

MINUTE ITEM

This Calendar Item No. 27 was approved as Minute Item No. 21 by the California State Lands Commission by a vote of 3 to 0 at its 6-18-02 meeting.

CALENDAR ITEM

C27

A	35, 37		06/18/02
S	18, 19	PRC 8390 PRC 3837.1, PRC 798.9, W25784, W24615, W5205	J. Porter

CONSIDER RESCINDING PRIOR AUTHORIZATION FOR A COMMERCIAL LEASE, CONSIDER TERMINATING A MOORING BUOY PERMIT, AND CONSIDER APPLICATION FOR A NEW GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

National Park Service - Channel Islands National Park
1901 Spinnaker Drive
Ventura, California 93001

AREA, LAND TYPE, AND LOCATION:

Sovereign lands offshore of Anacapa, Santa Barbara, Santa Cruz, and Santa Rosa Islands within Channel Islands National Park, Ventura and Santa Barbara counties.

AUTHORIZED USE:

Use and maintain a dock on Anacapa Island; use and maintain a dock on Santa Barbara Island; reconstruct, use and maintain a pier at Prisoners Harbor, Santa Cruz Island; use and maintain a dock at Scorpion Cove, Santa Cruz Island; use and maintain a pier at Bechers Bay, Santa Rosa Island; use and maintain two steel mooring buoys each offshore of Anacapa and Santa Cruz Islands, and use and maintain one steel mooring buoy each offshore of Santa Barbara and Santa Rosa Islands.

LEASE TERM:

20 years, beginning March 1, 2002.

CONSIDERATION:

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

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BACKGROUND INFORMATION:

Designated as a national park in 1980, Channel Islands National Park (Park) is comprised of Anacapa, Santa Barbara, Santa Cruz, Santa Rosa, and San Miguel Islands, together with 125,000 acres of lands surrounding the islands that are submerged beneath the Pacific Ocean. The Park is home to over 2,000 species of plants and animals; 145 of these species are found nowhere else in the world. Approximately 30,000 people visit the Park each year, and another 60,000 travel in Park waters.

The pier at Bechers Bay, Santa Rosa Island was constructed in the 1870s. It is 572 feet long and 20 feet wide. A lease for this pier was authorized to the U.S. Corps of Engineers by the Commission in 1953 under PRC 617.9. This lease was subsequently terminated in 1963 when the pier was transferred to a private company that owned the uplands, Vail and Vickers. A new commercial lease, PRC 3837.1, was authorized to Vail and Vickers by the Commission in 1964 for the use and maintenance of the pier, but this lease was never signed by Vail and Vickers.

Vail and Vickers subsequently sold the property to the U.S. Department of the Interior, National Park Service in 1986. The authorization to Vail and Vickers for PRC 3837.1 was never rescinded by the Commission. At various times the pier has been reconstructed to repair damage. The last major reconstruction occurred in 1988/89. The pier provides the primary access point to Santa Rosa Island for Park visitors, the U.S. Coast Guard, and the National Park Service.

The pier at Prisoners Harbor, Santa Cruz Island has been at its present location since 1869, but has never been authorized by the Commission. It is 374 feet long and 18 feet wide. The pier has been condemned as unsafe and is closed to all entry. Currently all visitors, cargo and materials must be landed in small boats through the surf alongside the pier.

The dock on Anacapa Island was first constructed in 1932, but has never been authorized by the Commission. The dock is a polygon with dimensions of 64 feet by 36 feet by 60 feet by 16 feet. The dock provides the only access point to Anacapa Island for Park visitors, the U.S. Coast Guard, and the National Park Service.

The original construction date of the dock on Santa Barbara Island is unknown. It has never been authorized by the Commission. It was first reconstructed in 1916 and was reconstructed again by the National Park Service in 1984 after it

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was destroyed by the El Nino storms of 1983. The dock is 40 feet long and 12 feet wide. The dock provides the only access point to Santa Barbara Island for Park visitors, the U.S. Coast Guard, and the National Park Service.

The National Park Service maintains six 48-inch steel mooring buoys; two each offshore of Anacapa and Santa Cruz Islands and one each offshore of Santa Barbara and Santa Rosa Islands. The buoys are attached to 3,000-pound fluke anchors with two-inch stud link chains. The buoys are used primarily by government patrol and supply vessels, for emergency moorings by private vessels, and for daytime mooring by concession boats that transport visitors to the Park. The buoys have been in use for many years. Only the buoy off of Santa Rosa Island was ever permitted by the Commission. At its meeting on May 21, 1953, pursuant to Minute Item 23, page 1817, the Commission authorized Permit No. PRC 798.9 to the U.S. Navy for a mooring buoy to be used for sea rescue service. The National Park Service took over maintenance of the buoy in the late 1980s or early 1990s as part of the operation of Channel Islands National Park.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. As to the reconstruction of the pier at Prisoners Harbor, Santa Cruz Island, a Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the U.S. Department of the Interior, National Park Service. The document was circulated for public review as broadly as state and local law may require and notice was given in accordance with the standards in Title 14, California Code of Regulations, Section 15072(a). Therefore, pursuant to Title 14, California Code of Regulations, Sections 15221 and 15225, the staff recommends the use of the federal FONSI in place of a Negative Declaration.
3. As to the existing unpermitted facilities on Santa Cruz Island, Santa Barbara Island, Santa Rosa Island, and Anacapa Island, pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that these activities are exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no

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possibility that these projects may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

4. As to rescinding Lease No. PRC 3837.1 and terminating Permit No. PRC 798.9, pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that these activities are not subject to the provisions of the CEQA because they are not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. These activities involve lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon staff's consultation with persons nominating such lands and through the CEQA review process, it is the staff's opinion the project, as proposed, is consistent with the use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, California Coastal Commission, Department of Fish & Game, Office of Historic Preservation.

