

Staff Report 25

LESSEE:

Association of Surfing Professionals, LLC (dba World Surf League)

APPLICANT:

Mavericks Ventures, LLC

PROPOSED ACTION:

Acceptance of Lease Quitclaim Deed and Issuance of a General Lease - Other

AREA, LAND TYPE, AND LOCATION

1,000 acres, more or less, of sovereign land in the Pacific Ocean, offshore of Pillar Point and Pillar Point Harbor, near Princeton-by-the-Sea and Half Moon Bay, San Mateo County.

AUTHORIZED USE:

Temporary commercial use to conduct professional surfing contests.

TERM:

5 years, beginning April 30, 2021.

CONSIDERATION:

\$671 per year, with an annual Consumer Price Index adjustment.

SPECIFIC PROVISIONS:

- Liability insurance in an amount no less than \$10,000,000 per occurrence.
- Surety in an amount of \$3,000.
- Lessee must obtain a Coastal Development Permit (CDP) from the California Coastal Commission (Coastal Commission) prior to holding any event.

- Lessee shall ensure that surfing competitions it holds on the Lease Premises will include: (1) equal prize money and awards for each category of the Women's Division and Men's Division, such that, the first place winner, second place winner, and any other participant level that receives prize money in the Women's Division shall be awarded identical sums of prize money, other prizes, goods, or other compensation as the first place winner, second place winner, and any other participant level that receives prize money in the Men's Division; (2) at least 10 female competitors in the Women's Division; (3) multiple heats in the Women's Division; (4) equal provision of any and all benefits, including logistical support, to competitors in both the Women's Division and the Men's Division; and (5) equal opportunities and access for members of the media, regardless of gender.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

California's waves are world class. In 2018, surfing was recognized as the state's "official" sport. Over the past 20 years, big wave surfing at a location commonly known as Mavericks, off Pillar Point in Half Moon Bay, has gained global recognition. Big-wave surfing attracts year-round international tourism as well as Bay Area visitors to the San Mateo County coast. The iconic waves at Mavericks increase public awareness about ocean protection, wildlife protection, ocean safety, climate change, and sea level rise.

Surf contests at Mavericks historically started as informal surfing competitions organized by the local surfing community. However, the competition has changed over the years into larger and more formalized events.

On October 18, 2018, the Commission authorized a 5-year General Lease – Other to the Association of Surfing Professionals, LLC (dba World Surf League) for a professional surfing contest known as the Mavericks Challenge ([Item C27, October 18, 2018](#)). The lease will expire September 30, 2023. A surfing contest was never held by World Surf League under its Lease. The Lessee now requests termination of their lease and has executed a quitclaim deed releasing their interest in the same. Staff recommends the Commission accept the lease quitclaim deed effective December 17, 2020, and approve the new lease, effective April 30, 2021.

The Applicant has applied for a General Lease – Other to hold a surfing contest that would be called the Mavericks surfing competition (event). The one-day event would be held at some point during a 5-month window from November to April, when conditions allow and are optimal. The proposed event would not require the closure of the West Shoreline Trail or Mavericks Beach, nor would the event limit the use of the Harbor or close any parking lots or any shoreline areas to the public. The proposed effective lease date of April 30, 2021 is intended to align with the next available surfing season and should allow the applicant to obtain necessary permits from the Coastal Commission and local entities. Applicant has advised there will be no contests held prior to April 30, 2021.

The Mavericks surf break is located about a half-mile offshore from Pillar Point off the San Mateo County coast. Competitor access to the event would be through Pillar Point Harbor and the Pacific Ocean. The Applicant will charter two commercial vessels to provide competitors with access to and from the Mavericks surf break.

The Applicant would use the offshore waters at Mavericks surf break on the day of the event for a 24-hour period, including placement of temporary buoys as needed. Use of all nearby public facilities are non-exclusive, including the West Shoreline Trail parking lot, Pillar Point Harbor parking areas, "H" dock, and any area of Johnson Pier. Event preparation will not require any reserved parking spaces, or exclusive areas for fueling of generators, heavy equipment, or tents. Break down of the event will start in the early evening after the event ends, with completion the following morning. No permanent infrastructure or improvements are authorized.

