

**STAFF REPORT
C49**

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04/05/19
PRC 6439.1
D. Simpkin

**TERMINATION OF A GENERAL LEASE – RECREATIONAL USE AND ISSUANCE
OF A GENERAL LEASE – OTHER**

APPLICANT:

Catalina Island Conservancy

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located at White's Cove, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

Use and maintenance of an existing fixed pier, landing float, and two mooring string lines.

LEASE TERM:

20 years, beginning January 1, 2019.

CONSIDERATION:

\$5,484 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$3,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On June 29, 2015, the Commission authorized the issuance of Lease No. PRC 6439.1, a General Lease – Recreational Use, for a fixed pier, landing float, and two mooring string lines to the Applicant ([Item C74, June 29, 2015](#)). That lease will expire on December 31, 2024. The Applicant is requesting that the lease be terminated, and a new longer-term lease issued. The Applicant is working with a new upland tenant who will be operating a campground and has requested that a longer-term lease be in

STAFF REPORT NO. C49 (CONT'D)

place. The Applicant is a nonprofit organization that owns and protects 88 percent of Santa Catalina Island. More than sixty thousand school children visit camps on the Applicant's upland each year. The pier is used by the Applicant's tenants who run camps on the upland, provides recreational opportunities for the public, and allows boats to safely transport individuals visiting White's Cove. Therefore, staff is recommending that the category of lease be changed from General Lease – Recreational Use to General Lease – Other, with a 20-year term.

The pier is consistent with the Public Trust Doctrine because it enhances public use of and access to sovereign land. The fixed pier is open to the general public for access to White's Cove, as well as the Applicant's three tenants: two yacht clubs and campground. A youth camp operated on the upland in the past has historically been the primary user of the pier. The pier is also occasionally used to transport hikers to and from White's Cove. The landing float and mooring lines facilitate recreational boating because they are used for the docking and mooring of recreational boats. Recreational boating is water dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5).

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term and 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 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 on the site. 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:

Climate change impacts, including sea-level rise, increased wave activity, storm events, and flooding are not limited to the open coast. The existing structures subject to the proposed lease are located along White's Cove on the western shore of Santa Catalina Island, which may be vulnerable to the impacts of sea-level rise. The structures are built near sea-level elevation, and as a result are vulnerable to storm surges and wave

STAFF REPORT NO. **C49** (CONT'D)

actions, particularly during the summer monsoonal flow/hurricane season. The pier was rebuilt in 2015 after a past flood event and hurricane damaged the prior structure. The pier was rebuilt 6 feet higher than the previous pier in order to better avoid damage from any future storm surges or flood events.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Los Angeles 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 Los Angeles¹

| Year | Projection (feet) |
|-------------|--------------------------|
| 2030 | 0.7 |
| 2040 | 1.2 |
| 2050 | 1.8 |
| 2100 | 6.7 |

Source: Table 28, State of California Sea-Level Rise Guidance: 2018 Update

Note: ¹ Projections are with respect to a 1991 to 2009 baseline.

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

This increase in sea level combined with more frequent and stronger storm events will likely expose the lease area structures to higher flood risks, comprised of greater total water levels for longer periods of time. The lease area contains fixed features, including a pier and pilings, and

STAFF REPORT NO. **C49** (CONT'D)

movable features, including a landing float and two string lines. Flooding conditions could cause structures to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation within the Cove. The floating nature of the movable features will allow them to rise and fall with tides and waves, increasing their resiliency to some sea-level rise impacts. The fixed features may need to be reinforced to withstand future conditions. In particular, the pier, would require additional support to prevent any loss or degradation that could result in property damage and public safety concerns within the lease area and the surrounding waterways. Regular maintenance, as required by the terms of the lease, will 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 in an area that may be subject to the effects of climate change, including sea-level rise.

Conclusion:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. These actions are consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction; and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Termination of a lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of 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).

STAFF REPORT NO. **C49** (CONT'D)

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of the lease 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 foreseeable 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 termination, effective December 31, 2018, of Lease No. PRC 6439.1, a General Lease – Recreational Use, issued to the Catalina Island Conservancy.
2. Authorize issuance of a General Lease – Other to the Applicant beginning January 1, 2019, for a term of 20 years, for the use and maintenance of an existing fixed pier, landing float, and two mooring string lines, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$5,484, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$3,000,000 per occurrence.

EXHIBIT A

PRC 6439.1

LAND DESCRIPTION

Three parcels of tide and submerged lands situate in the bed of the Pacific Ocean on easterly side of Santa Catalina Island, lying adjacent to White Cove, Los Angeles County, State of California, and being more particularly described as follows:

PARCEL 1 (Pier, Gangway and Floating Dock Lease Area)

BEGINNING at the point on the easterly shore of Santa Catalina Island having California Coordinate System 1927, Zone 6, coordinates of Northing (y) = 452148.07 feet, Easting (x) = 1353258.04 feet from which a NGS monument "Channel 1933" bears North 57° 26' 34" West, 38716.98 feet, said monument having California Coordinate System 1927, Zone 6 coordinates of Northing (y) = 472983.28 feet, Easting (x) = 1320625.26 feet; thence from said point of beginning the following eight (8) courses:

1. North 61° 32' 21" East, 352.00 feet;
2. North 28° 27' 39" West, 7.00 feet;
3. North 61° 32' 21" East, 74.00 feet;
4. South 28° 27' 39" East, 40.00 feet;
5. South 61° 32' 21" West, 74.00 feet;
6. North 28° 27' 39" West, 7.00 feet;
7. South 61° 32' 21" West, 352.00 feet;
8. North 28° 27' 39" West, 26.00 feet to the POINT OF BEGINNING.

