

**CALENDAR ITEM
C73**

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S 26

06/28/16
W 26976
D. Simpkin

GENERAL LEASE – COMMERCIAL USE

APPLICANT:

Action Zipline, Inc., dba Action Flyboarding

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Construction, 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.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

The proposed boat dock is consistent with the common law Public Trust Doctrine because it is used for the docking and mooring of boats and promotes water-related recreation. The proposed floating dock will act as a staging platform for the Lessee's flyboarding operation. Flyboarding is a type of water-propelled hoverboard. A hose connected to a jet ski

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provides a flow of high water pressure that provides the thrust to propel the flyboard and individual into the air.

Customers will be shuttled from Avalon Bay to the dock via shore boat. Customers will then be taken approximately 50 feet from the dock via jet ski where they will then flyboard in open water. The dock will be located approximately 140 feet from shore.

The flyboarding operation will add another amenity to the already broad water-related recreational activities available to tourists visiting Santa Catalina Island, such as SCUBA diving, kayaking, paddle boarding, sport fishing, jet skiing, glass-bottom boat tours and others.

The proposed lease requires the Lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee's activities thereon. The lease also requires payment of annual rent. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine, will not substantially interfere with public trust needs 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. The floating dock will operate seasonally from June through October. During the seven months the dock is not in operation, it will be transported via barge from Santa Catalina Island to Long Beach and stored at an upland facility.
2. The floating boat dock will be secured by six, 500-pound stainless steel anchors.
3. This action is consistent with Strategy 1.1 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.
4. 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 3,

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New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

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

5. 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.

APPROVALS OBTAINED:

City of Avalon
California Coastal Commission

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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

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.

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AUTHORIZATION:

Authorize issuance of a General Lease – Commercial Use to Action Zipline, Inc., dba Action Flyboarding, beginning June 28, 2016, for a term of 10 years, for the construction, use and maintenance of a 20-foot by 40-foot floating boat dock, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$600 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26976

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.

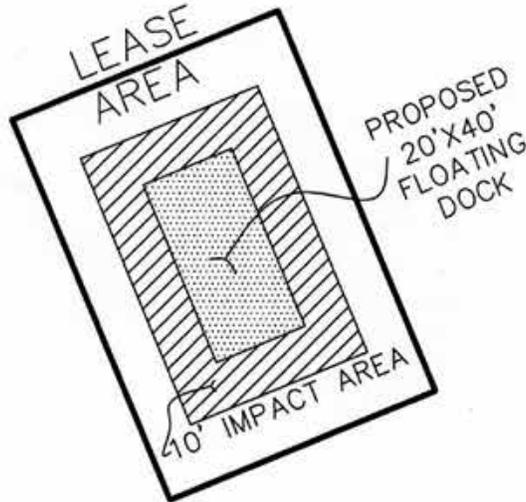
END OF DESCRIPTION

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



NO SCALE

SITE



PACIFIC OCEAN



PACIFIC OCEAN BETWEEN FROG ROCK AND HAMILTON BEACH

NO SCALE

LOCATION

SITE



MAP SOURCE: USGS QUAD

Exhibit B

W 26976
 ACTION ZIPLINE, INC.
 dba ACTION
 FLYBOARDING
 GENERAL LEASE -
 COMMERCIAL USE
 LOS ANGELES COUNTY



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.