

Staff Report 57

APPLICANT:

Town of Tiburon

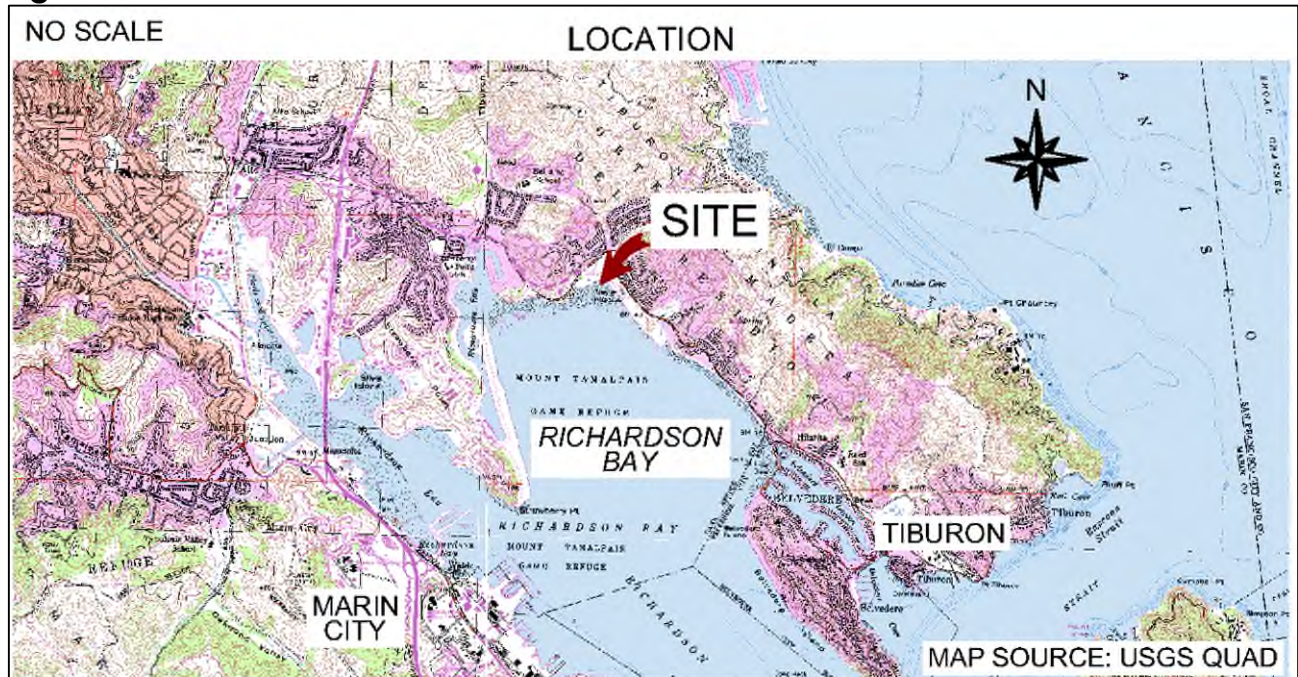
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

State reserved minerals within land granted to the County of Marin, located in Oyster Canal, adjacent to 1 Blackies Pasture Road, Tiburon, Marin County (as shown in Figure 1).

