



## SURF EQUITY

The Waves Do Not Discriminate

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Monday, August 29, 2022

Jennifer Lucchesi, Executive Officer  
California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento CA 95825  
Email: [Jennifer.Lucchesi@slc.ca.gov](mailto:Jennifer.Lucchesi@slc.ca.gov)

Re: The City of Huntington Beach Permits Gender Discrimination on State Lands Lease 6616

Dear Executive Officer Lucchesi,

Please enforce the non-discrimination clause in CA State Lands [lease 6616](#). For decades, the City of Huntington Beach has approved event permits that exclude women and girls from professional surf competitions, pay less prize compensation to women and girls and lack equal playing time/competition time.

**CA State Lands lease 6616, section 10. NON-DISCRIMINATION CLAUSE:** *During the performance of this Agreement, Contract and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, **sex, gender, gender identity, gender expression, age, sexual orientation**, or military and veteran status... Contractors shall include the nondiscrimination and compliance provisions of this clause in all subcontracts the perform work under this Agreement.*

Huntington Beach (aka Surf City USA) is home to several professional surf competitions. In 2022, the Vans US Open of Surfing was held from July 30 through Aug 7, RipCurl GromSearch held from June 17 through June 19, and Jack's Surfboard Pro held from April 27 through May 1. Please note that a non-discrimination clause is not included in City event permits for pro surf comps held within CA State Lands lease 6616. Here's a link to three corresponding event permits and related photos: <https://spaces.hightail.com/space/s6LVzwSmr9>

In 2022, the Vans US Open of Surfing (a WSL Challenger Series event) included [96 men](#) and [64 women](#). This is an important pro event that awards prize compensation and points to qualify for the **World Surf League Championship Tour** and the **Olympic Games**. The lack of parity in the number of women and men allowed to compete results in the exclusion of women and girls and provides men and boys with an unfair advantage.

After tracking pro comps held in Huntington Beach for a past few years it's become apparent that the City is not interested in protecting athletes from gender discrimination within the State Lands lease area.

Here's an example of how girls are being harmed: In 2022, the RipCurl GromSearch only allowed girls to compete in 1 age category while they provided 3 age categories for boys. Gender discrimination was not accurately reported in the City's permit application by event organizer Darren Brillhart owner of Brillo Productions, Inc. In Mr. Brillhart's application he wrote that the competition included "boys and girls ages 16 and under". He neglected to mention that **9 boys** would receive prize compensation and only **4 girls** would receive prize compensation, **including 2 boys who received \$500 checks and 1 girl who received a \$500 check**. As I mentioned previously, City event permits lack a non-discrimination clause.

Huntington Beach Pier Lease Area: There are numerous photo and videos online that include images of competitors accessing the ocean and competing directly next to the pier and sometimes under the pier within the [160-foot-wide](#) State Lands 6616-lease area. Please see the attached photos as examples, note the image of Kelly Slater "shooting" under the Huntington Beach Pier while competing in the 2012 US Open of Surfing. Here's a link to a map of the competition area for reference, please note that pro surfing comps are held directly next to the Huntington Beach Pier, in the Pacific Ocean, on the shoreline and on the public beach: <https://goo.gl/maps/wXTuVtQWK8geSxgH8>

Please prohibit gender discrimination in pro surfing comps consistent with the State Lands lease agreement for the Mavericks competition in San Mateo County.

We request that CA State Lands correct gender discrimination by enforcing lease 6616 and [state law \(AB 467\)](#) by requiring the following as conditions for professional surf competitions within the 6616-lease area:

- A women's division and a men's division with an identical number of participants in each gendered category and age division

- Identical number of competition events/heats in each gendered category and age division
- Identical playing time/heat time in each gendered category and age division
- Equal prize compensation in each gendered category and age division
- Additionally, professional surf competitions should be encouraged to include an equal number of women and men judges and women and men announcers.

**Here's the Problem:** Discrimination is the biggest challenge facing women professional surfers in California and globally. Gender discrimination results in the exclusion of women from athletic competitions. Women athletes have fewer opportunities to earn prize money and ranking points.

**Actual Damages:** Gender-based discrimination results in less playing/surfing time for women athletes, fewer opportunities, loss of income, lack of achievement recognition, smaller marketing budgets, fewer sponsorship opportunities, substandard facilities, lack of coaching or no coaching, less or no training, limited or no safety training, second-rate equipment, inadequate healthcare, injuries, and prolonged injury recovery. The list goes on...

