

This Calendar Item No. C56 was approved as Minute Item No. 56 by the California State Lands Commission by a vote of 2 to 0 at its 12-08-05 meeting.

CALENDAR ITEM
C56

A 67
S 35

12/08/05
PRC 8649 W 26122
J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Orange County Water District
P.O. Box 8300
Fountain Valley, CA 92728-8300

AREA, LAND TYPE, AND LOCATION:

Public Trust lands in the Bolsa Chica Lowlands, Huntington Beach, Orange County.

AUTHORIZED USE:

Installation and long-term monitoring of a new groundwater well and the long-term monitoring of an existing groundwater well.

LEASE TERM:

49 years, beginning January 1, 2006.

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.

SPECIFIC LEASE PROVISIONS:

Insurance:
Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the lands adjoining the lease premises.
2. The Applicant, the Orange County Water District (District), has requested a long-term lease from the Commission to continue monitoring an existing groundwater well (BSO2) and for the construction and monitoring of a new groundwater well (BS19) within the Bolsa Chica Lowlands. For many

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years prior to the State of California's acquisition of the Bolsa Chica Lowlands, the District has accessed a number of monitoring wells on the property for the purpose of measuring water levels and groundwater salinity. These existing wells were constructed by the California Department of Water Resources and the United States Geological Survey in the 1960s as part of a series of local seawater intrusion investigations.

The construction of the Bolsa Chica Lowlands Wetland Restoration Project will eliminate a number of the wells. However, one existing groundwater well (BSO2) will be preserved and the District wishes to continue monitoring this existing well, along with constructing a new groundwater monitoring well (BS19), to supplement its groundwater quality monitoring network, and to assess any incremental effects of the wetland restoration project on groundwater elevation and salinity conditions.

The District has coordinated with representatives of the United States Fish and Wildlife Service (Service), the Commission's Lessee for construction of the Bolsa Chica Lowlands Wetland Restoration Project. The Service has no objection to the District's project.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 6: Information Collection; Title 14, California Code of Regulations, section 15306.

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

4. The Bolsa Chica lowlands were acquired in 1977 for the specific purpose of restoring the area as tidal wetlands as mitigation for development at the Ports of Los Angeles and Long Beach. The lowlands acquired for the Restoration Project are adjacent to the Bolsa Chica Ecological Reserve that has been identified in 1975 as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq.

Although the Commission considers all lands "significant" by nature of their public ownership, use classifications, specifically designed to protect

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the significant environmental values of the area designated, are not assigned unless such lands have been identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. As the affected area was not in public ownership in 1975, it was neither identified pursuant to Public Resources Code section 6370 nor assigned use classifications; therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U.S. Fish and Wildlife Service; Department of Fish and Game; Orange County Health Care Agency

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

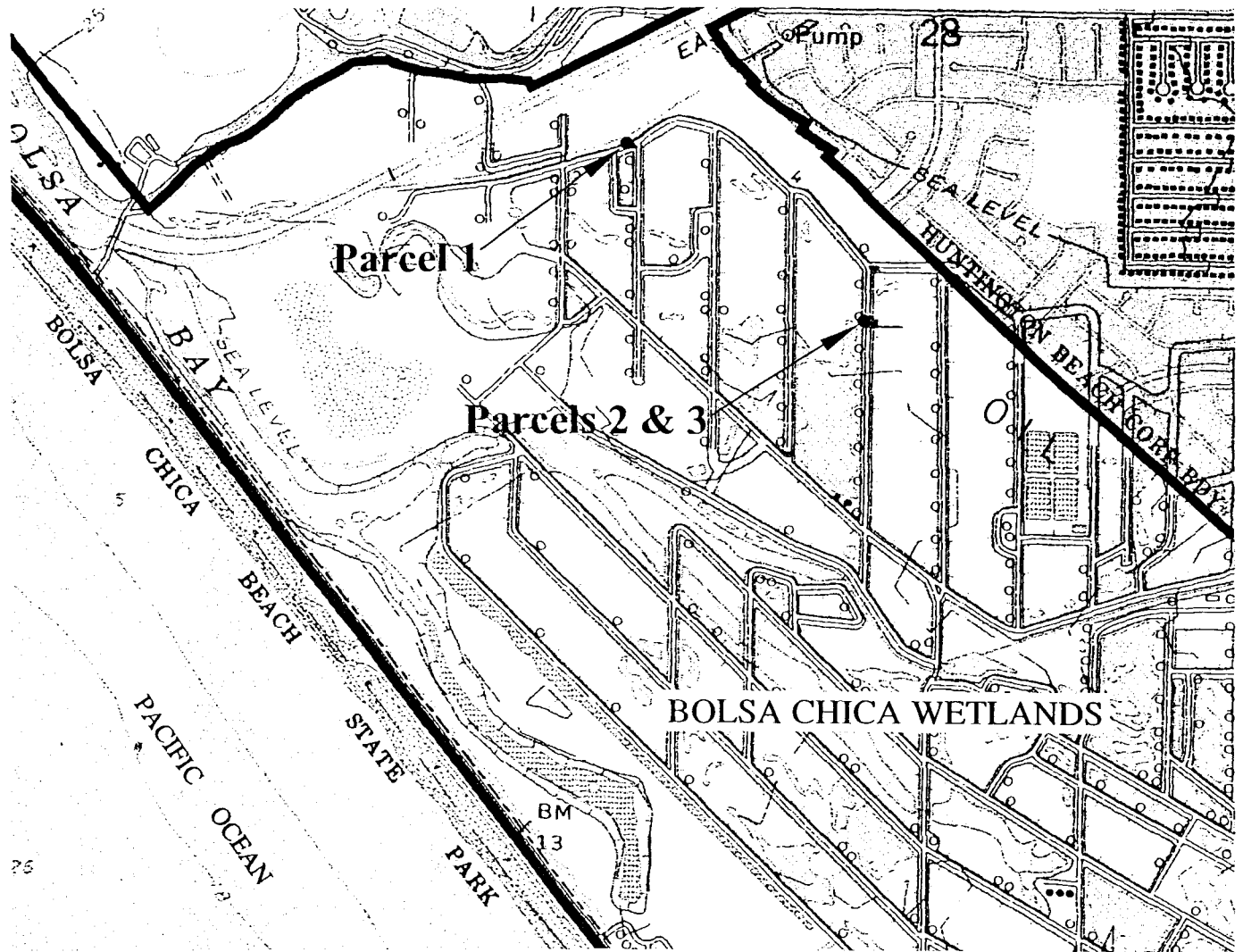
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 6: INFORMATION COLLECTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15306.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE ORANGE COUNTY WATER DISTRICT OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JANUARY 1, 2006, FOR A TERM OF 49 YEARS, FOR INSTALLATION AND LONG-TERM MONITORING OF A NEW GROUNDWATER WELL (BS19) AND THE LONG-TERM MONITORING OF AN EXISTING GROUNDWATER WELL (BSO2) ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING 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; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

