

This Calendar Item No. C23 was approved as Minute Item No. 23 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

**CALENDAR ITEM
C23**

A 54
S 27

PRC 3692

04/17/06
WP 3692.1
M. Hays

GENERAL LEASE - NON-COMMERCIAL USE

APPLICANT:

University of Southern California
3551 Trousdale Parkway, Adm. 352
Los Angeles, CA 90089-5013

AREA, LAND TYPE, AND LOCATION:

347.77 acres, more or less, of sovereign lands in the Pacific Ocean, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

The use and maintenance of existing marine research and educational facilities associated with the University of Southern California Wrigley Marine Science Center (Center), which includes a concrete pier with two connecting floating docks, rock mole, concrete marine ramp, helicopter landing pad, 25 mooring buoys, six marker buoys, two seawater intake pipelines, undersea laboratory habitat areas and marine life refuge areas.

LEASE TERM:

15 years, beginning February 9, 2006.

CONSIDERATION:

\$9,417 per annum; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease and the public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance coverage of no less than \$3,000,000; with no exclusion for watercraft or aircraft liability.

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BACKGROUND INFORMATION:

PRC 3692 was issued to the University of Southern California (USC), a private university, for a term of 15 years, effective December 15, 1966, with three ten-year renewals. Between 1966 and 1981, the lease was amended to expand the lease area and the authorized use. The lease was renewed in 1981; however, staff was unsuccessful in negotiating the second lease renewal in 1991 and the lease has continued in a holdover status with USC continuing to pay annual rent. In September 2004, USC submitted an application for a new replacement lease for the existing facilities and a request for a reduction in the lease area from 360 acres to 347.77 acres.

The lease area is used under the direction of the USC Wrigley Marine Science Center (Center) and the Wrigley Institute for Environmental Studies (Institute), as a remote campus of the USC. The Institute provides university environmental science studies, undergraduate and graduate curriculum during each semester and includes a summer school program. The Center and Institute sponsor outreach programs that include environmental science seminars, short and long term research projects, continuing education programming, training programs, USC Sea Grant program, four and five-day family science camps, weeklong summer school science camps for middle and high school age boys and girls, special events, conferences and tours. In addition, other public/private institutions and agencies use the facility on a fee basis for safety and scientific related training, and educational and research purposes. The Institute provides housing, dining, laboratory, conference and marine related facilities. The USC Hyperbaric Chamber facility and helicopter landing pad located on the upland are a part of the emergency response system for the region. The seawater intake lines provide seawater to the upland marine science laboratory facility. The moorings are used primarily by Center boats and by university supporters visiting the facility.

The Legislature, by Chapter 682, Statutes of 1988, (Fish and Game Code §10932) designated all of Fisherman Cove and an adjacent area down coast as the Catalina Marine Science Center Marine Life Refuge (Refuge). The designation of this area as a Refuge serves to provide an area completely protected from take or other human disturbances for research activities associated with the adjacent marine science center. It further prohibits entry for fishing, diving, or unauthorized recreational boating for purposes of taking birds, mammals, fish and amphibia, unless a permit is obtained from the Department of Fish and Game (DFG) or its designated representative as provided in Fish and Game Code sections 10502.8, 10655 and 10655.5. There is no prohibition or

CALENDAR ITEM NO. C23 (CONT'D)

restriction on navigating through the Refuge; however, anchoring is prohibited, except in emergencies or as permitted by federal law.

