

**CALIFORNIA STATE LANDS COMMISSION**  
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February 23, 2012

File Ref: W 26455

John Trommald  
 Bayview HB LLC  
 13912 Seal Beach Blvd  
 Seal Beach, CA 90740

**SUBJECT:** Proposed Harmony Cove Development, Located in the Main Channel of Huntington Harbour, Adjacent to 4121 Warner Avenue, Huntington Beach, Orange County

Dear Mr. Trommald:

Please accept this letter as a response to your request for the California State Lands Commission (CSLC) to review your latest plans for the proposed development within the main channel of Huntington Harbour, adjacent to 4121 Warner Avenue, Huntington Beach, Orange County.

As you are aware, the CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (PRC §6301 and §6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

ATTACHMENT NO. 5.1

Based on a Site Improvement Plan and brief project description provided to CSLC staff, the proposed project will consist of a 22-berth marina, a parking lot, and an 800-1,000 square foot structure that will be used for marina facilities, and possibly a small restaurant and rental shop (kayaks, bicycles, etc.). A subsequent telephone conversation with Colin Connor, Assistant Chief of the Land Management Division, confirmed that the marina will be open to the public on a first-come, first-serve basis.

A portion of the proposed public marina will be located on lands owned in fee by the Commission and will require a lease from the Commission (application enclosed for your convenience and is also available at [www.slc.ca.gov](http://www.slc.ca.gov)). On lands where the Commission asserts a sovereign Public Trust Easement claim, any development must be consistent with the common law Public Trust. Since there is currently no proposal to include dockominiums (i.e., the sale of a sovereign interest, fractional or otherwise, in either sovereign land or of a leasehold on sovereign land) and the proposed project includes a public marina and restaurant, staff concludes that this project, according to the information provided, is not inconsistent with the common law Public Trust.

If you have any questions, please feel free to contact me at (916) 574-1227 or via email at [grace.kato@slc.ca.gov](mailto:grace.kato@slc.ca.gov). Thank you.

Sincerely,



Grace Kato  
Public Land Manager

Enclosure