

MINUTE ITEM

Topic: C24
What Item:
Box 27 Lands
to 0 of 2
meeting: 8/21/84

CALENDAR ITEM

A 58

C24

08/21/84
PRC 3639
Louie
J. Sekeisky

S. 27

APPROVAL OF MOORING SITE
SUBLEASE FORM
PRC 3639.1

LESSEES:

Santa Catalina Island Company
P. O. Box 717
Avalon, California 90704

Santa Catalina Island Conservancy
P. O. Box 2739
Avalon, California 90704

OPERATOR - AGENT:

Doug Bombard Enterprises
P. O. Box 1566
Avalon, California 90704

BACKGROUND:

On December 16, 1982, the State Lands Commission awarded Lease PRC 3639.1, as amended by the Supplemental Agreement to Lease PRC 3639.1 effective January 1, 1984, to the Santa Catalina Island Company and the Santa Catalina Island Conservancy as Lessees. The Lessees have delegated management of the lease premises, with the Commission's approval, to Doug Bombard Enterprises. The lease is a 15-year lease which will expire December 31, 1996. The current annual rental is \$206,500. The lease presently authorizes 720 revenue-producing moorings and two revenue-producing stringlines. The State's lease provides that subleases of individual mooring sites shall be issued by a standard form previously approved by the State.

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CURRENT SITUATION:

The Lessee's operator, Doug Bombard Enterprises, currently subleases individual mooring sites pursuant to two standard forms:

1. Mooring Site and Equipment Sublease and Service Contract (mooring equipment is not owned by sublessee, but is leased from Doug Bombard Enterprises); and
 2. Mooring Site Sublease and Service Contract (mooring equipment is owned by sublessee, but serviced by Doug Bombard Enterprises).
- Lessee's operator proposes to amend these forms for purposes of clarification, and to include itself with the State and the State's Lessee, in hold harmless, indemnification, and force majeure provisions of the sublease documents.

Lessee also proposes a third sublease form, Mooring Site Sublease and Service Contract - Non-Transferable. This form is similar in content to (2) above except that it prohibits the transfer of any right or interest in the sublease because the right to make one transfer of the sublease after March 1, 1982, as provided in the State's lease, has already been exercised. The three proposed forms as modified are on file in the office of the State Lands Commission. The proposed forms are consistent with the terms and conditions of Lease PRC 3639.1.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
 - B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.
- AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

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2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. APPROVE THE SUBLEASE FORMS, (1) "MOORING SITE SUBLEASE AND SERVICE CONTRACT, (2) "MOORING SITE SUBLEASE AND SERVICE CONTRACT, NON-TRANSFERABLE", AND (3) "MOORING SITE AND EQUIPMENT SUBLEASE AND SERVICE CONTRACT", DESCRIBED ABOVE AND ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.

