

MINUTE ITEM
This Calendar Item No. C50 was approved as
Minute Item No. 50 by the California State Lands
Commission by a vote of 3 to 0 at its
06/28/07 meeting.

**CALENDAR ITEM
C50**

A	41		06/28/07
S	23	PRC 8754	W 26222 S. Young

GENERAL LEASE - NON-COMMERCIAL USE

APPLICANT:

Monterey Bay Aquarium
886 Cannery Row
Monterey, California 93940

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean, approximately 1.2 nautical miles offshore of the city of Malibu, Los Angeles County.

AUTHORIZED USE:

The seasonal deployment, in the Pacific Ocean offshore of Malibu, of a 40-meter diameter mesh shark pen for up to 115 days annually between the months of May and September. The pen, used in connection with the Monterey Bay Aquarium's multi-year young white shark research project, will be anchored in a location with soft mud and sand bottom habitat.

LEASE TERM:

Five years, beginning June 1, 2007.

CONSIDERATION:

\$50 per annum with the State reserving the right to fix a different rent periodically during the lease terms, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. The Monterey Bay Aquarium (Aquarium) has applied for a five-year General Lease – Non-Commercial Use in connection with the annual deployment of a 40-meter diameter mesh shark pen offshore of Paradise

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Cove, near Malibu, Los Angeles County. The deployment of the pen is part of a multi-year study of young white sharks off the southern California.

2. The purpose of the study is to better understand the biology of the threatened white sharks and to determine whether it is possible to keep a young white shark on long-term exhibit. The young white sharks in the study are caught as by catch by commercial or recreational fishermen. The study includes the deployment of an ocean holding pen located approximately 1.2 nautical miles offshore. The pen provides a controlled environment in which a juvenile shark can be observed for injury or illness and acclimated to accept prepared food. After being held in the pen, the sharks will either be tagged and released or placed in an exhibit at the Aquarium. The pen also allows the young shark to get accustomed to navigating in a confined environment, thus providing a method to ease the transition to an exhibit setting in the Aquarium. One shark is held in the pen at a time, though Aquarium researchers have had up to two in the pen for a short time. The pen is towed into place by a chartered commercial fishing vessel, which remains stationed at the pen 24-hours per day for the duration of the white shark season. There will be trained researchers present at the pen at all times should an emergency occur or other marine life approach the pen. The floating mesh pen is similar to those used by commercial tuna ranchers. The pen consists of a 40-meter polyethylene ring that is equipped with radar reflectors and strobe lights, as required by U.S. Coast Guard Regulations. The 40-meter diameter pen extends 11 meters deep into the water from the surface. The surface ring is topped by a one-meter "fence" to keep un-wanted animals out and to keep research animals in. The pen is anchored by two "Davenport" style anchors that are deployed at 180 degrees from each other. Each anchor has a chain approximately 34 meters in length and an additional 70 meters of rope. The anchors are stable and do not drift or move. At the conclusion of the field research season, the vessel tows the pen away and returns it to a storage facility.

3. The Aquarium is collaborating in the white shark study with researchers from Stanford University, the Tagging of Pacific Pelagics, California State University-Long Beach, University of California-Davis, Point Reyes Bird Observation Conservation Science and the Pelagic Shark Research Foundation.

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4. On June 1, 2007, in order to facilitate the timing of this season's white shark study and at the request of the Aquarium, staff of the Commission issued a conditional letter allowing the Aquarium to place the pen in State waters once all required permits are obtained.
5. The Aquarium has applied to the California Coastal Commission for a waiver of a Coastal Development Permit. A Notice of Coastal Development Permit Waiver-De-Minimis, No. 4-07-023-W, was issued on June 1, 2007. The wavier is pending consideration at the June meeting of the Coastal Commission.
6. 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 the CEQA as a categorically exempt project. The project is exempt under Class 6, Information Collection; Title 14, California Code of Regulations, section 15306.

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

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

APPROVALS OBTAINED:

California Department of Fish and Game
California Coastal Commission

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

August 1, 2007

CALENDAR ITEM NO. C50 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 6, INFORMATION COLLECTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15306.

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE MONTEREY BAY AQUARIUM OF A GENERAL LEASE – NON COMMERCIAL USE, BEGINNING JUNE 1 2007, FOR A TERM OF FIVE YEARS, FOR THE DEPLOYMENT, UP TO 115 DAYS ANNUALLY BETWEEN MAY AND SEPTEMBER, OF A MESH SHARK PEN AS PART OF A WHITE SHARK RESEARCH PROJECT, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENTAL IN THE AMOUNT OF \$50, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM AS PROVIDED IN THE LEASE; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.

