MINUTE ITEM
This Calendar Item No. C25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
to 0 at its 7-19-93
meeting.

CALENDAR ITEM

C25

A 54

S 29

07/19/93
WP 3639 PRC3639
WP 6438 PRC 6438
A. Scott

AMENDMENT OF LEASE PRC 3639.1 COVERING MOORINGS AND LEASE PRC 6438 COVERING COMMERCIAL PIER AND BARGE LOADING BOTH AT CATALINA ISLAND, LOS ANGELES COUNTY

PARTIES:

LEASE PRC 3639
Santa Catalina Island Company
and Santa Catalina Island Conservancy
P.O. Box 737
Avalon, California 90704

LEASE PRC 6438
Santa Catalina Island Company
P. O. Box 737
Avalon, California 90704

AREA TYPE LAND AND LOCATION:

LEASE 3639
335 acres of tide and submerged lands located in various coves around Catalina Island in the Pacific Ocean, Los Angeles County.

LEASE 6438
Two parcels of land, one in Isthmus Cove and one in Catalina Harbor.

LAND USE:

LEASE 3639
Provision and maintenance of 720 revenue producing moorings and six revenue producing stringlines.

LEASE 6438
Operation and maintenance of commercial piers and barge loading sites.

TERMS OF ORIGINAL LEASE:

LEASE PRC 3839
Lease period:
15 years beginning January 1, 1982.

Surety bond:
$125,000

Public liability insurance:
Combined single limit coverage of $5,000,000

Consideration:
20% of the Gross Income, as defined, with a minimum annual rent of $125,000 per annum; five-year rent review.

TERMS OF PROPOSED LEASE:

LEASE PRC 3639
Lease Period:
15 years beginning January 1, 1982.

Surety Bond
$125,000

Public Liability Insurance
Combined single limit coverage in the amount of $5,000,000

Consideration:
A minimum annual rental of $210,000 payable in two equal installments of $105,000 each due on or before March 1 and August 31 of each year of the lease against the following percentage of gross income:

All Moorings	20% for year 1992
	23% for year 1993
	25% for each year thereafter
Mechanical\boat repair	4%
Diving Service	5%
All Other Revenue	10%

TERMS OF ORIGINAL LEASE:

LEASE PRC 6438
Lease Period:
15 years beginning January 1, 1982.

Surety bond:
$50,000

Public liability insurance:
Combined single limit coverage of $5,000,000.

Consideration:
1982 annual rent of $8,000. 1983 a minimum annual rent of $10,000 against 5% of fuel sales and 20% of all other gross income.

PROPOSED LEASE TERMS:

Lease period:
15 years beginning January 1, 1982.

Surety Bond:
$125,000

Public Liability Insurance:
Combined single limit coverage of $5,000,000

Consideration:
A minimum annual rental of $10,000 due and payable on of before January 1 of each year of the lease, against the following percentage of gross income:

Shoreboat Services	7%
Charter Boat Service	6%
Loading and Unloading Fees	20%
Attractions	6%
Equipment Rental	8%
All Other Revenue	10%
Fuel and Petroleum Products	$0.02 per gallon sold

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code of Regs. 2003

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884

N/A

OTHER PERTINENT INFORMATION:

1. **Rent:** These are existing leases that are in the process of having the rent adjusted in accordance with the terms of the leases. During the processing of the rent adjustment the Lessee and the staff of the Commission felt that the leases needed to be revised to incorporate some changes in the rental methods and the means by which the rent was collected so that these leases would be more consistent with other similar leases of the Commission. Also these leases have been modified significantly in their early years and because of the many changes to the terms and conditions, these leases are difficult to interpret and administer both for the staff and the Lessee. In order to make the leases easier to enforce and manage the proposed amendments have been drafted to incorporate into one document all of the previously modified terms and conditions.

   The most significant change that is incorporated into the revised leases is modification to the percentage rent and a change to the types of rental that are subject to the percentage rent. Some of the items that had been subject to percentage rent have been provided by the Lessee as a service to the mooring public at cost, i.e. garbage collection and water reprovisioning. These types of income will no longer be included as a rental category.

