

**STAFF REPORT  
C66**

A 73  
S 36

02/27/18  
PRC 7253.9  
L. Pino

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

County of Orange

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Pacific Ocean at Salt Creek Beach Park, Dana Point, Orange County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing rock revetment and fill.

*LEASE TERM:*

5 years, beginning February 27, 2018.

*CONSIDERATION:*

Public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On October 7, 1988, the Commission authorized a 20-year General Permit-Public Agency Use, to Orange County (County) for the repair and maintenance of an existing rock revetment ([Item C5, October 7, 1988](#)), beginning October 1, 1988. The lease expired on September 30, 2008. The County is now applying for a new lease.

The structural improvements within the proposed lease premises include a rock revetment and fill. There are no other structures within the lease area.

STAFF REPORT NO. **C66** (CONT'D)

The rock revetment was part of an unauthorized groin placed by the Laguna Niguel Corporation sometime prior to 1970. The revetment currently protects an upland lifeguard tower and the upland access road used by the County for maintenance, emergency, and law enforcement vehicles, and is used by the public for beach access. In 1988, severe winter storms damaged the revetment and the County applied for a lease with the Commission to authorize the previously unauthorized revetment and to make emergency repairs.

The proposed lease area is part of Salt Creek Beach Park. Salt Creek Beach Park is a popular County park located in Dana Point, California receiving hundreds of thousands of beach-goers annually. This wide, sandy beach is directly below the Ritz-Carlton Laguna Niguel beach resort, the Ritz Cove gated development, and the Monarch Beach Golf Links golf course. Salt Creek Beach Park includes almost 1 mile of public beach and provides the public with many opportunities for water-related recreation such as tidepool exploration, fishing, sunbathing, swimming, and body surfing. Salt Creek Beach is also a popular surfing location due to a small offshore reef that creates ideal surf conditions. The upland portion of Salt Creek Beach Park is a large grass park with picnic tables, various walking paths, a paved parking area, restroom facilities with outside showers, and a beach concession building (open in the spring and summer), which offers quick and convenient access to food and beach supplies to the recreating public.

Coastal armoring, such as the subject rock revetment, can have adverse effects on the coastal environment, including increased beach erosion, interference with natural sand supply, loss of public beach, and potential impacts on flora and fauna because of encroachment by protective structures on the beach environment.

The proposed lease is limited to a 5-year term, which will provide the Commission with greater flexibility in evaluating any future impacts that might occur, or if Public Trust needs and values at this location have changed over time. The proposed lease requires the lessee to keep and maintain the revetment in good order and repair, insure the lease premises, and indemnify the State for any liability incurred as a result of the lessee's activities under the lease.

**Climate Change:**

The lease area consists of sovereign land located in the Pacific Ocean near Dana Point. The lease area is located at Salt Creek Beach Park,

## STAFF REPORT NO. C66 (CONT'D)

which is a tidally influenced site. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council 2012). Additional climate change impacts such as more frequent and stronger winter storm and flooding events may contribute to increased vulnerability throughout the lease area. These cumulative impacts could result in accelerated rates of erosion and beach loss. Over the next 30 years sea levels will continue to rise, and storm impacts are likely to increase, potentially increasing the risk to Public Trust resources and values located within and around the lease area, including recreational values associated with the beach.

The combination of increased wave action, storm activity, sea-level rise, and beach scour could result in damage or degradation to the revetment. The revetment also has the potential to exacerbate the impacts of sea-level rise and increased storm and wave activity on State sovereign land adjacent to the lease area. The beach area seaward of the revetment is subject to width reduction and loss from erosion, scour, and coastal squeeze (the reduction of beach width due to the inability of the beach to naturally migrate landward because of hard armoring infrastructure). Beach loss is anticipated to increase over the term of the lease because of the combined factors of climate change impacts, natural dynamic coastal processes, and the presence of the rock revetment. Therefore, the revetment may require more frequent maintenance to ensure continued function during and after storm seasons, and to reduce the risk it potentially poses to public safety, should it become a source of marine debris or a coastal hazard as a result of dislodgement or structural failure.

The 5-year lease term provides both the Commission and the lessee an opportunity to evaluate the effects of sea-level rise and the design and functionality of the revetment in order to make incremental adaptation steps as necessary and appropriate.

### **Conclusion:**

For all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the

STAFF REPORT NO. **C66** (CONT'D)

protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. 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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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

**EXHIBITS:**

- A. Legal 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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the County of Orange beginning February 27, 2018, for a term of 5 years, for a rock revetment and fill as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right to fix a monetary rent if the Commission determines that it is in the State's best interests.

**EXHIBIT A**

**PRC 7253.9**

**LAND DESCRIPTION**

A parcel of tide and submerged land in the bed of the Pacific Ocean, Orange County, State of California, and lying adjacent to Parcel No. 3 of Book 40, pages 19 thru 24 inclusive of Parcel Maps, Official Records of said County, and more particularly described as follows:

All those lands underlying an existing fill area and existing rock revetment lying adjacent to said Parcel No. 3.