PARCEL 2 (North String Line Lease Area)

BEGINNING at the point on the easterly shore of Santa Catalina Island having California Coordinate System 1927, Zone 6, coordinates of Northing (y) = 452347.72 feet, Easting (x) = 1353401.82 feet from which a NGS monument "Channel 1933" bears North 57° 48' 22" West, 38731.50 feet, said monument having California Coordinate System 1927, Zone 6 coordinates of Northing (y) = 472983.28 feet, Easting (x) = 1320625.26 feet; thence from said point of beginning the following nine (4) courses:

1. North 61° 32' 21" East, 80.00 feet;
2. South 28° 27' 39" East, 70.00 feet;
3. South 61° 32' 21" West, 80.00 feet;
4. North 28° 27' 39" West, 70.00 feet to the POINT OF BEGINNING.

PARCEL 3 (South String Line Lease Area)

BEGINNING at the point on the easterly shore of Santa Catalina Island having California Coordinate System 1927, Zone 6, coordinates of Northing (y) = 452215.85 feet, Easting (x) = 1353473.30 feet from which a NGS monument "Channel 1933" bears North 57° 48' 22" West, 38731.50 feet, said monument having California Coordinate System 1927, Zone 6 coordinates of Northing (y) = 472983.28 feet, Easting (x) = 1320625.26 feet; thence from said point of beginning the following nine (4) courses:

1. North 61° 32' 21" East, 80.00 feet;
2. South 28° 27' 39" East, 70.00 feet;
3. South 61° 32' 21" West, 80.00 feet;
4. North 28° 27' 39" West, 70.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion located landward of ordinary high water mark of said ocean.

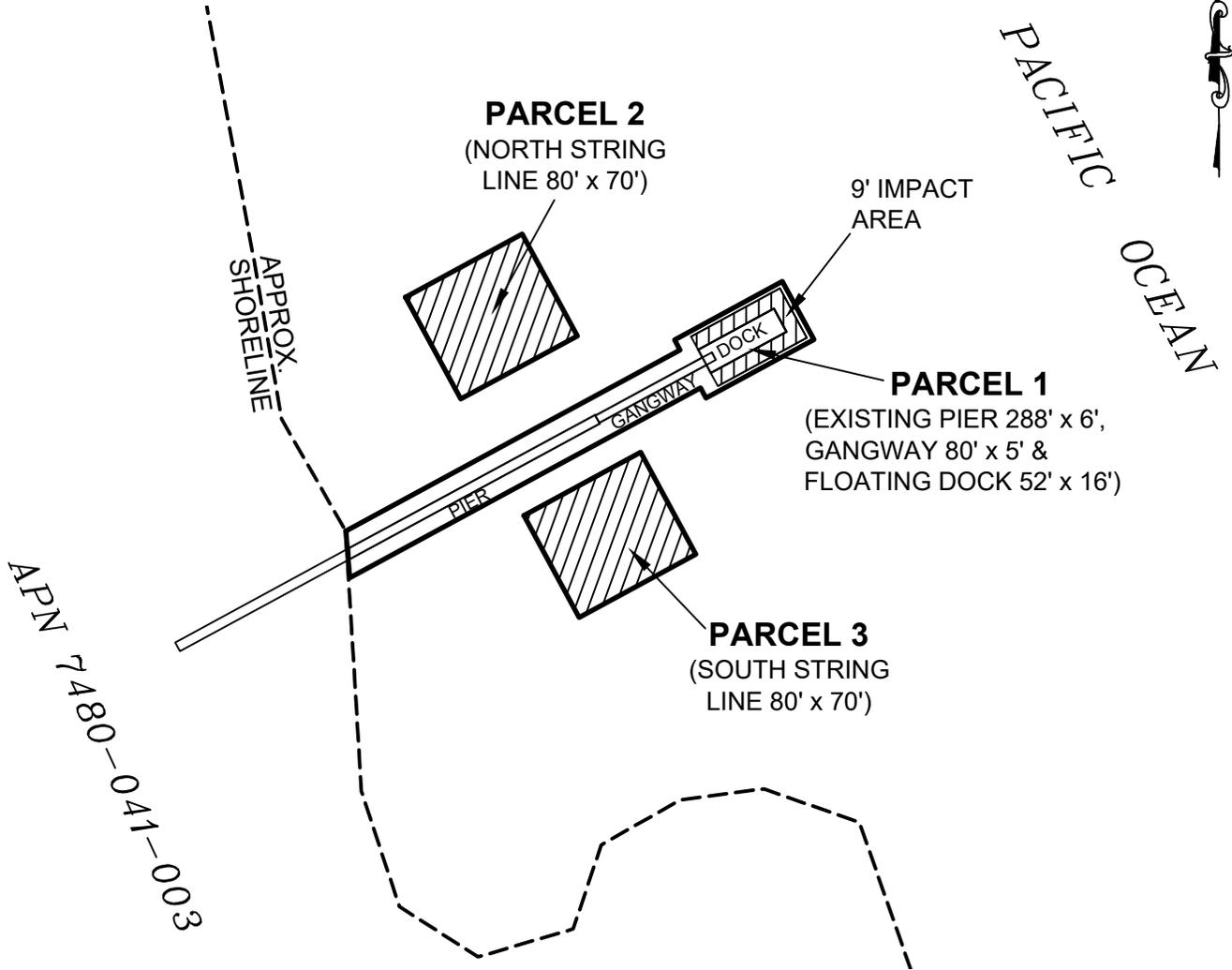
END OF DESCRIPTION

Prepared 02/08/19 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



WHITE'S COVE, NEAR LONG POINT, SANTA CATALINA ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6439.1
 CATALINA ISLAND
 CONSERVANCY
 APN 7480-041-003
 GENERAL LEASE -
 RECREATIONAL USE
 LOS ANGELES COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

TS 02/08/19