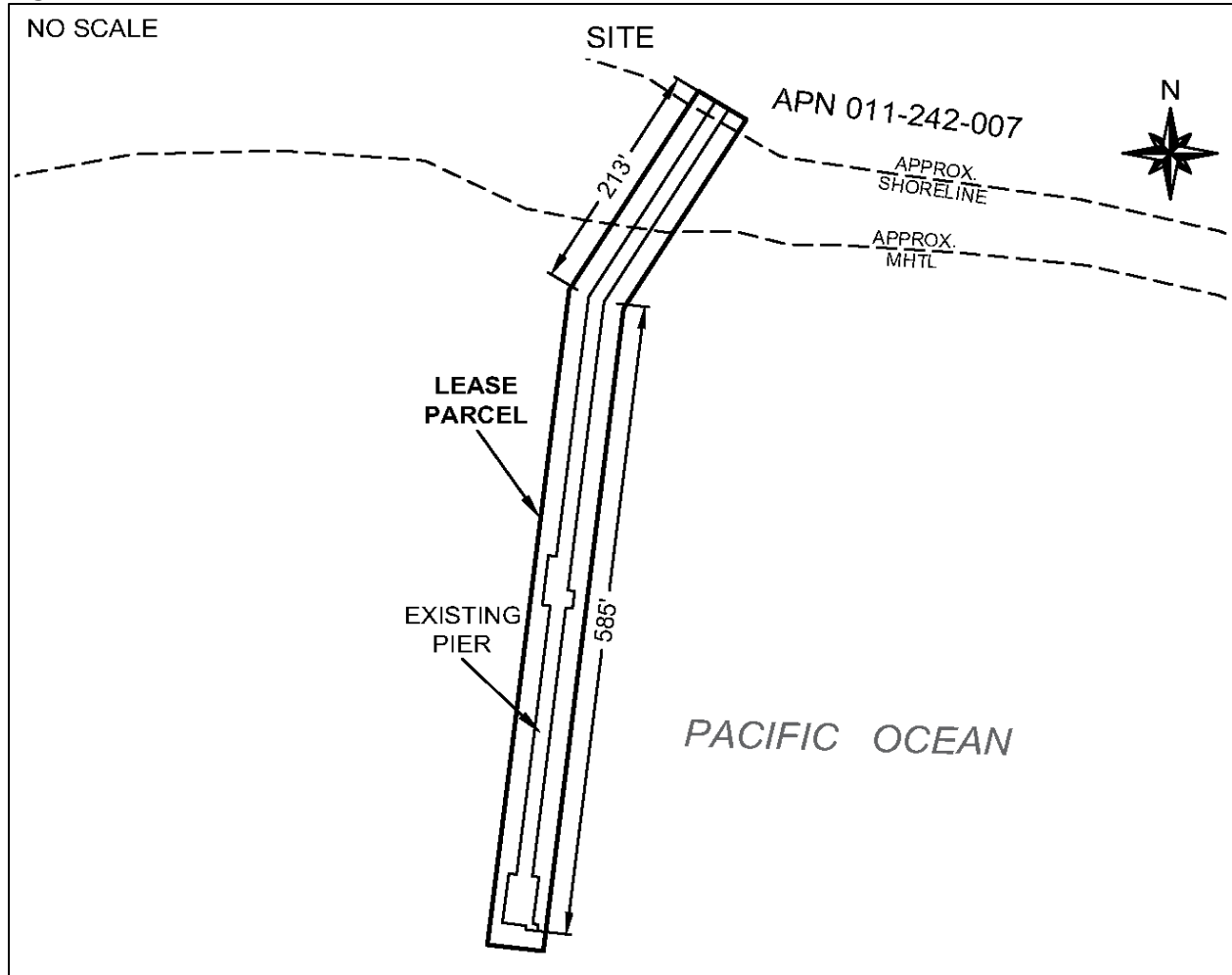


AUTHORIZED USE:

Use and maintenance of the existing 880-foot-long public San Simeon Pier, and retention of existing fire-suppression wharf heads, 3-inch-diameter water line, fish cleaning station, and water bib (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

25 years, beginning May 1, 2011

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.

