

STAFF REPORT

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08/23/19

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PRC 9343.1

D. Simpkin

TERMINATION OF A GENERAL LEASE – COMMERCIAL USE AND ACCEPTANCE OF A LEASE QUITCLAIM DEED

LESSEE:

Action Zipline, Inc. dba Action Flyboarding

CURRENT LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean, near Frog Rock, Santa Catalina Island, Los Angeles County

AUTHORIZED USE:

Use and maintenance of a 20-foot by 40-foot floating boat dock, and six 500-pound stainless steel anchors.

LEASE TERM:

10 years, beginning June 28, 2016.

CONSIDERATION:

\$600 per year, with an annual Consumer Price Index adjustment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code section 6005, 6216, 6301, and 6220.

Public Trust and State's Best Interests Analysis:

On June 28, 2016, the Commission authorized the issuance of Lease No. PRC 9343.1, a General Lease – Commercial Use, for a term of 10 years, for the construction, use, and maintenance of a 20-foot by 40-foot floating boat dock, and six 500-pound stainless steel anchors. The floating boat dock was used to operate the Lessee's flyboarding operation ([Item C73, June 28, 2016](#)). The lease will expire on June 27, 2026.

The Lessee has notified staff that operation of the business has ceased and that the floating boat dock and all six anchors have been removed from the lease premises. Staff verified the removal of the authorized improvements with the Applicant's contractor. The Lessee has now applied for early termination of the lease. Terminating the lease will not

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substantially interfere with the public rights to navigation or with the common law Public Trust Doctrine and is in the best interests of the State.

Climate Change:

All authorized improvements were removed by May 23, 2019. There are no remaining improvements within the lease area to be affected by climate change or sea-level rise.

OTHER PERTINENT INFORMATION:

1. Termination of the lease and acceptance of the quitclaim deed is a discretionary action by the Commission. Each time the Commission approves or rejects an application to terminate a lease, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. 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 protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. Termination of the lease and acceptance of a quitclaim deed are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that terminating the lease will not substantially interfere with the public rights to navigation or with the common law Public Trust Doctrine and is in the best interests of the State.

AUTHORIZATION:

1. Approve the early termination of Lease No. PRC 9343.1, effective August 23, 2019.

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2. Authorize staff to accept a lease quitclaim deed for Lease No. PRC 9343.1 and execute a Certificate of Acceptance and Consent to Recording.

EXHIBIT A

PRC 9343.1

LAND DESCRIPTION

A parcel of submerged land in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, lying north of Hamilton Beach, Los Angeles County, State of California, more particularly described as follows:

COMMENCING at NGS monument "BRUSH" having CCS27 Zone 6 coordinates of Northing(y)=458067.06 feet, Easting(x)=1342704.50 feet from which NGS monument "CHANNEL" having CCS7 Zone 6 coordinates of Northing(y)=472983.28 feet, Easting(x)=1320625.26 feet bears North 55°57'29" West 26,645.57 feet; thence South 50°29'46" East 28,548.50 feet to a point in the bed of the Pacific Ocean also being the POINT OF BEGINNING; thence the following four (4) courses:

- 1) North 67°31'52" East 60.00 feet;
- 2) South 22°28'08" East 85.87 feet;
- 3) South 67°31'52" West 60.00 feet;
- 4) North 22°28'08" West 85.87 feet to the POINT OF BEGINNING.

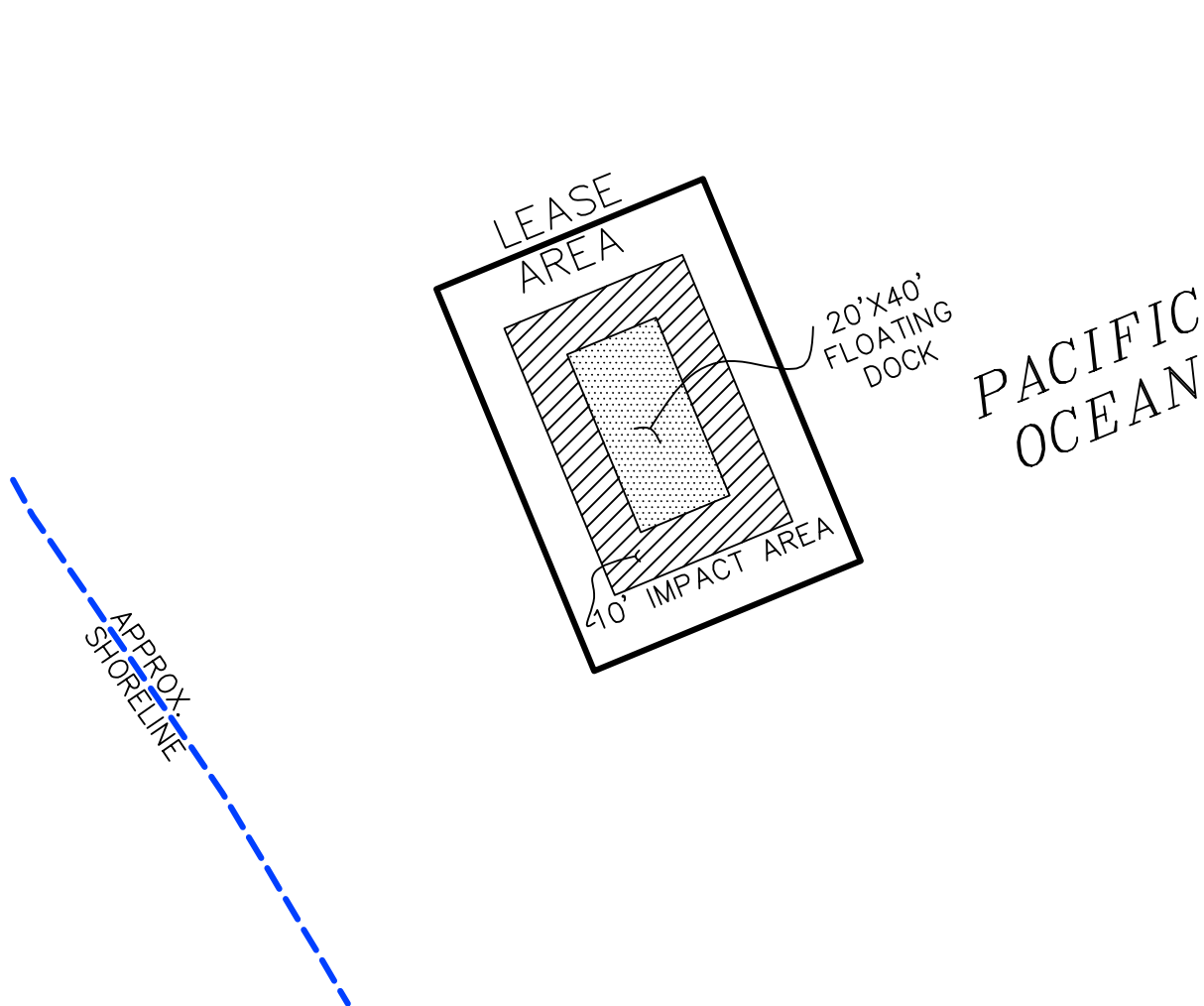
END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Staff
May 18th, 2016.



NO SCALE

SITE



PACIFIC OCEAN BETWEEN FROG ROCK AND HAMILTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 9343.1
ACTION ZIPLINE, INC.
dba ACTION
FLYBOARDING
GENERAL LEASE -
COMMERCIAL USE
LOS ANGELES COUNTY



MMF 7/23/19