FURTHER APPROVALS REQUIRED:

National Oceanic and Atmospheric Administration, State Lands Commission.

EXHIBITS:

- A. Location Map – Anacapa Island
- B. Location Map – Santa Barbara Island
- C. Location Map – Santa Rosa Island
- D. Location Map – Santa Cruz Island/Prisoners Harbor
- E. Location Map – Santa Cruz Island/Scorpion Harbor
- F. Finding of No Significant Impact

PERMIT STREAMLINING ACT DEADLINE:

August 27, 2002.

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO RESCINDING LEASE NO. PRC 3837.1 AND TERMINATING PERMIT NO. PRC 798.9, FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AS TO THE RECONSTRUCTION OF THE PIER AT PRISONERS HARBOR, FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT, PREPARED AND ADOPTED FOR THIS PROJECT BY THE U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, MEETS THE REQUIREMENTS OF THE CEQA. THEREFORE, PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15221 AND 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.

AS TO THE EXISTING UNPERMITTED FACILITIES ON ANACAPA, SANTA BARBARA, SANTA ROSA AND SANT CRUZ ISLANDS, FIND THAT THE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THESE ACTIVITIES ARE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

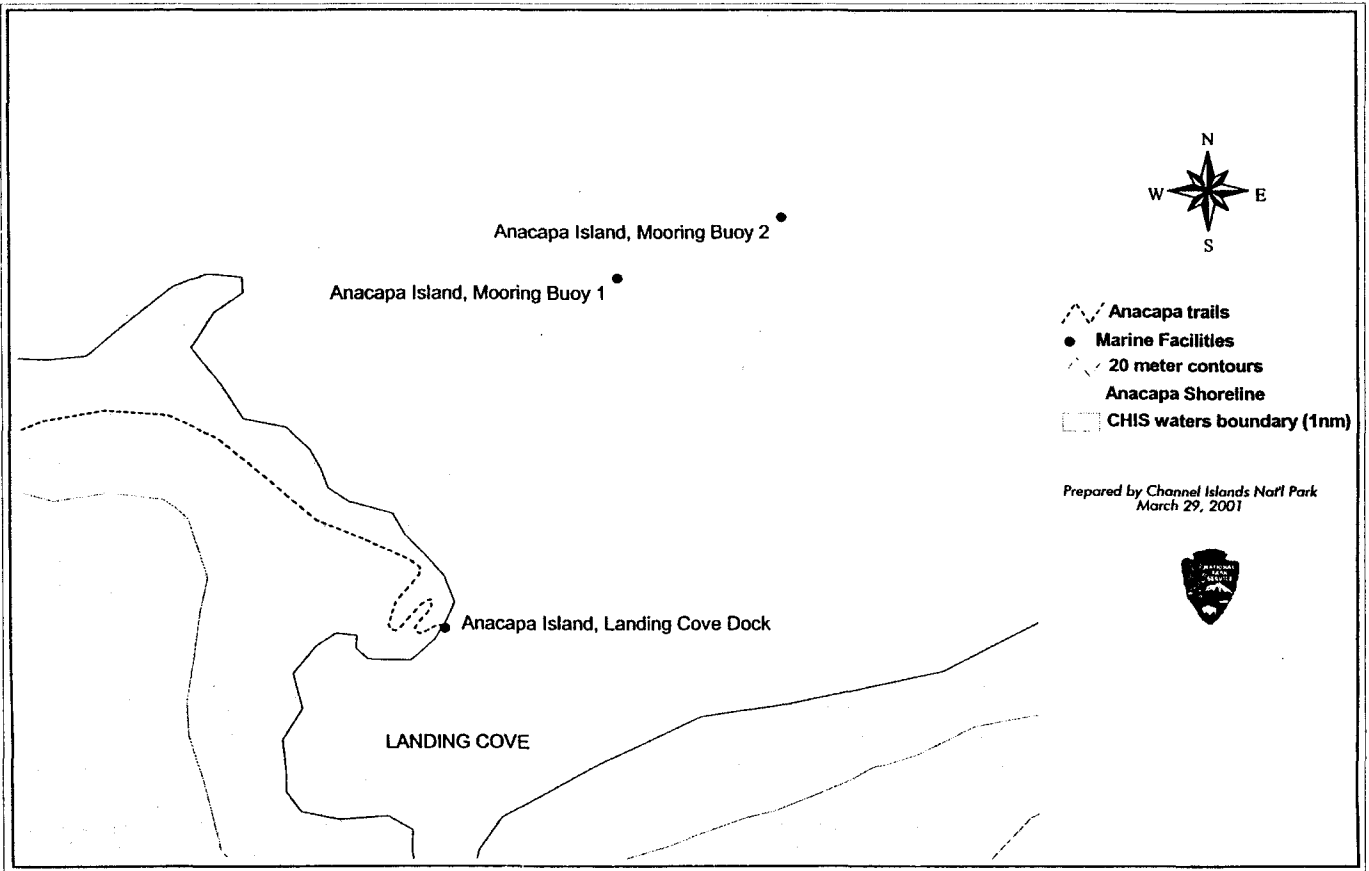
RESCIND PRIOR AUTHORIZATION FOR LEASE NO. PRC 3837.1 – A COMMERCIAL LEASE TERMINATE PERMIT PRC NO. 798.9 - A MOORING BUOY PERMIT

