

**CALENDAR ITEM
C27**

A	35, 37	06/18/02
	PRC 3837.1, PRC 798.9, W25784, W24615, W5205	
S	18, 19	J. Porter

**CONSIDER RESCINDING PRIOR AUTHORIZATION FOR A COMMERCIAL LEASE,
CONSIDER TERMINATING A MOORING BUOY PERMIT, AND CONSIDER
APPLICATION FOR A NEW GENERAL LEASE - PUBLIC AGENCY USE**

APPLICANT:

National Park Service - Channel Islands National Park
1901 Spinnaker Drive
Ventura, California 93001

AREA, LAND TYPE, AND LOCATION:

Sovereign lands offshore of Anacapa, Santa Barbara, Santa Cruz, and Santa Rosa Islands within Channel Islands National Park, Ventura and Santa Barbara counties.

AUTHORIZED USE:

Use and maintain a dock on Anacapa Island; use and maintain a dock on Santa Barbara Island; reconstruct, use and maintain a pier at Prisoners Harbor, Santa Cruz Island; use and maintain a dock at Scorpion Cove, Santa Cruz Island; use and maintain a pier at Bechers Bay, Santa Rosa Island; use and maintain two steel mooring buoys each offshore of Anacapa and Santa Cruz Islands, and use and maintain one steel mooring buoy each offshore of Santa Barbara and Santa Rosa Islands.

LEASE TERM:

20 years, beginning March 1, 2002.

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 interest.

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BACKGROUND INFORMATION:

Designated as a national park in 1980, Channel Islands National Park (Park) is comprised of Anacapa, Santa Barbara, Santa Cruz, Santa Rosa, and San Miguel Islands, together with 125,000 acres of lands surrounding the islands that are submerged beneath the Pacific Ocean. The Park is home to over 2,000 species of plants and animals; 145 of these species are found nowhere else in the world. Approximately 30,000 people visit the Park each year, and another 60,000 travel in Park waters.

The pier at Bechers Bay, Santa Rosa Island was constructed in the 1870s. It is 572 feet long and 20 feet wide. A lease for this pier was authorized to the U.S. Corps of Engineers by the Commission in 1953 under PRC 617.9. This lease was subsequently terminated in 1963 when the pier was transferred to a private company that owned the uplands, Vail and Vickers. A new commercial lease, PRC 3837.1, was authorized to Vail and Vickers by the Commission in 1964 for the use and maintenance of the pier, but this lease was never signed by Vail and Vickers.

Vail and Vickers subsequently sold the property to the U.S. Department of the Interior, National Park Service in 1986. The authorization to Vail and Vickers for PRC 3837.1 was never rescinded by the Commission. At various times the pier has been reconstructed to repair damage. The last major reconstruction occurred in 1988/89. The pier provides the primary access point to Santa Rosa Island for Park visitors, the U.S. Coast Guard, and the National Park Service.

The pier at Prisoners Harbor, Santa Cruz Island has been at its present location since 1869, but has never been authorized by the Commission. It is 374 feet long and 18 feet wide. The pier has been condemned as unsafe and is closed to all entry. Currently all visitors, cargo and materials must be landed in small boats through the surf alongside the pier.

The dock on Anacapa Island was first constructed in 1932, but has never been authorized by the Commission. The dock is a polygon with dimensions of 64 feet by 36 feet by 60 feet by 16 feet. The dock provides the only access point to Anacapa Island for Park visitors, the U.S. Coast Guard, and the National Park Service.

The original construction date of the dock on Santa Barbara Island is unknown. It has never been authorized by the Commission. It was first reconstructed in 1916 and was reconstructed again by the National Park Service in 1984 after it

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was destroyed by the El Nino storms of 1983. The dock is 40 feet long and 12 feet wide. The dock provides the only access point to Santa Barbara Island for Park visitors, the U.S. Coast Guard, and the National Park Service.

