

Staff Report 17

APPLICANT:

Napa Sea Ranch Properties, LLC

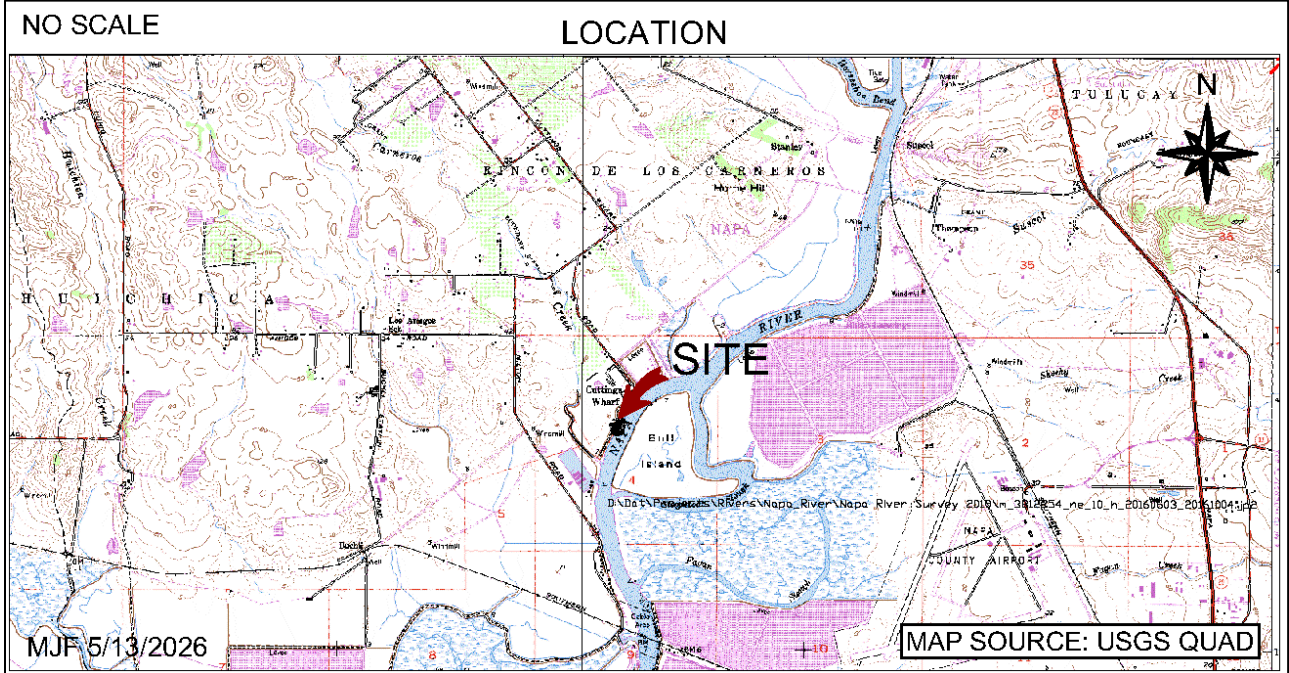
PROPOSED ACTION:

Issuance of a General Lease – Commercial Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Napa River, adjacent to Assessor's Parcel Number 047-261-007, near Napa, Napa County (as shown in Figure 1).

