

Staff Report 31

APPLICANT:

Santa Catalina Island Company

PROPOSED ACTION:

Issuance of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean at Ballast Point in Catalina Harbor, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

Use and maintenance of an existing dinghy pier, access ramp, and one float.

TERM:

10 years, beginning December 5, 2022.

CONSIDERATION:

\$1,315 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5;
California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

On December 5, 2012, the Commission authorized a General Lease – Recreational Use to the Application for a dinghy pier, access ramp, and floats ([Item C52, December 5, 2012](#)). That lease will expire on December 4, 2022. The Applicant is applying for a General Lease – Recreational Use for the use and maintenance of the dinghy pier, access ramp, and one float.

The pier is available to the public with picnic facilities and portable restrooms available on the upland. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified recreational boating facilities as an authorized use of Public Trust land. (Pub. Resources Code, § 6503.5.)

The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee’s activities thereon. The 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 an existing pier subject to the proposed lease, 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

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 to higher flood risks, comprised of greater total water levels for longer periods of time. The lease area contains a floating dock that will rise and fall with tides and waves, increasing its resiliency to some sea level rise impacts. However, the pier is a fixed structure that may need reinforcement to withstand higher levels of flood exposure and more frequent storm events.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant 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 is consistent with the common law Public Trust Doctrine; 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 common law 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 remove the improvements and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" 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. 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 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 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 common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to the Applicant beginning December 5, 2022, for a term of 10 years, for the use and maintenance of a dinghy pier, access ramp, and one float, 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 \$1,315, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

LEASE 6410

LAND DESCRIPTION

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

COMMENCING at NGS monument "CHERRY 2" having CCS27 Zone 6 coordinates of Northing(y)=475442.21 feet, Easting(x)=1313536.29 feet from which NGS monument "CHANNEL 1933" having CCS7 Zone 6 coordinates of Northing(y)=472983.28 feet, Easting(x)=1320625.26 feet bears South 70°52'12" West 7,503.32 feet; thence South 9°06'49" West 8,076.03 feet to a point in the bed of the Pacific Ocean also being the POINT OF BEGINNING; thence the following nine (9) courses:

- 1) North 59°21'40" West 10.25 feet;
- 2) North 30°38'20" East 123.25 feet;
- 3) South 59°21'40" East 29.00 feet;
- 4) South 30°38'20" West 6.00 feet;
- 5) South 59°21'40" East 50.00 feet;
- 6) South 30°38'20" West 26.00 feet;
- 7) North 59°21'40" West 50.00 feet;
- 8) South 30°38'20" West 91.25 feet
- 9) North 59°21'40" West 18.75 feet to the POINT OF BEGINNING.

EXEPTING THEREFROM any portion located landward of the ordinary high water mark of said ocean/bay.

ALSO EXCEPTING THEREFROM any lands validly patented as Tideland Location No. 197, Los Angeles County.

END OF DESCRIPTION

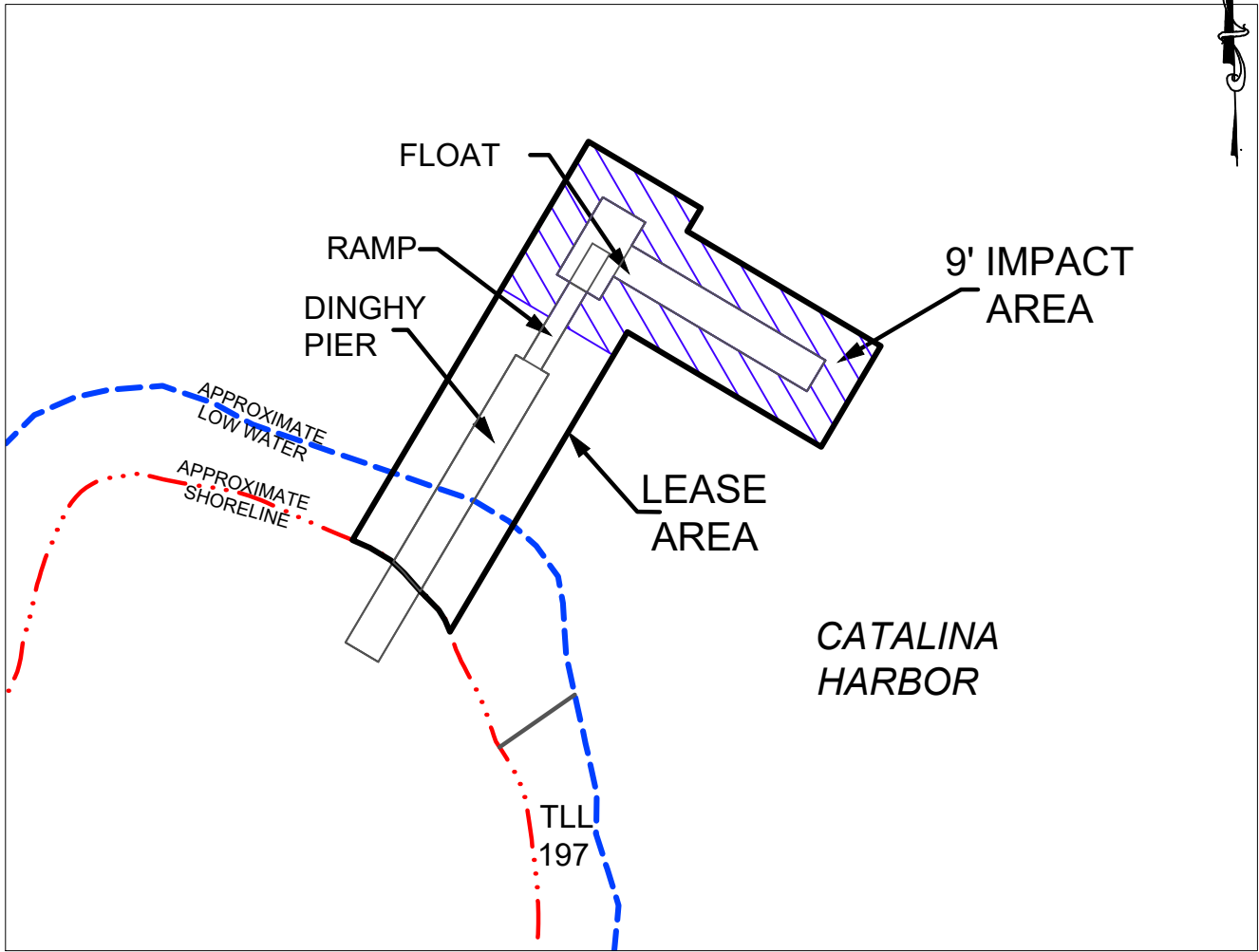
Prepared 5/05/2022 by the California State Lands Commission Boundary Unit.

Description is based on CSLC field survey conducted October 22, 2002.



NO SCALE

SITE



BALLAST POINT, CATALINA ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

LEASE 6410
 SANTA CATALINA ISLAND CO.
 APN: 7480-040-017
 GENERAL LEASE -
 RECREATIONAL USE
 SANTA CATALINA ISLAND
 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.