

# Staff Report 05

## APPLICANT:

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Bodega Farms

## PROPOSED ACTION:

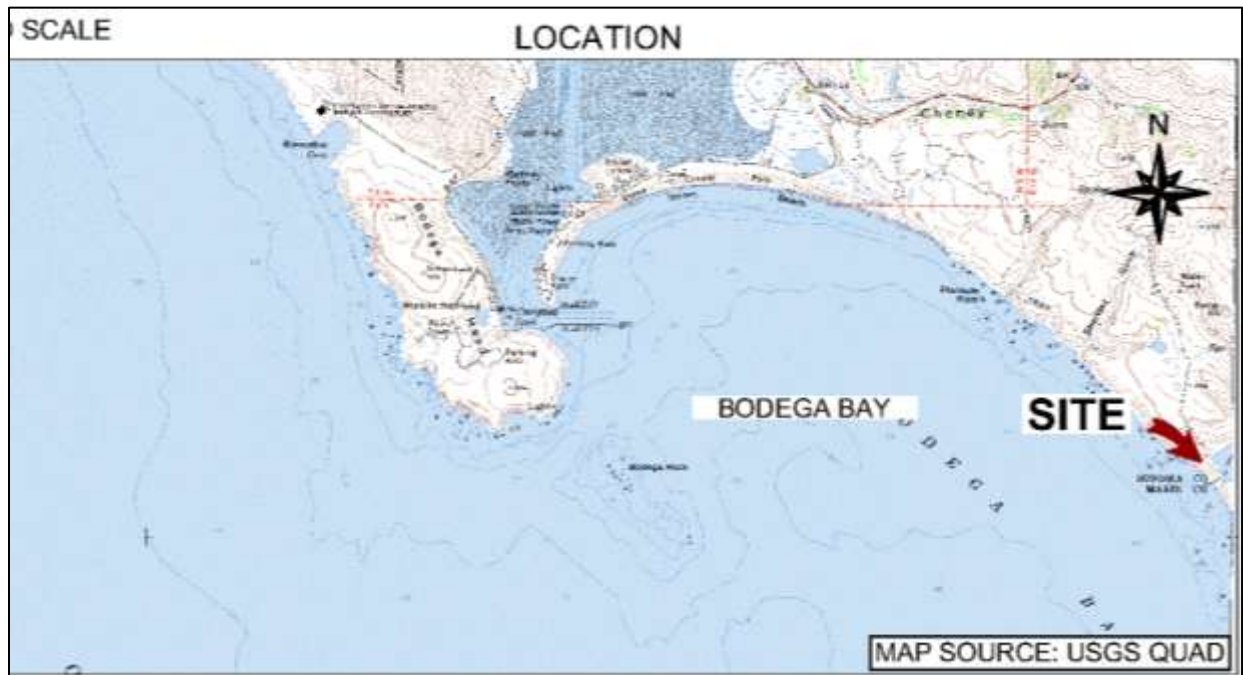
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Issuance of a General Lease – Right-of-Way Use.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in Bodega Bay and Estero Americano at the Pacific Ocean, adjacent to Assessor's Parcel Number 100-160-002, Bodega Bay, Sonoma County (as shown in Figure 1).

