

**California State Parks and Recreation Commission  
STAFF REPORT – Agenda Item**

Concession Compatibility for Angel Island State Park  
Ferryboat Service from Tiburon to Angel Island

**I DEPARTMENT RECOMMENDATION**

In accordance with Public Resources Code (PRC) 5080.20 for all concession contracts with capital improvements or estimated gross annual sales in excess of one million dollars (\$1,000,000), the Department of Parks and Recreation (Department) shall not advertise for bid, negotiate or renegotiate a concession contract until the Commission has determined the proposed concession contract is compatible with the General Plan and the classification of the unit in which the concession will be operated.

The Department's recommendation is to approve the proposed concession as compatible with Angel Island State Park's (SP) park unit classification (State Park) and the 1978 General Plan, which both allow for the provision of access to the park. Concession services described herein have historically been provided through a concession agreement with the original concession contract executed with Milton McDonogh, as a sole proprietor. The contract has since been assigned from the late Milton McDonogh in 2011 to the corporation owned by his daughter, Maggie McDonogh (Angel Island-Tiburon Ferry, Inc.). The contract has been on month-to-month status since 1993.

**II PROJECT DESCRIPTION**

The current concession provides daily ferryboat service from Tiburon to Angel Island SP; Tiburon is the shortest access point by vessel to the park and the ferryboat dock is located at Ayala Cove. If the Commission finds the activity compatible with the General Plan, the Department will issue a Request for Proposal (RFP) pursuant to PRC § 5080.23(b). The successful proposer will be required to provide first class ferryboat service from Tiburon to Angel Island SP and must include ferryboat, equipment and crew. Proposer must secure all ferryboat routes, mainland dock and boarding facilities. Proposer must also obtain all required permits, licenses, and appropriate liability insurance.

The RFP rental terms were informed by a feasibility study conducted in 2016. The contract will be for a term up to twenty (20) years and require minimum monthly rent of eight percent (8%) of monthly gross receipts up to the first \$21,000 plus ten percent (10%) of monthly gross receipts over \$21,000 and collection of day use fees to remit to the Department. Final terms and conditions for the proposed contract, including the type and scope of equipment, the manner and style of services, and the exact rent to be paid will be established through the RFP process and selection of a "best responsible proposer" pursuant to PRC § 5080.23(d). It is anticipated the new concession contract will be implemented prior to summer 2018.

### III CLASSIFICATION AND GENERAL PLAN

**Park Classification:** This unit is classified as a "State Park" as provided for in PRC 5019.53 which states in part: "State parks consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other similar values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California.

**Consistent with the General Plan:** The General Plan for Angel Island State Park was adopted May 5, 1978, and focuses on the historic significance of the Immigration Station and its remaining buildings, with emphasis on the Hospital Building. The Angel Island Immigration Station was listed as a National Historic Landmark in 1997. Many of the original buildings are still standing, including the Hospital Building, constructed in 1910. The 1978 General Plan found that the ferry service concessions were "indispensable to visitor use."

### IV PREVIOUS COMMISSION ACTIONS

The Commission found the ferry service concession compatible with Angel Island SP's General Plan during the June 2005 SPRC meeting in Los Angeles, Resolution 41-2005.

### V PUBLIC INPUT PROCESS

Following approval by the Commission and notice to the Joint Legislative Budget Committee, the Department will hold a public input meeting at the Director's discretion and prepare and advertise to the public a RFP in accordance with PRC §§ 5080.20 and 5080.23(b).

### VI LEGAL ISSUES

There are no known legal issues relating to State Park and Recreation Committee's approval of this project.

### VII FISCAL IMPACT TO STATE

The past 5 year revenue and rental history is as follows:

| Fiscal Year | Annual Gross Sales | Rent to State |
|-------------|--------------------|---------------|
| 2015/2016   | TBD                | TBD           |
| 2014/2015   | \$1,008,032        | \$299,661     |
| 2013/2014   | \$1,048,004        | \$283,430     |
| 2012/2013   | \$1,011,304        | \$257,215     |
| 2011/2012   | \$924,856          | \$229,022     |

**VIII RESULT OF NO ACTION BY COMMISSION**

If there is no action by the Commission the concession contract will continue to operate on month-to-month status. The Department will lose the opportunity for increased revenue established through the competitive bid process.

