

# Staff Report 42

## **APPLICANT:**

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Western Los Angeles County Council, Inc., Boy Scouts of America

## **PROPOSED ACTION:**

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Amendment of Lease

## **AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Emerald Bay and Doctor's Cove, Santa Catalina Island, Los Angeles County

## **AUTHORIZED USE:**

Use, operation, and maintenance of two fixed piers, two gangways, two floating dock modules connecting the two piers, and an attached boat landing float, two large boat moorings, four small boat moorings, floating barge, and seasonal swim area used in conjunction with the upland camp facilities.

## **TERM:**

22 years, beginning January 1, 2007.

## **CONSIDERATION:**

\$17,645 per year, effective January 1, 2018.

## **PROPOSED AMENDMENT:**

- Amend Section 1, Authorized Improvements and Land Use or Purpose to include the removal of one existing large mooring, the addition of one existing large mooring, and the installation of one new large mooring.
- Amend Section 1, Consideration, to change the annual rent to \$16,082, effective January 1, 2022, based on the reduced size of the lease premises.
- Replace Section 3, Land Description.
- Replace Exhibit A, Site and Location Map.

The amendment shall be effective June 29, 2021. All other terms and conditions of the lease shall remain in effect without amendment.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **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 September 13, 2007, the Commission authorized a 22-year, General Lease – Recreational Use, to Western Los Angeles County Council, Inc., Boy Scouts of America (Lessee), beginning January 1, 2007 ([Item C36, September 13, 2007](#)) for recreational improvements associated with its upland camp.

On June 21, 2013, the Commission authorized an amendment to the Lease to revise the lease premises to reflect a smaller use and impact area ([Item C65, June 21, 2013](#)). The lease will expire on December 31, 2028.

The Lessee has applied to amend their lease to eliminate an existing large outer mooring in Emerald Bay. This outer mooring will be added to Lease 3639 held by the Santa Catalina Island Company and Santa Catalina Island Conservancy ([Item C87, November 26, 2001](#)). An existing large mooring currently under lease to the Santa Catalina Island Company and Santa Catalina Island Conservancy will be removed from Lease 3639 and included in this lease. This exchange of moorings will serve to consolidate the Lessee's lease area. In addition, the Lessee proposes to install a new large mooring for use during operation of the upland camp facility.

The Lessee maintains a leasehold on Santa Catalina Island at Emerald Bay and Doctor's Cove from the Santa Catalina Island Conservancy for the upland camp facility. The facilities under lease are used by the Lessee for recreational purposes and for retreats. The authorized improvements are used for the docking and mooring of recreational boats. Recreational boating is a water-dependent activity and is generally consistent with the common law Public Trust Doctrine.

Consequently, staff believes that the Public Trust needs, values, and uses within Emerald Bay and Doctor's Cove will not be impacted by the proposed mooring exchange and the installation of one additional mooring.

The proposed lease amendment does not alienate the State's fee simple interest or permanently impair public rights. The existing lease requires the Lessee to maintain insurance for the lease premises and indemnify the State for any liability incurred as

a result of the Lessee's activities thereon; and requires the payment of annual rent as compensation for the use of State lands. Upon termination of the lease, the Lessee may be required to remove all improvements from State land.

### **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 amendment, which are located 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**

| <b>Year</b> | <b>Projection (feet)</b> |
|-------------|--------------------------|
| 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 to higher flood risks, comprised of greater total water levels for longer periods of time. The lease area contains moveable structures

(moorings). These floating structures will rise and fall with tides and waves, increasing their resiliency to some sea-level rise impacts.

Regular maintenance, as required by the terms of the lease, will reduce the likelihood of buoy dislodgement. Pursuant to the proposed lease amendment, 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 amendment 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:**

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1. Approval or denial of the application to amend the lease is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land or a revision of rent, 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 Lessee will not be authorized to make changes to the moorings. 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" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. **Existing Mooring:** 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).
4. **Installation of a New Mooring:** Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(3).

5. **Removal of an Existing Mooring:** Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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

## **APPROVAL REQUIRED:**

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California Coastal Commission

## **EXHIBITS:**

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- A. Section 3, Land Description
- B. Exhibit A (from existing lease), Site and Location Map

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

**Existing Mooring:** 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).

**Installation of a New Mooring:** 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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(3).

**Removal of an Existing Mooring:** 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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

