the Commission authorized a General Lease – Dredging to the Applicant for maintenance dredging of a maximum of 1,250,000 cubic yards of material within the Larkspur Ferry channel Berths 1 through 4, turning basin, and the approach navigational channel ([Item C27, April 6, 2010](#)). That lease expired on April 5, 2020. The Applicant plans to perform additional maintenance dredging and is requesting a new Dredging Lease and the inclusion of 15 existing marker piles that have previously not been included in the lease.

The Applicant proposes to dredge approximately 1,500,000 cubic yards within the berths and navigational approach channel for the Larkspur Ferry Terminal. Approximately 1,280,000 cubic yards of material will be dredged within the Commission's jurisdiction.

The maintenance dredging is required to maintain safe navigable depths for operation of the Larkspur Ferry Terminal. The terminal is part of the Applicant's Bay Area ferry service, which transports passengers daily between Larkspur and the San Francisco Ferry Terminal. The 15 marker piles are necessary to keep approaching vessels within the navigational channel.

The Lessee proposes to use a mechanical clamshell dredge that consists of a clamshell bucket operated from a crane or derrick mounted on a barge. The sediment is removed and placed in a barge. The barge is then transported to an authorized disposal site.

The project is considered beneficial because it will improve navigational depths and facilitate operation of the Larkspur Ferry Terminal and enhance water-related commerce and navigation that may not otherwise be possible without the dredging. Water-related commerce and navigation are a recognized Public Trust use. The 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 lease area is located in San Francisco Bay at the terminus of Corte Madera Creek, near the town of Larkspur, Marin County, in a tidally influenced site vulnerable to flooding at current sea levels that will be at high risk of flood exposure based on the projected scenarios of sea level rise in this area.

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 San Francisco 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 San Francisco

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, 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 storms and rain events, causing more flooding in low-lying areas. In rivers, creeks, and tidally influenced waterways, higher water levels from sea level rise and flooding may cause damage such as bank erosion to the lease area. Storm debris and water-borne contaminants may constitute additional hazards to the lease area and structures. High rates of flooding, storm flow, and runoff will likely increase erosion and scour and further decrease bank stability.

Bank erosion in the lease vicinity as well as increased sedimentation in the Larkspur Ferry Terminal basin will increase the need for dredging to maintain the navigational approach channel for ferry operations by the Golden Gate Bridge, Highway and Transportation District.

Regular maintenance dredging, as referenced in the lease, may reduce the likelihood of accretion of sediment within Corte Madera Creek to maintain safe navigable depths for operation of the Larkspur Ferry Terminal. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent areas are in an area that may be subject to the effects of climate change, including sea level rise.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the Public Trust Doctrine; 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. If the Commission denies the application, the Applicant will not be authorized to perform maintenance dredging and may be required to remove the 15 marker piles. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or a renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. **Marker Piles:** 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.
4. **Dredging:** Staff recommends that the Commission find that this activity is exempt from the requirements of 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, subdivision (g).

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

APPROVALS OBTAINED:

Bay Area Conservation and Development Commission
San Francisco Regional Water Quality Control Board
U.S Army Corps of Engineers

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Marker Piles: 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 14, section 15301.

Dredging: 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, subdivision (g).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

For all the reasons above, staff believes that authorization of the lease will enhance 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 issuance of a General Lease – Public Agency Use and Dredging to the Applicant, beginning June 23, 2022, for a term of 10 years, to dredge a maximum of approximately 1,280,000 cubic yards of material during the lease term within the berths and navigational approach channel of the Larkspur Ferry Terminal and the use and maintenance of 15 marker piles, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is 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 interest; liability insurance in an amount no less than \$1,000,000 per occurrence; Applicant may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the lease.

EXHIBIT A

LEASE 6708

LAND DESCRIPTION

Seventeen parcels of tide and submerged land situate in the beds of the Corte Madera Creek and San Francisco Bay, County of Marin, State of California, and being more particularly described as follows:

Parcel 1 – Dredge Area 1

COMMENCING at Station 116 on the North Corte Madera Canal Line, as shown on that certain map titled "Map of State Sovereign Lands in Corte Madera Creek Vicinity of Wood Island" on file at the Sacramento office of the California State Lands Commission, (CB-1291); thence along said Canal Line, South 76°35'09" West 430.88 feet to a point on the "Required Dredge Footprint" line as shown on plans titled "Larkspur Ferry Terminal Berths and Channel Maintenance Dredging", dated December 03, 2021 and on file at the Sacramento office of the California State Lands Commission, said point being the POINT OF BEGINNING; thence leaving said Canal Line, along said Required Dredge Footprint line, the following six (6) courses:

1. South 45°50'42" East 85.42 feet,
2. South 72°13'18" East 524.05 feet,
3. South 53°46'28" East 338.43 feet,
4. North 85°54'52" East 28.07 feet,
5. South 53°52'59" East 2,422.36 feet, and
6. South 63°08'59" East 3,665.93 feet to a point on the South Corte Madera Canal Line as shown that certain map dated 1870 and titled "Map No. 2 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California", on file at the Sacramento Office of the California State Lands Commission, said point hereinafter referred to as Point A; thence leaving said Required Dredge Footprint line, along said Canal Line, North 88°33'51" West 540.48 feet to a point on said Required Dredge Footprint line; thence leaving said Canal Line, along said Required Dredge Footprint line, the following ten (10) courses:

1. North 63°09'00" West 3,196.50 feet,
2. North 53°53'01" West 2,440.18 feet,
3. North 37°24'19" West 21.40 feet,
4. South 87°17'55" West 678.77 feet,
5. North 2°47'34" West 123.15 feet,
6. North 54°12'40" East 53.01 feet,
7. North 22°40'50" East 72.62 feet,
8. North 0°53'43" West 64.01 feet,
9. North 35°43'05" West 232.46 feet, and

10. North 38°48'07" West 148.41 feet to a point said North Corte Madera Canal Line;

thence leaving said Required Dredge Footprint line, along said Canal Line, North 76°35'09" East 134.08 feet to the point of beginning.

Parcel 2 – Dredge Area 2

COMMENCING at a point on the South Corte Madera Canal Line as shown that certain map dated 1870 and titled "Map No. 2 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California", on file at the Sacramento Office of the California State Lands Commission, said point hereinabove referred to as Point A; thence along said Canal Line, North 88°33'51" West 540.58 feet; thence leaving said Canal Line, South 63°09'00" East 2,361.14 feet to a point on the "Line of Nine Feet of Water" as shown said map, said point being the POINT OF BEGINNING; thence from said point of beginning, along said Line of Nine Feet of Water, North 9°56'09" East 242.48 feet to a point on the "Required Dredge Footprint" line as shown on plans titled "Larkspur Ferry Terminal Berths and Channel Maintenance Dredging", dated December 03, 2021, and on file at the Sacramento office of the California State Lands Commission; thence leaving said Line of Nine Feet of Water, along said Required Dredge Footprint line, South 63°08'59" East 5,675.98 feet; thence South 26°51'01" West 231.97 feet; thence North 63°09'00" West 5,605.43 feet to the point of beginning.

Parcels 3 thru 17, inclusive – Marker Piles

Fifteen circular parcels of land, each being 30 feet in diameter, lying adjacent to hereinabove described Parcel 1 and Parcel 2, and underlying fifteen marker piles as shown on plans titled "Larkspur Ferry Terminal Berths and Channel Maintenance Dredging", dated December 03, 2021, and on file at the Sacramento office of the California State Lands Commission.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 4/27/2022 by the California State Lands Commission Boundary Unit.



