

Staff Report 32

LESSEE/ASSIGNOR:

Julie Maccarin

APPLICANT/ASSIGNEE:

Stacey H. Couture

PROPOSED ACTION:

Assignment of a General Lease – Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Corte Madera Creek, adjacent to 52 Greenbrae Boardwalk, Greenbrae, Marin County (as shown in Figure 1).

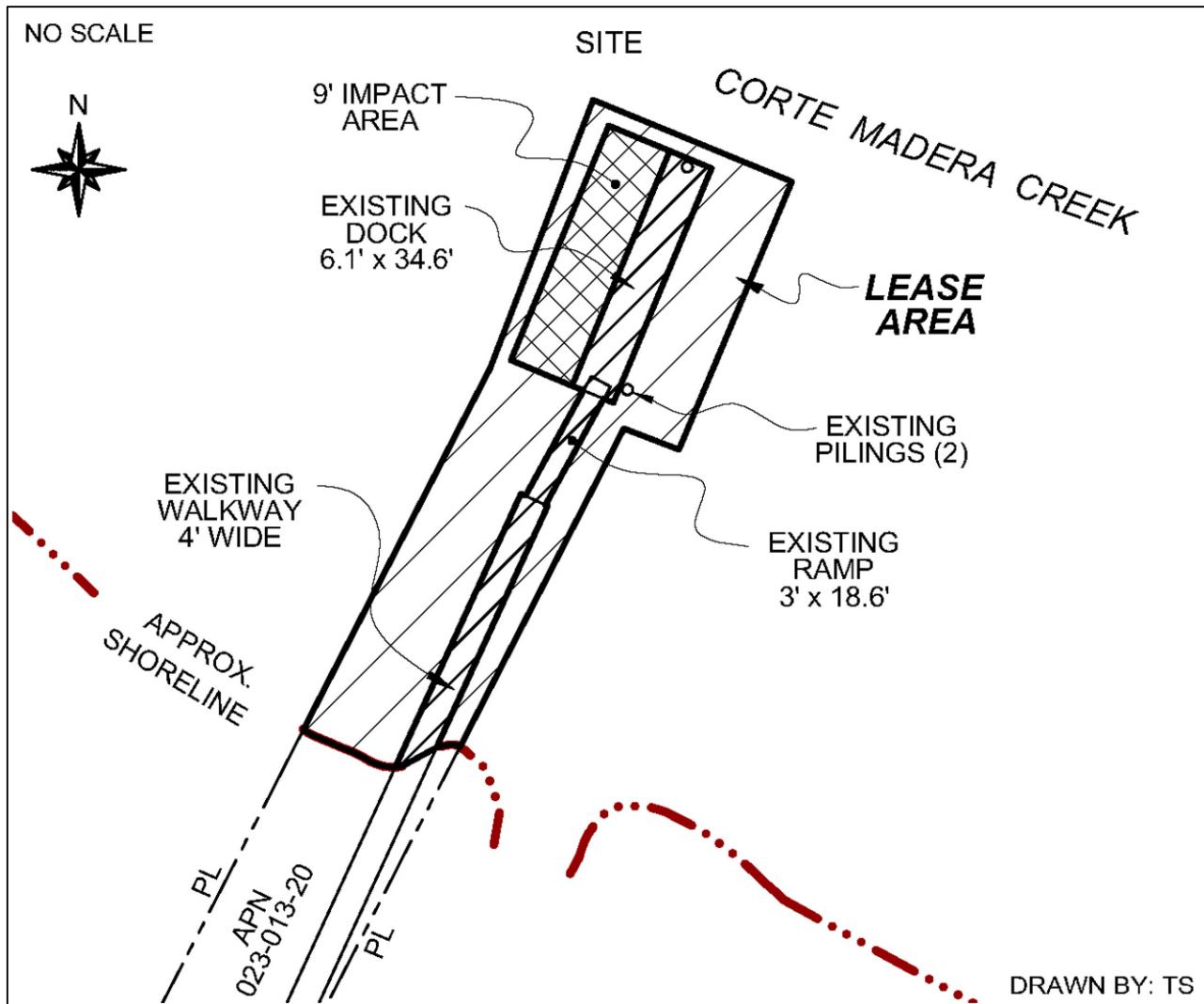
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of an existing boat dock and appurtenant facilities (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:

15 years, beginning June 29, 2020.

