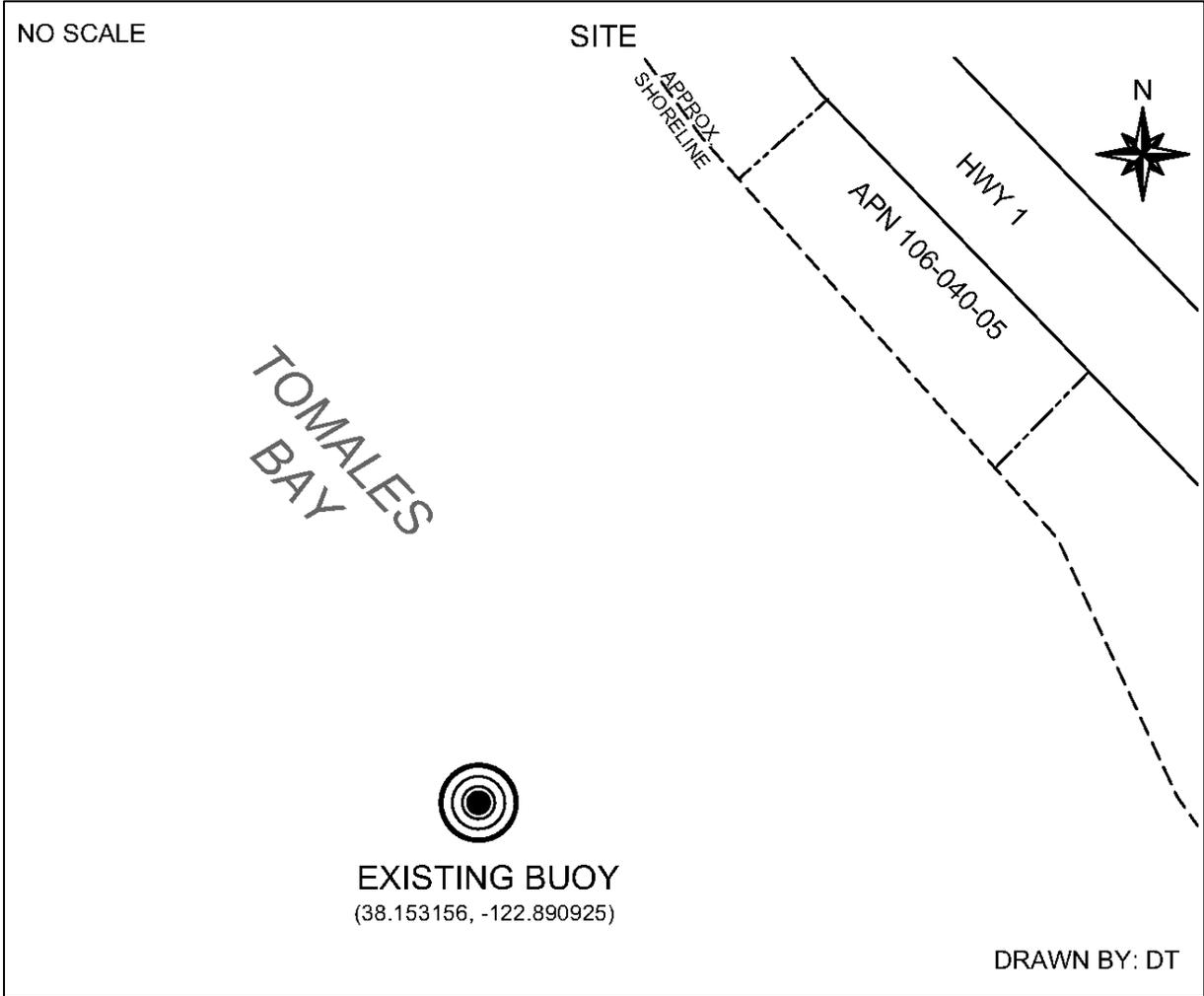


AUTHORIZED USE:

Use of one existing mooring buoy (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 June 28, 2026.

CONSIDERATION:

\$167 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Lessee shall provide the Commission with proof of current and valid Protection and Indemnity or Watercraft Liability Insurance in an amount no less than \$500,000 per occurrence
- Lessee agrees to comply with the Tomales Bay Mooring Program (TBMP) requirements, available online at www.slc.ca.gov/leases-permits/tomalesbay/. Lessee agrees to abide by any reasonable modifications to the program.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6505.5; California Code of regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Tomales Bay is a significant biological resource that supports a diversity of habitats, including eelgrass beds, intertidal sand, mud flats, and marshes. Thousands of animal and plant species, including numerous threatened and endangered species, inhabit the bay. Unfortunately, human activity within the surrounding watershed has led to Tomales Bay being listed as an impaired water body under the federal Clean Water Act.

