

Staff Report 39

APPLICANT:

12884 Sir Francis Drake, LLC, a California limited liability company

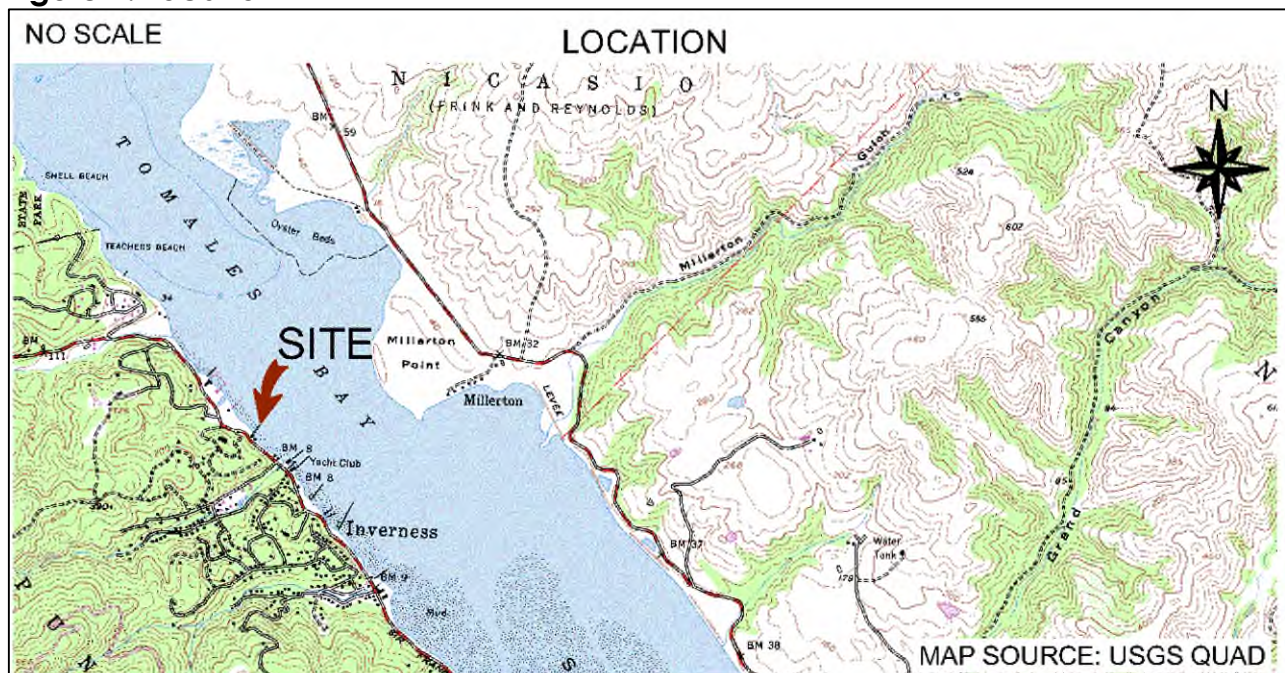
PROPOSED ACTION:

Issuance of a General Lease – Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Tomales Bay, adjacent to 12884 Sir Francis Drake Boulevard, near Inverness, Marin County (as shown in Figure 1).