2. **Waiting Lists:** Lessee is required by the mooring lease, **Lease PRC 3639,** to keep and maintain a list of parties wishing to sublease a mooring. The Lessee is required to provide annual copies of these lists to the Commission. The maintenance of these "wait lists" are costly. The information has been found to be of little use when moorings become available because the current lists are not up to date. The revised lease, **Lease PRC 3639,** contains a new provision that will allow the Lessee to recover the cost of maintaining these "wait lists" through charges to the individuals on each list. Such charges may not exceed the cost incurred by the Lessee. This will allow the Lessee to devote sufficient time and resources to keeping the "wait lists" current and up to date and will make any site that becomes available for mooring more readily

available to the next serious client. Costs recovered by the Lessee for maintaining these lists, as required by the lease, will not be considered as income for purposes of rental due the State.

3. **CEQA:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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 1, Existing Facilities, 14 Cal. Code Regs. 15301.

   Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300 and 2 Cal. Code Regs. 2905(a)(2).

4. **Significant Lands:** This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will have no direct or indirect effect on such lands.

EXHIBITS:

A1. Land Description Lease PRC 3639.1
A2. Land Description Lease PRC 6438.1
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITY, 14 CAL. CODE REGS. 15301. AND 2 CAL. CODE REGS. 2905(a)(2).

2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

3. AUTHORIZE THE EXECUTION ON BEHALF OF THE COMMISSION OF AMENDED LEASES PRC 3639.1 AND PRC 6438.1 SUBSTANTIALLY IN THE FORM OF THOSE DRAFT AMENDED LEASES WHICH ARE ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

EXHIBIT "A1"

Section 3

LAND DESCRIPTION

WP 3639

PARCEL 1 - Isthmus Cove

All that area bounded on the west, south, and southeast by the mean lower low waterline and on the north by a straight line extending from a point on the mean high tide line at approximately 33° 26' 35" North Latitude, 118° 29' 25" West Longitude to a point on the mean high tide line at approximately 33° 26' 45" North Latitude, 118° 29' 50" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

ALSO EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing freight ramp and two existing launching ramps.

PARCEL 2 - Fourth of July Cove

All that area bounded on the north, west and south by the mean lower low waterline and on the east by a straight line beginning at a point on the mean high tide line at approximately 33° 26' 56" North Latitude, 118° 29' 55" West Longitude, thence northeasterly 50 feet, more or less, to a point offshore at approximately 33° 26' 56" North Latitude, 118° 29' 54" West Longitude; thence southeasterly 1,200 feet, more or less, to a point on the mean high tide line described as 33° 26' 45" North Latitude, 118° 29' 50" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 3 - Howland's Landing

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean high tide line at approximately 33° 27' 40" North Latitude, 118° 31' 07" West Longitude to a point on the mean high tide line at approximately 33° 27' 55" North Latitude, 118° 31' 15" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 4 - Emerald Bay

All that area bounded on the west and south by the mean lower low waterline and on the north and east by a line beginning at a point on the mean high tide line at approximately 33° 28' 10" North Latitude, 118° 31' 45" West Longitude; thence easterly 1,500 feet, more or less, to a point seaward of Indian Rock at approximately 33° 28' 10" North Latitude, 118° 31' 30" West Longitude; thence southeasterly to a point on the mean high tide line at approximately 33° 27' 58" North Latitude, 118° 31' 20" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath two existing piers TOGETHER WITH a necessary use area extending 10 feet from the extremities of said piers.

PARCEL 5 - Catalina Harbor

All that area bounded on the west, north and east by the mean lower low waterline and on the south and southeast by a line beginning at a point on the mean high tide line at approximately 33° 25' 41" North Latitude, 118° 30' 21" West Longitude; thence west 848 feet, more or less, to a point at approximately 33° 25' 41" North Latitude, 118° 30' 31" West Longitude; thence southwesterly 1,625 feet, more or less, terminating at a point on the mean high tide line at approximately 33° 25' 30" North Latitude, 118° 30' 39" West Longitude.

EXCEPTING THEREFROM that portion of tideland owned by the Santa Catalina Island Company generally described as a portion of Tideland in Catalina Harbor of approximately 12.8 acres lying between the ordinary high water and ordinary low water mark along the east and north shore of Catalina Harbor beginning at Ballast Point.

ALSO EXCEPTING THEREFROM all those tide and submerged lands lying beneath three existing dingy piers and one existing commercial pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said dingy piers and commercial pier.

ALSO EXCEPTING THEREFROM all those tide and submerged lands lying beneath two existing ramps.

