

**CALENDAR ITEM
C60**

A 70, 66
S 26

08/19/15
W 26871
D. Simpkin

ISSUANCE OF A GENERAL LEASE – OTHER

LESSEE:

Aquarium of the Pacific
100 Aquarium Way
Long Beach, CA 90802

AREA, LAND TYPE, AND LOCATION:

Sovereign and granted lands in the Pacific Ocean, adjacent to Santa Catalina Island and the city of Rancho Palos Verdes, Los Angeles County.

AUTHORIZED USE:

The collection of up to 1,000 pounds of assorted rock from the Pacific Ocean per year.

LEASE TERM:

10 years, beginning August 19, 2015.

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 interests.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Rocks may be collected by hand by trained SCUBA divers. Small, hand-held crowbars or hammers may be used if necessary to dislodge the rock. The use of power tools, heavy machinery, or other equipment for the collection of rock is prohibited.
3. Disturbance or take of abalone or sensitive species during the collection of rock is prohibited.

CALENDAR ITEM NO. **C60** (CONT'D)

4. Disturbance or removal of cultural resources, including but not limited to, all or parts of sunken vessels, aircraft, shipwrecks, and associated cargo is prohibited. If cultural resources are discovered, Lessee must record the location's GPS coordinates and notify Lessor's staff within 3 business days.
5. Collection of rock within a State Marine Protected Area is prohibited.

OTHER PERTINENT INFORMATION:

1. The Aquarium of the Pacific (Aquarium) has previously collected assorted rocks for use in its exhibits under Letters of Non-Objection. In October 2014, staff advised the Aquarium that in order to collect rocks on an ongoing basis, the Aquarium would be required to obtain a lease. The Aquarium is requesting the issuance of a General Lease – Other for the collection of assorted rocks.
2. The Aquarium proposes to collect no more than 1,000 pounds of assorted rock per year from three locations in Los Angeles County. All rocks will be used exclusively in the Aquarium's displays. Most rocks will be collected by hand by trained SCUBA divers. Small, hand-held crowbars or hammers may be used at times, if necessary to dislodge the rock.
3. The Aquarium has a scientific collecting permit from the California Department of Fish and Wildlife. The scientific collecting permit allows for collection of specific quantities of identified marine organisms and prohibits the take of endangered species, threatened species, or any species of concern. The Aquarium's compliance with its scientific collecting permit will prevent take of any endangered or threatened species, including abalone, as well as any other species of concern, during rock collection.
4. A portion of the project is located within lands legislatively granted to the City of Palos Verdes Estates, pursuant to Chapter 1975, Statutes of 1963, and as amended, minerals reserved.
5. The project's collection sites are not within the boundaries of any State Marine Protected Area.
6. The 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 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

CALENDAR ITEM NO. **C60** (CONT'D)

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

7. 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:

- 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 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

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 the issuance of a General Lease – Other to the Aquarium of the Pacific beginning August 19, 2015, for a term of 10 years, for the collection of up to 1,000 pounds of assorted rock from the Pacific Ocean per year, as described on Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof, consideration being the public 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 interests, and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26871

LAND DESCRIPTION

Three parcels of tide and submerged land situated in San Pedro Channel in the Pacific Ocean, Los Angeles County, State of California, more particularly described as follows:

PARCEL 1

A parcel of land lying adjacent to the west side of Palos Verdes Peninsula and bounded on the north by a line extending in a northwesterly direction perpendicular to the mean low water line through a point having a geographic coordinate of 33° 47' 48.23" North Latitude and 118° 24' 32.55" West Longitude; bounded on the south by a line extending in a northwesterly direction perpendicular to the mean low water line through a point having a geographic coordinate of 33° 47' 20.06" North Latitude and 118° 24' 53.97" West Longitude; bounded on the east by the mean low water line; bounded on the west by a line seaward from the mean low water line out to a depth of 30 feet below mean low water.

PARCEL 2

A parcel of land lying adjacent to the north side of Santa Catalina Island and bounded on the west by a line extending in a northerly direction perpendicular to the mean low water line through a point having a geographic coordinate of 33° 25' 43.14" North Latitude and 118° 26' 12.02" West Longitude; bounded on the east by a line extending in a northerly direction perpendicular to the mean low water line through a point having a geographic coordinate of 33° 25' 41.06" North Latitude and 118° 25' 43.92" West Longitude; bounded on the south by the mean low water line; bounded on the north by a line seaward from the mean low water line out to a depth of 30 feet below mean low water.

