

MINUTE ITEM
This Calendar Item No. C35 was approved as
Minute Item No. 35 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

CALENDAR ITEM

C35

A 67

09/13/07

PRC 485

WP 485.9

S 35

K. Foster

**TERMINATION OF A RIGHT-OF-WAY PERMIT, AND APPROVAL OF A MAP FILED
PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE**

PARTY:

California Department of Transportation

LAND TYPE AND LOCATION:

Sovereign lands in Anaheim Bay, Seal Beach, Orange County.

AUTHORIZED USE:

For highway purposes - pursuant to Section 101.5 of the Streets and Highways Code, the continued use and maintenance of a right-of-way including the Anaheim Bay bridge, for the repair and replacement of existing bridge abutment rock slope protection, roadway embankment, native landscape planting, construction of energy dissipaters at seven existing drainage pipes, reconstruction of two metal guardrail ends, chain link fence installation, and construction of a maintenance vehicle pullout.

LENGTH OF USE:

Continuous use plus one year.

OTHER PERTINENT INFORMATION:

1. The California Department of Transportation (Caltrans) has the right to use the uplands adjoining the lease premises.
2. On November 21, 1949, pursuant to Section 101.5 of the Streets and Highways Code, the Commission approved the issuance of a Right-of-Way Permit to Caltrans, formerly known as the Division of Highways, for the construction, use, and maintenance of a new bridge crossing at Anaheim Bay along the realigned State Route 1, Pacific Coast Highway (PCH).
3. The existing bridge was constructed in 1968 and replaced the original bridge. Over time, wave action from storms, tides, and boating traffic has

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eroded the approach and abutment slopes; allowing the existing rock slope protection to sink, thereby exposing the bridge abutments to potential damage.

4. As the proposed project extends beyond the original right-of-way area authorized by the Commission in 1949, Caltrans has filed with the Commission a new Right-of-Way Map encompassing the expanded area pursuant to Section 101.5 of the Streets and Highways Code.
5. On April 11, 2007, the California Coastal Commission granted to Caltrans Coastal Development Permit 5-06-125, subject to the conditions contained in the permit, for the repair and replacement of the existing bridge abutment rock slope protection, roadway embankment regrading, native landscape planting, construction of energy dissipaters at seven existing drainage pipes, reconstruction of two metal guardrail ends, chain link fence installation, and the construction of a maintenance vehicle pullout.
6. Section 101.5 of the Streets and Highways Code requires Caltrans to determine the reasonable value of the proposed right-of-way and to deposit such amount in the State Parks and Recreation Fund.
7. **Termination of Permit:**
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.
8. **Approval of a Map Pursuant to Section 101.5 of the Streets and Highways Code:**
A Mitigated Negative Declaration was prepared and adopted for this project by Santa Ana Regional Water Quality Control Board. The California State Lands Commission's staff has reviewed such document.
9. A Mitigation Monitoring Program was adopted by Santa Ana Regional Water Quality Control Board.

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10. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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:

California Coastal Commission
California Department of Fish and Game
Santa Ana Regional Water Quality Control Board
United States Army Corps of Engineers

EXHIBITS:

- A. Site and Location Map
B. Section 101.5 Right-of-Way Map

PERMIT STREAMLINING ACT DEADLINE:

October 22, 2007

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF PERMIT:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

APPROVAL OF A MAP PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS

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CONTAINED IN THE ENVIRONMENTAL DOCUMENT ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