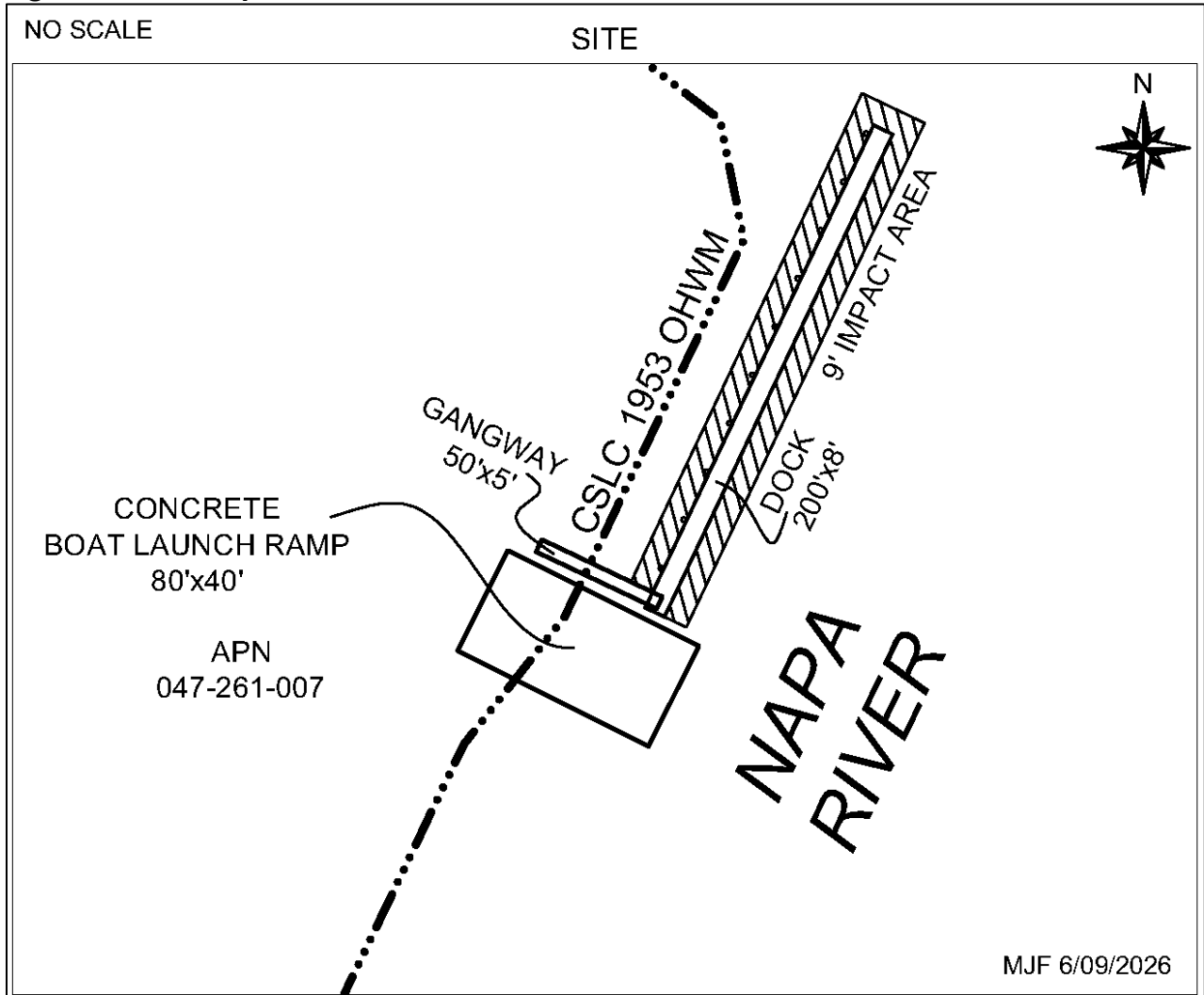
Figure 1. Location



AUTHORIZED USE:

Use of an existing commercial concrete boat launching ramp, gangway, and boat dock (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 23, 2026.

CONSIDERATION:

\$1,837 per year, with an annual Consumer Price Index adjustment;

and the State reserving the right to fix a different rent at five-year intervals during the term of the lease, as provided for in the lease; and \$2,103 to compensate for the unauthorized occupation of state sovereign land for the period prior to June 23, 2026.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Surety of other security instruments in the amount of \$30,000.
- Lessee agrees and acknowledges that modification, alteration, or expansion of the Authorized Improvements without Lessor’s prior written consent is prohibited.
- The lease contains provisions requiring implementation of the Commission’s “Best Management Practices for Marina Owners/Operators” and encouraging implementation of the Commission’s “Best Management Practices for Berth Holders and Boaters,” including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories.

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 27, 2000, the Commission authorized issuance of a General Lease – Commercial Use to Albert D. Giovannoni for the continued use of an existing commercial concrete launching ramp, gangway, and docks ([Item 74](#)). On May 31, 2016, the lessee transferred their ownership into Napa Sea Ranch Properties, LLC, without notifying the Commission. In 2022, the lessee changed the orientation of the two previously authorized docks by combining them into one larger dock and removing one gangway. The lease expired on April 30, 2020.

The Applicant is now applying for a General Lease – Commercial Use for an existing commercial concrete boat launching ramp, gangway, and boat dock.

Staff recommends the Commission accept compensation for the unauthorized occupation of sovereign land in the amount of \$2,103 for the period prior to June 23, 2026. The provisions from the proposed lease regarding indemnity will apply from May 1, 2020 through June 22, 2026.

The commercial concrete boat launching ramp and dock accommodate the public's need for maritime services and public enjoyment of the State's waterways. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine.

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 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.

Furthermore, the lease requires that the lessee insure the lease premises and provide a bond or other form of financial security for the faithful performance of the lease obligations. The proposed agreement would require the lessee to provide surety in the amount of \$30,000. 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 California's coastal and inland waterways now. Likely impacts to the lease premises include, but are not limited to, sea level rise, saltwater intrusion, prolonged drought, extreme heat, and changes to the intensity and timing of precipitation events. These impacts can exacerbate natural hydrological processes such as erosion, scour, and sedimentation. These impacts may affect the existing structures subject to the proposed lease, located on the Napa River.