There will be two competitive divisions based on gendered categories. Prize money would be equal for each division based on ranking. The Men's Division would have 24 athletes competing in seven heats (four quarter-finals, two semi-finals, and one final) and the Women's Division will have a minimum of 10 athletes competing in three heats (two semi-finals and one final). Competitors in the Women's Division will receive the same prize money as competitors with the same ranking in the Men's Division. The competition structure has been developed in consultation with female big wave surfers.

Because the event would be held during a large swell period, to protect the safety of the public, athletes, and the safety team and vessels, the event requires exclusive use of the surf break on event day, thus precluding other casual surfing use during this time.

While the exclusive use of the surf break on event day is for the public safety, the lease does not grant the lessee exclusive rights to the lease premises for the term of the lease. In addition, the lease is limited to a 5-year term. In addition, the proposed

lease requires the lessee to insure the lease premises, maintain a surety, and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease does not alienate the State's fee simple interest, or permanently impair public rights. Furthermore, the action will not impede or impair any other Public Trust uses in the surrounding area.

CLIMATE CHANGE:

The Mavericks Surf Contest is a one-day (up to 18 hours), invitation only big-wave surf contest offshore Pillar Point, San Mateo County, which would occur between November 1st and April 30th during the negotiated lease term (5 years). The activity would not involve the construction of permanent structures or facilities. Due to the type of activity and short-term, temporary nature of the contest, a climate change analysis was not conducted, nor is one necessary at this time.

CONCLUSION:

For all the reasons above, staff believes that the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant is required to forgo the opportunity to hold an event. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
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 and Strategy 1.3 to protect, expand and enhance appropriate public use and access to and along the State's inland and coastal waterways.
3. The lease requires the Lessee to obtain and maintain all required permits or other entitlements and to provide Lessor with copies upon request.

4. Acceptance of a lease quitclaim deed is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action 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).

5. Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304, example (e).

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

APPROVALS REQUIRED:

California Coastal Commission
San Mateo County Harbor District

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304, example (e).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the

lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize acceptance of a lease quitclaim deed, effective December 17, 2020, of Lease No. PRC 9509, a General Lease – Other, issued to Association of Surfing Professionals, LLC (dba World Surf League).
2. Authorize issuance of a General Lease – Other to the Applicant beginning April 30, 2021, for a term of 5 years, for temporary use of sovereign land to conduct professional surfing contests, 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 \$671 per year, with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$10,000,000 per occurrence; and a surety in the amount of \$3,000.

EXHIBIT A

LEASE 9509

LAND DESCRIPTION

A parcel of tide and submerged land situate in the Pacific Ocean lying adjacent to Rancho Corral de Tierra approved February 4, 1860 and located west of the Town of El Granada, County of San Mateo, State of California, more particularly described as follows:

A circular parcel of land having a radius of 5780 feet, the center point of which is point INT. 1 as shown on that certain map titled "PLAT OF THE GRANT TO THE SAN MATEO COUNTY HARBOR DISTRICT Chapter 68, Statutes of 1960 Vicinity of Half Moon Bay" (CB 1154) and on file in California State Lands Commission (CSLC), Sacramento Office, said center point bears South $41^{\circ} 51' 24''$ East 1298.68 feet from the CSLC monument "PILLAR POINT 3" per said map.

EXCEPTING THEREFROM any portion lying within said Grant.

ALSO EXCEPTING THEREFROM any portions lying landward of the ordinary high water mark of said Pacific Ocean.