OTHER PERTINENT INFORMATION:

1. USC owns or has the right to use the uplands where the Center and associated upland property facilities are located adjacent to the Lease Premises.
2. The Lease Premises include five parcels encompassing an area totaling 347.77 acres. Staff recommends that the monetary consideration for areas encompassing the open undersea laboratory habitat areas and marine life refuge area, totaling approximately 346.18 acres be the public use and benefit and the remaining 0.96 acres, which encompasses only the existing facilities, be subject to annual rent.
3. On February 15, 2006, the State Water Resources Control Board (SWRCB), Resolution No. 2006-0013, approved an Exception to the California Ocean Plan for USC's Wrigley Marine Science Center Discharge into the Northwest Santa Catalina Island Area of Special Biological Significance (ASBS). The Exception allows continued waste seawater and storm water discharges into the Northwest Santa Catalina Island ASBS. Staff has reviewed the Mitigated Negative Declaration (MND) prepared by the SWRCB for the Exception pursuant to section 21080(c) of the Public Resource Code.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating

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such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

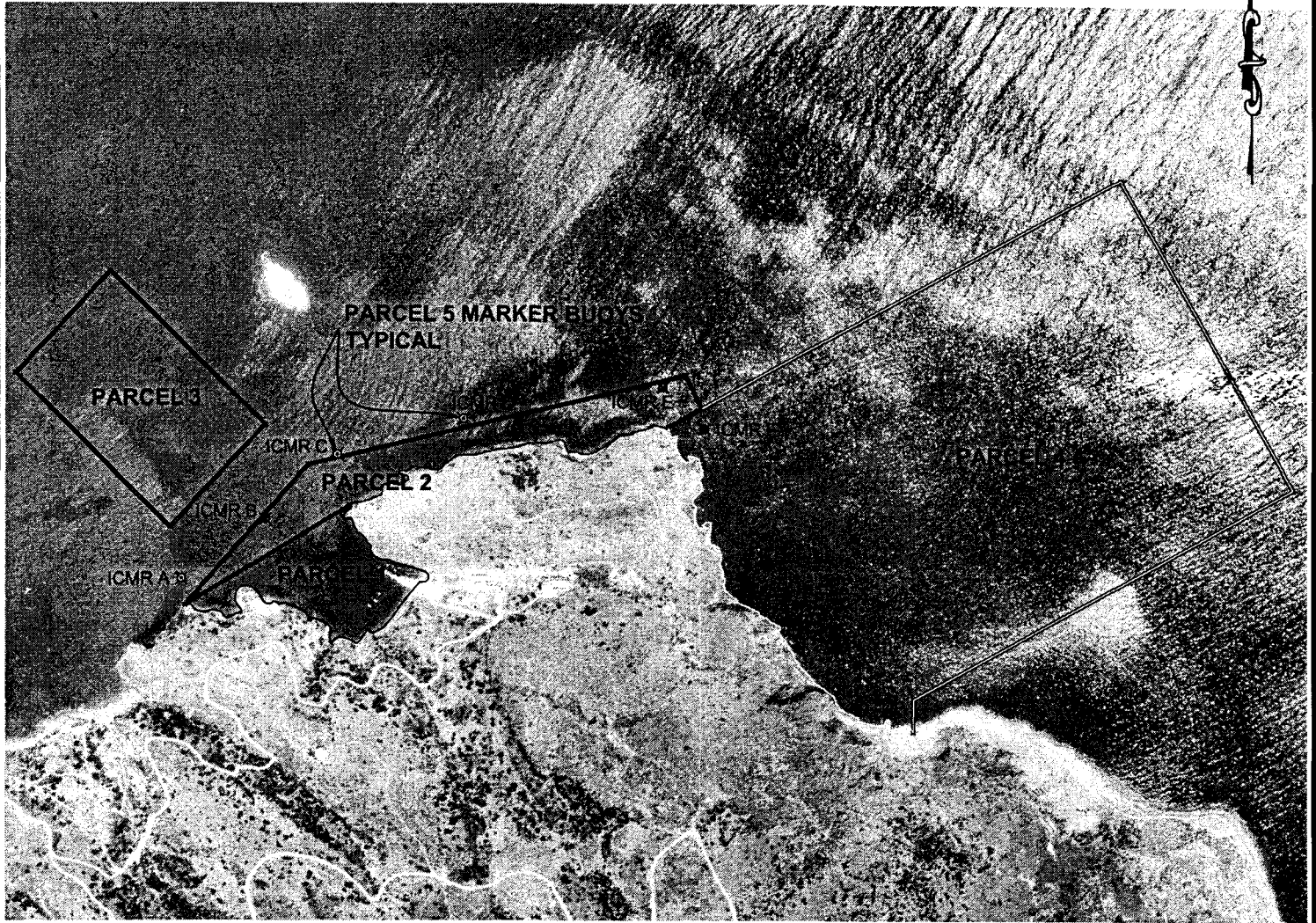
AUTHORIZE ISSUANCE TO THE UNIVERSITY OF SOUTHERN CALIFORNIA OF A GENERAL LEASE – NON-COMMERCIAL USE, BEGINNING FEBRUARY 9, 2006, FOR A TERM OF 15 YEARS, FOR THE USE AND MAINTENANCE OF EXISTING MARINE RESEARCH AND EDUCATIONAL FACILITIES, WHICH INCLUDE A CONCRETE PIER, TWO CONNECTING FLOATING DOCKS, ROCK MOLE, CONCRETE MARINE RAMP, HELICOPTER LANDING PAD, 25 MOORING BUOYS, SIX MARKER BUOYS, TWO SEAWATER INTAKE PIPELINES, UNDERSEA LABORATORY HABITAT AREAS AND MARINE LIFE REFUGE AS SHOWN ON EXHIBIT A AND DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IN THE AMOUNT OF \$9,417 PER ANNUM, WITH THE STATE RESERVING THE RIGHT TO FIX A DEFERENT RENT PERIODICALLY DURING THE LEASE TERM, AND THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS

CALENDAR ITEM NO. C23 (CONT'D)

SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND
LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN
\$3,000,000.

NO SCALE

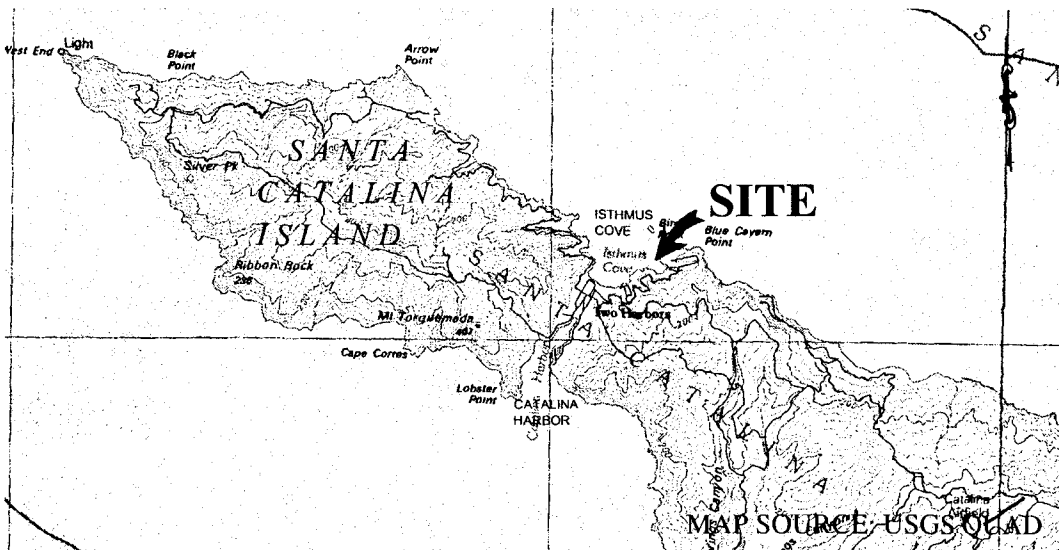
SITE



UNIVERSITY OF SOUTHERN CALIFORNIA
 APN 7480-040-013, 025, 026

NO SCALE

LOCATION



MAP SOURCE - USGS OLAID

Exhibit A

PRC 3692
 GENERAL LEASE - NON
 COMMERCIAL USE
 SANTA CATALINA IS.
 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.