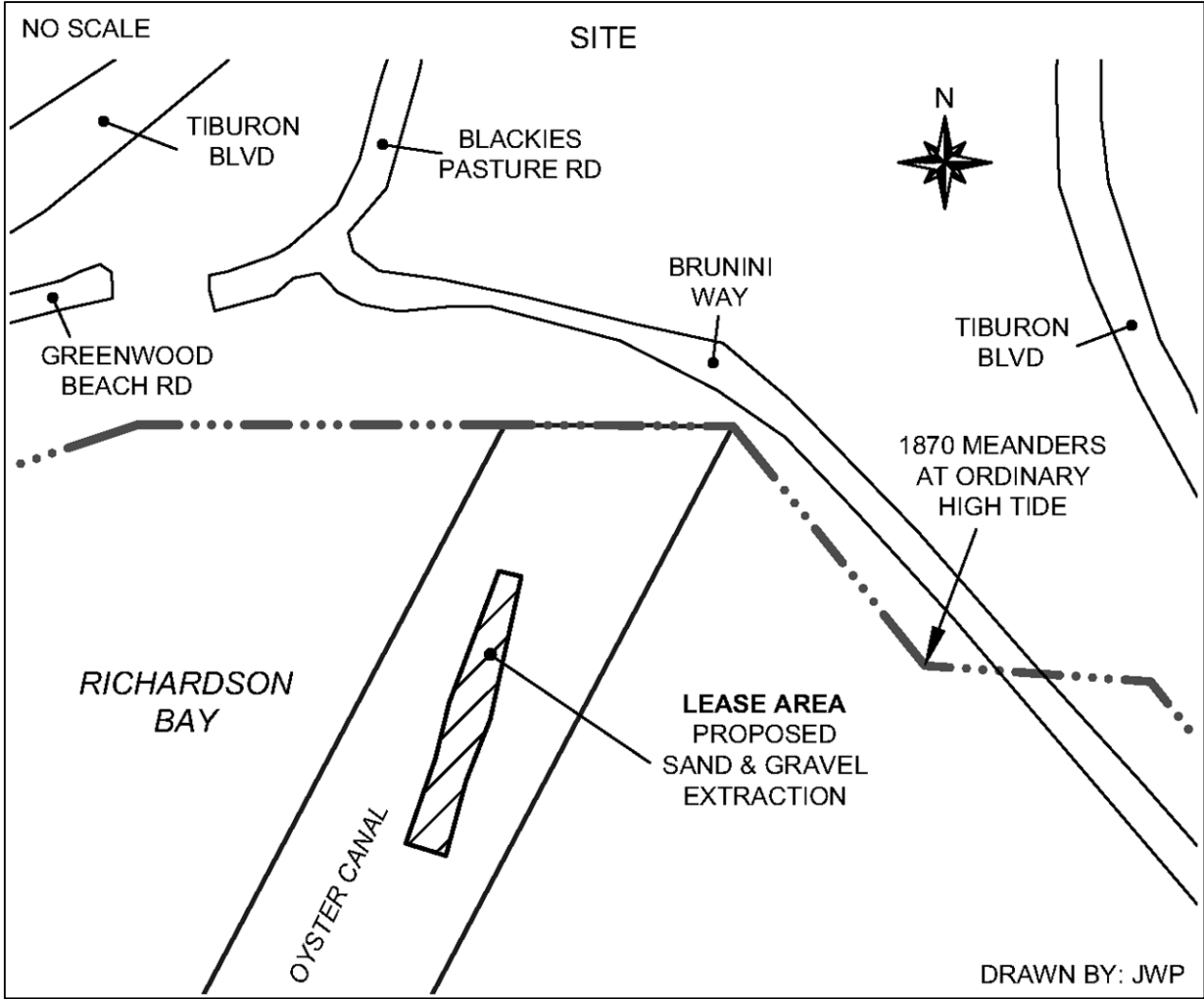
Figure 1. Location



AUTHORIZED USE:

Extraction of approximately 800 cubic yards of sand and gravel (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:

3 years, beginning August 21, 2025.

CONSIDERATION:

Public use and benefit; with the State reserving the right at any time to set monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Lessee acknowledges that material dredged from the Lease Premises is the property of the State of California and shall not be sold, and that Lessee is not authorized to dredge for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.

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.

STATE'S BEST INTERESTS:

The Applicant is applying for a General Lease – Public Agency Use, for the proposed one-time extraction (dredging) of approximately 800 cubic yards (cy) of sand and gravel from within Oyster Canal, on lands that were granted to Marin County pursuant to Chapter 497, Statutes of 1959, and as amended, with minerals reserved to the State. Oyster Canal is adjacent to 1 Blackies Pasture Road, Tiburon, Marin County.

The proposed dredging is part of the Greenwood Beach Restoration Project (Project), which is a nature-based beach restoration and shoreline erosion protection project designed to restore and protect Brunini Beach and Greenwood Beach (the receiver sites) in Tiburon. Oyster Canal is adjacent to the receiver sites and is composed of a suitable mixture of sand and gravel that closely matches the grain size distribution at the receiver sites. Both Brunini Beach and Greenwood Beach are on land that is not within the Commission's leasing jurisdiction. Therefore, the beach nourishment and shoreline protection aspects of the Project are not included in the proposed lease.

The proposed dredging for the Project will involve extraction of approximately 800 cy of sand and gravel from a 0.20-acre borrow area in Oyster Canal. The depression left by the extraction is expected to be refilled by natural sedimentation from storm outflows and deposition of bay mud. The borrow area is expected to fill in to its original elevation over the course of one to two winters with typical rainfall/runoff events. The sand and gravel material will be excavated from the borrow area by a low ground pressure excavator placed on the shore. Appropriate

sediment control measures will be implemented to prevent migration of sediment into open water areas outside of the work area.

Construction is expected to take place in 2025 late in the dry season, between September and November, and will take about two months to complete. The extraction work will occur over approximately one month, which will limit access to the shoreline. All work will be done at low tide when the flats are emergent. Temporary construction fencing and/or symbolic visual barriers will be installed around the work areas with warning signs to prevent the public from accessing the work areas. A sign will be placed at least one month prior to construction at the parking lot to inform the public of the public access restrictions during construction. Once construction is completed, the Project area will be reopened to the public.

Pursuant to Public Resources Code section 6707, subdivision 3(c), when dredging occurs on granted public trust lands upon which the State has reserved mineral rights, "...a local trustee or applicant for dredging may presume that a dredging lease is not required if the following conditions are met: (1) The dredging is maintenance dredging consistent with the proper management of the granted lands, (2) The dredged material is not sold or used for a private benefit, and (3) The dredged material is disposed of at an approved onshore or offshore disposal site."

