

**STAFF REPORT
C91**

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S 26

08/23/18
W 27172
D. Simpkin

GENERAL LEASE – OTHER

APPLICANT:

Regents of the University of California

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Big Fisherman Cove, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

Installation, use, maintenance, and removal of an experimental kelp research project.

LEASE TERM:

3 years, beginning August 23, 2018.

CONSIDERATION:

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:

Lessee shall remove all improvements no later than the end date of this lease.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

Public Trust and State's Best Interests Analysis:

The Applicant has applied for a General Lease – Other, for the installation, use, maintenance, and removal of an experimental kelp research project located in Big Fisherman Cove at Santa Catalina Island. Big Fisherman Cove is located within the Blue Cavern State Marine Conservation Area. This activity has been approved by the California Department of Fish and Wildlife (CDFW).

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The research project seeks to investigate the breeding potential of giant kelp (*Macrocystis pyrifera*) for use as commercial biofuel. Researchers will culture strains of giant kelp in the laboratory with tissues collected from the natural population in Southern California, under an approved scientific collection permit issued by CDFW. The strains will then be transferred to the experimental farm at Fisherman Cove.

The experimental farm will be approximately 105 meters long and 30 meters wide, located on sandy bottom in water depths of approximately 5 to 10 meters. A grid, consisting of 20 pairs of lines (nylon rope), will be fastened to the bottom by anchors spaced 10 meters apart. Kelp will be attached at 0.5-meter intervals along each line where it will grow for approximately 4 months before being harvested.

Kelp will grow in the experimental farm from April through July 2019 and 2020. Lines will be removed after the first year (July 2019) and reinstalled in the spring of 2020. All lines and anchors will be removed after harvesting in 2020.

Scientific study and education are generally consistent with the common law Public Trust Doctrine. The proposed lease is limited to a 3-year term and does not grant the lessee exclusive rights to the lease premises. The activity would not involve the construction of permanent structures or facilities, and all temporary equipment would be located underwater. Upon termination of the lease, the lessee will be required to remove all improvements from State land.

Climate Change:

The project is a short-term (3-year) research project within Big Fisherman Cove at Santa Catalina Island. The activity would not involve the construction of permanent structures or facilities, and all temporary structures would be located underwater and removed after the research project is complete. Due to the type of activity and short-term, temporary nature of the project, the project will not be affected by sea-level rise.

Conclusion:

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

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OTHER PERTINENT INFORMATION:

1. This action is 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.
2. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 14, section 15306.

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

APPROVALS OBTAINED:

California Department of Fish and Wildlife

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 6, Information Collection; California Code of Regulations, title 14, section 15306.

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 the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Other to The Regents of the University of California beginning August 23, 2018, for a term of 3 years, for the installation, use, maintenance, and removal of an experimental kelp research project, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part

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hereof; and consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

EXHIBIT A

W 27172

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Pacific Ocean in Big Fisherman Cove of Santa Catalina Island, Los Angeles County, State of California, more particularly described as follows:

COMMENCING at a NGS monument "Green Spur 1976" (PID DY2996, Epoch 1991.35), from which a NGS monument "Channel" (PID DY2979, Epoch 1991.35) bears North $83^{\circ} 04' 10''$ East, 1353.85 feet; thence South $49^{\circ} 46' 20''$ West 836.04 feet to the POINT OF BEGINNING; thence from said point of beginning the following six (6) courses:

1. South $52^{\circ} 11' 19''$ East 47.48 feet;
2. South $36^{\circ} 58' 35''$ West 114.58 feet;
3. South $51^{\circ} 17' 25''$ East 44.85 feet;
4. South $42^{\circ} 53' 21''$ West 220.52 feet;
5. North $60^{\circ} 41' 12''$ West 109.49 feet;
6. North $43^{\circ} 18' 42''$ East 352.73 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 06/18/18 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

PACIFIC OCEAN

BIG FISHERMAN COVE

APN 7480-040-026

LEASE PARCEL

APPROX. SHORELINE

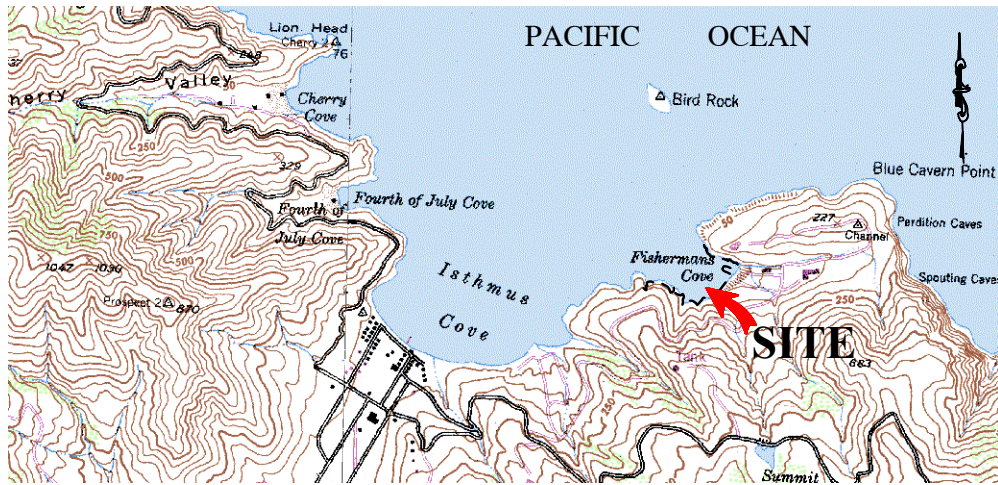
APN 7480-040-025



BIG FISHERMAN COVE, SANTA CATALINA ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 27172

APN 7480-040-026

REGENTS OF THE

UNIVERSITY

OF CALIFORNIA

GENERAL LEASE - OTHER

LOS ANGELES COUNTY

SITE

CATALINA ISLAND



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 06/18/18