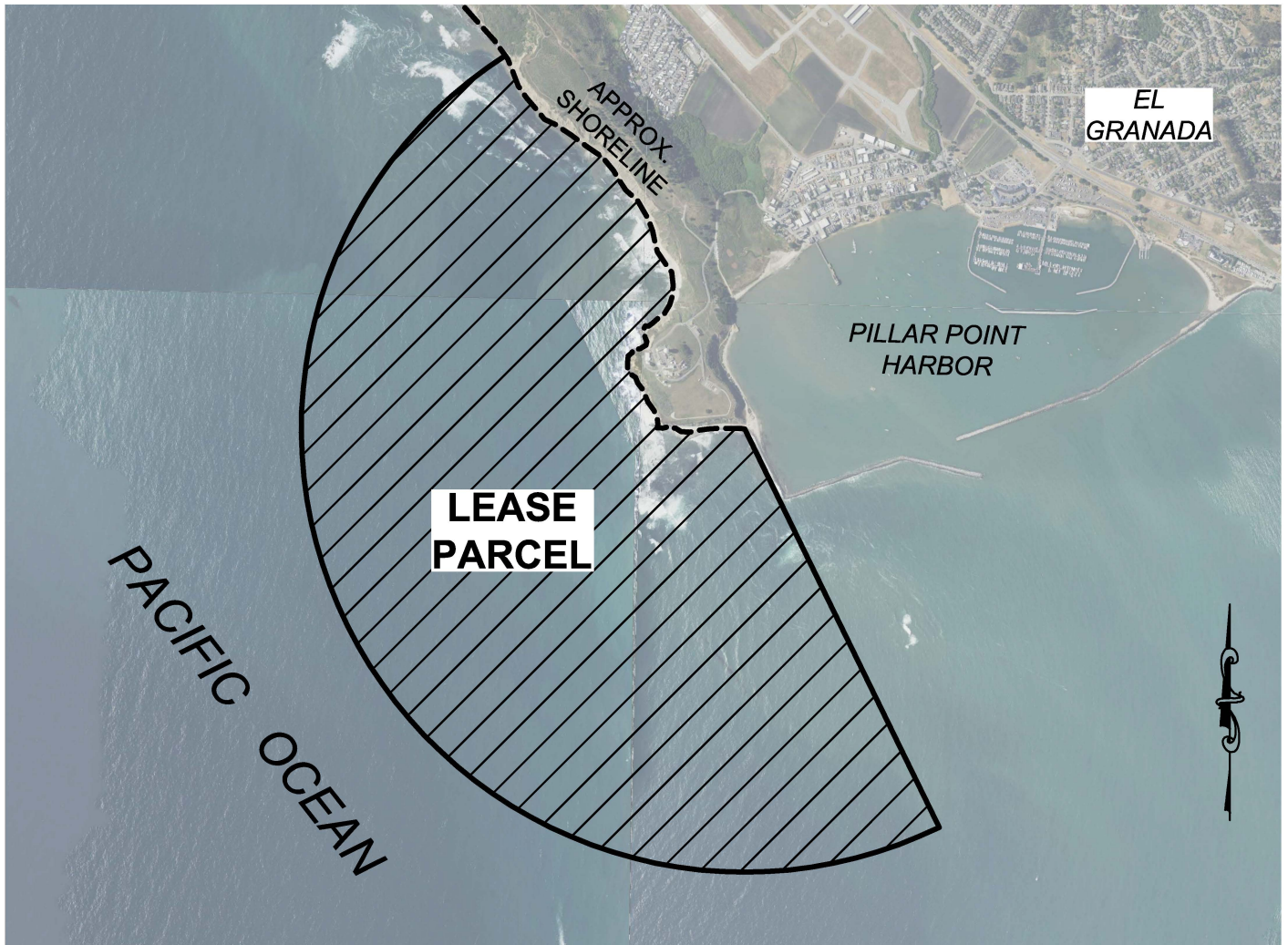
END OF DESCRIPTION

Prepare 06/26/2020 by California State Lands Commission Boundary Unit



NO SCALE

SITE



PACIFIC OCEAN NEAR PILLAR POINT HARBOR

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
LEASE 9509
MAVERICKS
VENTURES, LLC
GENERAL LEASE -
OTHER
SAN MATEO COUNTY



TS 06/26/2020