

Staff Report 72

APPLICANT:

Fish Reef Project, 501(c)3

PROPOSED ACTION:

Issuance of a General Lease – Other

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Goleta Bay, near Goleta, Santa Barbara County.

AUTHORIZED USE:

Placement, monitoring, and maintenance of 16 concrete sea caves as part of the Santa Barbara Kelp Restoration Reef – Goleta Study Site Project.

TERM:

5 years, beginning February 28, 2023.

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.

SPECIFIC LEASE PROVISIONS:

- Surety bond or other security in the amount of \$10,000
- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee shall submit biannual monitoring reports for the first two years after initial sea cave placement, within 45 days of each monitoring event.
- Within 60 days of completing the construction of authorized improvements, Lessee will provide Lessor with photographs and a set of "as-built" plans that will show the Global Positioning System (GPS) coordinates of the sea caves. Lessor shall then replace Exhibit A (Land Description) and Exhibit B (Site and Location Map) to this Lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by Lessor's

Executive Officer or designee and Lessee, the revised Exhibits shall replace the Exhibits incorporated in the Lease at the time of Lease execution. The revised Exhibits shall be incorporated in this Lease as though fully set forth herein.

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:

Fish Reef Project, 501(c)3 is applying for a General Lease – Other for the placement, monitoring, and maintenance of 16 concrete sea caves as part of the Santa Barbara Kelp Restoration Reef – Goleta Study Site Project (Project) in Goleta Bay, near Goleta, Santa Barbara County. The Applicant is proposing the placement of 16 pH neutralized non-leeching marine concrete sea caves to study their efficacy for kelp habitat restoration. These sea caves, if placed long-term at this location, are intended to provide habitat for giant kelp (*Macrocystis*), fish and invertebrates and substrate for sessile invertebrates and algae.

The proposed pilot Project location area once supported a persistent kelp bed that grew on the sandy bottom and small patches of exposed hard substrate. However, the kelp bed was devastated by large waves in the winter of 1983 during a severe El Niño and has not recovered. The sea caves are expected to provide higher-value habitat than the predominantly sandy bottom of the California coastal seafloor. Kelp that inhabits rocky bottom habitats is better able to survive large waves associated with severe winter storms.

Each dome-shaped sea cave is approximately 6.8-feet long, 5.4-feet wide, and 2.8-feet tall, with a hoisting loop and two cutouts on the top and four cutouts along the base. They would be transported by vessel from the Santa Barbara Harbor and placed at a depth of 38-feet to 43-feet in a 66-foot square quadrant in Goleta Bay. They would be lowered one by one via boom crane from a work vessel and guided into place by divers into two equal clusters spaced approximately 10-feet apart and would avoid any sensitive habitat. The location of each sea cave will be entered into a GPS navigation program.

The sea caves will be monitored for a minimum of 5-years. Biannually for the first two years of the Project to assess the kelp, invertebrates, algae, and fish that may be utilizing them as habitat and as needed for the next 3-years. A control site along

the rip rap of the Goleta Bay Sewer outfall will be selected to compare the invertebrate and fish communities and provide secondary information on how the biota on the sea caves compare to that on quarry rock. The results of the study will be evaluated by a marine biologist and a long-term 65-acre project would be pursued if each sea cave sustains at least one full-sized kelp plant, on average, for at least 2-years within a 5-year period. If the Project is not successful, the sea caves will be removed from the lease premises.

The proposed lease is for the scientific study of the efficacy of concrete sea caves as habitat for kelp restoration, which is generally consistent with the common law Public Trust Doctrine. The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 5 years. The proposed lease also requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

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

CLIMATE CHANGE:

Climate change impacts, including sea level rise, increased wave activity, storm events, and flooding may impact the artificial reef pilot project.