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EXHIBIT B

PRC 3692

LAND DESCRIPTION

Five parcels of tide and submerged land in the Pacific Ocean off Santa Catalina Island, Los Angeles County, California, more particularly described as follows:

PARCEL 1 – FISHERMANS COVE

All that area bounded on the South, Southeast and Northeast by the mean high tide line and on the North by a straight line extending from a point on the mean high tide line at approximately 33° 26' 47" North Latitude 118° 29' 04" West Longitude and a point on the mean high tide line at approximately 33° 26' 39' North Latitude 118° 29' 19" West Longitude.

PARCEL 2 – BLUE CAVERN POINT

All that area bounded on the South and Southeast by the mean high tide line and extending from a point on the mean high tide line at approximately 33° 26' 39" North Latitude 118° 29' 19" West Longitude; thence to approximately 33° 26' 50" North Latitude 118° 29' 08" West Longitude; thence to approximately 33° 26' 57.5" North Latitude 118° 28' 33.5" West Longitude; thence to approximately 33° 26' 55" North Latitude 118° 28' 32" West Longitude, and thence to a point on the mean high tide line at approximately 33° 26' 53.5" North Latitude 118° 28' 35" West Longitude.

EXCEPTING THEREFROM any portion lying within the above mentioned Parcel 1.

PARCEL 3 – HARBOR REEFS

All that rectangular area included within the boundaries extending from approximately 33° 26' 45" North Latitude 118° 29' 20.5" West Longitude; thence to approximately 33° 26' 56.5" North Latitude 118° 29' 35" West Longitude; thence to approximately 33° 27' 04.5" North Latitude 118° 29' 26.5" West Longitude; thence to approximately 33° 26' 53" North Latitude 118° 29' 12" West Longitude.

PARCEL 4 – OCEAN RANGE

All that area bounded on the Southwest by the mean high tide line and extending from a point on the mean high tide line at approximately 33° 26' 53.5" North Latitude 118° 28' 35" West Longitude; thence to approximately 33° 27' 13.5"

North Latitude 118° 27' 54" West Longitude; thence to approximately 33° 26' 50" North Latitude 118° 27' 37.5" West Longitude; thence to approximately 33° 26' 33" North Latitude 118° 28' 12" West Longitude, and thence to a point on the mean high tide line at approximately 33° 26' 30.5" North Latitude 118° 28' 12" West Longitude.

PARCEL 5 – MARKER BUOYS

Six circular parcels of submerged land, 40 feet in diameter, the centers of said parcels having the following approximate geographical coordinates:

- 1) 33° 26' 41.16" North Latitude 118° 29' 22.68" West Longitude;
- 2) 33° 26' 45.90" North Latitude 118° 29' 15.06" West Longitude;
- 3) 33° 26' 50.94" North Latitude 118° 29' 08.58" West Longitude;
- 4) 33° 26' 53.88" North Latitude 118° 28' 57.12" West Longitude;
- 5) 33° 26' 56.64" North Latitude 118° 28' 38.88" West Longitude;
- 6) 33° 26' 53.52" North Latitude 118° 28' 34.98" West Longitude.

EXCEPTING THEREFROM any portion of land lying within the above described parcels 1 thru 4.

BASIS OF BEARINGS: Parcels 1-4 North American Datum 1927, Parcel 5 North American Datum 1983 geographical coordinates supplied by University of Southern California, Wrigley Marine Science Center.

END OF DESCRIPTION

REVIEWED JULY, 23 1986, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

REVIEWED PARCELS 1-4 AND PREPARED PARCEL 5; CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT JANUARY 10, 2005.

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MINUTE PAGE

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**Minute Item
C24**

04/17/06
W 23529
M. Hays

**LAKE TAHOE CRUISES, INC.
(APPLICANT)**

**Item C24 was removed from the agenda to be
heard at a subsequent meeting.**

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