

# Staff Report 45

## APPLICANT:

The Regents of the University of California, on behalf of the Santa Barbara campus (UCSB)

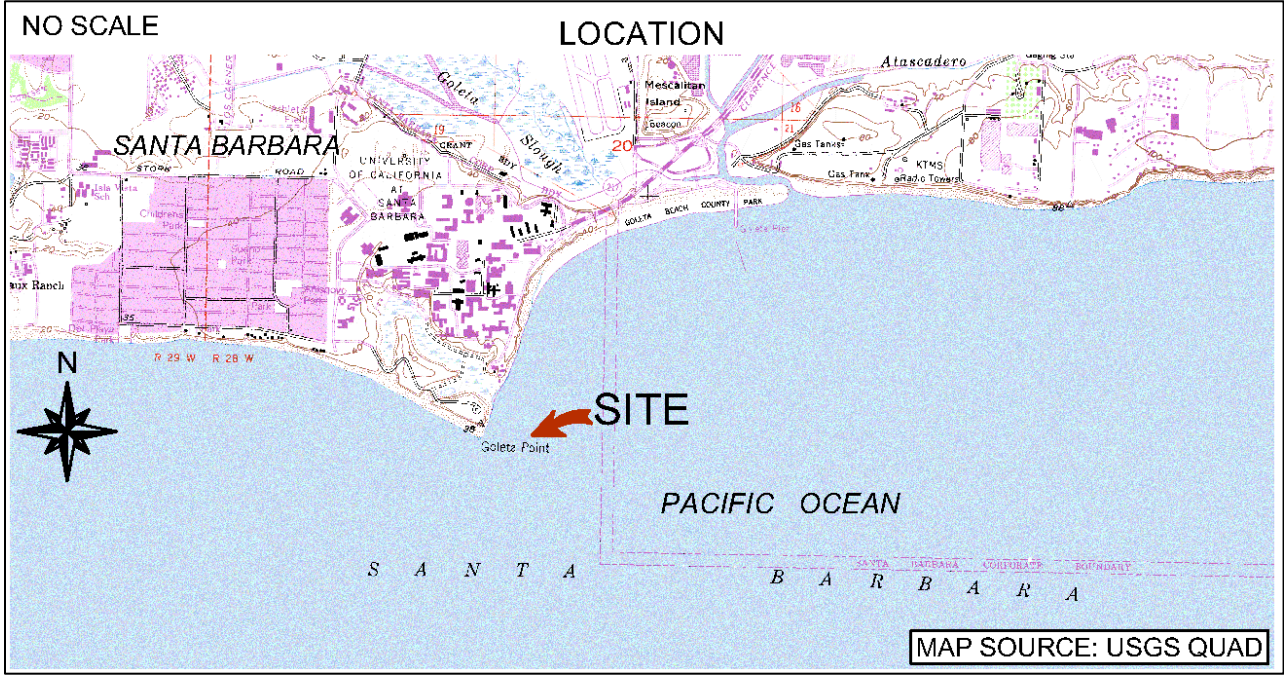
## PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land located in and adjacent to the Pacific Ocean near Goleta Point, Santa Barbara County (as shown in Figure 1).

