

Staff Report 40

APPLICANT:

University of Southern California

PROPOSED ACTION:

Issuance of a General Lease – Other

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

Use and maintenance of an existing concrete pier with two floating docks, rock mole, concrete marine ramp, helipad, 25 mooring buoys, and two seawater intake lines.

TERM:

15 years, beginning February 9, 2021.

CONSIDERATION:

\$9,636 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.
- No later than February 9, 2025, Lessee shall submit a report on the estimated cost to remove all improvements from the Lease Premises.

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:

On April 17, 2006, the Commission authorized a 15-year General Lease – Non-Commercial Use to the University of Southern California (USC) for an existing concrete pier with two floating docks, rock mole, concrete marine ramp, helipad, 25 mooring buoys, six marker buoys, two seawater intake lines, a marine life refuge, and open range undersea habitat areas ([Item C23, April 17, 2006](#)). That lease expired on February 8, 2021. USC is now applying for a General Lease – Other, for the existing improvements. The six marker buoys have been removed from the lease premises and will not be included in the proposed new lease. Staff do not recommend including the marine life refuge and open range undersea habitat areas in the proposed lease because those areas do not contain any fixed improvements. The refuge and habitat areas are located within the Blue Cavern State Marine Conservation Area designated and managed by the California Department of Fish and Wildlife.

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 USC campus. The Institute provides university environmental science studies, undergraduate and graduate curriculum during each semester, and summer research and engagement opportunities. The Center and Institute sponsor outreach programs that include environmental science seminars, short- and long-term research projects, continuing education programming, training programs, the USC Sea Grant program, core and enrichment programs for K-12 students, 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 for educational and research purposes. The helicopter landing pad partially located on the upland and the USC Hyperbaric Chamber facility are used for emergency medical services to treat injuries from scuba diving accidents. The seawater intake lines provide seawater to the upland marine science laboratory facility. The moorings are used by Center boats and by university supporters visiting the facility and for scientific research purposes.

Scientific study and education are generally consistent with the common law Public Trust Doctrine. The proposed lease does not alienate the State's fee simple interest, nor permanently impair public rights. The proposed lease is limited to a 15-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, the lessee may be required to removal all improvements and restore the lease premises to their original condition. The proposed 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 may impact existing structures subject to the proposed lease, which are located at the subject two parcels on Santa Catalina Island.

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 Angeles

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: 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 concrete ramp, pier, pilings, seawater intake lines, and moveable structures (floating docks and buoys). Flooding conditions could cause structures to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation. The floating structures will 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 could require additional support to prevent any loss or degradation that would result in property damage and public safety concerns within the lease area and surrounding area.

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 Lessee acknowledges that the lease premises and adjacent upland are located 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 the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may be required to restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. 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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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. 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 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 access or substantially interfere with 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 the issuance of a General Lease – Other to the Applicant beginning February 9, 2021, for a term of 15 years, for a concrete pier with two floating docks, rock mole, concrete marine ramp, helipad, 25 mooring buoys, and two seawater intake 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 \$9,636, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$3,000,000 per occurrence.

EXHIBIT A

LEASE 3692

LAND DESCRIPTION

Two 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.

BASIS OF BEARINGS: 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

Revised by the California State Lands Commission
Boundary Unit April 5, 2021.



NO SCALE

SITE



UNIVERSITY OF SOUTHERN CALIFORNIA, CATALINA ISLAND

NO SCALE

LOCATION



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.

EXHIBIT B

LEASE 3692
USC
APN 7480-040-013, 025, 026
GENERAL LEASE -
OTHER
LOS ANGELES COUNTY