CONSIDERATION:

\$144 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no 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, section 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On October 22, 2020, the Commission authorized issuance of a General Lease – Recreational Use to Julie Maccarin, for the continued use and maintenance of an existing boat dock, two pilings, walkway, and ramp ([Item 30, October 22, 2020](#)). This lease expires on June 28, 2035.

On April 19, 2024, Stacey H. Couture acquired ownership of the upland parcel from the Lessee. The Parties are now applying for an Assignment of Lease, effective April 19, 2024, to coincide with the ownership transfer of the upland property, for the use of an existing boat dock and appurtenant facilities.

The Applicant submitted an application for an assignment of lease in 2024 and has paid rent on the existing lease since April 19, 2024. The Applicant is qualified to hold the lease, and staff has not found any information that would provide a basis for withholding the assignment. Staff therefore believes that assigning the lease is in the State's best interest to ensure that a capable lessee is committed to managing the subject improvements and fulfilling the obligations of the lease. The proposed assignment does not alienate the State's fee simple interest or permanently impair public rights.

CLIMATE CHANGE:

INTRODUCTION

The climate crisis and rising sea levels are impacting coastal California now. Likely impacts to the lease premises include, but are not limited to, sea level rise,

saltwater intrusion, prolonged drought, extreme heat, and changes to the intensity and timing of precipitation events. These impacts can exacerbate natural hydrological processes such as erosion, scour, and sedimentation. These impacts may affect the existing recreational dock with two pilings, walkway, and ramp, subject to the proposed lease, located on Corte Madera Creek. Corte Madera Creek is a tidally influenced site consisting of low-elevation reclaimed floodplains adjacent to a salt marsh that occasionally floods during king tides and storms.

DATA & PROJECTIONS

Water levels in tidally-influenced rivers will rise as sea levels rise. The California Ocean Protection Council updated the [State of California Sea Level Rise Guidance](#) in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. Commission staff evaluated the “intermediate-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. The San Francisco 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 San Francisco

Year	Intermediate-High (feet)	High (feet)
2040	0.7	0.8
2050	1.0	1.3
2070	2.2	2.9
2100	4.8	6.5

Source: Table 6, State of California Sea-Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#) to evaluate risks to the lease premises and structures from sea level rise. At 1.6 feet of sea level rise, the lease premises will become regularly flooded and subjected to stronger and more frequent wave impacts and erosion, potentially damaging any structures or improvements on the lease premises. Based on sea level rise projections in Table 1, this could occur between 2050 and 2070. In addition to rising seas, warmer temperatures have led California and the Southwest region to experience a megadrought from 2000 to 2022, measured as the driest 22 years in the past 1200 years, and more megadroughts are projected through the end of the century ([U.S. Global Change Research Program, Ch. 28. Southwest. In: Fifth National Climate Assessment. 2023.](#)). Hotter and drier conditions have led to declines in snowpack volumes, higher-elevation snow lines, earlier snowmelt, and

reduced overall runoff. Streamflow and river volumes are lower and will be drawn down farther as temperatures continue to rise and demand for water increases withdrawals. Despite the region's increasing aridity, flooding from extreme precipitation events is projected to increase, attributed to earlier snowmelt, sea level rise, and more intense and frequent atmospheric rivers. Minor and moderate flooding (flooding events defined as disruptive to damaging), attributed to higher water levels, is expected to increase five to ten orders of magnitude by 2100, according to [NOAA's 2022 Sea Level Rise Technical Report](#).

The lease is a 15-year General Lease – Recreational Use that began on June 29, 2020, and may be subject to the climate change effects and projected sea level rise scenarios provided above. Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation and dislodgement. Further climate change impact analyses on the leased facilities would be assessed if a new lease is considered in 2035, and would be based on projected climate change and sea level rise scenarios at that time.

CONCLUSION:

For all the reasons above, staff believes approval of this lease assignment will not substantially interfere with Public Trust needs at this location, at this time, and for the remaining term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interest of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is 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 lease would not be assigned and the Lessee may be required to remove the subject improvements and restore the premises to their 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. Assignment of lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378, subdivision (b)(5).

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

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

AUTHORIZATION:

Authorize the assignment of Lease Number 9284, a General Lease – Recreational Use of sovereign land, from Julie Maccarin, to Stacey H. Couture; effective April 19, 2024, to coincide with the transfer of the upland property.