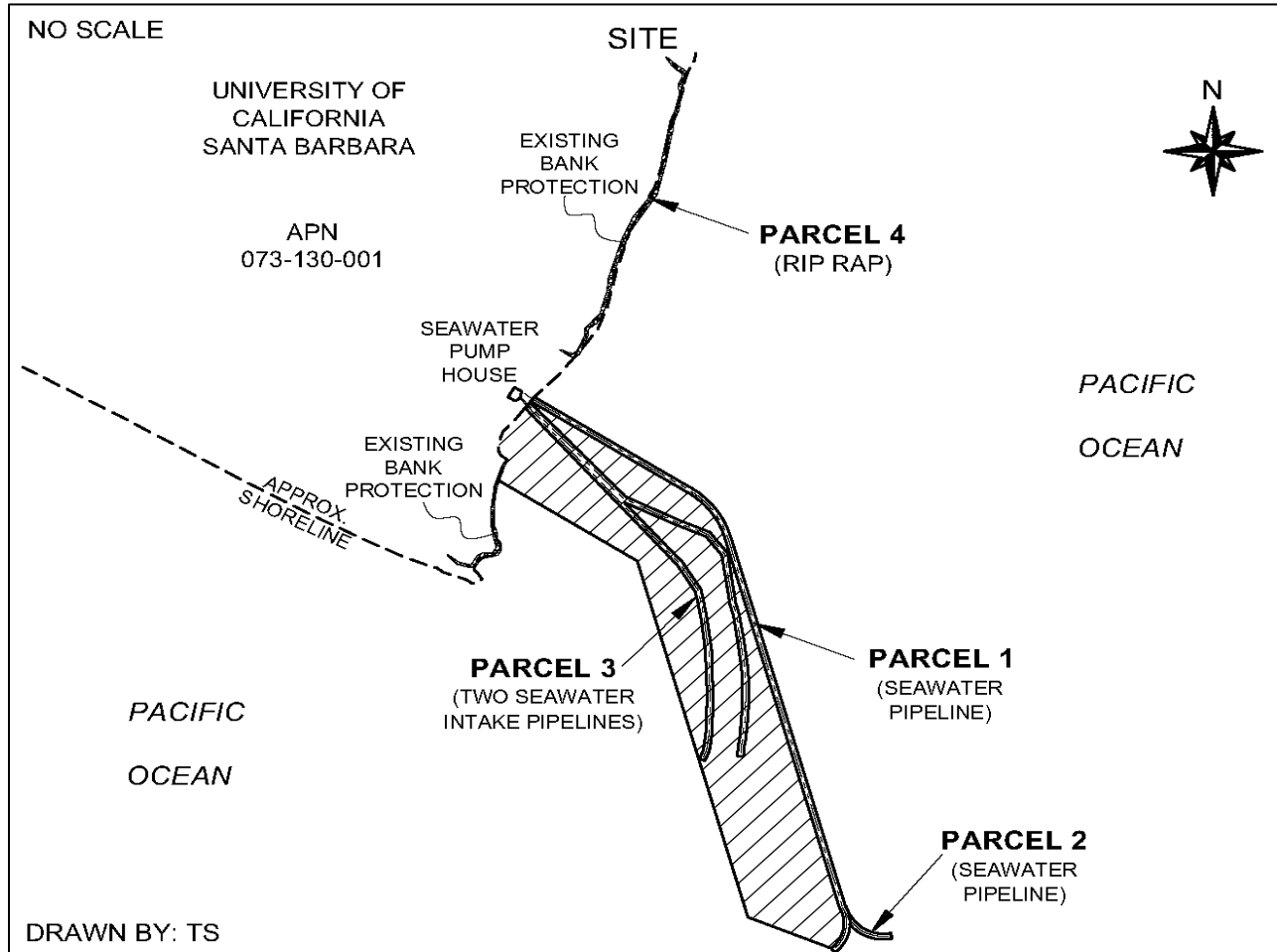
Figure 1. Location



**AUTHORIZED USE:**

Use of two existing 12-inch diameter by 1,500-foot long seawater intake pipelines, two existing 16-inch diameter by 2,500-foot long seawater intake pipelines, and existing rock revetment.

**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:**

10 years, beginning April 4, 2024.

**CONSIDERATION:**

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests.

**SPECIFIC LEASE PROVISIONS:**

- Lessee shall not add, or allow the placement by any other party, any improvements on the Lease Premises without the prior express written consent of Lessor.
- No refueling or maintenance of vehicles, equipment, or watercraft shall take place within the Lease Premises.
- Lessee shall conduct an external inspection of the seawater intake pipelines at least once every five years.
- Lessee shall conduct a visual inspection of the intake housings appurtenant to the seawater intake pipelines at least once annually.
- Prior to submission of future applications for this lease, Lessee agrees to assess the feasibility of replacing the rock revetment on the Lease Premises with alternative adaptation strategies consistent with Lessor's report *Shoreline Adaptation and the Public Trust*.
- Lessee agrees and acknowledges that the hazards associated with climate change may require additional maintenance or protection strategies regarding the improvements on the lease premises.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of regulations, title 2, sections 2000 and 2003.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On February 27, 1998, the Commission authorized issuance of a General Lease – Public Agency Use to the University of California, Santa Barbara for the use of existing rock revetment and two 12-inch diameter by 1,500-foot long seawater intake pipelines, the placement of new rock revetment, and the construction of two 16-inch diameter by 2,500-foot long seawater intake pipelines ([Item 18, February 27, 1998](#)).

On the same date, the Commission considered an Environmental Impact Report (EIR) prepared for this project by the Applicant and certified on May 28, 1997 (State Clearinghouse No. 1996111051). Pursuant to staff's review of this document, and in

conjunction with approval of the lease, the Commission adopted the findings of the EIR and the associated Mitigation Monitoring Program in conformance with State CEQA Guidelines (Cal. Code Regs., tit 14 §§ 15091 and 15096(h)), as contained on file in the Sacramento office of the Commission and incorporated by reference hereto ([Item 18, February 27, 1998](#)).