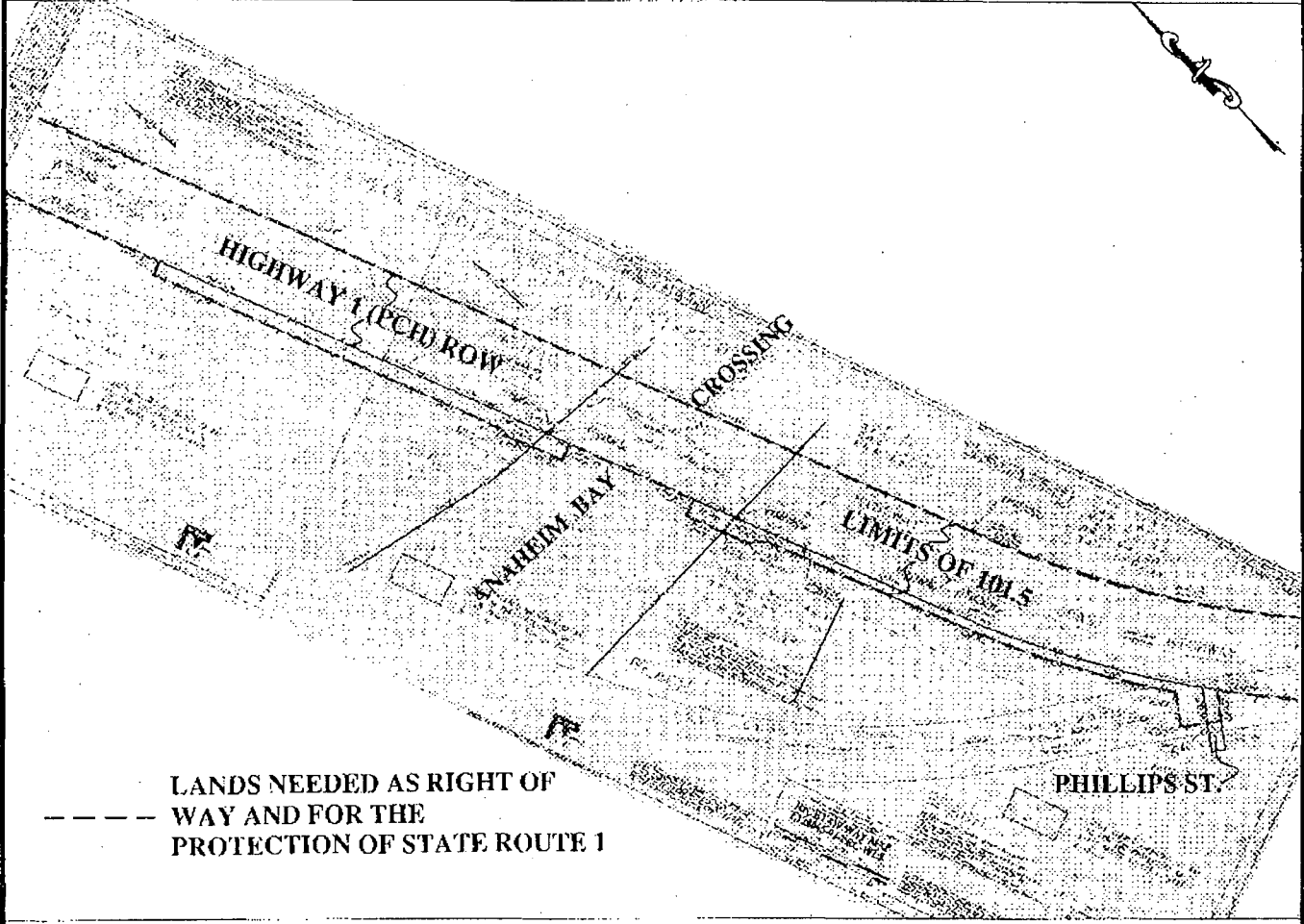
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. TERMINATE, EFFECTIVE SEPTEMBER 12, 2007, RIGHT-OF-WAY PERMIT PRC 485.9 FOR THE BRIDGE CROSSING AT ANAHEIM BAY.
2. APPROVE A MAP AS SHOWN ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, SUBMITTED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, FOR CONTINUOUS USE PLUS ONE YEAR, FOR THE CONTINUED USE AND MAINTENANCE OF A RIGHT-OF-WAY INCLUDING THE BRIDGE CROSSING AT ANAHEIM BAY AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