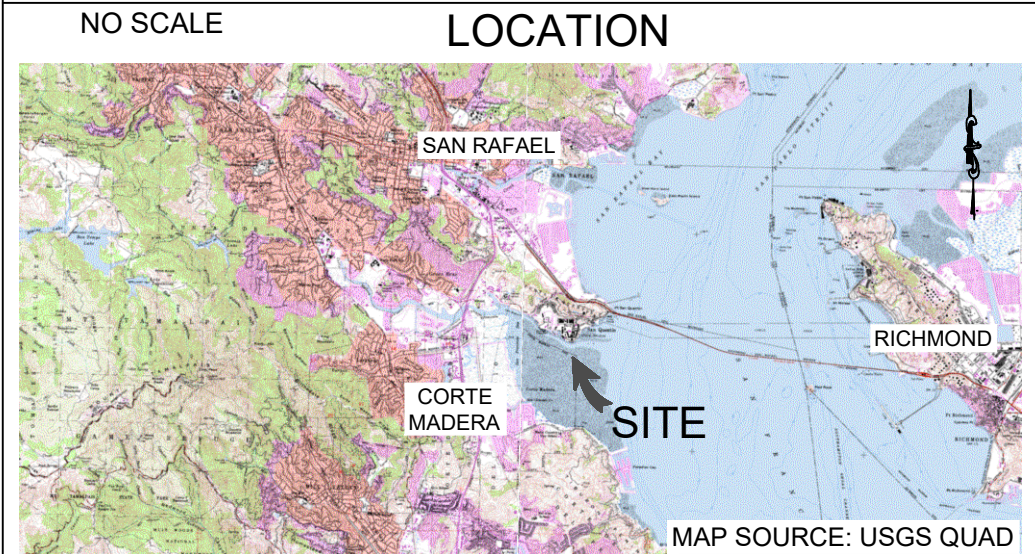
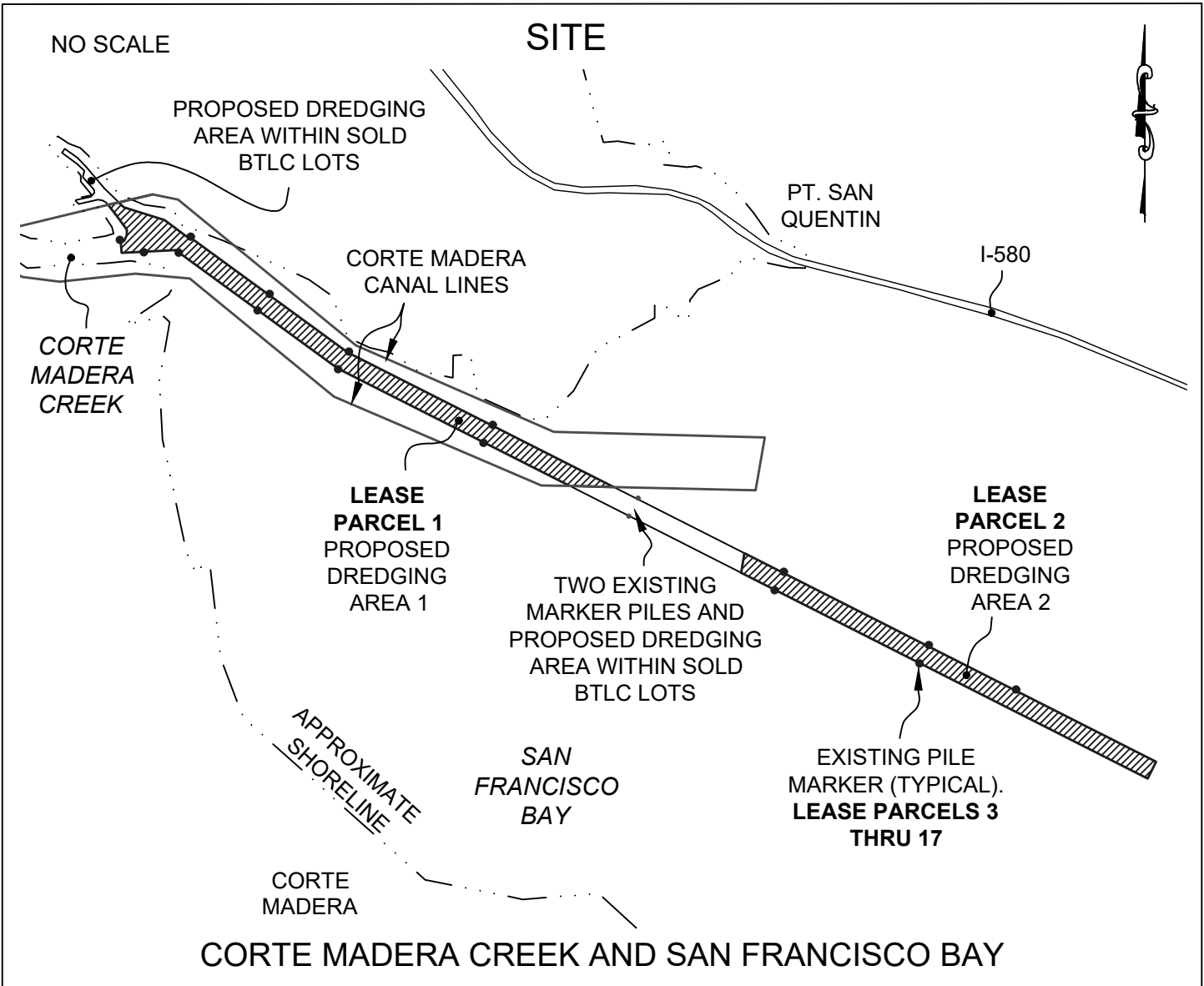


EXHIBIT B

LEASE 6708
 GOLDEN GATE BRIDGE,
 HIGHWAY AND
 TRANSPORTATION DISTRICT
 GENERAL LEASE - PUBLIC
 AGENCY USE AND
 DREDGING



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.