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AUTHORIZE ISSUANCE TO CHANNEL ISLANDS NATIONAL PARK OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING MARCH 1, 2002, FOR A TERM OF 20 YEARS, FOR USE AND MAINTENANCE OF A DOCK ON ANACAPA ISLAND; USE AND MAINTENANCE OF A DOCK ON SANTA BARBARA ISLAND; RECONSTRUCTION, USE AND MAINTENANCE OF A PIER AT PRISONERS HARBOR, SANTA CRUZ ISLAND; USE AND MAINTENANCE OF A DOCK AT SCORPION COVE, SANTA CRUZ ISLAND; USE AND MAINTENANCE OF A PIER AT BECHERS BAY, SANTA ROSA ISLAND; USE AND MAINTENANCE OF TWO STEEL MOORING BUOYS IN EACH LOCATION OFFSHORE OF ANACAPA AND SANTA CRUZ ISLANDS; USE AND MAINTENANCE OF ONE STEEL MOORING BUOY IN EACH LOCATION OFFSHORE OF SANTA BARBARA AND SANTA ROSA ISLANDS; ON THE LAND SHOWN ON EXHIBITS A THROUGH F ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; THE CONSIDERATION IS THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

NO SCALE

SITE MAP



ANACAPA ISLAND, Channel Islands National Park

NO SCALE

LOCATION MAP

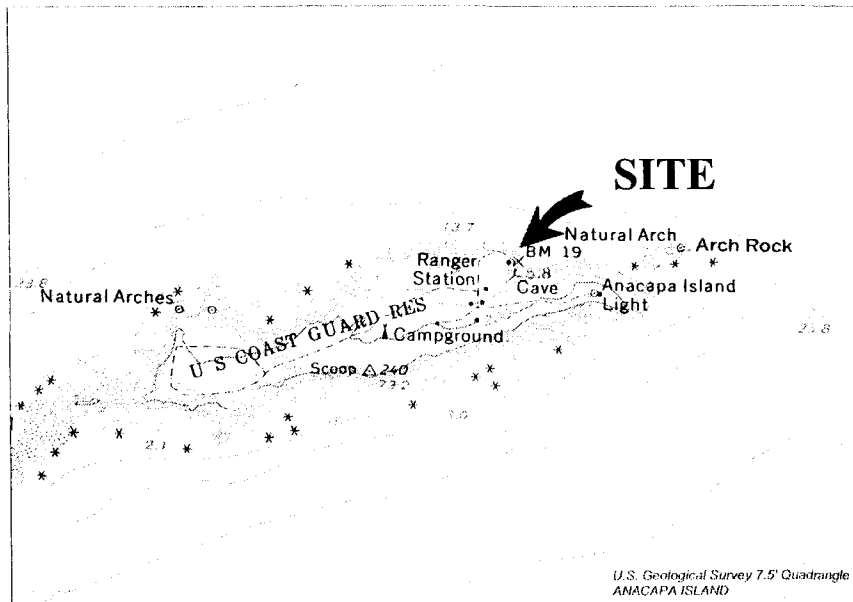


EXHIBIT A

W25784

General Lease
Anacapa Island
Ventura County



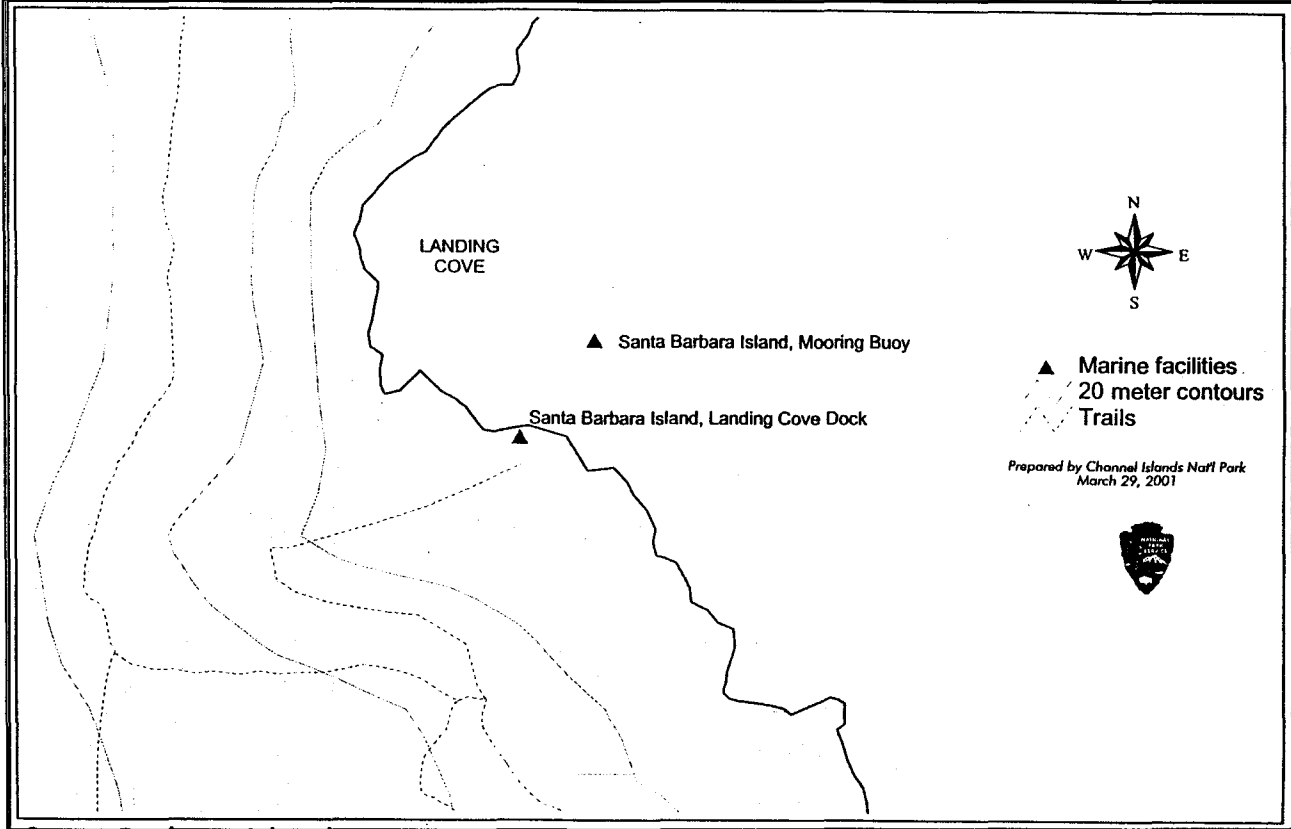
This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as a waiver or limitation of any state interest in the subject or any other property.