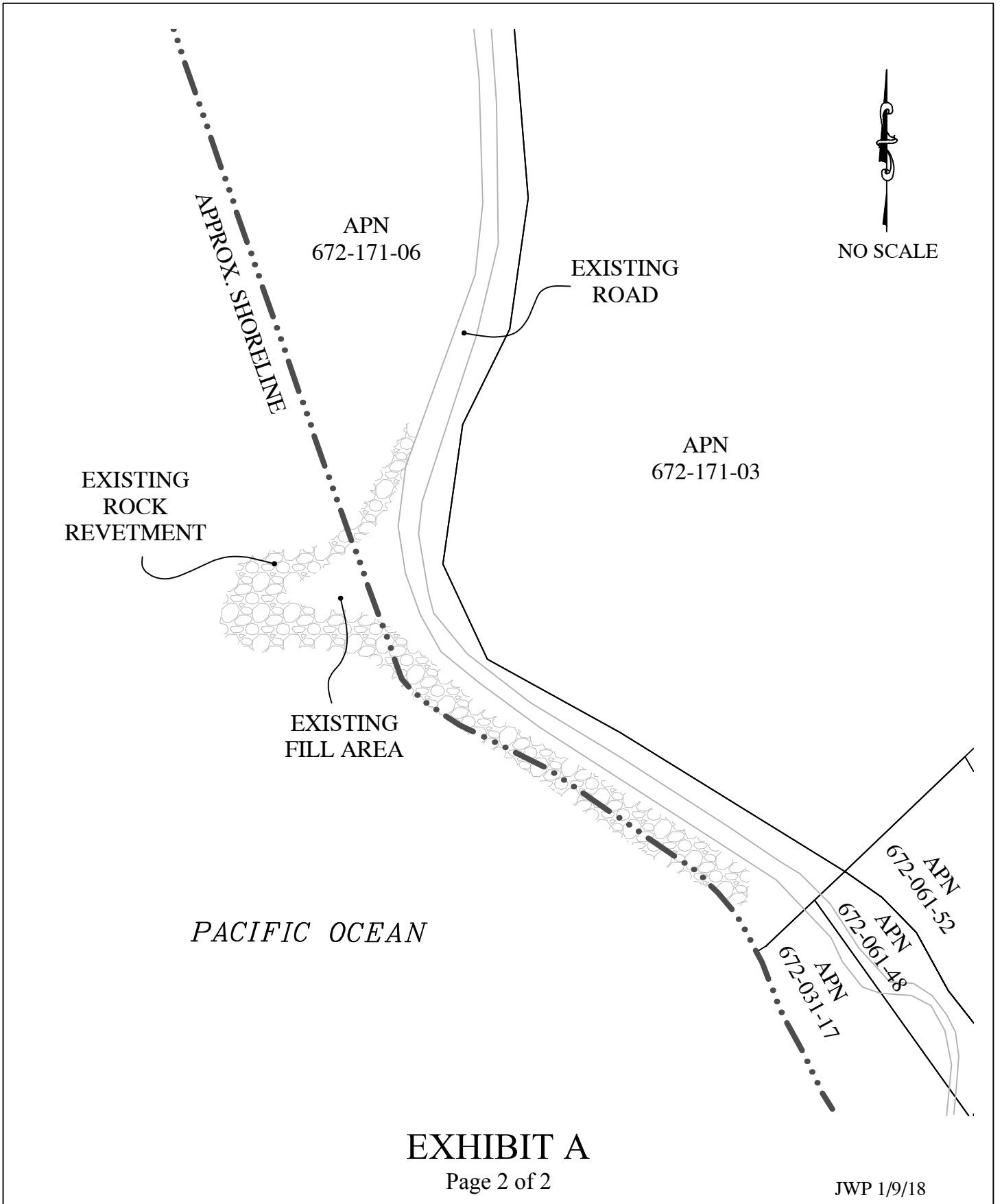
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

