

# Staff Report 28

**APPLICANT:**

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Bar CR Cattle Company

**PROPOSED ACTION:**

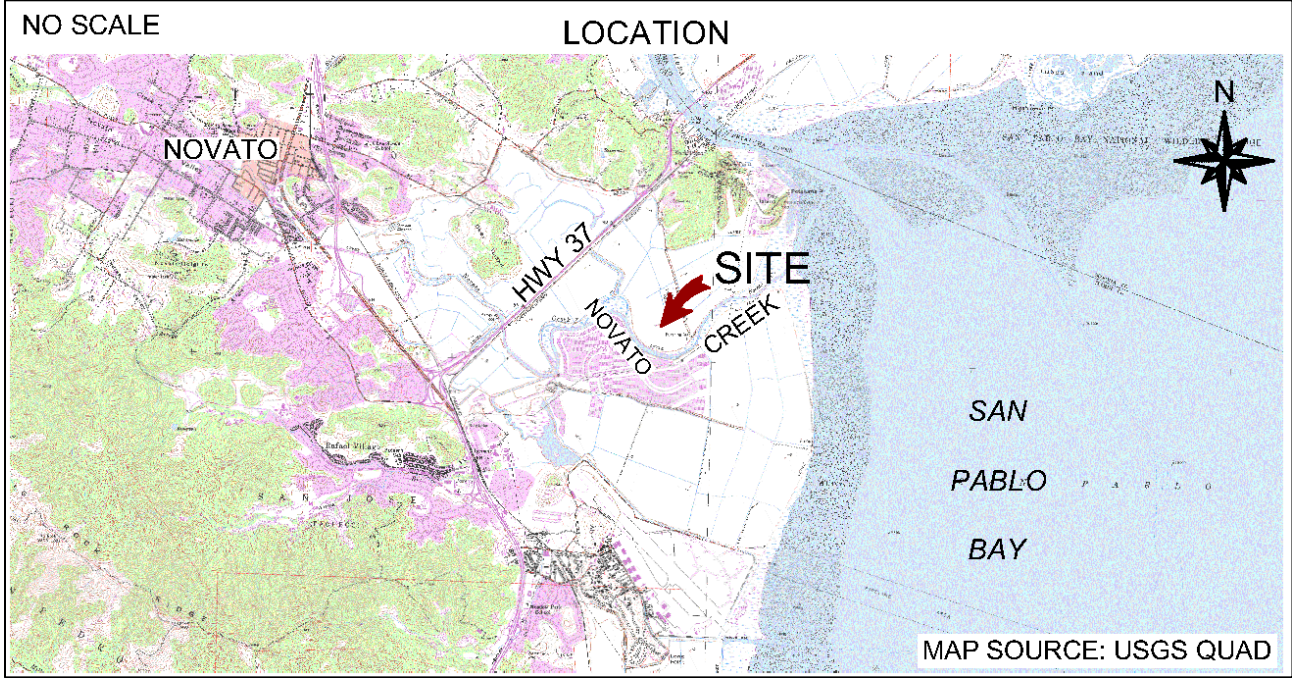
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Issuance of a General Lease – Grazing Use.

**AREA, LAND TYPE, AND LOCATION:**

135 acres, more or less, of sovereign land located at Black Point Antenna Field, Novato, Marin County (as shown in Figure 1).