PROPOSED AMENDMENT:

- Authorization for Lessee to repair, remove, or replace damaged portions of the San Simeon Pier (Pier), including: repair or removal and replacement of any of the damaged 12- to 14-inch-diameter support piles; and replacement of timber decking, pile caps, treated stringers, plastic railing, treated braces, and steel fasteners.
- Prior to commencement of in-water construction activity, California Department of Parks and Recreation, or its designated contractor shall post information on Project locations, times, and other details of activities that may pose hazards to recreational boaters at park entrances. At all times while construction activities are taking place in the Pacific Ocean, warning signs and buoys shall be installed around the construction site to provide notice to the public that construction activities are taking place and to exercise caution.
- If a pile is damaged to an extent that requires its removal, Lessee shall make a reasonable, good-faith effort to remove the pile in its entirety. Should full removal efforts prove to be infeasible due to site conditions, Lessee shall provide a written narrative detailing removal efforts and explaining why complete removal was infeasible. Any remaining improvements shall be removed to a minimum depth of three feet below the existing mud line.
- Within 60 days of completion of the repair, removal, or replacement of damaged portions of the Pier, Lessee must attest, in writing, that it has completed such repair, removal, or replacement and provide photographs evidencing the repair, removal or replacement.
- Upon completion of removal activities, and if the footprint of the lease premises changes, Lessor will revise lease exhibits to reflect the then current lease premises.
- Lessee shall, within the two years prior to expiration of the Lease, conduct an underwater inspection of those piles not fully removed to determine if the piles are exposed. No later than six months after the inspection, Lessee shall submit to Lessor an underwater inspection report that includes visual documentation.
- Lessee shall, within the two years prior to expiration of the Lease, conduct an environmental risk assessment of those piles not fully removed. The assessment shall include the risk of the piles becoming exposed, any potential impacts from such exposure, and the estimated cost to remove the remnant piles should it become necessary in the future.
- Should any of the improvements become hazards to navigation or the public, Lessee agrees to prepare a remediation plan for Lessor's review and approval,

and to undertake the approved remediation plans within a reasonable time frame.

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:

The San Simeon Pier was originally constructed in the 1800s for commercial fishing and shipping purposes. However, the current Pier was built by San Luis Obispo County in 1957 and was initially only 495-feet long. In 1969, the existing 495-foot-long pier was extended to its current length of 880 feet. On August 8, 1957, the Commission authorized the issuance of a life of structure permit to the County, which operated the Pier in conjunction with the County-owned upland park property ([Item 26, August 8, 1957](#)). On April 27, 1967, the Commission amended the permit to a 49-year term beginning December 20, 1955, and to extend the pier to a proposed length of 995 feet ([Item 22, April 27, 1967](#)). In 1970, the County transferred the upland park property to the Lessee.

On July 24, 1986, the Commission accepted a lease quitclaim from the County and authorized issuance of a General Lease – Public Agency Use to the Lessee for a period of 25 years ([Item 15, July 24, 1986](#)). On January 26, 2012, the Commission authorized a 25-year General Lease – Public Agency Use for the continued use and maintenance of the existing public San Simeon Pier, and retention of existing fire-suppression wharf heads, 3-inch-diameter water line, fish cleaning station, and water bib ([Item 53, January 26, 2012](#)). The lease will expire April 30, 2036.

The San Simeon Pier is currently used for recreational fishing and marine mammal watching. During the winter of 2020-2021, major storm events generated large waves that damaged the Pier and required the closure of the area towards the end of the Pier. The Lessee is seeking authorization for maintenance and repairs to fix the damage from the severe storms and to aid in extending the life of the pier.

The Lessee is now requesting an amendment of the lease to repair, remove, or replace damaged portions of the Pier, including: repair or removal and replacement of any of the damaged 12- to 14-inch-diameter support piles; and replacement of timber decking, pile caps, treated stringers, plastic railing, treated braces, and steel fasteners.

Previous above- and below water inspection of the exposed structure including the piles, pile caps, stringers, blocking, decking, and handrails, was completed in February 2018 and September 2021. The inspections found that of the 215 creosote-treated timber piles that support the Pier, approximately 50 show signs of some level of deterioration. Additionally, approximately 15 were either missing or showing severe section loss. The proposed work includes the repair or removal and replacement of all 50 of the deteriorated piles. Other inspections show that the superstructure of the Pier is in fair to good shape. To extend the life of the Pier, most of the decking will be replaced.