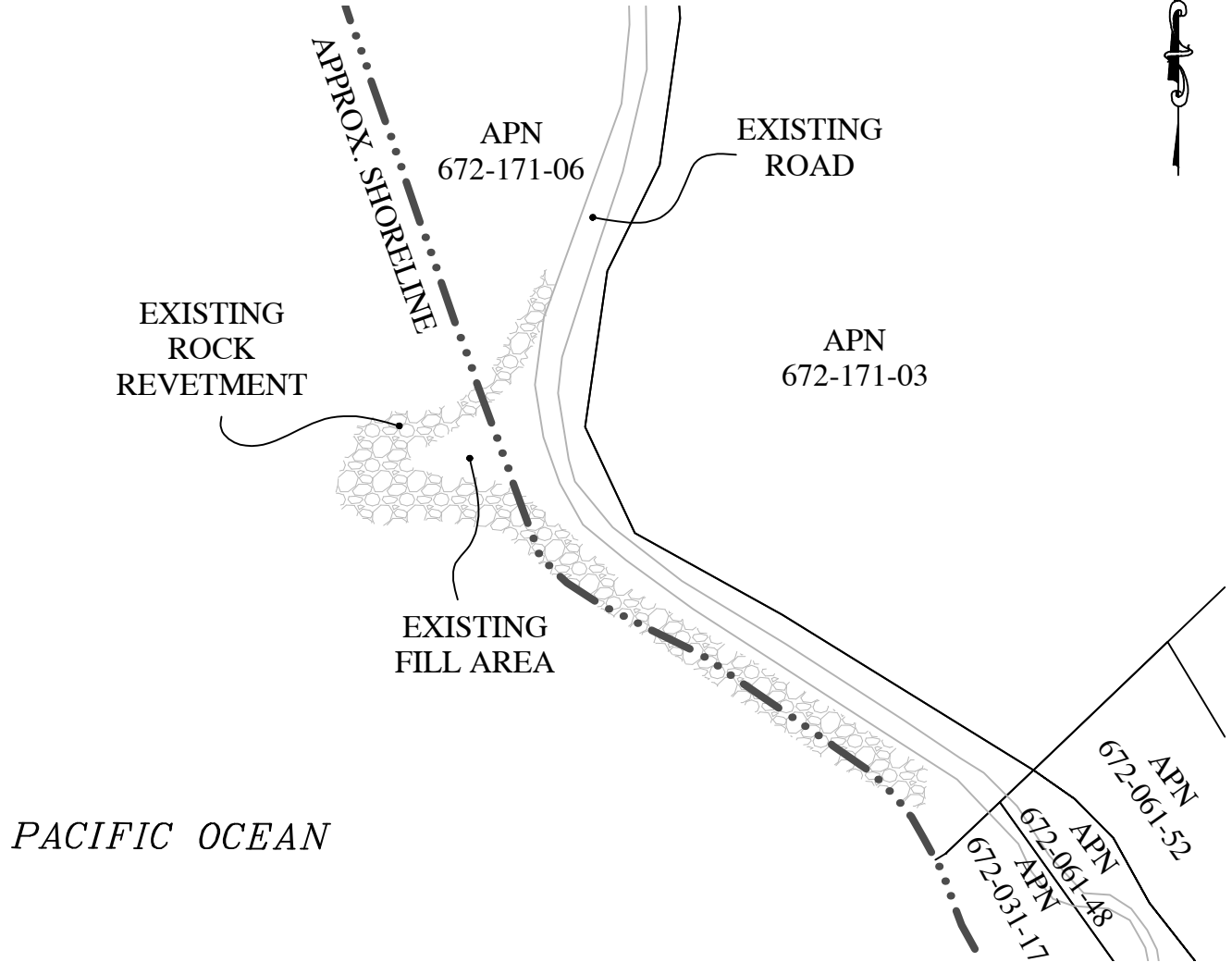
Prepared 1/9/2018 by the California State Lands Commission Boundary Unit.





NO SCALE

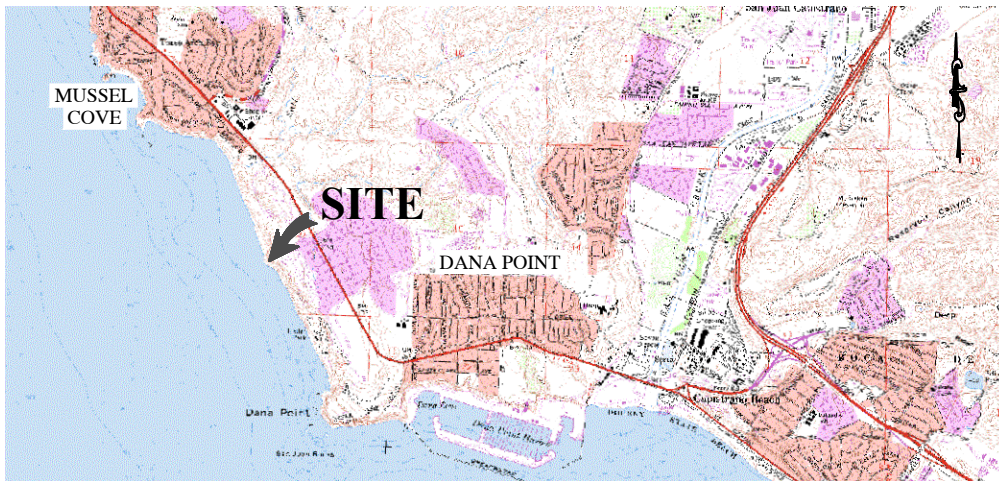
### SITE



### SALT CREEK BEACH PARK, NEAR DANA POINT

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### **Exhibit B**

PRC 7253.9  
 COUNTY OF ORANGE  
 APN 672-171-06  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 ORANGE COUNTY



JWP 1/9/18

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.