Now, the Applicant is applying for a General Lease – Public Agency Use for use of two existing 12-inch diameter by 1,500-foot long seawater intake pipelines, two existing 16-inch diameter by 2,500-foot long seawater intake pipelines, and existing rock revetment located in and adjacent to the Pacific Ocean near Goleta Point, Santa Barbara County. Staff recommends issuance of a General Lease – Public Agency Use to the Applicant, effective April 4, 2024.

The seawater intake pipelines on the lease premises serve to provide a continuous source of seawater to various instructional and research laboratories on the University of California, Santa Barbara campus, and to the University's Research Experience & Education Facility (REEF). These facilities serve thousands of university students, faculty, and researchers every year, and require a reliable flow of seawater to support the educational and research activities undertaken therein. As such, these pipelines support the educational and research interests of the Applicant. Additionally, some of the facilities serviced by these pipelines, in particular the REEF, serve as an instructional resource for K-12 students in the region, with thousands of students and their teachers receiving hands-on education involving marine organisms and habitats at these facilities. Therefore, the seawater intake pipelines also provide a regional public benefit by supporting the academic enrichment of Southern California communities.

Of the four existing seawater intake pipelines, only the two 16-inch diameter pipelines are in active use. However, the two 12-inch diameter pipelines are retained as a backup system to ensure that a continuous source of seawater to the serviced facilities can be maintained if the primary system fails.

The existing rock revetment on the lease premises spans approximately 1,150 feet and protects the UCSB Campus Lagoon barrier, the southernmost aspect of the Lagoon Management Area, and a portion of UCSB campus from the effects of coastal erosion.

The Campus Lagoon has existed since the late 1940s and serves as habitat for a variety of coastal flora and fauna. Additionally, the Campus Lagoon is included within the Lagoon Management Area, which is designated as an Environmentally Sensitive Habitat Area. Although public use of the Lagoon is prohibited, the lands of

the Lagoon Management Area, including lands adjacent to the Lease Premises, surround the Lagoon and are available to the public. These lands include numerous trails that are used for recreational hiking, and which provide access to Public Trust resources in the area.

Failure of the lagoon barrier would cause the Campus Lagoon to breach the existing berm and empty its waters across the adjacent beach and into the Pacific Ocean. This would lead to a loss of habitat for many species within the Lagoon Management Area and would threaten adjacent Public Trust resources. Likewise, erosion of the southernmost aspect of the Lagoon Management Area could lead to a loss of environmentally sensitive habitat and Public Trust resources in the area. As such, the rock revetment on the lease premises currently provides a benefit to the public by protecting the Campus Lagoon and the Lagoon Management Area, and the benefits to wildlife and Public Trust resources that these provide.

The existing rock revetment also protects a portion of the UCSB campus. The area of the campus protected by the rock revetment includes the REEF, the UCSB Campus Point Rental Center, which rents a variety of equipment for water-dependent recreational activities to the public, and the Marine Biotechnology Center, which supports the Applicant's educational and research activities within the field of marine biotechnology. As such, the rock revetment in this area protects facilities that predominantly advance the interests of the Applicant, but which also provide benefits to the public.

Although the existing rock revetment provides an overall substantial benefit to the public, this benefit is not attained without compromise. As summarized in the Certification of the Final EIR for the revetment installation project, the revetment creates some negative impacts to coastal recreational activities in the area as it covers a portion of the sandy beach that would otherwise be available. When the project was originally evaluated, this impact was deemed unmitigable and was therefore determined to be a "significant, unavoidable impact" ([Item 18, February 27, 1998, Pages 12-13](#)). Furthermore, as the southern and northern ends of the beach that the revetment covers are more susceptible to inundation and erosion from wave runup due to their orientation and exposure to waves, the revetment likely leads to increased erosion along the immediately adjacent beaches due to wave refraction. Therefore, though the existing rock revetment serves to protect the Campus Lagoon, the Lagoon Management Area, and UCSB campus, it also displaces previously available beach areas and likely causes increased erosion to the adjacent coastline.

In the Commission's recently adopted report, [Shoreline Adaptation and The Public Trust](#), the advantages and disadvantages of hard armoring structures, such as rock revetment, are described. As detailed in this report, the balance of advantages and disadvantages to Public Trust resources and uses that result from structures such as the subject rock revetment should be considered by the Applicant in future design and adaptation plans, particularly as climate impacts increase over time.

Staff does not believe the proposed lease requires additional terms regarding consideration of climate change impacts because the Applicant is a public agency that is currently engaging in climate change adaptation planning that is consistent with the Shoreline Adaptation report's recommendations, as described in the Climate Change section below.