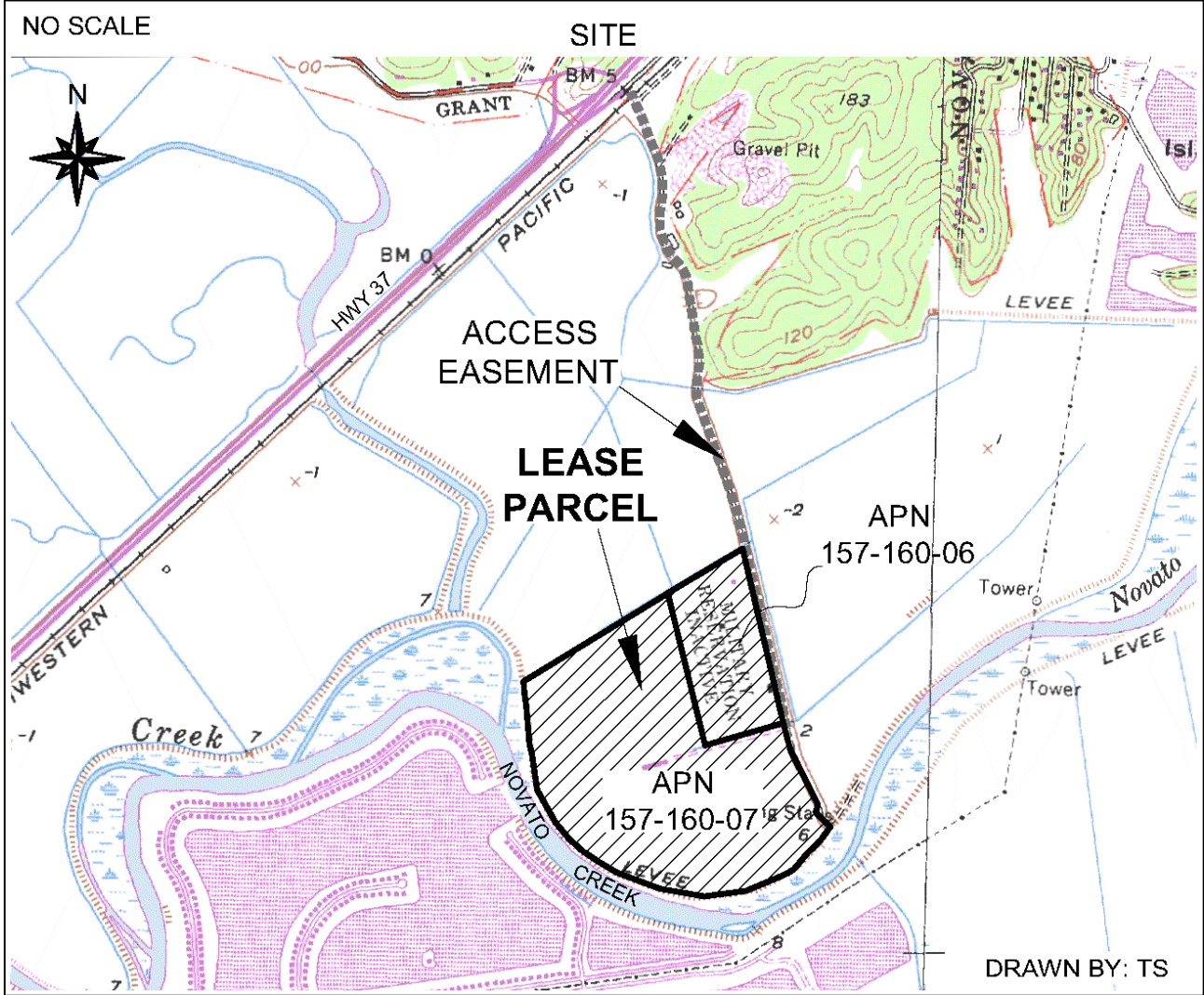
**Figure 1. Location**



**AUTHORIZED USE:**

Livestock grazing and the use of an existing barbed wire fence and two water troughs (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 July 1, 2026.

**CONSIDERATION:**

\$1,920 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

- General liability insurance in an amount no less than \$1,000,000 per occurrence.
- The number of animals permitted on the lease premises is restricted to those that can be supported by available vegetation, taking into consideration vegetation reserved for necessary wildlife use.
- The lease contains various terms regarding good grazing practices and the avoidance of overgrazing by livestock.

**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 December 18, 2015, the Commission authorized the issuance of a General Lease – Grazing Use to Bar CR Cattle Company, for cattle grazing, and the use and maintenance of an existing barbed wire fence and two water troughs ([Item 79](#)). This lease will expire on June 30, 2026.

The Applicant is now applying for a General Lease – Grazing Use for livestock grazing and the use of an existing barbed wire fence and two water troughs. The estimated carrying capacity of the lease premises in animal unit months (AUM) is approximately 35 AUM. The Applicant proposes to graze 8 AUM on the lease premises from January through September.

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 includes land stewardship provisions such as requiring good grazing practices to avoid overgrazing and the use of certified weed-free feed for any supplemental feeding. Grazing is a use that does not substantially interfere with Public Trust uses.

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 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 functionality of the existing fenced grazing pasture subject to the proposed lease, located adjacent to Novato Creek.

**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-low” and “intermediate” scenarios due to the lower vulnerability and exposure of the lease location and the adaptability of the grazing pasture. 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-low (feet)	Intermediate (feet)
2040	0.5	0.6
2050	0.6	0.8
2070	1.0	1.4
2100	1.6	3.1

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

Note: Projections are with respect to a 2000 baseline.

In addition to rising seas, warmer temperatures have led California and the Southwest region to experience a megadrought from 2000 to 2022, measured as the driest 22 years in the past 1200 years, and more megadroughts are projected through the end of the century ([Fifth National Climate Change Assessment: Southwest Region, 2023](#)). Hotter and drier conditions have led to declines in snowpack volumes, higher-elevation snow lines, earlier snowmelt, and reduced overall runoff. Streamflow and river volumes are lower and will be drawn down farther as temperatures continue to rise and demand for water increases. Despite

the region's increasing aridity, flooding from extreme precipitation events is projected to increase, attributed to earlier snowmelt, sea level rise, and more intense and frequent atmospheric rivers. 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](#).

**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 to the pasture. Bank stability of Novato Creek may be compromised due to increased channel erosion and undercutting from more intense precipitation and floods.

**RECOMMENDATIONS:**

To reduce the likelihood of adverse impacts to the lease premises and improvements, the lessee should consider adaptation strategies to improve resiliency to climate change, such as: 1) inspecting fixed structures (fence and water troughs) frequently and monitor for degradation, and 2) replacing damaged parts when necessary and elevating or relocating structures such as the water troughs if exposure to flooding might compromise structural function and integrity. Any future construction or activities on State land would require a separate authorization from the Commission. For more information regarding nature-based strategies, 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 the issuance of the lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the lease; and is in the best interests of the State.

## **OTHER PERTINENT INFORMATION:**

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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 would not be allowed to graze livestock on the lease premises. 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 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(1).

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:**

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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 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(1).

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find the existing and, for a limited period, continuing livestock grazing does not substantially interfere with the Public Trust; and that it is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Grazing Use to the Applicant beginning July 1, 2026, for a term of 10 years, for livestock grazing and use of a barbed wire fence and two water troughs; annual rent in the amount of \$1,920, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000.