**ATTACHMENTS**

Appendix A: Public Resources Code §§ 5080.20, 5080.23(b), 5080.23(d), 5019.53  
Resolution 41-2005

APPROVED FOR RELEASE:

  
\_\_\_\_\_  
Lisa Ann L. Mangat  
Director, California State Parks

  
\_\_\_\_\_  
Date

## **Appendix A**

### **5080.20**

A contract, including a contract entered into on lands operated pursuant to an agreement entered into under Article 2 (commencing with Section 5080.30), that is expected to involve a total investment or estimated annual gross sales in excess of one million dollars (\$1,000,000), shall not be advertised for bid, negotiated, renegotiated, or amended in any material respect unless and until all of the following requirements have been complied with:

- (a) The commission has reviewed the proposed services, facilities, and location of the concession and determined that they meet the requirements of Sections 5001.9 and 5080.03 and are compatible with the classification of the unit in which the concession will be operated.
- (b) At least 30 days advance written notice of the proposed concession has been provided by the director to the appropriate policy and fiscal committees of the Legislature and the Joint Legislative Budget Committee.
- (c) The proposed concession is accompanied with documentation sufficient to enable the commission and the Joint Legislative Budget Committee to ascertain whether the concession will conform to the requirements of this article and to evaluate fully all terms on which the concession is proposed to be let, including the rent and other returns anticipated to be received.

### **5080.23(b)**

(b) For any concession contract authorizing occupancy by the concessionaire for a period of more than two years of any portion of the state park system that is entered into pursuant to this section, the department shall prepare a request for proposal, which shall include the terms and conditions of the concession sufficient to enable a person or entity to submit a proposal for the operation of the concession on the basis of the best benefit to the state. Proposals shall be completed only on the basis of the request for proposal.

### **5080.23(d)**

(d) For purposes of this section, "best responsible person or entity submitting a proposal" means the person or entity submitting a proposal, as determined by specific standards established by the department, that will operate the concession in the best interests of the state and the public.

### **5019.53**

State parks consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other similar values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California, such as the Sierra Nevada, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as those improvements involve no major modification of lands, forests, or waters. Improvements that do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in the terrestrial or non-marine aquatic (lake or stream) environments of the state.



DEPARTMENT OF PARKS AND RECREATION

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Resolution 19-2017

Adopted by the  
CALIFORNIA STATE PARK AND RECREATION COMMISSION  
at its regular meeting in Kings Beach, California  
on October 20, 2017

**Angel Island State Park  
Request for Proposal for Ferryboat Service from Tiburon to Angel Island**

**WHEREAS**, the Department of Parks and Recreation (Department) seeks to advertise a Request for Proposals (RFP) for a concession contract for ferryboat service from Tiburon to Angel Island State Park; and

**WHEREAS**, the State Park and Recreation Commission (Commission) found the ferry service concession compatible with the Angel Island State Park's general plan during the June 2005 Commission meeting in Los Angeles, California (Resolution 41-2005). The current concession provides daily ferryboat service from Tiburon to Angel Island State Park and has been on a month-to-month status since 1993; and

**WHEREAS**, the proposed concession contract will require first class ferryboat service from Tiburon to Angel Island State Park; and

**WHEREAS**, the proposed concession contract for daily ferryboat service complies with or will comply with the Requirements of Public Resources Code sections 5019.53, 5080.20, 5080.23(b), and 5080.23(d), and other applicable laws.

**NOW, THEREFORE, BE IT RESOLVED** that this Commission finds the proposed concession meets the requirements of Public Resources Code section 5080.03 and is compatible with the classification of this unit of the State Park System and the approved General Plan for the Angel Island State Park.

Attest: This Resolution was duly adopted by the California State Park and Recreation Commission on October 20, 2017, at the Commission's duly-noted public meeting in Kings Beach, California.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Vicki Perez, Assistant to the Commission  
For Lisa Ann L. Mangat, Secretary to the Commission

**Motion**

**Angel Island State Park**

**RFP Angel Island Ferry Service from Tiburon to Angel Island**

Make a motion to adopt Resolution 19-2017 which states that the Park and Recreation Commission finds the proposed concession for Ferryboat Service from Tiburon to Angel Island meets the requirements of Public Resources Code section 5080.0 3 and is compatible with the classification of this unit of the State Park System and the approved General Plan for the Angel Island State Park.