

CALENDAR ITEM

C50

A 41

06/23/11

S 23

WP 8754.1

G. Kato

GENERAL LEASE - NON-COMMERCIAL USE

APPLICANT:

Monterey Bay Aquarium
886 Cannery Row
Monterey, California 93940

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, approximately 1.2 nautical miles offshore of the city of Malibu, Los Angeles County.

AUTHORIZED USE:

The seasonal deployment, in the Pacific Ocean offshore of Malibu, of a 40-meter diameter mesh shark pen for up to 115 days annually between the months of May and September. The pen, used in connection with the Monterey Bay Aquarium's multi-year young white shark research project, will be anchored in a location with soft mud and sand bottom habitat.

LEASE TERM:

Five years, beginning June 1, 2012.

CONSIDERATION:

\$50 per annum with the State reserving the right to fix a different rent periodically during the lease terms, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. On June 28, 2007, the Commission approved PRC 8754.1 authorizing the Monterey Bay Aquarium (Aquarium) to seasonally deploy a 40-meter diameter mesh shark pen in the Pacific Ocean for up to 115 days annually between the months of May and September. The current lease will expire on May 31, 2012.

CALENDAR ITEM NO. **C50** (CONT'D)

2. The Aquarium's young white shark research project is to better understand the biology of the threatened white sharks and to determine whether it is possible to keep a young white shark on long-term exhibit. The young white sharks in the study are caught as by-catch by commercial or recreational fishermen. The study includes the deployment of an ocean holding pen located approximately 1.2 nautical miles offshore. The pen provides a controlled environment in which a juvenile shark can be observed for injury or illness and acclimated to accept prepared food. After being held in the pen, the sharks will either be tagged and released or placed in an exhibit at the Aquarium. One shark is held in the pen at a time, though Aquarium researchers have had up to two in the pen for a short time.
3. The pen is towed into place by a chartered commercial fishing vessel, which remains stationed at the pen 24-hours a day for the duration of the white shark season. There will be trained researchers present at the pen at all times should an emergency occur or other marine life approach the pen. The floating mesh pen is similar to those used by commercial tuna ranchers. The pen consists of a 40-meter polyethylene surface ring that is equipped with radar reflectors and strobe lights, as required by U.S. Coast Guard Regulations. The 40-meter diameter pen extends 11 meters deep in the water from the surface. The surface ring is topped by a one-meter "fence" to keep un-wanted animals out and to keep research animals in. The pen is anchored by four "Danforth" style anchors symmetrically placed to provide a minimum resisting force of 100 kips (50 tons). Each anchor has a chain approximately 34 meters in length and an additional 70 meters of rope. The anchors are stable and do not drift or move. At the conclusion of the field research season, the vessel tows the pen away and returns it to a storage facility.
4. The Aquarium is collaborating in the young white shark research project with researchers from Stanford University, the Tagging of Pacific Pelagics, California State University-Long Beach, University of California-Davis, Point Reyes Bird Observation Conservation Science, and the Pelagic Shark Research Foundation.
5. 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 CEQA as a categorically exempt project. The project is exempt under Class 6, Information Collection; Title 14, California Code of Regulations, section 15306.

CALENDAR ITEM NO. **C50** (CONT'D)

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

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating 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.

FURTHER APPROVALS REQUIRED:

California Coastal Commission
California Department of Fish and Game

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 CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Cass 6, Information Collection; Title 14, California Code of Regulations, section 15306.

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 section 6370, et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease – Non-Commercial Use to Monterey Bay Aquarium beginning June 1, 2012, for a term of five years, for the deployment, up to 115 days annually between May and September, of a mesh shark pen as part of a White Shark Research Project as shown on Exhibit A (for reference purposes only) and described in Exhibit B attached and by this reference made a part hereof; Annual rental in the amount of \$50, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; liability insurance in the amount of no less than \$1,000,000.