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 Los Angeles 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 Rise for Los Angeles

Year	Projection (feet)
2030	0.7
2040	1.2
2050	1.8
2100	6.7

Source: Table 28, [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). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

This increase in sea level rise combined with more frequent and stronger storm events will likely expose the lease area to greater total water levels over the lease area for longer periods of time. However, the Project is a 5-year pilot project with sea caves placed at a depth of 38-feet to 43-feet on the sea floor and will not be subject to most of the effects of sea level rise and climate change.

CONCLUSION:

For all the reasons above, staff believes the issuance of the lease will not substantially interfere with the Public Trust needs and values 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 may not conduct the proposed Project within lands under the Commission's jurisdiction. The lessee 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" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. **Placement of the Sea Caves:** 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.

4. **Habitat Restoration Monitoring:** 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 6, Information Collection; California Code of Regulations, title 14, section 15306.

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:

Placement of the Sea Caves: 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.

Habitat Restoration Monitoring: 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 6, Information Collection; California Code of Regulations, title 14, section 15306.

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; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Other to the Applicant beginning February 28, 2023, for a term of 5 years, for the placement, monitoring, and maintenance of 16 concrete sea caves, 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 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; and a surety bond in the amount of no less than \$10,000 with the State reserving the right to increase the bond amount.
2. Authorize the Executive Officer or designee to replace Exhibits in the lease as needed upon submission, review, and approval of site location descriptions following placement of the authorized improvements.

EXHIBIT A

A 3879

LAND DESCRIPTION

A parcel of submerged land, near Goleta Point, situated in the bed of Santa Barbara Channel of the Pacific Ocean, Santa Barbara County, State of California, more particularly described as follows:

BEGINNING at a point having UTM WGS84 Zone 11N (m) coordinates of Northing 3810782 meters and Easting 239563 meters; thence continue to a point having coordinates of Northing 3810802 meters and Easting 239563 meters; thence continue to a point having coordinates of Northing 3810802 meters and Easting 239583 meters; thence continue to a point having coordinates of Northing 3810782 meters and Easting 239583 meters; thence to the POINT OF BEGINNING.

THE COORDINATES used in the above description are UTM WGS84 Zone 11N (m) and were provided by the Costal Environments, Inc.

END OF DESCRIPTION

Prepared on 12/29/2022 by the California State Lands Commission Boundary Unit.



NO SCALE

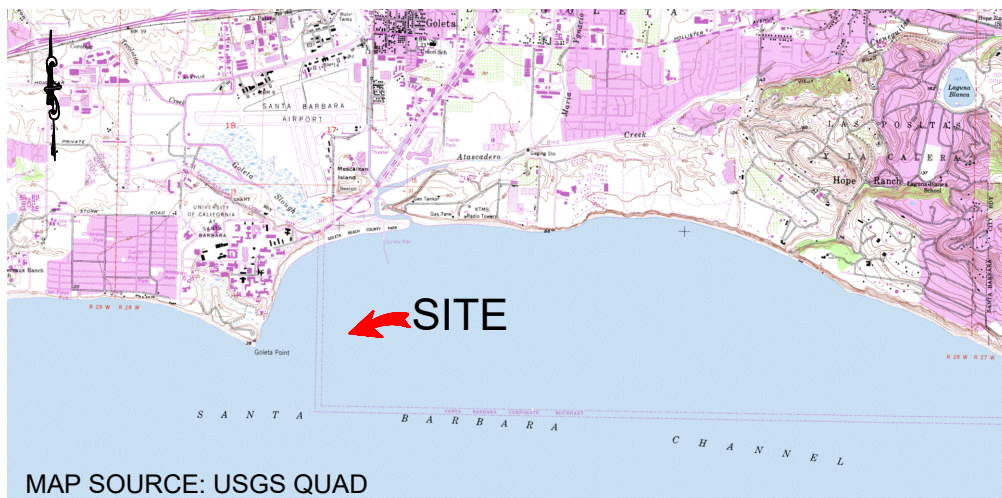
SITE



PACIFIC OCEAN NEAR GOLETA

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

A 3879
FISH REEF PROJECT
GENERAL LEASE -
OTHER
SANTA BARBARA COUNTY



TS 12/29/2022