

Staff Report 12

APPLICANT:

The Regents of the University of California, on behalf of the Bodega Marine Reserve

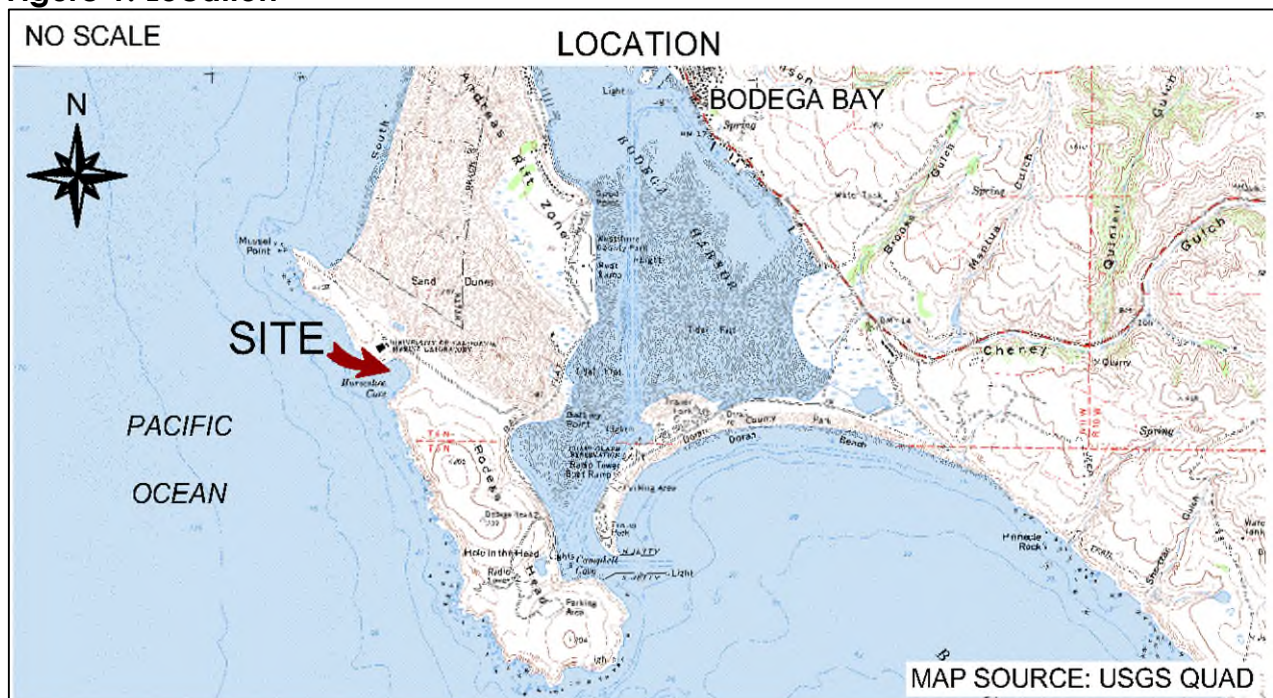
PROPOSED ACTION:

Rescission of previous Lease Authorization and Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean at Horseshoe Cove, adjacent to 2099 Westshore Road, Bodega Bay, Sonoma County (as shown in Figure 1).