However, the proposed dredging is not "maintenance dredging consistent with the proper management of granted lands," but is instead part of a beach restoration project that does not occupy granted lands. Furthermore, the proposed dredge materials will not be "disposed of at an approved onshore or offshore disposal site," but will instead be used for beach nourishment. Therefore, the proposed dredging does not qualify for the conditions established in the Public Resources Code and, as such, staff recommends issuance of a General Lease – Public Agency Use to the Applicant for the proposed dredging, effective August 21, 2025.

The proposed Lease does not alienate the State's full fee simple interest or permanently impair public rights. The lease is limited to a 3-year term, does not grant exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the [State of California Sea Level Rise Guidance](#) (Ocean Protection

Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave runup, storm surges, flooding, and erosion. Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. These impacts may affect the dredging activities associated with the beach restoration project subject, located near Oyster Canal in Tiburon, Marin County.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate during the last century. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. 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. To apply a precautionary approach, Commission staff evaluated the “intermediate” scenario due to the lower vulnerability of the lease location and the adaptability to rising seas that the beach restoration will create. The San Francisco 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 San Francisco

Year	Intermediate (feet)
2040	0.6
2060	1.1
2080	1.8
2100	3.1

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

Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to evaluate risks to the lease premises from sea level rise. At current sea levels, the lease premises is already subject to flooding and inundation from extreme tide events, such as King Tides, and storms. 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. Based on sea level rise projections in Table 1, this could occur between 2060 and 2080. However, episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, increase the vulnerability of the lease premises and could expose it to flooding, wave runup and overtopping, and erosion much sooner.

This project would restore both marsh habitat and the beaches to reduce overall erosion. Dredging will help improve stormwater drainage. The restored area will be less susceptible to flood damage and impacts from extreme storms and tidal events.

RECOMMENDATION:

This project will reduce the exposure of the area and improve its resilience to sea level rise. Unlike seawalls or revetments, these approaches can be effective long-term because they have minimal interference with dynamic coastal processes, which will help to maintain the width of the beach and provide a wider buffer against the effects of sea level rise.

Refer to Section Four of the Commission's report [Shoreline Adaptation and the Public Trust: Protecting California's Public Trust Resources from Sea Level Rise](#) for more information about the advantages of nature-based strategies like this project for mitigating coastal hazards and protecting Public Trust resources. Any other future construction or activities on State land would require a separate authorization from the Commission.

Pursuant to the proposed lease, the Lessee acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to the effects of climate change, including sea level rise and rising groundwater levels.

CONCLUSION:

For all the reasons above, staff believes issuance of the proposed lease will not substantially interfere with the 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.

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 extract the sand and gravel. The lessee has no right to a new lease or a 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. One of the purposes of the California Environmental Quality Act (CEQA) is to "avoid or minimize environmental damage where feasible." (CEQA Guidelines section 15021).

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2024061144, and a Mitigation Monitoring and Reporting Program (MMRP) were prepared by the Town of Tiburon (Town) and adopted on September 20, 2024, for this project. Staff reviewed these documents and determined that the MND adequately analyzes and mitigates all potentially significant adverse environmental impacts that fall within the Commission's jurisdiction.

As of April 22, 2025, based on consultation with the National Marine Fisheries Service (NMFS) as documented in the *Endangered Species Act Section 7(a)(2) and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Greenwood Beach Restoration Project*, changes were made to the excavation area within Greenwood Beach. The borrow area was reduced, the shape was elongated, the amount of sand excavated was reduced, and avoidance and minimization measures were added to further reduce impacts to fish habitat. The reduced borrow area and addition of NFMS regulatory measures do not change any CEQA impact determinations to any resource area in the MND. In addition, the project changes reduce potential impacts to fish habitat and may reduce Project impacts to aesthetics, air pollution, terrestrial habitat, and recreation when compared to those analyzed in the MND. Therefore, no additional analysis is required per the State CEQA Guidelines sections 15162 and 15163.

Pursuant to State CEQA Guidelines section 15096, subdivision (g)(1), and 15097, subdivision (a), and in conjunction with approval of this Project, staff

recommends that the Commission adopt the [Town's MMRP \(provided for reference, as linked, Appendix C\)](#) for the portion(s) of the Project located on State lands, and delegates reporting and monitoring responsibilities to the Town, as the CEQA lead agency, per CEQA Guidelines section 15097. The Town will remain responsible for enforcing the MMRP, unless otherwise delegated by such agency or until the Project is completed.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but the activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the CEQA review and permitting process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

- U.S. Army Corps of Engineers
- Regional Water Quality Control Board
- California Department of Fish and Wildlife
- San Francisco Bay Conservation and Development Commission
- Town of Tiburon

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2024061144, and a Mitigation Monitoring and Reporting Program were prepared by the Town of Tiburon and adopted on September 20, 2024, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially

more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring and Reporting Program, as referenced.

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 term of the lease; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize the issuance of a General Lease – Public Agency Use to the Applicant beginning August 21, 2025, for a term of 3 years, to extract approximately 800 cubic yards of sand and gravel from Oyster Canal on land granted to the County of Marin, minerals reserved to the State, adjacent to 1 Blackies Pasture Road, Tiburon, Marin County; 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 interests.