

**CALENDAR ITEM
C62**

A 67
S 35

09/01/11
WP 8298.9
S. Paschall

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

William Newfield, Trustee of the William and Ruth Newfield Family Trust as Amended and Restated February 16, 2006.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Huntington Harbour, adjacent to 3332 Venture Drive, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of existing bulkhead protection.

LEASE TERM:

10 years, beginning April 1, 2011.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability Insurance with combined single-limit liability coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels in 1961 as a result of a land exchange entered into between the Commission and the Huntington Harbour Corporation, recorded as Sovereign Lands Location No. 34 dated December 22, 1960 and recorded on January 31, 1961 in Book 5611, Page 470, Official Records, Orange County, California. Projects, including new development or maintenance of existing facilities, extending into

CALENDAR ITEM NO. **C62** (CONT'D)

these Channels beyond the bulkhead line require obtaining a lease from the Commission pursuant to Public Resources Code section 6501.1. The Applicant's upland property is located along the Main Channel of Huntington Harbour.

3. On April 24, 2001, the Commission approved issuance of a General Lease – Protective Structure Use to William Newfield and Ruth Newfield, Trustees of the William Newfield and Ruth Newfield Family Trust, dated October 25, 1998, for a period of 10 years. The lease expired March 31, 2011. The Applicant is now applying for a new lease.
4. The bulkhead protection mutually benefits the public and the Applicants. The bulkhead will be protected from undermining at no cost to the public.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- Exhibit A. Location and Site Map
- Exhibit 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 Title 14, California Code of Regulations, section 15061 as a

CALENDAR ITEM NO. **C62** (CONT'D)

categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease – Protective Structure Use to William Newfield, Trustee of the William and Ruth Newfield Family Trust as Amended and Restated February 16, 2006, for a term of 10 years, for continued use and maintenance of bulkhead protection as shown on Exhibit A attached and by this reference made a part hereof; consideration being the public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance for combined single-limit coverage in the amount of no less than \$1,000,000.