The Applicant has occupied State land since the previous lease expired on February 28, 2018. As explained above, the subject improvements support ocean-connected education, preserve wetlands habitat, and protect public access. Both the previous lease and the proposed lease do not require monetary rent because staff concludes these public benefits are sufficient compensation for the State. Therefore, staff does not recommend that the proposed lease require monetary compensation for the Applicant's occupation of State land following the prior lease expiration. Nevertheless, the proposed lease will require that the Applicant indemnify the State for the entire period of unauthorized occupation prior to April 4, 2024, to ensure that the State is protected.

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, does not grant the lessee exclusive rights to the lease premises, and will have no significant impact on Public Trust-consistent uses or resources in the area. Upon termination of the lease, the lessee may be required to remove any improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to 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, increased wave activity, storm events, and flooding may impact the lease area located near Goleta Point in Santa Barbara County.

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 lease area as listed in Table 1 below.

**Table 1. Projected Sea Level Rise for Santa Barbara**

Year	Projection (feet)
2030	0.7
2040	1.1
2050	1.8
2100	6.6

Source: Table 22, [State of California Sea-Level Rise Guidance: 2018 Update](#)

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

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 coastal storms (especially when coupled with sea level rise). More frequent and powerful storms can result in increased damage from storm-created debris. Climate change and sea level rise will further influence coastal areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

The pipelines are fixed and anchored to the seafloor via precast concrete anchor blocks at a maximum depth of approximately 35 feet below the water’s surface for the two 12-inch diameter pipelines and a maximum depth of approximately 50 feet for the two 16-inch diameter pipelines. The intake structures are also fixed and located at a depth of approximately 25 to 30 feet for the 12-inch pipelines and approximately 40 to 45 feet for the 16-inch pipelines. Therefore, these facilities are not likely to be affected by storm conditions that may occur within the lease area given future projected scenarios of climate change and sea level rise. However, the riprap located on the beach may be affected by storm conditions and rising sea levels, potentially requiring periodic maintenance or alternative shoreline protection or adaptation strategies. Hard armoring, such as riprap, is used to reduce the threat of coastal hazards, such as flooding, erosion, and damage from wave energy, on the land. This type of strategy often involves high maintenance and repair costs and declines in effectiveness over time. As sea levels rise, the riprap revetment and lagoon barrier that it protects could be breached by ocean

waters, exposing the lagoon to tidal action and changing its hydrological and ecological functions by converting it from a highly eutrophic freshwater lagoon to a more natural salt marsh that is less eutrophic due to regular saltwater flushing. The rock revetment also extends along UCSB's East Bluffs to protect the Marine Science Institute facilities. Despite the protection, these facilities remain at-risk to bluff erosion that could accelerate due to higher sea levels and stronger storms. Additionally, the rock revetment can accelerate beach erosion, block lateral beach access between Campus Point Beach and East Bluffs Beach, and lead to other environmental and visual impacts.

Consistent with the Commission's 2023 report, [Shoreline Adaptation and the Public Trust](#), in locations where nature-based strategies or managed retreat are feasible mid or long-term strategies, hard armoring should be avoided or only be used for temporary purposes while the mid- and long-term strategies are implemented. In addition to regular maintenance for the rock revetment, the lessee should assess the feasibility of eventually removing and replacing the rock revetment with alternative adaptation strategies, such as nature-based solutions, sand retention structures, and/or managed retreat. These strategies were also recommended in [UCSB's 2022 Sea Level Rise Adaptation Strategy](#) for this specific location and revetment (sections 4.3.3.3 and 4.4.3.3).

The Commission encourages the Applicant to select plans for adapting the subject improvements prior to submission of future applications for this lease. The selected adaptation strategies should be consistent with the Commission's report and the objectives stated in UCSB's Sea Level Rise Adaptation Strategy (i.e. "to maximize beach preservation and assure public access and recreation and coastal resource protection, while continuing to provide coastal-dependent seawater to the University's various marine science research programs").

Regular 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 and adjacent upland are located in an area that may be subject to the effects of climate change, including sea level rise.

### **CONCLUSION:**

For all the reasons above, staff believe approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the lease; and is in the best interests of the State.



## **OTHER PERTINENT INFORMATION:**

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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 must remove the improvements and restore the property to its original condition. 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. 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.

## **RECOMMENDED ACTION:**

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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 interfere with Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning April 4, 2024, for a term of 10 years, for the use of two 12-inch diameter by 1,500-foot long seawater intake pipelines, two 16-inch diameter by 2,500-foot long seawater intake pipelines, and rock revetment; consideration being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interest.