**We asked for equal pay:** In July 2018, the Committee for Equity in Women's Surfing met with the World Surf League at a hotel in Redwood City, CA and presented a proposal for equal prize money. We asked the WSL to end gender-based discrimination. CEO Sophie Goldschmidt said, "No" and threatened to cancel Mavericks rather than pay women equally.

We stood our ground and went to the California State Lands Commission and California Coastal Commission and requested equal access and equal pay.

In Sept 2018, the WSL announced global equal prize money for every WSL event. We won the battle for global equal pay in professional surfing however that battle is still being fought. We need your help to correct gender discrimination.

In 2022, the **WSL Championship Tour** prize money is not equal because the tour included **32 men** and only **16 women**. The WSL excludes women from an equal opportunity to compete in the Challenger Series and the Championship Tour and thereby reduces their ability to qualify for the **Olympic Games**.

Our work is the subject of two documentary films, and hundreds of news stories including the New York Times Magazine feature published Feb 10, 2019, "[The Fight for Gender Equality, In One of the Most Dangerous Sports on Earth.](#)"

Today, we're continuing the fight for equality, equal access, inclusion, and equal pay. Please enforce the non-discrimination clause in CA State Lands lease 6616 and [state law](#).

Sincerely,



Sabrina Brennan  
Founder, Surf Equity & Sport Equity  
Co-Founder, Committee for Equity in Women's Surfing

**EXHIBIT A**

**PRC 6616.1**

**LAND DESCRIPTION**

A strip of tide and submerged land 160 feet wide being 80 feet on each side of the following described centerline situate within the City of Huntington Beach, Orange County, State of California, the centerline of said strip being described as follows:

BEGINNING at the intersection of northeasterly line of Ocean Avenue with the centerline of Main Street, thence S 41° 41' 37" W 2065.92 feet to the end of said centerline of said strip of tide and submerged land.

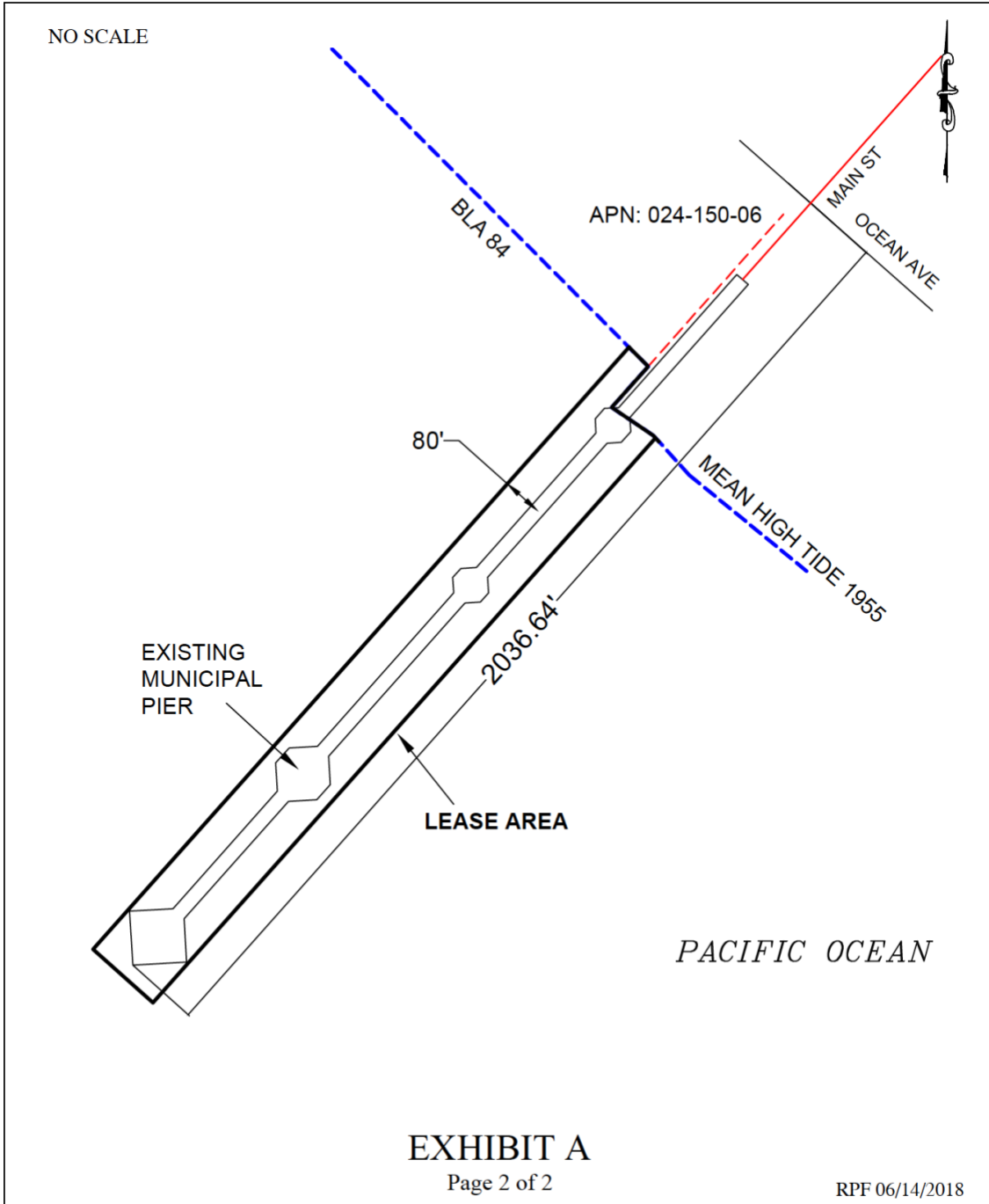
EXCEPTING THEREFROM all that portion lying landward of the ordinary high water mark of the Pacific Ocean.


Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 06/14/2018 by the California State Lands Commission Boundary Unit.





<p>LAND DESCRIPTION PLAT          PRC 6616.1, CITY OF          HUNTINGTON BEACH          ORANGE COUNTY</p>	<p>CALIFORNIA STATE          LANDS COMMISSION</p> 
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Kelly Slater “shoots” the Huntington Beach Pier while competing in the 2012 US Open of Surfing, [Orange County Register](#) 8-6-2012



2019 US Open of Surfing, Huntington Beach





2017 US Open of Surfing, Huntington Beach



2021 US Open of Surfing, Huntington Beach - Griffin Colapinto of San Clemente



2022 GromSearch, Huntington Beach

1 Girl and 2 Boys win \$500, [YouTube](#)





STAFF REPORT NO. **C57** (CONT'D)

longest and highest concrete recreational pier in the United States. In 1931 the City extended the Pier by 500 feet.

In 1983 and in 1988, Pacific storms severely damaged the Pier. A structural assessment of the Pier determined that it was unsafe, and it was closed to the public in July 1988. The Pier was deemed worthy of preservation by the federal government and was added to the National Register of Historic Places (NRHP) on August 24, 1989. In October 1990, the City began reconstruction of the Pier, which was completed on July 18, 1992. Over 500,000 people attended the rededication and grand reopening ceremony.

Located at Pacific Coast Highway and Main Street, the iconic Huntington Beach Pier is one of the longest piers on the West Coast. It is the center of the City's prominent beach culture and is available to the public free of charge. The Pier is a focal point of the City which connects coastal resources and recreation activities on the beach to a range of overnight accommodations, including low-cost RV overnight accommodations at the beach.

The Pier is frequently utilized for coastal recreation activities and is a point of interest that connects regional multi-use trails leading to the Bolsa Chica Wetlands, Sunset Beach, Santa Ana River Trail, and Newport Beach. The Pier offers panoramic views of Catalina Island, Newport Beach to the south, and Long Beach and San Pedro to the north. The Pier is open to the public daily from 5 a.m. to midnight and is a popular tourist destination. Moreover, the Pier also features prominently in many City-hosted events throughout the year including the annual U.S. Open of Surfing, the largest surfing competition in the world; the Annual Pier Swim and Rough Water Swim in which participants swim around the pier; and a 4<sup>th</sup> of July parade and fireworks show.

The proposed lease is limited to a 25-year term and does not alienate the State's fee interest or grant the lessee exclusive rights to the lease premises. The proposed lease will require the lessee to indemnify the State for any liability incurred as a result of the lessee's activities on the lease premises.

**Subleases:**

The City has several subleases associated with the Pier. Staff has reviewed the following six agreements and believes that they are consistent with the terms of the proposed lease, do not extend beyond the term of the proposed lease, and are not inconsistent with the Public Trust.

duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. **NON-DISCRIMINATION CLAUSE:** During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require in ascertaining compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. **CERTIFICATION CLAUSES:** The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. **TIMELINESS:** Time is of the essence in this Agreement.

13. **COMPENSATION:** The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. **GOVERNING LAW:** This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

15. **ANTITRUST CLAIMS:** The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

a. The Government Code Chapter on Antitrust claims contains the following definitions:

- 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
- 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.