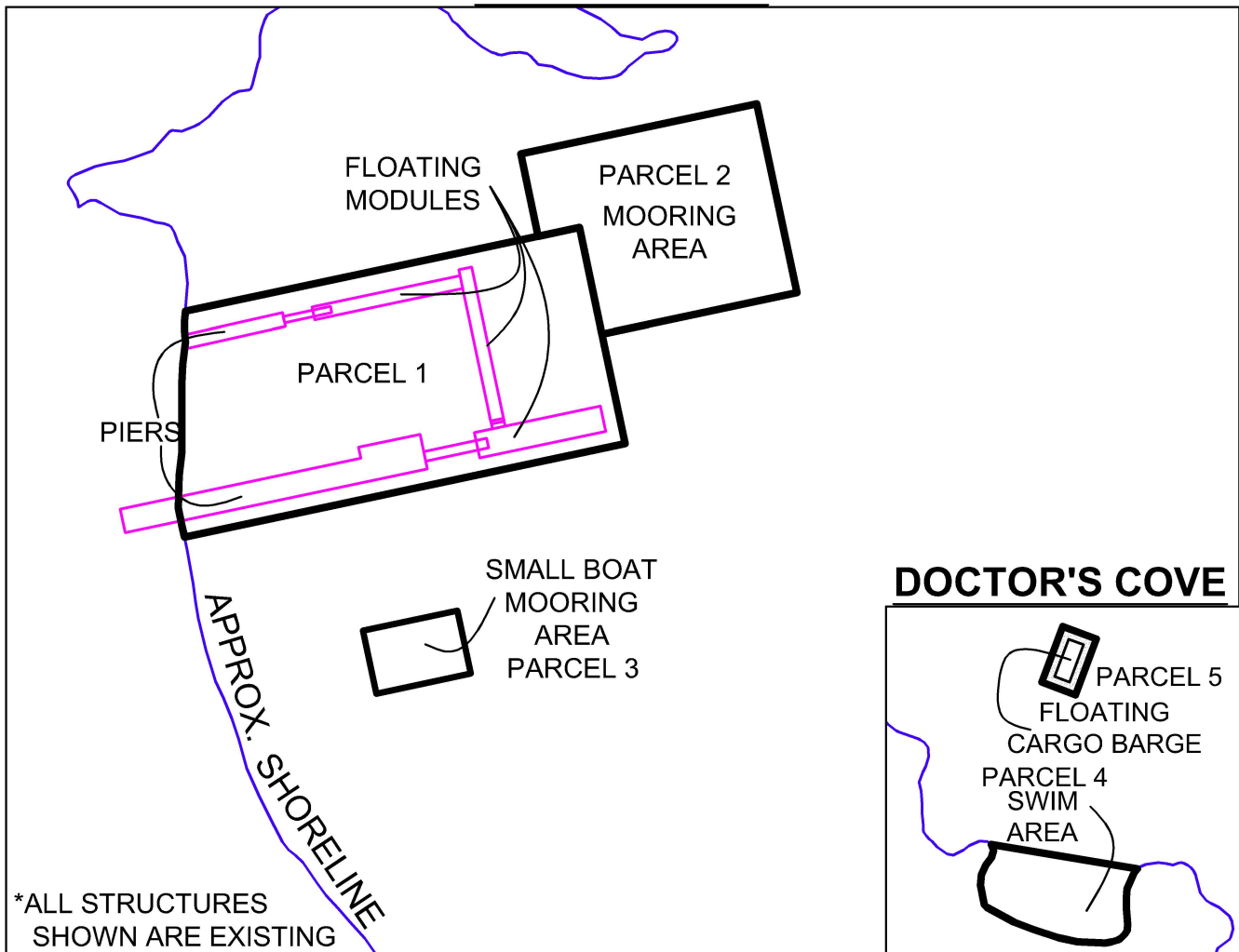
Find that the proposed lease amendment will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

**AUTHORIZATION:**

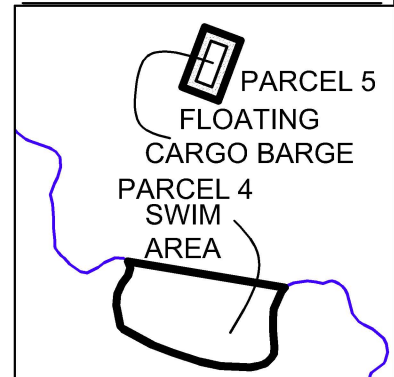
Authorize the amendment of Lease No. PRC 6442, a General Lease – Recreational Use, effective June 29, 2021, to remove one existing large mooring, add one existing large mooring, and install one new large mooring, replace Section 3, Land Description, with the attached Section 3, Land Description, and replace Exhibit A, Site and Location Map of the lease, with the attached Exhibit A, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof; amend the annual rent to \$16,082, effective January 1, 2022; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

## EMERALD BAY



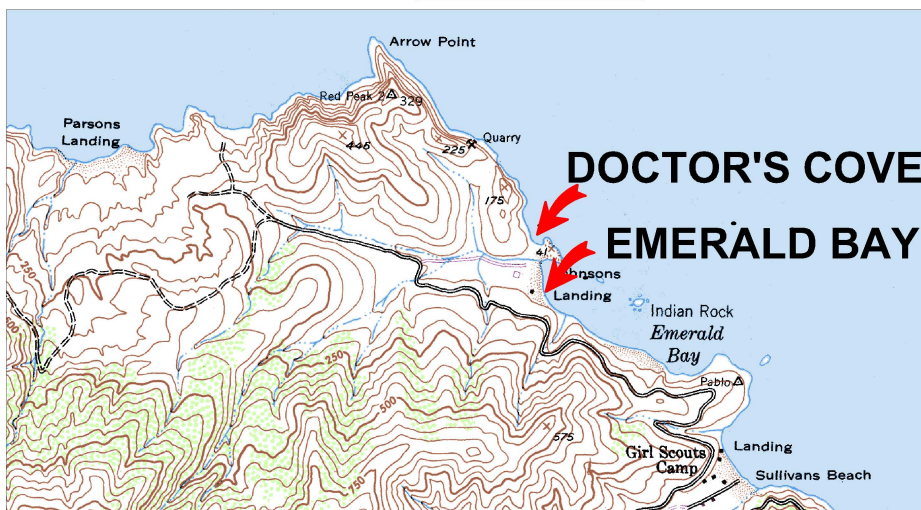
## DOCTOR'S COVE



## EMERALD BAY & DOCTOR'S COVE

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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 A