DATA & PROJECTIONS:

Water levels in tidally-influenced rivers will rise as sea levels rise. 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-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. The San Francisco 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 San Francisco

Year	Intermediate-High (feet)	High (feet)
2040	0.7	0.8
2050	1.0	1.3
2060	1.5	2.0
2070	2.2	2.9

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

Note: Projections are with respect to a 2000 baseline.

This area of the Napa River floods during high tides, storm surges, and high river flows during extreme rain events, with substantial floods occurring historically about once per decade.¹ Sea level rise will increase the flood risk to the area. To evaluate risks to the lease premises and structures from sea level rise, Commission staff used the [Adapting To Rising Tides](#) and [Our Coast Our Future](#) online sea level rise mapping tools. At present sea levels, the Napa River at this location regularly floods, and the river banks are subject to erosion, which could potentially damage 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, increase the vulnerability of the lease premises and expose it to higher water levels and stronger wave runup, overtopping, and erosion. As sea level rises, it will increase the frequency of flooding from high tides, King tides, and storms.

Climate change is also driving changes to precipitation and temperature patterns in the Bay Area ([California's Fourth Climate Change Assessment, San Francisco Bay Area Regional Report, 2018](#)). Precipitation in the region will exhibit high year-to-year

¹ [Edgerly Island and Ingersoll Tract Flood Management Plan and Adaptation Plan, 2018](#)

variability characterized by periods of drought or large storms. These large rain events represent a substantial flood risk to the lease area. The frequency of minor and moderate flooding (flooding events defined as disruptive to damaging), attributed to higher water levels, is expected to increase five to ten orders of magnitude by 2100, according to [NOAA's 2022 Sea Level Rise Technical Report](#). Hotter and drier conditions also increase the risk of wildfire in the region which can affect and alter the watershed ([California's Fourth Climate Change Assessment, San Francisco Bay Area Regional Report, 2018](#)). Severe fire events can cause increased runoff and bank erosion.

ANALYSIS:

The lease premises are likely to experience more extreme conditions over the lease term than in the past, due to climate change. Changes to the timing and amount of runoff from the higher elevations of the watershed, stronger storm surge, and rising water levels will result in higher flood risks. Bank stability may be compromised due to increased channel erosion and undercutting from more intense precipitation and floods. Structures on the lease premises may be exposed to saltier water and corrode faster than before.

Several interrelated efforts are underway to improve flood management along the Napa River. Napa County has several flood protection projects in planning and implementation stages, including a [project](#) to restore the floodplains around the City of Napa. Reducing flooding pressure upstream should help decrease the flood risk in the Milton Road area. The Napa County Flood Control and Water Conservation District and Napa River Reclamation District partnered in 2018 on a [Flood Management Plan and Adaptation Study](#) to better understand the options for protecting and adapting the area of Milton Road (Edgerly Island and the Ingersoll Tract). That report identified three options for flood management, including two options that call for installing a regional floodwall. The baseline for all three options was enhanced coordination among residents, community service providers, and agencies to plan and support individual floodproofing actions and flood response planning.

RECOMMENDATIONS:

To reduce the likelihood of adverse impacts to the lease premises and improvements, the lessee should consider the following adaptation strategies to improve resiliency to climate change: 1) inspect fixed structures frequently and monitor for degradation, replacing damaged parts when necessary and elevating

or relocating structures when exposure to flooding compromises structural function and integrity; and 2) monitor floating structures for corrosion and degradation, especially joints, brackets, hinges, and piling hoops, and replace as necessary. Any future construction or activities on State land would require a separate authorization from the Commission. For more information regarding nature-based strategies for shoreline adaptation, please refer to the [2023 Shoreline Adaptation and the Public Trust](#) report.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to the effects of climate change, including sea level rise.

CONCLUSION:

For all the reasons stated above, staff believe that issuance of 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 proposed lease; is consistent with the Public Trust Doctrine; and 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 Area 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 issuance of a General Lease – Commercial Use to the Applicant beginning June 23, 2026, for a term of 10 years, for the operation and use of an existing commercial marina; annual rent in the amount of \$1,837 with an annual Consumer Price Index adjustment, and the State reserving the right to fix a different rent at five-year intervals during the term of the lease term, as provided in the lease; liability insurance in an amount no less than \$1,000,000 per occurrence; and a bond or other security instrument in the amount of \$30,000.
2. Authorize acceptance of compensation from the Applicant in the amount of \$2,103 for unauthorized occupation of State land for the period prior to June 23, 2026.