PARCEL 3

A parcel of land lying adjacent to the northwest side of Santa Catalina Island and bounded on the west by a line extending in a northerly direction perpendicular to the mean low water line through a point having a geographic coordinate of

33° 28' 44.59" North Latitude and 118° 36' 22.18" West Longitude; bounded on the east by a line extending in a northerly direction perpendicular to the mean low water line through a point having a geographic coordinate of 33° 28' 39.49" North Latitude and 118° 32' 18.56" West Longitude; bounded on the south by the mean low water line; bounded on the north by a line seaward from the mean low water line out to a depth of 30 feet below mean low water.

END OF DESCRIPTION

Geographic Coordinates provided by the Aquarium of the Pacific Incorporation.

Prepared 07/20/15 by the California State Lands Commission Boundary Unit

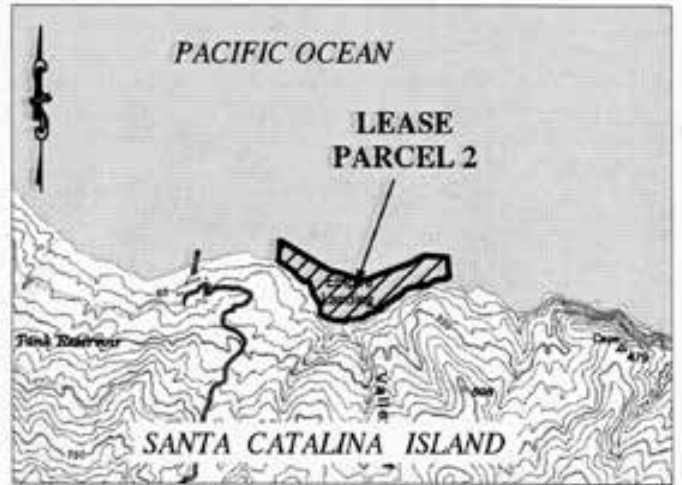


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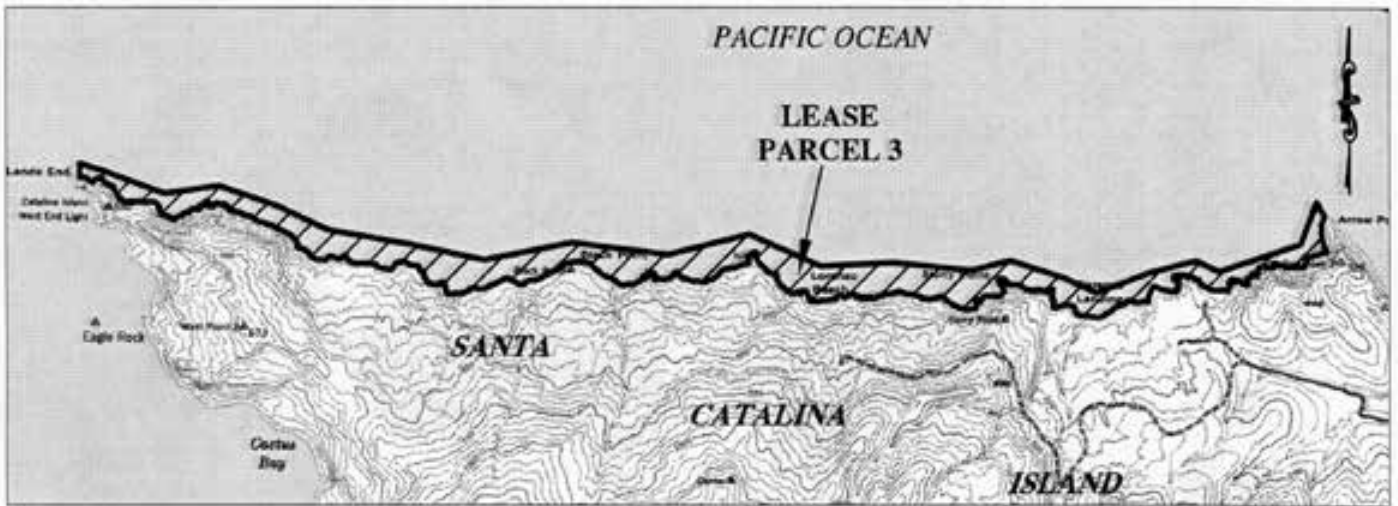
SITE



PACIFIC OCEAN AT BLUFF COVE



PACIFIC OCEAN AT EMPIRE LANDING



PACIFIC OCEAN, SANTA CATALINA ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26871
 AQUARIUM OF THE
 PACIFIC
 GENERAL LEASE -
 OTHER USE
 LOS ANGELES COUNTY



SITE

TS 07/20/15

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.