MONTEREY BAY AQUARIUM
WHITE SHARK RESEARCH PEN

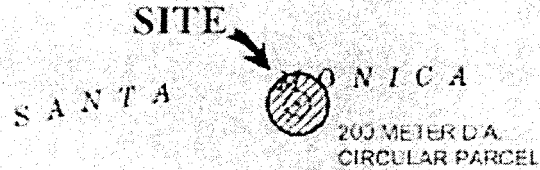
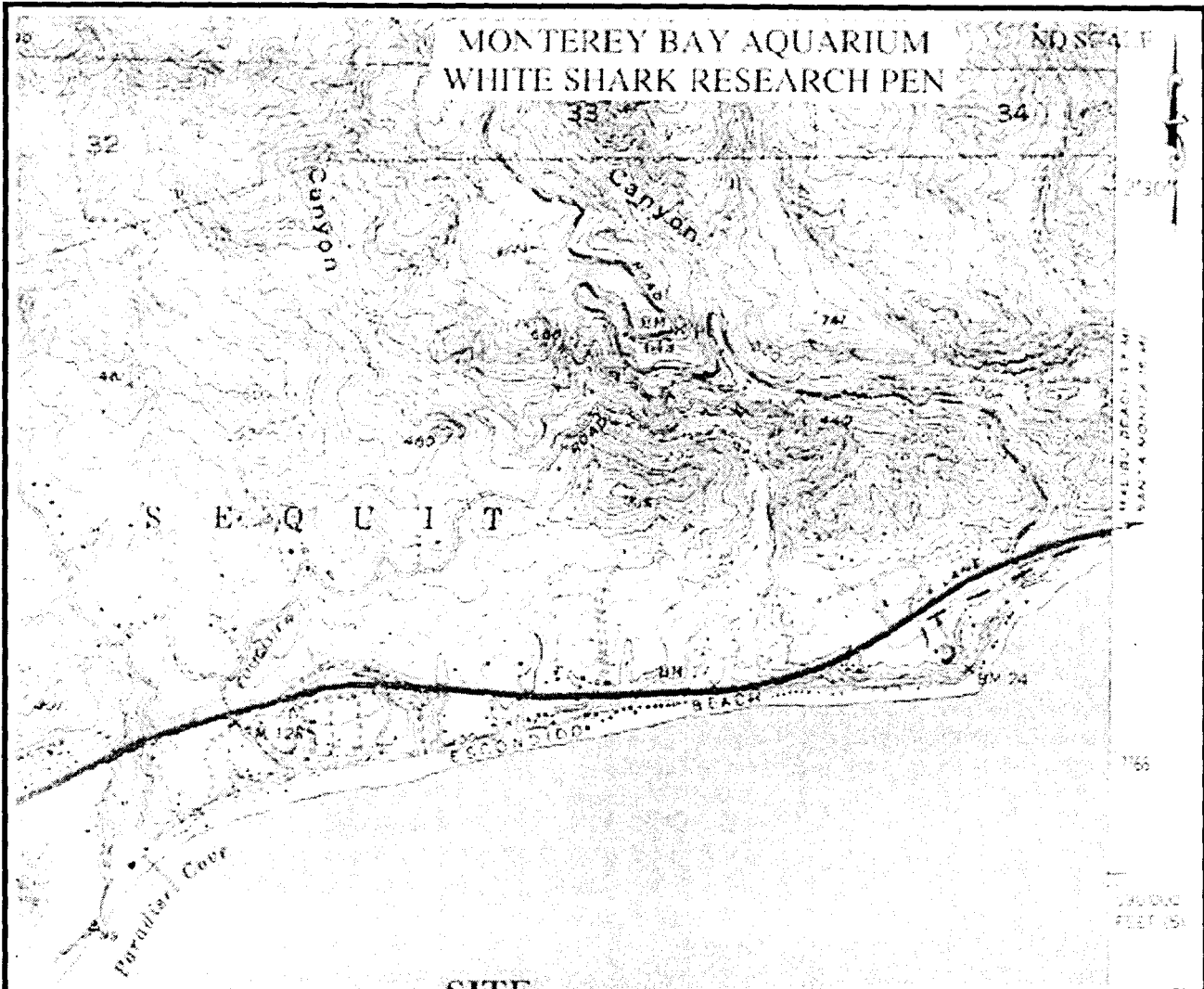


Exhibit A
W 2622
GENERAL LEASE
NON-COMMERCIAL USE
PACIFIC OCEAN
LOS ANGELES COUNTY



MAP SOURCE: USGS OOAD

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.