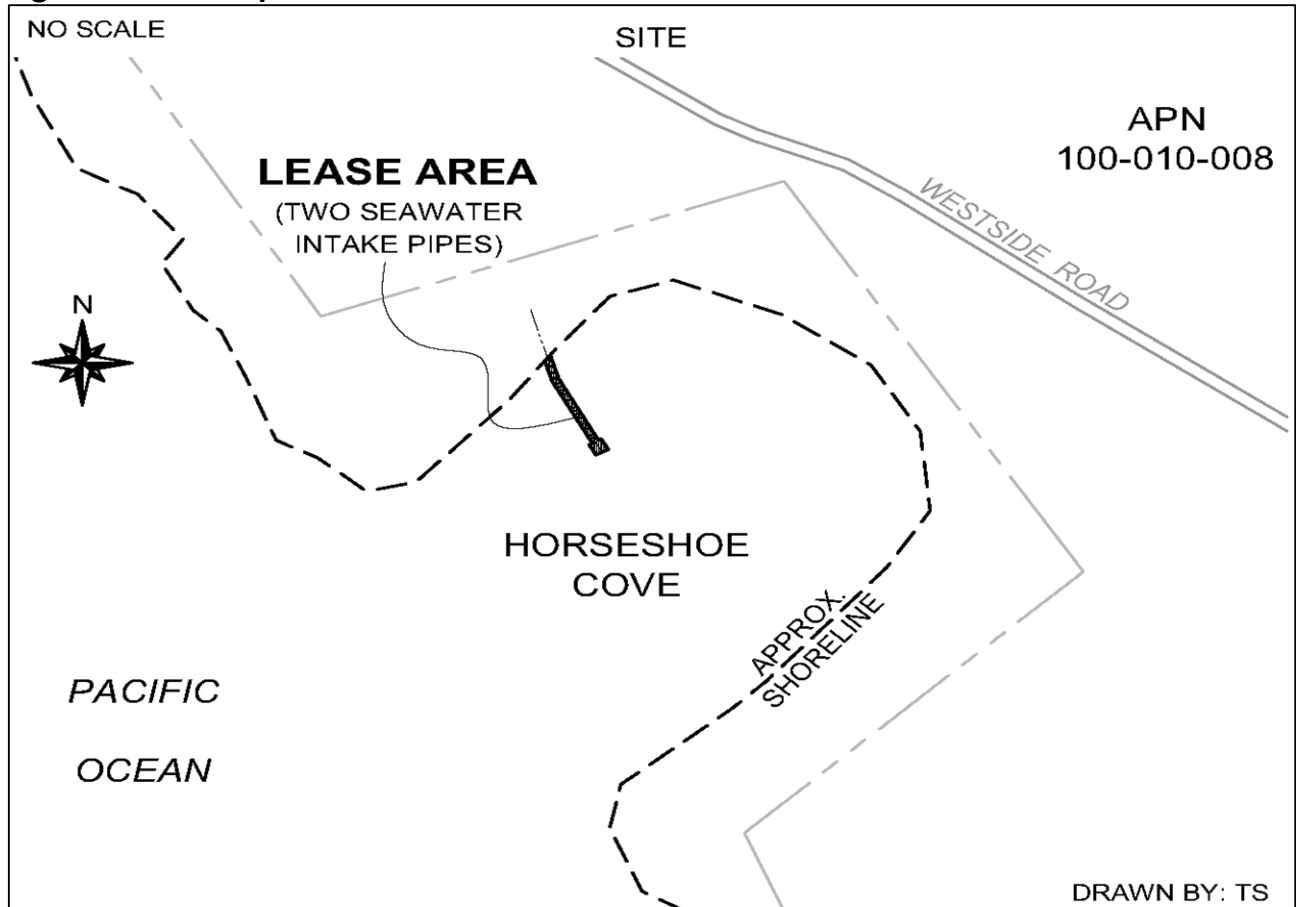
Figure 1. Location



AUTHORIZED USE:

Use of two existing seawater intake pipelines and temporary installation of small-scale instruments and research equipment to measure water quality and oceanographic parameters (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:

20 years, beginning May 15, 2025; ending May 14, 2045, unless sooner terminated as provided under this Lease.

CONSIDERATION:

The public use and benefit, with the State reserving the right to fix a monetary rent if the Commission finds such 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.
- Lessee, as a public entity of the State of California, agrees to indemnify the Commission, and its employees, for claims arising out of the Lessee's performance under the lease, but only proportional to the liability caused by or resulting from the negligent or intentional acts or omissions of the Lessee or its agents.

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:

On June 3, 2025, the Commission authorized a 20-year Public Agency Lease to the Regents of the University of California for two seawater intake pipelines and installation of temporary small-scale instruments and research equipment to measure water quality and oceanographic parameters ([Item 22, June 3, 2025](#)). Since that authorization, the Applicant has requested supplemental analysis of the lease provisions on indemnification. Because the Applicant is an entity of the State of California, the Commission's standard language warranted modification beyond what was originally authorized. Staff therefore recommends that the prior Commission authorization be rescinded and authorize the issuance of a General Lease – Public Agency Use.

The Applicant has applied for a General Lease – Public Agency Use for the use of two existing 8-inch-diameter seawater intake pipelines previously authorized by the Commission and temporary installation of small-scale instruments and research equipment to measure water quality and oceanographic parameters not previously authorized by the Commission.

The existing intake pipes exit the pumphouse on Bodega Marine Reserve land and are secured in a concrete mole (approximately 10-feet wide) that holds them in place as they extend from above the mean higher highwater line (MHHW) to the subtidal zone. The seawater lines extend approximately 95 feet from the end of the 165-foot concrete mole and are anchored into the substrate by 3/16-inch stainless steel all-thread into concrete forms using stainless steel clamps, which are regularly inspected. Approximately 178 feet of the intake pipelines occupy state sovereign land. The improvements serve to provide a continuous source of seawater to various instructional and research laboratories at the Bodega Marine Reserve and the University of California, Davis campus.