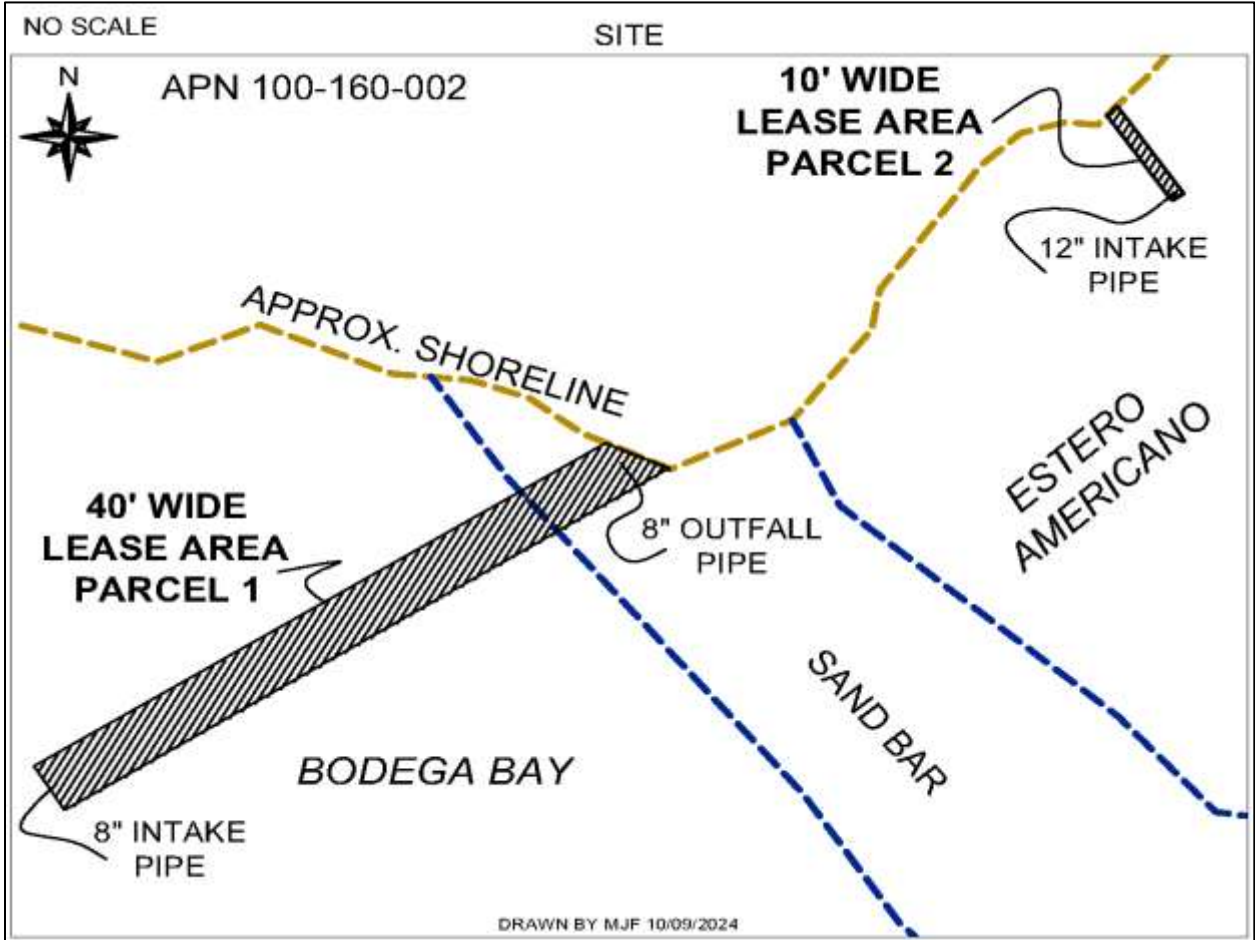
**Figure 1. Location**



**AUTHORIZED USE:**

Use of an existing 12-inch diameter polyethylene saltwater intake pipeline; one 8-inch diameter polyethylene saltwater intake pipeline; and one 8-inch diameter polyethylene outfall pipeline (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 April 7, 2026.

**CONSIDERATION:**

\$1,198 per year, with an annual Consumer Price Index adjustment; and \$817 to compensate for the unauthorized occupation of sovereign land for the period prior to April 7, 2026.

**SPECIFIC LEASE PROVISIONS:**

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Surety bond or other security in the amount of \$50,000.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**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 23, 2011, the Commission authorized a 15-year General Lease – Right-of-Way Use to Bodega Farms for the continued use and maintenance of one 12-inch diameter polyethylene saltwater intake pipeline at Estero Americano and one 8-inch diameter polyethylene saltwater intake pipeline and one 8-inch diameter polyethylene outfall in Bodega Bay to support an onshore shellfish farm facility ([Item 106](#)). The design of the pipe facilities is consistent with the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service criteria, such as juvenile fish screens for pump intakes. The facilities are placed in strategic locations to minimize negative impacts on wildlife. The locations allow for sufficient water velocity to sweep away debris from the pump intake screens. The intake is submerged and is below the water surface at low tide. Clear escape routes are available to fish should they approach the intake voluntarily or otherwise. Other wildlife interventions were proposed, implemented, and reviewed by staff during the lease review process in June 2011, and the Applicant has not indicated any changes to the existing facilities. The lease expired on July 31, 2024.

The Applicant is now applying for a General Lease – Right of Way Use for two existing saltwater intake pipelines and one outfall pipeline.

Staff recommends starting the new lease on April 7, 2026. Rent has been paid through July 31, 2025. Therefore, staff recommends the Applicant pay \$817 for

the unauthorized occupation of state land for the existing facilities for the period prior to April 7, 2026. The proposed lease will require the Applicant to indemnify the State for the entire period of unauthorized occupation, ensuring the State is protected.

Portions of the pipelines are submerged, while other segments near the shoreline remain above the surface. The public can traverse over the outfall pipeline at low tide and along the shoreline and at the sand bar, near the mouth of Estero Americano. The facilities do not preclude access for walking, beach activities, or fishing, or other trust consistent uses. Although visible in certain areas, the pipelines have not resulted in interference with public access or recreational activities.

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 proposed 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.

## **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 saltwater intake pipelines and an outfall pipeline subject to the proposed lease, located in the Pacific Ocean at Estero Americano and 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 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. Commission staff evaluated the “intermediate” scenarios due to the lower vulnerability of the saltwater intake pipelines and outfall. 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 are already regularly flooded and subjected to wave impacts and erosion, which could potentially damage any structures or improvements on the lease premises. The pipelines are secured on the upland and are located above and secured to the seabed with concrete anchors. Sea level rise and higher water levels could affect the pump on the upland outside of the lease area, but would not likely impact the submerged pipelines. 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, overtopping, and erosion. These events could affect the function of the facility if the pipelines or their supporting infrastructure were to become damaged or dislodged.

**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 believes the issuance of this 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 proposed lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of an 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. If the Commission denies the application, the Applicant may be required to remove the 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 "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Regulatory oversight of the facilities has occurred for decades. The California Coastal Commission began issuing permits for the facilities on April 20, 1982. Additionally, the California Regional Water Quality Control Board, the California State Water Resources Control Board, and the California Department of Fish and Wildlife have issued permits for the facilities since at least 1994. The Wildlands Conservancy has confirmed that the Applicant is operating in good faith with their organization as of March 2026.
4. 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 14, section 15301.

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

## **RECOMMENDED ACTION:**

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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 14, section 15301.

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

### **AUTHORIZATION:**

1. Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning April 7, 2026, for a term of 10 years, for the use of a existing 12-inch diameter polyethylene saltwater intake pipeline; one 8-inch diameter polyethylene saltwater intake pipeline; and one 8-inch diameter polyethylene outfall pipeline; annual rent in the amount of \$1,198 with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence; and surety bond or other security in the amount of \$50,000
2. Authorize acceptance of compensation from the Applicant in the amount of \$817 for unauthorized occupation of State land for the period prior to April 7, 2026.