The repairs of the Pier piles would include the installation of fiberglass jackets around the damaged piles. These jackets would be filled with a marine grout to fill the deteriorated piles and seal off the pile from ocean water. The installation of the jacket and grout would be done while the portion of the pile is above water, so that the grout does not come into contact with water during installation.

To replace piles, new 14-inch-diameter piles would be installed adjacent to or in the place of the missing or deteriorated pile. The new piles will be made of fiberglass or timber. Fiberglass piles would be installed using a combination of vibratory hammer and impact hammer, and timber piles would be installed using an impact hammer. Hydraulic jetting may be used to reduce the total number of impacts needed for pile installation and therefore speed up the installation process. If fiberglass piles are used, it is estimated that eight piles could be driven a day. If timber piles are used, it is estimated that ten piles could be driven a day.

To help extend the life of the Pier, approximately 12,300 square feet of existing decking would be replaced with similar timber decking in the same Pier configuration. Additionally, up to 5 pile caps would be replaced with similar material. Up to 4,000 linear feet of stringers (supports for the decking), would be replaced with similar material along with 2,000 linear feet of plastic railing replaced. Lastly, 4,000 linear feet of bracing would be replaced with steel fasteners being replaced as needed.

The proposed Pier work would be performed from the Pier deck to the maximum extent practical, with small boat assistance as needed. A barge-mounted crane is not anticipated, but could be used if determined to be necessary by the construction contractor. Staging would occur on the Pier deck and within the adjacent parking lot. All equipment would be transported by truck or barge. The repair, removal, and/or replacement would be done in stages with the superstructure being removed first to expose the timber piles.

The project is expected to take up to six months. The Pier would be closed to the public during construction for safety. The proposed work would occur between

September through May to help reduce the impact to public access. Construction would only occur during daylight hours.

The proposed amendment will benefit Public Trust resources and values, including public health and safety by removing the threat of a deteriorating Pier that is used by the public for recreational fishing and marine mammal watching. Recreational fishing is water-dependent and consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational fishing facilities as an authorized use of Public Trust lands (Pub. Resources Code, §6503.5)

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 San Simeon Pier (Pier) is in the Pacific Ocean in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea level rise.

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 Port San Luis 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 Port San Luis

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

Source: Table 13, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

In addition, as stated in the [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, fire, drought, extreme heat, and storms (especially when coupled with sea level rise). In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate-change induced droughts could decrease bay levels and flow for extended periods of time.

The proposed structural improvements, including repaired or replaced piles, decking, caps, stringers, and railings, will strengthen the Pier's ability to withstand wave action and the effects of climate change impacts during the term of the lease. Increased wave action, rising sea levels, and storm activity could still threaten the Pier, as it is a fixed feature. Regular monitoring and maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises 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 amendment 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 term of the lease; is consistent with the common law Public Trust Doctrine; and is 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. The lessee has no right to a new lease or to 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. **Repair, Remove, or Replace 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 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision(d)(3), and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Replacement of Decking, Caps, Stringers, Railing, and Appurtenant Structures:

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 2, Replacement or Reconstruction; California Code of Regulations,

title 2, section 2905, subdivision (b), and Class 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

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

APPROVALS OBTAINED:

United States Army Corps of Engineers
Central Coast Regional Water Quality Control Board

APPROVAL REQUIRED:

California Coastal Commission

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Repair, Remove, or Replace 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 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(3) Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Replacement of Decking, Caps, Stringers, Railing, and Appurtenant Structures: 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 2, section 2905, subdivision (b); and Class 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

Find that the whole of the project is categorically exempt from the requirement for the preparation of environmental documents through the combination of categorical exemptions listed above.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the amendment will not substantially interfere with the Public Trust needs and values at this location, at this time, is consistent with the common law Public Trust, and for the term of the lease; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease Number PRC 1603, effective October 19, 2023, for the repair, removal, or replacement of any of the damaged 12 to 14-inch-diameter support piles; and replacement of timber decking, pile caps, treated stringers, plastic railing, treated braces, and steel fasteners; and the State reserving the right to impose a surety bond for any remaining piles that have become exposed and become hazards to navigation or the public; all other terms and conditions of the lease shall remain in effect without amendment.
2. Authorize the Executive Officer or designee to replace Lease Exhibits after the removal is complete and staff receives a written letter by Lessee attesting that the Project is complete.