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NO SCALE

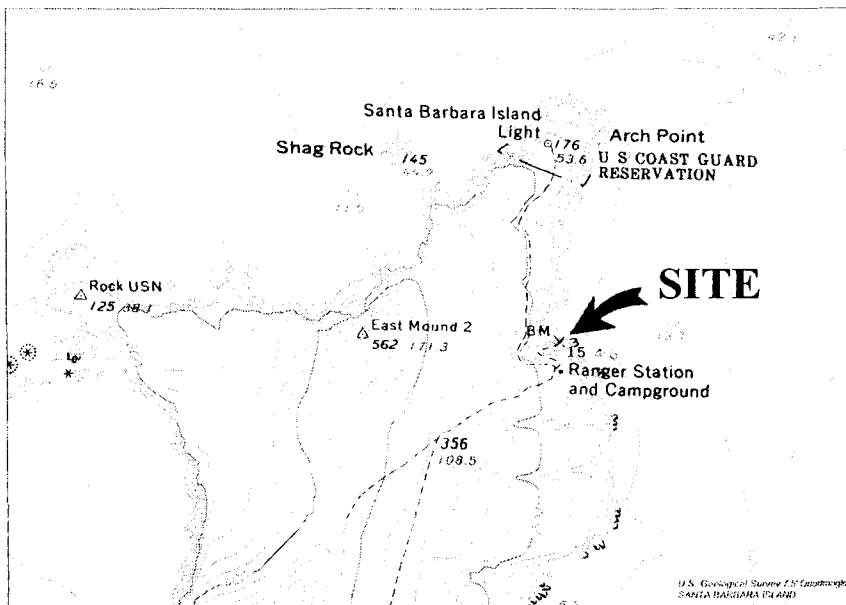
SITE MAP



SANTA BARBARA ISLAND, Channel Islands National Park

NO SCALE

LOCATION MAP



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EXHIBIT B

W25784

General Lease

Santa Barbara Island
Santa Barbara County



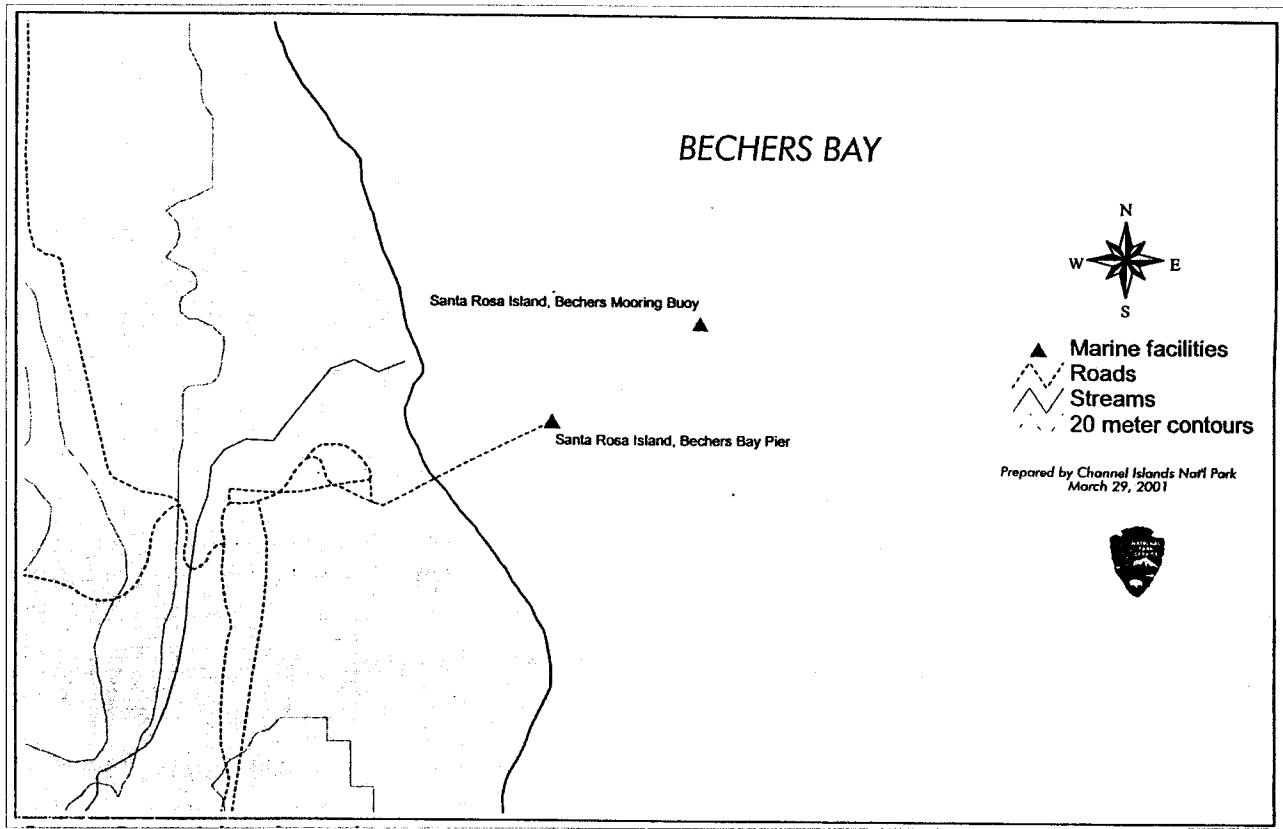
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NO SCALE