The seawater intake pipelines provide a regional public benefit by supporting the academic enrichment of Northern California communities. Research activities and experiments are conducted throughout the year. They include the installation of small-scale instruments that would measure water quality and oceanographic parameters, along with experimental plot markers, temperature loggers, larval collectors, and related items. Additionally, push cores would be used to collect sediment from sandy/soft sediment areas. All instruments and other materials will be removed at the end of each experimental period. Research activities are intended to generate data on a range of topics which may include, but are not limited to, the efficacy of Marine Protected Areas, population and community dynamics, changing ocean conditions and their effects on marine organisms, ecosystem functioning, ecology, physiology, acidification, larval dispersal and settlement, phytoplankton blooms, upwelling, anomalies, population expansions, and related items.

The proposed activities include temporary deployment of scientific instruments and equipment such as cameras to be secured by small bolts or by small screws with marine epoxy; temporary deployment of moored instruments for subsurface water column measurements, small-scale planktonic and benthic settlement collectors, instruments on short bottom tripods; plot and transect markers, small-scale enclosure or exclosure devices; small-scale push cores; and temporary collection of non-commercial cobbles or rocks to study sessile organisms (such as barnacles), which will be returned to the collection location.

Staff recommend starting the new lease on May 15, 2025, to provide continuity with the previous lease term.

The subject improvements support ocean-connected education and research, and as with the previous lease, staff does not recommend monetary rent because of the public benefit provided. The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-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.

The subject seawater intake pipelines do not impede navigation or other Public Trust uses of the waterway. The proposed lease includes provisions on upkeep and maintenance to help mitigate the State's liability, as well as measures to protect public use of the lease area. It will not substantially interfere with Public Trust uses, nor does it limit access to the Pacific Ocean at Horseshoe Cove. The public will continue to enjoy recreational access and use of the ocean.

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 two existing seawater intake pipelines and scientific equipment subject to the proposed lease, located in Bodega Bay, Sonoma 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 of 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. Commission staff evaluated the “intermediate” scenario due to the vulnerability and exposure of the lease location and the adaptability of the temporary research equipment. The Point Reyes 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 Point Reyes

Year	Intermediate (feet)
2040	0.6
2060	1.1
2080	1.9
2100	3.1

Source: Table 5, 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 and structures from sea level rise. At present sea levels, the lease premises is already regularly flooded and subjected to wave impacts and erosion, potentially damaging any structures or improvements on the lease premises. Episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, will increase the vulnerability of the lease premises and expose it to higher water levels and stronger wave runup and overtopping, and erosion.

As a result, the seawater intake pipelines may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain its function. Stronger coastal erosion can wash away the soil and sediment supporting the intake pipelines, causing structural instabilities. The increased exposure from higher sea levels can accelerate the deterioration of the structures under lease. Additionally, the intake pipelines may experience increased damage from waves breaking closer and stronger to shore.

The proposed research instruments and other materials will be deployed and then removed on a short-term basis, generally from a few weeks to one to two years. The research equipment should be unaffected by sea level rise due to its temporary use and its ability to be relocated when necessary. While storm surge and wave runup may affect the intake pipelines and temporary equipment, the lines and equipment will be inspected regularly so that any issues are detected early and repaired quickly.

RECOMMENDATION:

Regular maintenance, as referenced in the terms of the lease, may reduce the likelihood of severe structural degradation or dislodgement. 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 believe the issuance of the proposed lease will not substantially interfere with the Public Trust rights to navigation, fishing, and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the proposed 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 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 "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021 – 2025 Strategic Plan.

3. Rescission of the lease is not a project as defined by the California Environmental Quality Act (CEQA) 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).

4. **Existing intake pipelines:** Staff recommend that the Commission find that activity is exempt from the requirements of 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).

Equipment installation and sediment cores: Staff recommend 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 2, section 2905, subdivision (e)(3).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061 and California Code of Regulations, title 2, section 2905.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project through the combination of the following exemptions: Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2), and Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(3).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation or substantially interfere with the Public Trust needs and values at this

location, at this time, and for the term of the proposed lease; and is in the best interests of the State.

AUTHORIZATION:

1. Rescind the previous authorization for Lease 5311, a General Lease – Public Agency Use, approved on June 3, 2025, to the Regents of the University of California, on behalf of the Bodega Marine Reserve.
2. Authorize issuance of a General Lease – Public Agency Use to the Applicant, beginning May 15, 2025, for a term of 20 years, for the use and maintenance of two existing seawater intake pipelines and installation of temporary small-scale instruments and research equipment to measure water quality and oceanographic parameters; 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.