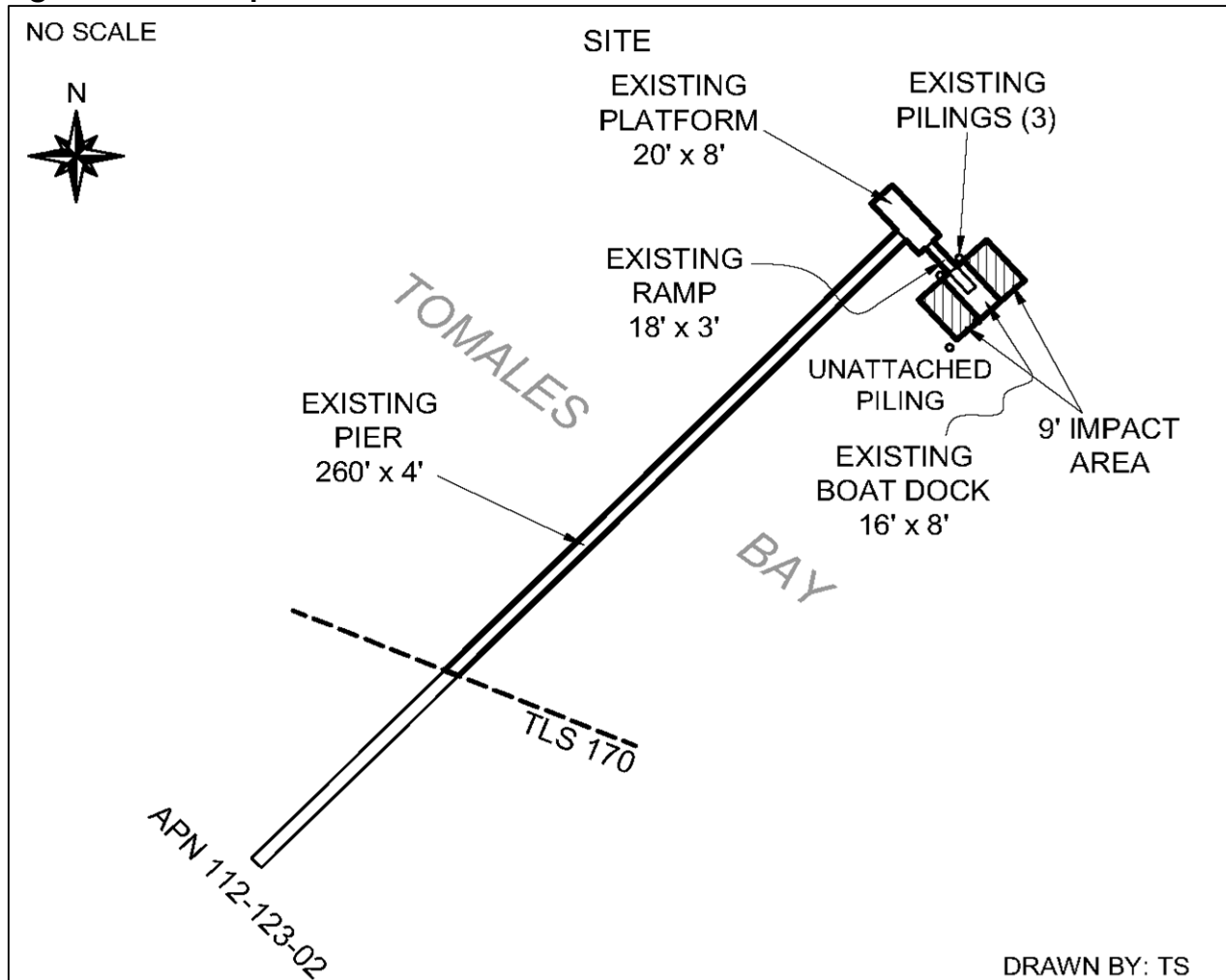
Figure 1. Location



AUTHORIZED USE:

Use of an existing pier, platform, 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:

10 years, beginning October 14, 2025.

CONSIDERATION:

\$167 per year, with an annual Consumer Price Index adjustment; and \$55 for the unauthorized occupation of State Lands prior to October 14, 2025.

SPECIFIC LEASE PROVISIONS:

- Lessee shall not store any personal items or construct any improvements in the Public Trust Easement that may impair the public's right of access for navigation, fishing, and public trust consistent recreational uses.

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, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On December 17, 2014, the Commission authorized the issuance of a General Lease – Recreational Use to Kim Desenberg and Anna Desenberg, Trustees of the Desenberg Trust dated June 22, 2002, for the continued use and maintenance of an existing pier, platform, boat dock, and appurtenant facilities ([Item 19, December 17, 2014](#)). That lease expired on June 21, 2022.

On October 14, 2024, the Desenberg Trust deeded the upland property to 12884 Sir Francis Drake, LLC (Applicant). Accounting records show annual rent for the pier, platform, ramp, boat dock, and four pilings was paid through June 21, 2025.

The Applicant is applying for a General Lease – Recreational Use for the existing pier, platform, boat dock, and appurtenant facilities in Tomales Bay, adjacent to 12884 Sir Francis Drake Boulevard, Inverness, Marin County.

The pier, platform, boat dock, and appurtenant facilities have existed for many years at this location. The Applicant owns the adjoining lease premises. Staff recommends the Commission accept \$55 for the period of unauthorized occupation of state land from June 22, 2025 through October 13, 2025. The lease will also require the lessee to indemnify the state for the period of occupation prior to October 14, 2025.

The existing improvements are privately owned and maintained and facilitate recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land. (Pub. Resources Code, § 6503.5.) The existing unattached piling is utilized for additional securing of moored boats.

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 reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

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 existing pier with platform, ramp, floating boat dock, and pilings subject to the proposed lease, located in Tomales Bay, near Inverness, 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-high" and "high" scenarios due to the vulnerability and exposure of

the lease location and the continued global reliance on fossil fuels. 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-High (feet)	High (feet)
2040	0.6	0.7
2060	1.1	1.6
2080	1.9	3.0
2100	3.8	4.8

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 0.8 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 by 2040. 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.

As a result, the infrastructure 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 pier and pilings, causing structural instabilities. The increased saltwater exposure from higher sea levels and rising groundwater can accelerate the corrosion of metal components and the deterioration of concrete foundations. Additionally, the pier and floating boat dock may experience increased damage from waves breaking closer and stronger to shore.

RECOMMENDATIONS:

Nature-based strategies (also referred to as 'natural shoreline infrastructure'), accommodation strategies (e.g., elevating or flood-proofing structures), and relocating vulnerable structures further inland can reduce the exposure of the structure 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.

Please 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 various shoreline adaptation strategies and their advantages and disadvantages for mitigating coastal hazards and protecting Public Trust resources. Any future construction or activities on State land would require a separate authorization from the Commission.

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 believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the proposed 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 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 may be required to remove the improvements and restore the lease 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. 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 15061 and California Code of Regulations, title 2, section 2905.

RECOMMENDED ACTION:

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 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.

AUTHORIZATION:

1. Authorize acceptance of compensation from the Applicant in the amount of \$55 for the unauthorized occupation of State lands for the period prior to October 14, 2025.
2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning October 14, 2025; for a term of 10 years, for the existing pier, platform, boat dock, and appurtenant facilities; annual rent in the amount of \$177, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000.