SITE MAP



SANTA ROSA ISLAND (BECHERS BAY)
 Channel Islands National Park

NO SCALE

LOCATION MAP

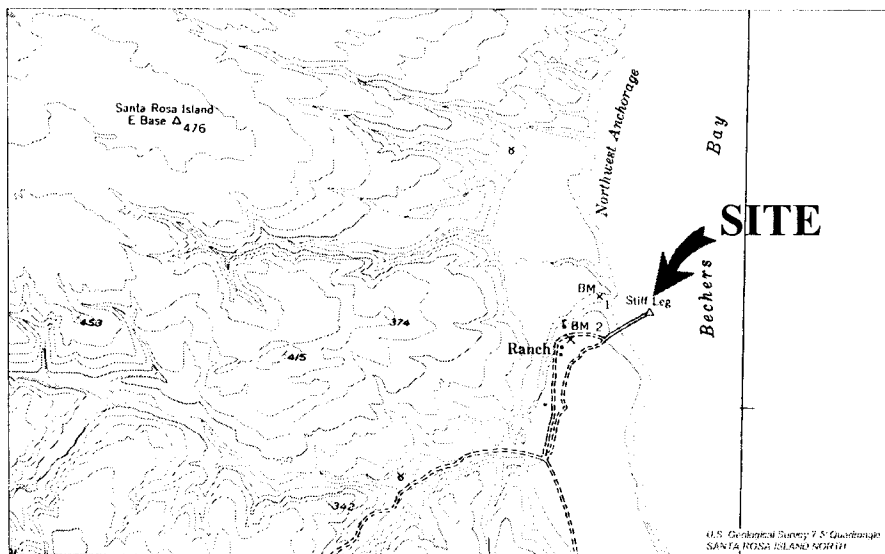


EXHIBIT C

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General Lease

Santa Rosa Island

Santa Barbara County



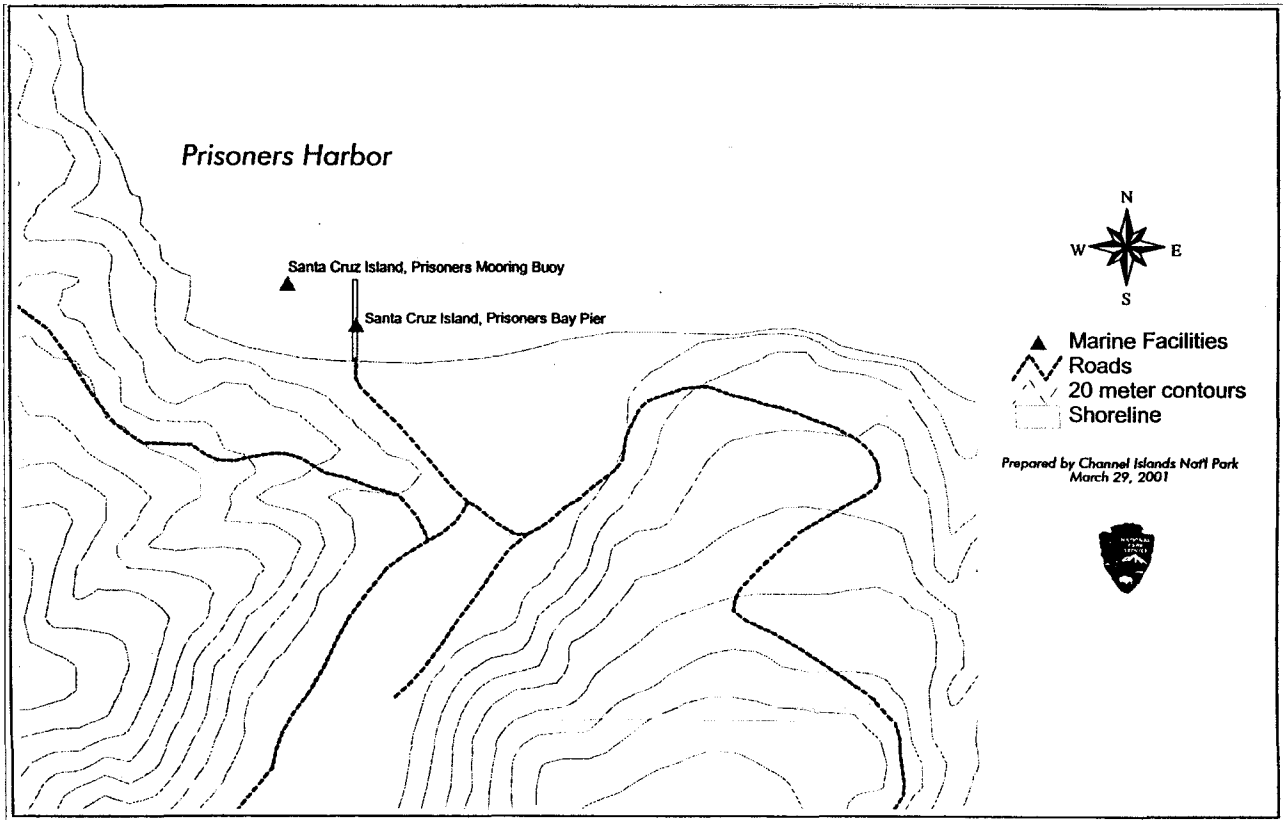
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NO SCALE

SITE MAP



SANTA CRUZ ISLAND (PRISONERS HARBOR)

