

CSLC and Marina Leases – An Introduction



Sarah Sugar

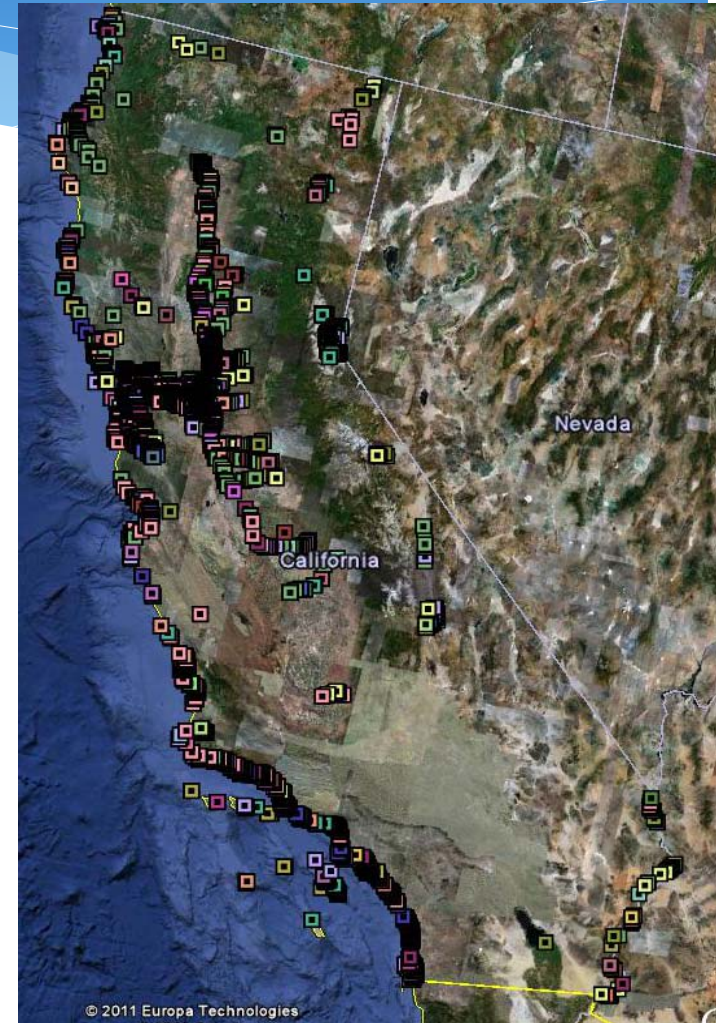
California State Lands Commission
Division of Environmental Planning
and Management
September 7, 2011

Sovereign Lands and the Public Trust

- * “... providing stewardship of the lands, waterways, and resources entrusted to its care through economic development, protection, preservation, and restoration”
- * Public Trust
 - * Historically: navigation, water-related commerce, fishing
 - * More recently: interpreted to include open space, habitat, scientific study, water-related recreation

Sovereign Lands and the Public Trust (cont'd)

- * 4 million acres of State sovereign public trust lands:
 - * ~120 rivers and sloughs
 - * 40 lakes
 - * lands along over 1000 miles of coastline out 3 nautical miles
- * Granted Lands
 - * 300 statutes granting sovereign lands to 85 local governments
 - * **Most** coastal marinas located in land grants.



A satellite map of California showing the coastline. Numerous red squares are placed along the coast, indicating the locations of marina leases. The word "California" is written in white text on the map.

Marina Leases

- * Lessees include municipal gov'ts and private entities. Examples:
 - * Parts of Sunset Harbour, Anaheim Bay (Orange County and private lessee)
 - * Gulf of Farallones (private)
 - * Shelter Island (Boat Launch only, San Diego Unified Port District)
- * Majority in the Sacramento-San Joaquin Delta (generally freshwater)

Lease Terms/Provisions

- * Base rent + % of slip rentals, fuel sales, other income
- * Length of lease
 - * Public lessee: generally up to 49 years
 - * Private: varies (~20-25 years)
- * Terms for marina policies (generally no liveboards)
- * Maintenance dredging/some repairs
- * Environmental compliance (an evolution):
 - * Standard BMPs/terms
 - * Agency consultation
 - * CEQA (mitigation monitoring programs)

Best Management Practices

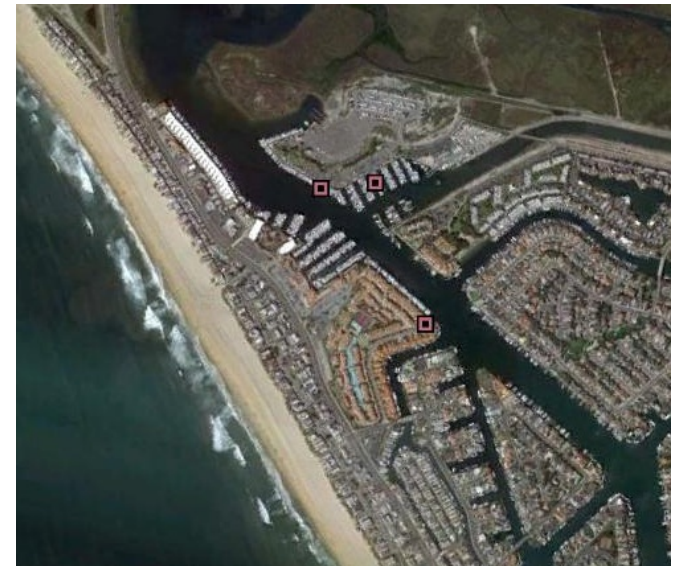
- * **BMPs** (see Word doc) – Lessees must:
 - * implement “BMPs for Marina Owners/Operators”;
 - * Include “BMPs for Berth Holders and Boaters” in berth rental agreements and post on lease premises;
 - * Submit reports on BMP compliance first year and tri-annually after
- * Included in new and amended leases since 2004
- * Flexibility in language to allow for changes or updates to BMPs

General Provisions

- * **Conservation:** “Lessee shall practice conservation of water, energy, and other natural resources and shall prevent pollution and harm to the environment. Lessee shall not violate any law or regulation whose purpose is to conserve resources or to protect the environment.”
- * **Toxics:** “Lessee shall not manufacture or generate hazardous wastes on the Lease Premises unless specifically authorized under other terms of this Lease. Lessee shall be fully responsible for any hazardous wastes, substances or materials... that are manufactured, generated, used, placed, disposed, stored, or transported on the Lease Premises during the Lease term”, comply with all applicable laws, regulations and ordinances, and immediate notification of applicable agencies in event of a spill.

Sunset Harbour (Anaheim Bay)

- * Public Lessee (Orange County)
- * 44 acres, 49 year lease (most recent beginning 1999)
- * Pollution/Environmental conditions:
 - * CEQA: Marina Improvement Plan Mitigated Negative Declaration (Lead: Orange County)
 - * General Provisions



Lawsons Landing (Tomales Bay)

- * Private
- * 15 acres
- * Boat launch, 35 floating side-tie and pole moorings
- * 25 year lease (most recent starting 1998)
- * CEQA exempt (existing facility), but Tomales Bay Vessel Management Plan (with NOAA) potentially in the works



Challenges



- * Length of Lease Term
- * Staffing (no dedicated compliance staff, travel restrictions)
- * Questions? Recommendations?