PARCEL 6 - Buttonshell Beach

All that area bounded on the north and west by the mean lower low waterline and on the east by a straight line extending from a point on the mean high tide line at approximately 33° 24' 02" North Latitude, 118° 31' 59" West Longitude to a point on the mean high tide line at approximately 33° 24' 23" North Latitude, 118° 31' 56" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 7 - White's Landing

All that area bounded on the northwest, west, and south by the mean lower low waterline and on the north, northeast, and southeast by a line beginning at approximately 33° 23' 42" North Latitude, 118° 22' 07" West Longitude; thence northeasterly 100 feet, more or less, to a point at approximately 33° 23' 44" North Latitude, 118° 22' 06" West Longitude; thence on a straight line 1,460 feet, more or less, to a point at approximately 33° 23' 31" North Latitude, 118° 21' 59" West Longitude; thence southwesterly 556 feet, more or less, to a point on the mean high tide line at approximately 33° 23' 27" North Latitude, 118° 22' 03" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 8 - Moonstone Cove

All that area bounded on the west and south by the mean lower low waterline and on the northeast and northwest by a line beginning at approximately 33° 23' 27" North Latitude, 118° 22' 03" West Longitude; thence northeasterly 556 feet, more or less, to a point at approximately 33° 23' 31" North Latitude, 118° 21' 58" West Longitude; thence southeasterly 1,460 feet, more or less, to a point on the mean high tide line at approximately 33° 23' 18" North Latitude, 118° 21' 51" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 9 - Toyon Bay

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean high tide line at approximately 33° 22' 26" North Latitude, 118° 21' 02" West Longitude, to a point on the mean high tide line at approximately 33° 22' 37" North Latitude, 118° 21' 14" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 10 - Gallagher Beach

All that area bounded on the west, south, and east by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean high tide line at approximately 33° 22' 13" North Latitude, 118" 20' 47" West Longitude, to a point on the mean high tide line at approximately 33° 22' 20" North Latitude, 118° 20' 56" West Longitude

EXCEPTING THEREFROM all those tide and submerged lands lying beneath a float, boat and pulley TOGETHER WITH a necessary use area extending 10 feet from the extremities of said float, boat and pulley.

PARCEL 11 - Cherry Cove

All that area bounded on the north, west, and south by the mean lower low waterline and on the east by a straight line extending from a point on the mean high tide line at approximately 33° 27' 11" North Latitude, 118° 30' 02" West Longitude; thence southeasterly 1,200 feet to a point offshore at approximately 33° 26' 59" North Latitude, 118° 29' 56" West Longitude; thence southwesterly 150 feet more or less to a point on the mean high tide line at approximately 33° 26' 58" North Latitude, 118° 29' 57" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 12 - Little Geiger

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean high tide line at approximately 33° 27' 23" North Latitude, 118° 30' 42" West Longitude to a point on the mean high tide line at approximately 33° 27' 32" North Latitude, 118° 30' 56" West Longitude.

PARCEL 13 - Hen Rock

All that area bounded on the north, west and south by the mean lower low waterline and on the east by a straight line extending from a point on the mean high tide line at approximately 33° 23' 42" North Latitude, 118° 22' 07" West Longitude, to a point on the mean high tide line at approximately 33° 23' 57" North Latitude, 118° 21' 41" West Longitude.

PARCEL 14 - Willow Cove

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean lower low waterline at approximately 33° 22' 38" North Latitude, 118° 21' 16" West Longitude, to a point on the mean high tide line at approximately 33° 22' 41" North Latitude, 118° 21' 20" West Longitude.

PARCEL 15 - Empire Landing

An area 200 feet in width lying 100 feet on each side of the centerline of an existing pier, the shoreward end of said centerline being at approximately 33° 25' 43" North Latitude, 118° 26' 23" West Longitude, extending 200 feet seaward from the mean lower low waterline.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 16 - Smeltz Cove (Big Geiger)

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean lower low waterline at approximately 33° 27' 32" North Latitude, 118° 30' 56" West Longitude to a point on the mean lower low waterline at approximately 33° 27' 37" North Latitude, 118° 31' 02" West Longitude.

PARCEL 17 - Little Harbor

All that area bounded on the north and east by the mean lower low waterline and on the south by a straight line extending from a point on the mean lower low waterline at approximately 33° 23' 06" North Latitude, 118° 28' 27" West Longitude, for approximately 980 feet to a point offshore, being a point on the most easterly end of the harbor reef at approximately 33° 22' 48" North Latitude, 118° 28' 36" West Longitude, then north along a straight line for approximately 500 feet to a point on the mean high tide line at approximately 33° 23' 09" North Latitude, 118° 28' 34" West Longitude.