Channel Islands National Park

NO SCALE

LOCATION MAP

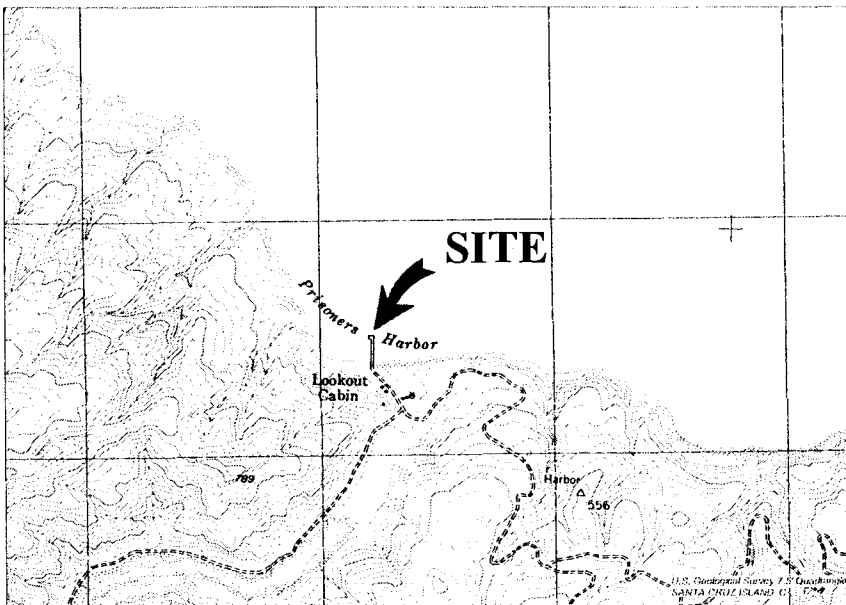


EXHIBIT D

W25784

General Lease
Prisoners Harbor
Santa Barbara County



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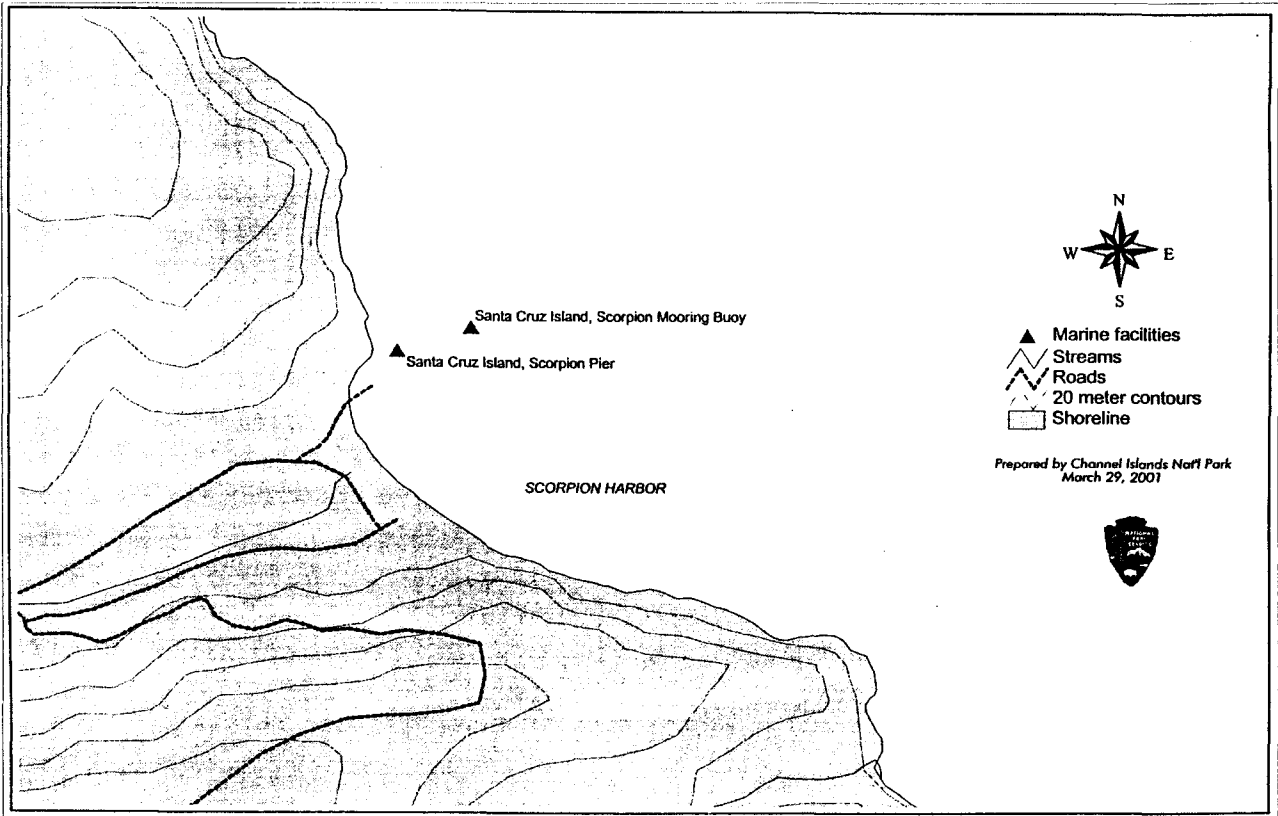
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NO SCALE