In response to the declining health of this important resource, the Tomales Bay Vessel Management Plan (TBVMP) was developed to attenuate the adverse impacts from boating within the bay. This plan was the result of a long-term, multiagency effort to streamline and coordinate vessel management activities in the bay with the goal of improving water quality, protecting wildlife and habitat, safeguarding public health, and facilitating responsible recreational opportunities.

The TBVMP was developed through collaborative efforts by the Greater Farallones National Marine Sanctuary (GFNMS), Commission staff, and nine other local, state, and federal agencies with jurisdiction in Tomales Bay. The TBVMP in turn led to the development of the Tomales Bay Mooring Program (TBMP), which established criteria for siting moorings on Tomales Bay.

In 2015, the National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries Program, issued a permit to the Commission to implement the elements of the TBMP, which encompass the installation, maintenance, and

removal of individual moorings in Tomales Bay ([Item 113, April 26, 2013](#)). This permit expires on May 31, 2041.

On June 28, 2016, in accordance with the terms, conditions, and requirements of the TBMP, the Commission authorized a General Lease – Recreational Use to Steven Sicher and Nancy Sicher, for the use and maintenance of an existing mooring buoy not previously authorized by the Commission, in Tomales Bay, adjacent to 19535 State Route 1, Marshall, Marin County ([Item 51, June 28, 2016](#)). That lease expires June 27, 2026.

Now, in accordance with the terms, conditions, and requirements of the TBMP, the Applicant is applying for a General Lease – Recreational Use for the use of one existing mooring buoy in Tomales Bay. The mooring buoy is located adjacent to the Applicant's property, 19535 State Route 1, Marshall, Marin County. The Applicant has demonstrated due diligence in abiding by the terms and conditions of the TBMP by obtaining an inspection of the buoy from an approved mooring contractor.

The subject mooring buoy is for the mooring of boats and is privately owned and maintained. Recreational boating is a water-dependent activity and 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 lands. (Pub. Resources Code, § 6503.5.)

The proposed lease includes provisions protecting the public use of the proposed lease area, including a non-exclusive use provision. The proposed lease also requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon. Furthermore, the lease requires the payment of annual rent to compensate the people of the State for the occupation of the sovereign land involved. The lease does not alienate the State's fee simple interest or permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition.

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. These impacts may affect the existing mooring buoy subject to the proposed lease in Tomales Bay.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the 20th century, and this trend will accelerate throughout the 21st century. The current rate of sea level rise is triple the 20th century rate. 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 lower vulnerability and exposure of the lease location and the adaptability of the mooring buoy. 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:

Improvements to the lease premises include one mooring buoy. The effects of more frequent and intense storms and wave action, very high or King tides, and El Niño events, alone or in combination with sea level rise, increase the vulnerability of the mooring buoy. As a result, the buoy may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance of all components (i.e., block, chain, float, etc.) to retain its function. While the buoy is designed to float on the water’s surface and move with the ebb and flow of currents and tides, a longer or stronger chain connecting the buoy to the anchor and a stronger anchor on the seabed may be necessary in the future. These modifications will allow the buoy to accommodate rising sea levels, more intense

storm events, and destructive waves and currents. Any future construction or activities on State land would require a separate authorization from the Commission.

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 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 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 mooring buoy and return the premises to their original condition. The applicant 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 the "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Pursuant to the California Environmental Quality Act (CEQA), staff prepared a Negative Declaration (ND) identified as California State Lands Commission ND No. 749, State Clearinghouse No. 2012082074, for the TBVMP. The ND was adopted by the Commission on April 26, 2013 ([Item 113, April 26, 2013](#)). No substantial changes to the project or to the circumstances in which the project occurs, as evaluated in the ND, or other new information requires a subsequent or supplemental CEQA document.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission considered the ND in 2013, staff concluded that such activity would not affect those significant lands and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

EXHIBIT:

A. Tomales Bay Mooring Program Requirements

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the ND, California State Lands Commission ND No. 749, State Clearinghouse No. 2012082074, was adopted by the Commission on April 26, 2013 ([Item 113, April 26, 2013](#)), pursuant to the provisions of CEQA; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued under this authorization has been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or CEQA Guidelines section 15162 has resulted in any new or substantially more severe significant impacts; and, therefore, no additional CEQA analysis is required.

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:

Authorize issuance of a General Lease – Recreational Use to the Applicant beginning June 28, 2026, for a term of 10 years, for the use of one existing mooring buoy; annual rent in the amount of \$167, with an annual Consumer Price Index adjustment; and protection and Indemnity or Watercraft Liability insurance in an amount no less than \$500,000 per occurrence.