

Staff Report 74

APPLICANT:

Guided Discoveries, Inc.

PROPOSED ACTION:

Issuance of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean at Button Shell Beach, adjacent to Fox Landing, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

Use and maintenance of an existing pier, ramp, floating dock, seasonal swim area, and four mooring buoys.

TERM:

10 years, beginning January 1, 2023.

CONSIDERATION:

\$9,446 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.

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 26, 2013, the Commission authorized a General Lease - Recreational Use to Guided Discoveries, Inc. for the use and maintenance of an existing pier, gangway, floating dock, swim area, and four mooring buoys in the Pacific Ocean at Button Shell Beach, Santa Catalina Island, Los Angeles County ([Item C83, April 26, 2013](#)).

On August 27, 2014, high wave conditions created by hurricane Marie destroyed the existing pier. In July 2015, the pier was rebuilt in a similar footprint as the previous pier. The height of the pier was also increased to better protect it from future high wave events. On April 5, 2016, the Commission authorized an amendment of this lease to authorize the reconstructed pier; revise the rent from \$7,636 to \$6,368; and replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with a new Exhibit A, Land Description, and Exhibit B, Site and Location Map ([Item C48, April 5, 2016](#)). This Lease expired on December 31, 2022.

The Applicant is now applying for a General Lease – Recreational Use for the use and maintenance of the existing pier, ramp, floating dock, seasonal swim area, and four mooring buoys. Staff recommends issuance of a General Lease – Recreational Use to the Applicant, to take effect on January 1, 2023.

The subject facilities are privately owned and maintained and have existed at this location for many years. The pier, ramp, floating dock, and four mooring buoys are used for the docking and mooring of recreational boats. Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5).

The seasonal swim area facilitates recreational swimming and educational activities related to Lessee's summer camp programs. These water-dependent uses are generally consistent with the common law Public Trust doctrine.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the leased 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. 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 use of public land.

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, gangway, and buoys that will rise and fall with tides and waves, increasing their resiliency to some sea level rise impacts. However, the pier is a fixed structure that may need additional 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, Commission staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of an 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 existing pier, ramp, floating dock, seasonal swim area, and mooring buoys and restore the premises to their original condition. The lessee has no right to a new lease or 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. The upland property adjacent to the Lease Premises is owned by the Santa Catalina Island Conservancy and is leased to Guided Discoveries, Inc. The upland lease term was originally for 6 years, beginning January 1, 2009, with options to extend the lease. Pursuant to the first amendment of the Conservancy lease, dated September 30, 2015, Guided Discoveries, Inc. was granted the option to extend the lease for the upland through December 31, 2029.
4. The swim area authorized by this lease is only installed and used seasonally and is to be installed no earlier than May 15th and removed no later than September 15th of each year.
5. 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 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 interest of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to the Applicant beginning January 1, 2023, for a term of 10 years, for the use and maintenance of an existing pier, ramp, floating dock, seasonal swim area, and four mooring buoys, 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 \$9,446, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$3,000,000 per occurrence.

EXHIBIT A

LEASE 6440

LAND DESCRIPTION

Six parcels of tide and/or submerged land situate in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, lying adjacent to Button Shell Beach, Los Angeles County, State of California, more particularly described as follows:

PARCEL 1 (Pier, Ramp and Dock)

BEGINNING at the point which bears South 64° 04' 42" East, 36617.00 feet from the NGS monument Channel 1933 having CCS27 Zone 6 coordinates of Northing (y) = 472983.28 feet, Easting (x) = 1320625.26 feet; thence from said point of beginning the following five (5) courses:

1. North 06° 30' 51" East, 26.75 feet;
2. South 83° 29' 18" East, 420.00 feet;
3. South 06° 30' 49" West, 60.00 feet;
4. North 83° 29' 18" West, 420.00 feet;
5. North 06° 30' 51" East, 33.25 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion located landward of ordinary high water mark of said ocean.

ALSO EXCEPTING THEREFROM any portion lying within below described PARCEL 2.

PARCEL 2 (Seasonal Swim Area)

BEGINNING at the point which bears South 64° 05' 26" East, 36614.26 feet from the NGS monument Channel 1933 having CCS27 Zone 6 coordinates of Northing (y) = 472983.28 feet, Easting (x) = 1320625.26 feet; thence from said point of beginning the following six (6) courses:

1. North 06° 30' 48" East, 113.24 feet;
2. South 77° 27' 07" East, 247.70 feet;
3. South 16° 53' 41" West, 72.68 feet;
4. South 06° 30' 49" West, 15.71 feet;
5. North 83° 29' 11" West, 233.23 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion located landward of ordinary high water mark of said ocean.

PARCELS 3 through 6 (4 Individual Mooring Buoys)

Four circular parcels of submerged land, 50 feet in diameter, the centers of said parcels having the following CCS27 Zone 6 coordinates:

1. Northing (y) = 457081.05 feet, Easting (x) = 1354047.89 feet;
2. Northing (y) = 457046.30 feet, Easting (x) = 1354008.82 feet;
3. Northing (y) = 457001.30 feet, Easting (x) = 1353999.77 feet;
4. Northing (y) = 456736.09 feet, Easting (x) = 1353962.22 feet;