SITE MAP

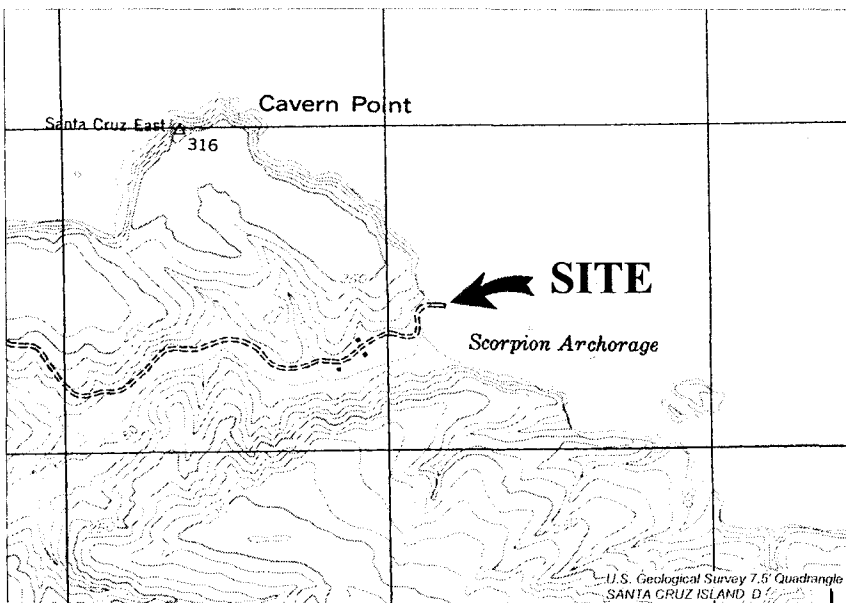


SANTA CRUZ ISLAND (SCORPION HARBOR)

Channel Islands National Park

NO SCALE

LOCATION MAP



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EXHIBIT E

W25784

General Lease
 Scorpion Harbor
 Santa Barbara County



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EXHIBIT F

Finding of No Significant Impact

Channel Islands National Park

Replace Prisoners Pier at Santa Cruz Island

Purpose and Need: The National Park Service's Channel Islands National Park proposes to replace the existing pier at Prisoners Harbor, Santa Cruz Island. Currently the park owns the eastern 10% of Santa Cruz Island. The park's holdings will be increased to about 25% at the conclusion of a land transfer from the Nature Conservancy expected to occur by May 2000. (The Nature Conservancy owns the remainder of the island and has a full-time staff living on the island). As a result of this transaction the National Park Service will own the pier at Prisoners Harbor. This pier is one of two on the island. This pier is rapidly deteriorating from natural processes and lack of maintenance, is unsafe and is closed to all use. Many piles, including some complete bents (rows of piles perpendicular to the length of the pier), are missing. Many of the fender piles are missing and the decking is badly worn. In 1998 The Naval Air Weapons Station, Point Mugu, conducted an engineering study of the Prisoners Pier. They recommended an extensive replacement for much of the pier. The pier has deteriorated further since the study was completed.

The replacement of the pier would allow for visitors, University of California Research Station staff, visiting students and researchers, Nature Conservancy staff, and park employees to safely disembark, and for the island to be supplied from cargo vessels. Failure to implement this project will hamper the park's ability to preserve sensitive resource and provide for visitor safety.

Selected Action: The new pier will remain at about 372 feet long but the existing width, 16 feet wide and about 24 feet wide at its seaward end, would be widened. The existing configuration of three piles per bent would be enlarged. Extra piles would be added, no more than two per bent, to accommodate the load from the wider pier. The seaward end of the pier would be enlarged from its present 23 feet x 30 feet to about 30-35 feet x 30-35 feet. All piles and fender piles from the existing pier would be replaced. All material removed from the pier, including the creosote treated piles, would be removed from the island, and disposed of at an authorized mainland site.

Demolition will occur from the seaward end and work towards shore. Construction would commence from the shore and would continue out to the pier's seaward terminus. Construction and demolition activities would be undertaken from the new and existing

pier structure. A 20-ton truck crane is typically used in construction activities such as those being proposed. In addition to the truck crane, other pieces of equipment likely to be used are: a crew boat that transports the crew to and from the island, a boat and barge to haul equipment to and from the island, a pickup truck on the island to transport equipment and demolition material to and from the stockpile area, chain saws, a compressor, and a generator. About 28 vessel trips to transport the workers and inspectors to and from the island will be needed. Demolition and construction activities are expected to last a total of about seven months. The process of driving piles is expected to take less than three months. The process for pier removal and replacement would most likely include the following steps.

- Remove existing decking near pile bent.
- Cut existing piles at mudline and remove, if possible. (Most contractors feel there is little chance of extracting the entire pile if it is in poor condition. Those partial piles will remain buried below the sea floor surface.)
- Stockpile material resulting from demolition, including creosote piles, onshore (these would be eventually removed from the island and disposed of in a suitable approved landfill on the mainland). Before being stockpiled, the soil would be covered with an impermeable material to prevent the lands from becoming contaminated from the creosote piles.
- The area where piles would be installed may be jetted to allow for proper pile placement
- Install new piles adjacent to existing bents. Piles are treated with ACZA (ammoniacal copper zinc arsenate) and lined with polyethylene.
- Cut and level the tops of the new piles and connected to the pile cap
- Replace stringers, blocking, and decking.
- Demolition and Construction would progress from the beach out to the pier's seaward terminus. Barge(s) would be used only for the transport of equipment, construction materials, and items, resulting from the demolition process, to be disposed of on the mainland. No barges would be used in the construction or demolition process. Contractors would not be allowed to anchor within the area known as Prisoners Harbor.
- Demolition and Construction would be conducted by contractor and NPS staff. About 5 NPS employees and about 10 contracted employees would be needed for the project. The contracted employees would be given the option of leaving the island via NPS boat, weather permitting, on any day. The NPS staff would stay at the Navy's RADAR base about 2-3 miles from the pier. (This facility is accessible via NPS vehicles on a well-maintained road). The NPS crew would work eight ten-hour days (from Tuesday through the next Tuesday). It is anticipated that the contractor's crew may wish to work the same schedule. Accommodations are also available at the Navy's base for this crew.

About 173- 250 piles would be driven. The higher levels of pile driver noise, which are maximum levels of approximately 105 dBA at a distance of 15 meters (50 feet), consist of very-short-duration impact sounds (a "bang" or "clang" noise) concentrated during a 10- to 30-minute period while an individual pile is being driven (Caltrans, 1998).