PARCEL 18 - Doctor's Cove

All that area bounded on the west and south by the mean lower low waterline and on the north and east by a straight line extending from a point on the mean high tide line at approximately 33° 28' 17" North Latitude, 118° 31' 52" West Longitude to a point on the mean high tide line at approximately 33° 28' 12" North Latitude, 118° 31' 47" West Longitude.

PARCEL 19 - Ripper's Cove

All that area bounded on the east, south and west by the mean lower low waterline and a straight line on the north, beginning at a point on the mean high tide line at approximately 33° 25' 40" North Latitude, 118° 26' 03" West Longitude, and extending to a point on the mean high tide line at approximately 33° 25' 38" North Latitude, 118° 25' 50" West Longitude.

PARCEL 20 - Cabrillo Harbor

All that area bounded on the west and south by the mean lower low waterline and on the north and east by a straight line extending from a point on the mean high tide line at approximately 33° 25' 15" North Latitude, 118° 24' 14" West Longitude, to a point approximately 100 feet offshore being approximately 33° 25' 13" North Latitude, 118° 24' 13" West Longitude, then southwesterly to a point on the mean lower low waterline being approximately 33° 25' 11" North Latitude, 118° 24' 12" West Longitude.

PARCEL 21 - Parson's Landing

All that area bounded on the east, south and west by the mean lower low waterline and on the north by a straight line extending from a point on the mean high tide line at approximately 33° 28' 26" North Latitude, 118° 33' 09" West Longitude, to a point on the mean lower low waterline at approximately 33° 28' 08" North Latitude, 118° 32' 55" West Longitude.

END OF DESCRIPTION

PREPARED NOVEMBER 2, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

EXHIBIT "A2"

LAND DESCRIPTION

PRC 6438

Two parcels of tide and submerged land in Isthmus Cove on Santa Catalina Island, Los Angeles County, California, described as follows:

PARCEL 1 (Isthmus Cove)

BEGINNING at a point on the centerline of an existing pier at its landward terminus having approximate geographical coordinates of 33° 26' 29.9' north latitude and 118° 29' 49.4" west longitude; thence the following 19 courses:

1. S 58° E 20 feet;
2. N 32° E 110 feet;
3. S 58° E 73 feet;
4. N 32° E 60 feet;
5. N 58° W 70 feet;
6. N 32° E 238 feet;
7. N 58° W 45 feet;
8. S 32° W 238 feet;
9. N 58° W 24 feet;
10. N 32° E 42 feet;
11. N 58° W 26 feet;
12. S 32° W 42 feet;
13. N 58° W 55 feet;
14. S 32° W 32 feet;
15. S 68° E 92 feet;
16. S 32° W 25 feet;
17. S 58° E 15 feet;
18. S 32° W 113 feet; and
19. S 58° E 20 feet to the point of beginning.

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

PARCEL 2 (Isthmus Barge Landing)

Said parcel lies 10 feet on each side of a centerline, the landward terminus of which is located at approximate geographical coordinates of 33° 26' 30.4" north latitude and 118° 29' 26" west longitude and extends northwesterly 40 feet therefrom.

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

Three parcels of tide and submerged land in Catalina Harbor on Santa Catalina Island, Los Angeles County, California, described as follows:

PARCEL 3 (Catalina Harbor Dinghy Dock Pier)

BEGINNING at a point on the centerline of an existing pier at its landward terminus having geographical coordinates of 33° 26' 05.4" north latitude and 118° 30' 09" west longitude; thence the following nine courses:

1. S 73° 45' E 13 feet;
2. S 16° 15' W 140 feet;
3. S 73° 45' E 3 feet;
4. S 16° 15' W 38 feet;
5. N 73° 45' W 32 feet;
6. N 16° 15' E 38 feet;
7. S 73° 45' E 3 feet;
8. N 16° 15' E 140 feet; and
9. S 73° 45' E 13 feet to the point of beginning.

EXCEPTING THEREFROM any lands validly patented as Tideland Location No. 197, Los Angeles County.

PARCEL 4 (Catalina Harbor Pier)

Said parcel 36 feet in width lies 18 feet on each side of a centerline extending S 06° W, 192 feet along the centerline of an existing pier, the landward terminus of which has geographical coordinates of 33° 26' 55.8" north latitude and 118° 30' 25.15" west longitude.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Catalina Harbor.