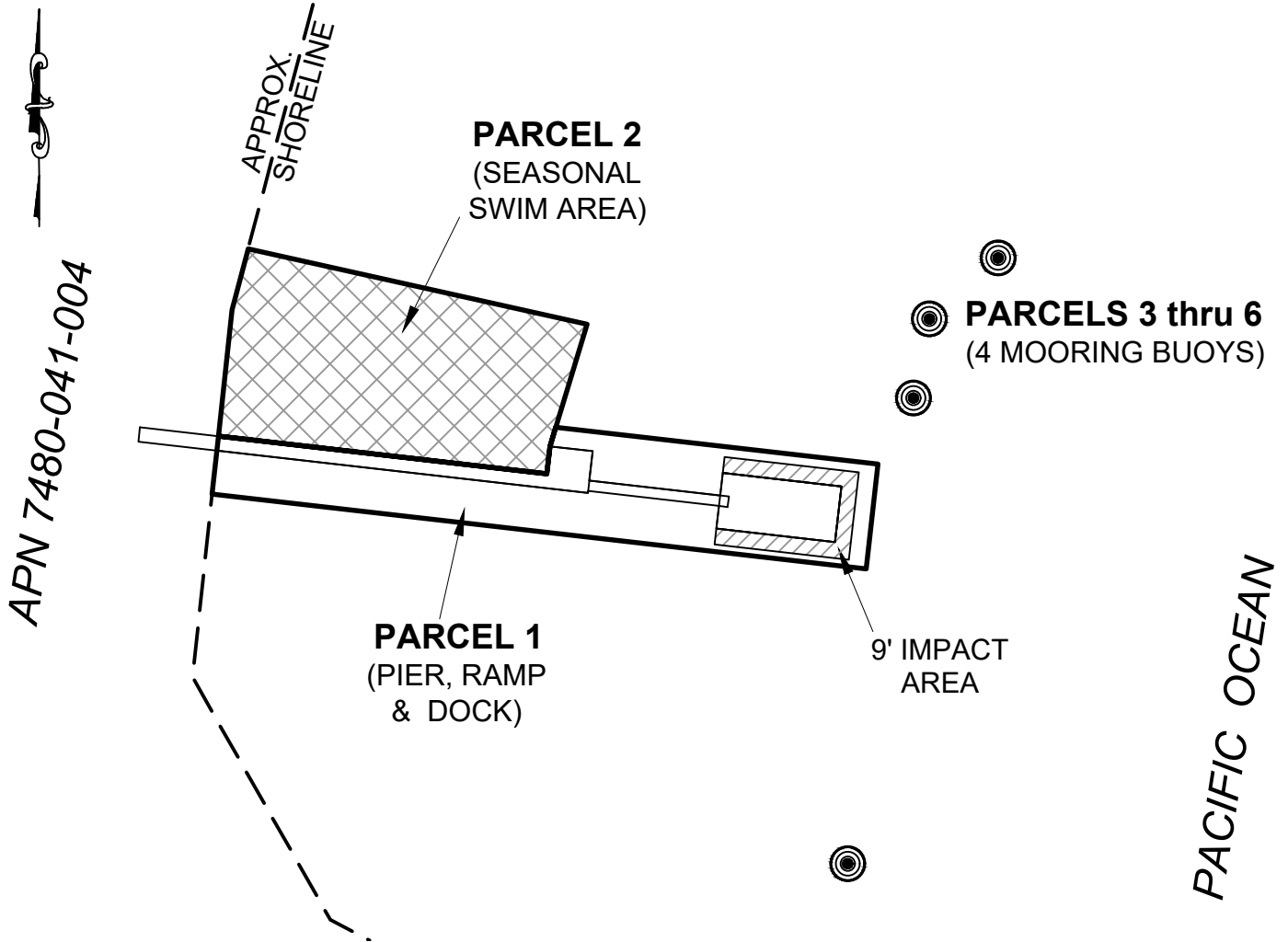
END OF DESCRIPTION

Revised 12/08/2022 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

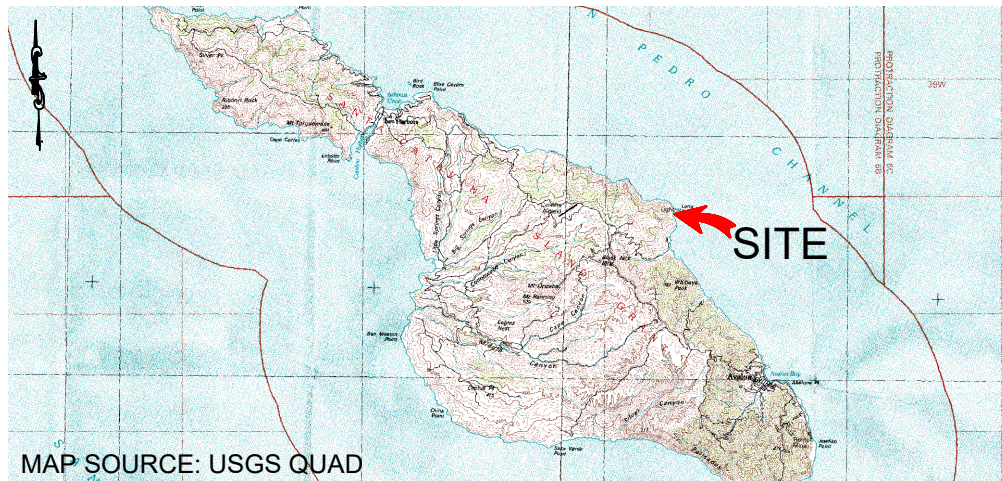


APN 7480-041-004

CAMP FOX, BUTTON SHELL BEACH, SANTA CATALINA ISLAND

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 B

LEASE 6440
GUIDED DISCOVERIES
APN 7480-041-004
GENERAL LEASE -
RECREATIONAL USE
LOS ANGELES COUNTY



TS 12/08/2022