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Therefore a maximum of (250 x .5 hours = 125 hours of pile driving noise) would be generate by this proposed action. Noise from the construction aspect of this project would be restricted to daylight hours and would be accomplished within three months. The entire project would take about seven months to complete.

II. Environmental Assessment Public Review and Alternatives: An Environmental Assessment (EA) was prepared for this project. The Channel Islands National Park notified the public that it was in the process of preparing an EA in January 24, 2000 and requested that comments be forward to the park by February 18, 2000. Five letters were received. On March 15, 2000 the EA was released to the public and government agencies. Comments on the EA were accepted until April 17, 2000. Seven comments were received. The EA was sent to 23 individuals, three tribal offices, seven federal offices, seven state offices, one university, 6 environmental groups, and 4 other groups (please see mailing list, Appendix 1). The announcement of the proposed project and the availability of the EA was sent to over one hundred news offices in southern California and it was also posted on March 15, 2000 at the Ventura Harbor Marine bulletin board.

In addition to the proposed action three alternatives were considered. A no action alternative that proposed to allow the existing pier to continue to deteriorate and remain closed to use. A second alternative proposed that the existing pier would be removed and not allowed to deteriorate. The final alternative would allow for the continuation pier maintenance replacing portions of the pier as needed and keeping the pier at its present size.

III. Summary of Public Comments: Comments regarding the Environmental Assessment were received from seven government offices and one private office.

The California Department of Fish and Game (CDFG) and the National Marine Fisheries Service (NMFS) expressed concern with the potential damage to the eelgrass bed from the construction of a slightly wider pier. NPS will conduct pre- and post construction surveys of the eelgrass bed and will document any changes to the size or observable health of the bed. If damage exceeds six square meters the NPS would provide mitigation following the NMFS's *Southern California Eelgrass Mitigation Policy*. CDFG also suggested that the NPS initiate a ban on anchoring in the Prisoners Pier harbor to prevent impacts to the eelgrass bed. Historic anchoring in the harbor has not resulted in observable long-term impacts. The NPS does not have plans to implement this CDFG suggestion at this time. CDFG also suggested that NPS take precautions regarding creosote contaminating the terrestrial environment. NPS will cover the ground and the creosote material, removed from during the demolition process, with impervious material to prevent contamination.

Marine mammals are not typically found in Prisoners Pier harbor or beach. However, NMFS was expressed concern with the possibilities of the demolition and construction activities (especially the noise from pile driving) having impacts on marine mammals that might unexpectedly occur at the project site. NPS will stop all demolition/construction activities should any marine mammal be observed in or near pier area.

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NMFS also suggested that the NPS will implement Best Management Practices (BMP) to minimize turbidity plumes and possible contaminants released into the water column during pier demolition and construction. NPS will implement the BMP.

Santa Cruz Island Foundation asked a number of questions regarding the some of the cultural resources of the area.

The pier is not eligible for the National Register, therefore HABS photography is not required, however NPS will record the pier photographically before its removal, and will make every attempt to carry out HABS-level photography.

NPS intends to reuse the existing historic fencing and gate upon completion of the construction, if they can be removed and replaced without damage. Otherwise these historic features will be reconstructed to match the existing.

An archeological diving survey was done by park staff (Don Morris), volunteers from the Coastal Maritime Archeological Resources organization, and Georgia Fox, Curator, Santa Barbara Maritime Museum. No cultural resources were observed. The Santa Cruz Island Foundation reported that a Model A was driven off the end of the pier. The diving team observed no trace of this vehicle.

As suggested by the California State Lands Commission and the State Historic Preservation Officer consultation with the latter office was initiated.

All scoping comments were addressed in preparing the Environmental Assessment. In response the Santa Ynez Chumash Environment Office's comments, testing has not revealing any archeological remains in the project area. NPS will use an archeological monitor during any ground disturbing activities.

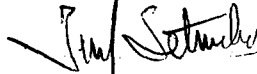
IV. Mitigation Summary:

Impact	Mitigation	Responsible Party
Possible damage to Submerged Archeological Resources	Survey area for presence of archeological resources. Surveys have been completed and no artifacts were located. During any ground disturbing activity an archeological monitor would be used.	Ann Houston, Cultural Resources Chief
Possible Damage to Eelgrass Bed from construction of larger pier	Pre- and Post construction Surveys of eelgrass bed. If greater than 6 square meters damage would be mitigated as per National Marine Fisheries Service's S. Calif. Eelgrass Mitigation Policy	Tim Glass, Project Manager
Marine Mammal Harassment	If marine mammals are located in study area construction/demolition activities would cease until the animal(s) are no longer in the area.	Dan Richards, Marine Mammalogist
Contamination to terrestrial environment from materials recovered from the demolition activity	Impermeable ground tarp will be used and material would also be covered to prevent run-off	Tim Glass, Project Manager
Trash (including materials resulting from offshore work)	All construction/demolition materials will be disposed of in an approved landfill site on the mainland (any debris resulting from the action will be collected and disposed of in a similar manner)	Tim Glass, Project Manager
Turbidity	The NPS will implement Best Management Practices to minimize turbidity plumes and possible contaminants released into the water column during pier demolition and	Tim Glass, Project Manager

	construction.	
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V. Conclusion: Based on the EA, the comments received from the public review and the ability of the mitigation measures to reduce or eliminate adverse impacts, the NPS has determined that the proposed action is not a major federal action that would significantly affect the human environment. Therefore, the proposal will be implemented and an environmental impact statement will not be prepared.

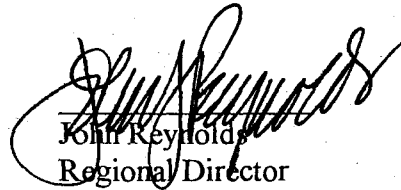
Recommended:



Tim J. Setnicka
Superintendent

9/7/08
Date

Approved:



John Reynolds
Regional Director

9.22.08
Date