SITE



ORANGE COUNTY WATER DISTRICT

NO SCALE

LOCATION

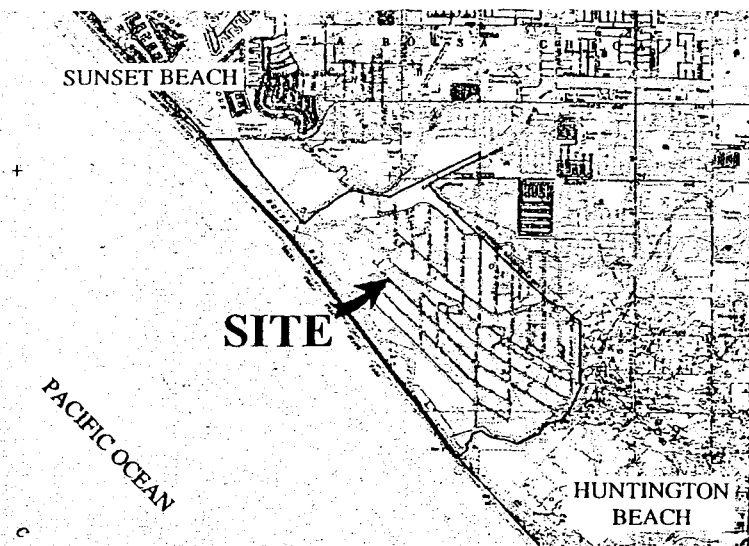


Exhibit A

W 26122
 GENERAL LEASE
 PUBLIC AGENCY USE
 BOLSA CHICA AREA
 ORANGE 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. MAP SOURCE: USGS QUAD

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RAB 11/05

LAND DESCRIPTION

Three parcels of state owned land situated in the unincorporated territory of the County of Orange, State of California, being more particularly described as follows:

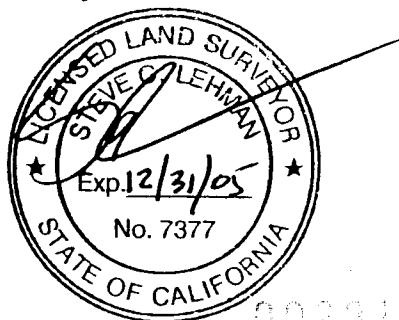
Parcel 1 (Well BS02)- A strip of land 6.10 meters (20 feet) wide lying 3.05 meters on each side of the following described centerline: Beginning at a point that bears North 13° 59' 48" West 2918 meters, more or less, from the intersection of the boundary line of the County of Orange and the City of Huntington Beach and the southwesterly right of way line of the Pacific Coast Highway, 27.432 meters (90 feet) wide, as shown on Record of Survey 98-1035, recorded in Book 174 Maps Page 1, Orange County Recorders Office; thence North 6.10 meters and the end of said strip.

Parcel 2 (Well BS19) - A strip of land 6.10 meters (20 feet) wide lying 3.05 meters on each side of the following described centerline: Beginning at a point that bears North 03° 50' 11" West 2430 meters, more or less, from the intersection of the boundary line of the County of Orange and the City of Huntington Beach and the southwesterly right of way line of the Pacific Coast Highway, 27.432 meters (90 feet) wide, as shown on Record of Survey 98-1035, recorded in Book 174 Maps Page 1, Orange County Recorders office; thence North 6.10 meters and the end of said strip.

Parcel 3 (Temporary work area) - A strip of land 9.14 meters (30 feet) wide lying 4.57 meters on each side of the following described centerline: Beginning at a point that bears North 03° 49' 16" West 2425 meters, more or less, from the intersection of the boundary line of the County of Orange and the City of Huntington Beach and the southwesterly right of way line of the Pacific Coast Highway, 27.432 meters (90 feet) wide, as shown on record of survey 98-1035, recorded in Book 174 Maps Page 1, Orange County Recorders office; thence North 15.24 meters and the end of said strip.

END OF DESCRIPTION

Prepared 11-16-2005 by the Boundary Unit of the California State Lands Commission.



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