PRC 6442  
WESTERN LOS ANGELES  
COUNTY COUNCIL -  
BOY SCOUTS OF AMERICA  
GENERAL LEASE -  
RECREATIONAL USE  
LOS ANGELES COUNTY



MJF 5/11/2021

## EXHIBIT B

### SECTION 3

PRC 6442

#### LAND DESCRIPTION

##### **PARCEL 1 –Two Piers with Floating Modules**

All of those tide and submerged lands in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, Los Angeles County, State of California, lying adjacent to Emerald Bay and Johnson's Landing, and more particularly described as follows:

BEGINNING at a point on the easterly shoreline of Santa Catalina Island having California Coordinate System 1983, Zone 5, coordinates of North = 1629435.75 feet and East = 6399680.89 feet from which a NGS monument "Channel 1933" bears South 63°14'08" East 18,008.78 feet, said monument having California Coordinate System 1983, Zone 5, coordinates of North = 1621325.99 feet and East = 6415760.32 feet, thence North 78°01'28" East 280.03 feet, thence North 11°58'32" West 69.53 feet to a point hereby known as "Point A", thence continuing North 11°58'32" West 57.61 feet, thence South 78°01'28" West 250 feet more or less to a point on the ordinary high water mark, thence southerly along the ordinary high water mark 141 feet more or less to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

##### **PARCEL 2 – Mooring Area**

A 20 feet wide strip of submerged lands in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, Los Angeles County, State of California, lying adjacent to Emerald Bay and Johnson's Landing, and more particularly described as follows:

BEGINNING at a point referred to as "Point A" herein above described Parcel 1 and having California Coordinate System 1983, Zone 5, coordinates of North = 1629571.66 feet and East = 6399938.33 feet thence North 78°01'28" East 123.81 feet; thence North 11°58'32" West 120.00 feet; thence South 78°01'28" West 150.00 feet; thence South 11°58'32" East 52.39 feet; thence North 78°01'28" East 26.19 feet; thence South 11°58'32" East 67.61 feet to "Point A" also being the point of the beginning.



### **PARCEL 3 – Small Boat Mooring Area**

All of those tide and submerged lands in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, Los Angeles County, State of California, lying adjacent to Emerald Bay and Johnson's Landing, and more particularly described as follows:

BEGINNING at a point in the bed of the Pacific Ocean having California Coordinate System 1983, Zone 5, coordinates of North = 1629389.96 feet and East = 6399850.56 feet lying 90 feet southerly from the southeasterly corner of a pier, being the most southerly pier of the piers described in the above Parcel 1, and perpendicular to the south side of said pier; thence westerly along the following course parallel with the south side of said pier South 78°01'28" West 60.00 feet; thence South 11°58'32" East 40.00 feet; thence North 78°01'28" East 60.00 feet; North 11°58'32" West 40.00 feet to the point of beginning.

### **PARCEL 4 – Swim Area (Doctor's Cove)**

All of those tide and submerged lands in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, Los Angeles County, State of California, lying adjacent to Doctor's Cove and more particularly described as follows:

BEGINNING at a point on the easterly shoreline of Santa Catalina Island having California Coordinate System 1983, Zone 5, coordinates of North = 1630027.81 feet and East = 6399715.47 feet from which a NGS monument "Channel 1933" bears South 61°31'38" East 18,252.64 feet, said monument having California Coordinate System 1983, Zone 5, coordinates of North = 1621325.99 feet and East = 6415760.32 feet, thence North 80°25'23" West 149 feet more or less to a point on the ordinary high water mark, thence southerly, easterly and northerly along the ordinary high water mark 285 feet more or less to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

### **PARCEL 5 – Floating Cargo Barge**

A 36 feet wide strip of submerged lands in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, Los Angeles County, State of California, lying adjacent to Doctor's Cove, and lying 18 feet on each side of the following described centerline:

BEGINNING at a point in the bed of the Pacific Ocean having California Coordinate System 1983, Zone 5, coordinates of North = 1630209.02 feet and East = 6399636.48 feet from which a NGS monument "Channel 1933" bears South 61°08'55" East 18,408.87 feet, said monument having California Coordinate System 1983, Zone 5, coordinates of North = 1621325.99 feet and East = 6415760.32 feet thence North 20°26'20" East

60.00 feet to the termination of said centerline.

The sidelines of said strip shall begin and terminate at lines lying perpendicular to the beginning and termination of said centerline.

### **END OF DESCRIPTION**

PREPARED 5/11/2021 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