The National Park Service maintains six 48-inch steel mooring buoys; two each offshore of Anacapa and Santa Cruz Islands and one each offshore of Santa Barbara and Santa Rosa Islands. The buoys are attached to 3,000-pound fluke anchors with two-inch stud link chains. The buoys are used primarily by government patrol and supply vessels, for emergency moorings by private vessels, and for daytime mooring by concession boats that transport visitors to the Park. The buoys have been in use for many years. Only the buoy off of Santa Rosa Island was ever permitted by the Commission. At its meeting on May 21, 1953, pursuant to Minute Item 23, page 1817, the Commission authorized Permit No. PRC 798.9 to the U.S. Navy for a mooring buoy to be used for sea rescue service. The National Park Service took over maintenance of the buoy in the late 1980s or early 1990s as part of the operation of Channel Islands National Park.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. As to the reconstruction of the pier at Prisoners Harbor, Santa Cruz Island, a Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the U.S. Department of the Interior, National Park Service. The document was circulated for public review as broadly as state and local law may require and notice was given in accordance with the standards in Title 14, California Code of Regulations, Section 15072(a). Therefore, pursuant to Title 14, California Code of Regulations, Sections 15221 and 15225, the staff recommends the use of the federal FONSI in place of a Negative Declaration.
3. As to the existing unpermitted facilities on Santa Cruz Island, Santa Barbara Island, Santa Rosa Island, and Anacapa Island, pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that these activities are exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no

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possibility that these projects may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

4. As to rescinding Lease No. PRC 3837.1 and terminating Permit No. PRC 798.9, pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that these activities are not subject to the provisions of the CEQA because they are not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. These activities involve lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon staff's consultation with persons nominating such lands and through the CEQA review process, it is the staff's opinion the project, as proposed, is consistent with the use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, California Coastal Commission, Department of Fish & Game, Office of Historic Preservation.

FURTHER APPROVALS REQUIRED:

National Oceanic and Atmospheric Administration, State Lands Commission.

EXHIBITS:

- A. Location Map – Anacapa Island
- B. Location Map – Santa Barbara Island
- C. Location Map – Santa Rosa Island
- D. Location Map – Santa Cruz Island/Prisoners Harbor
- E. Location Map – Santa Cruz Island/Scorpion Harbor
- F. Finding of No Significant Impact

PERMIT STREAMLINING ACT DEADLINE:

August 27, 2002.

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO RESCINDING LEASE NO. PRC 3837.1 AND TERMINATING PERMIT NO. PRC 798.9, FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AS TO THE RECONSTRUCTION OF THE PIER AT PRISONERS HARBOR, FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT, PREPARED AND ADOPTED FOR THIS PROJECT BY THE U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, MEETS THE REQUIREMENTS OF THE CEQA. THEREFORE, PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15221 AND 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.

AS TO THE EXISTING UNPERMITTED FACILITIES ON ANACAPA, SANTA BARBARA, SANTA ROSA AND SANT CRUZ ISLANDS, FIND THAT THE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THESE ACTIVITIES ARE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

RESCIND PRIOR AUTHORIZATION FOR LEASE NO. PRC 3837.1 – A COMMERCIAL LEASE TERMINATE PERMIT PRC NO. 798.9 - A MOORING BUOY PERMIT

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AUTHORIZE ISSUANCE TO CHANNEL ISLANDS NATIONAL PARK OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING MARCH 1, 2002, FOR A TERM OF 20 YEARS, FOR USE AND MAINTENANCE OF A DOCK ON ANACAPA ISLAND; USE AND MAINTENANCE OF A DOCK ON SANTA BARBARA ISLAND; RECONSTRUCTION, USE AND MAINTENANCE OF A PIER AT PRISONERS HARBOR, SANTA CRUZ ISLAND; USE AND MAINTENANCE OF A DOCK AT SCORPION COVE, SANTA CRUZ ISLAND; USE AND MAINTENANCE OF A PIER AT BECHERS BAY, SANTA ROSA ISLAND; USE AND MAINTENANCE OF TWO STEEL MOORING BUOYS IN EACH LOCATION OFFSHORE OF ANACAPA AND SANTA CRUZ ISLANDS; USE AND MAINTENANCE OF ONE STEEL MOORING BUOY IN EACH LOCATION OFFSHORE OF SANTA BARBARA AND SANTA ROSA ISLANDS; ON THE LAND SHOWN ON EXHIBITS A THROUGH F ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; THE CONSIDERATION IS 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 INTEREST.