PARCEL 5 (Catalina Harbor Concrete Ramp)

Said parcel 30 feet wide lies 15 feet on each side of a centerline BEGINNING at a point having geographical coordinates of 33° 26' 55.4" north latitude and 118° 30' 28.15" west longitude, thence S 10° 30' E, 85 feet.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Catalina Harbor.

END OF DESCRIPTION

PARCEL 1 REVISED JUNE 12, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

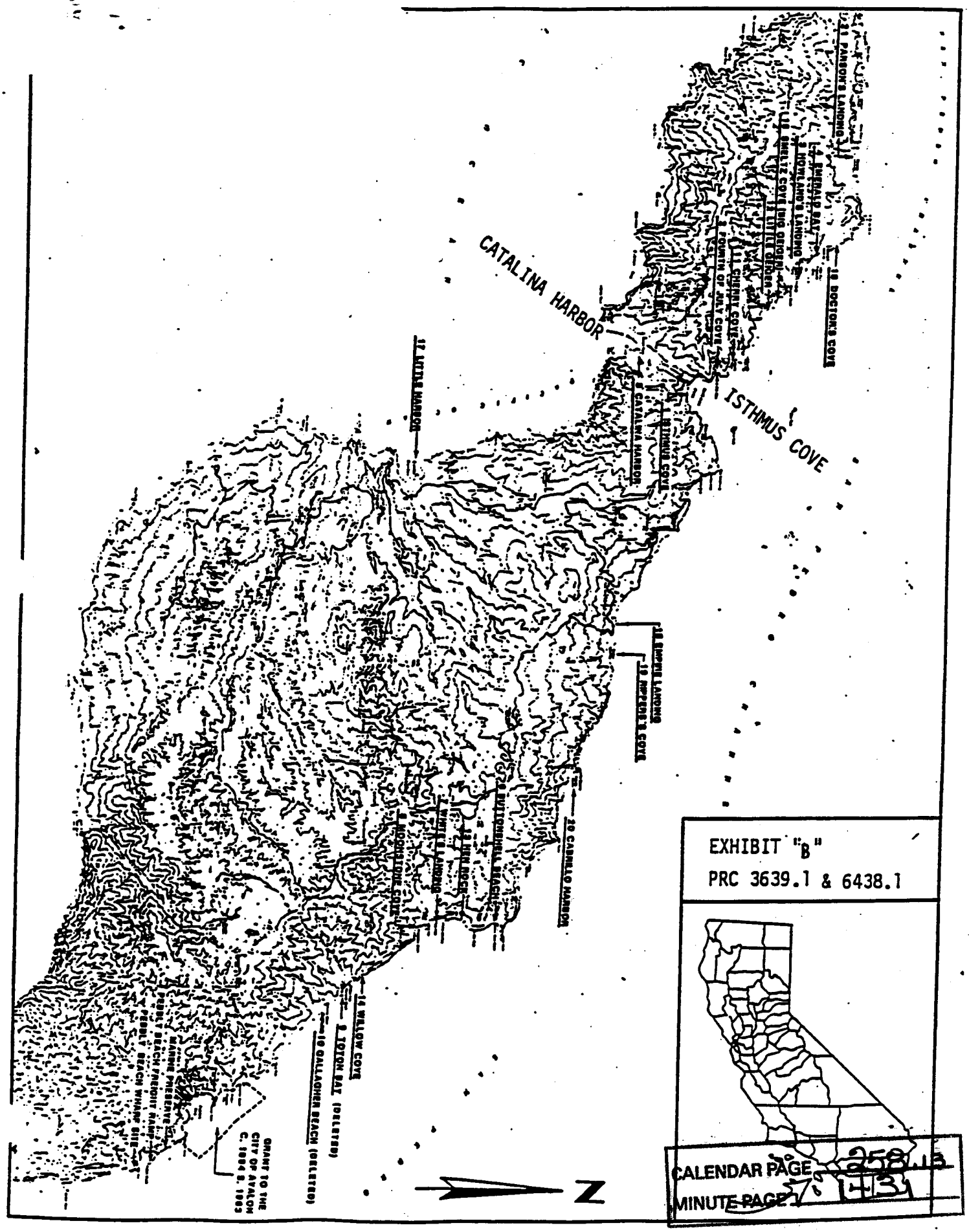

EXHIBIT "B"
PRC 3639.1 & 6438.1

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