NO SCALE

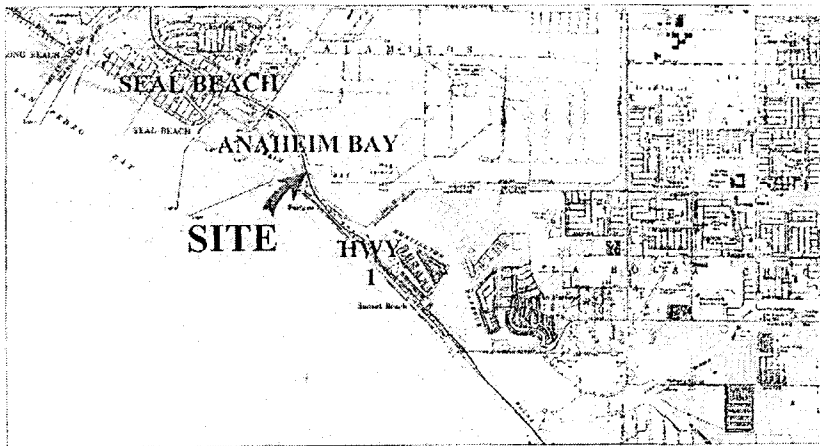
SITE



Hwy 1, Anaheim Bay, near Seal Beach

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 485.9
CAL TRANS 101.5
ANAHEIM BAY
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.

MJF 8/20/07

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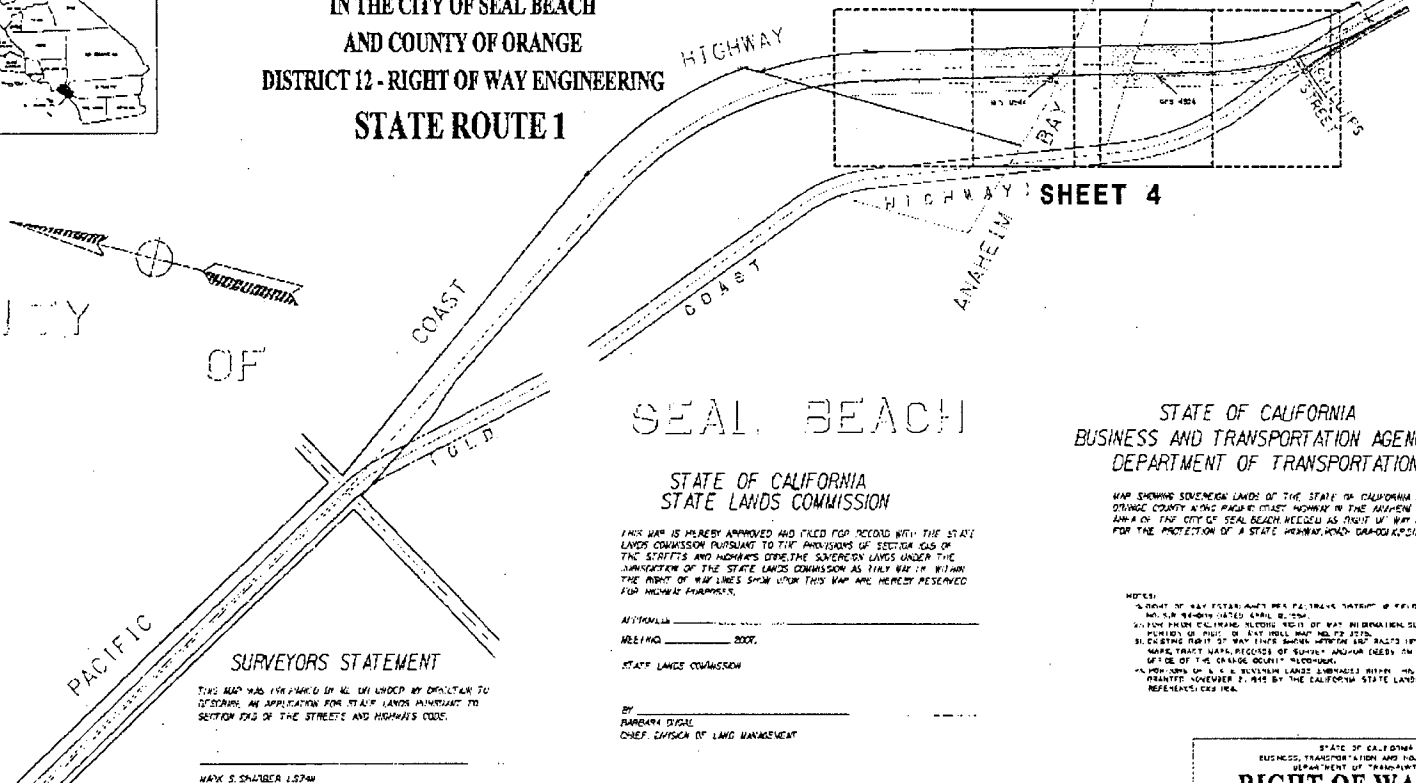
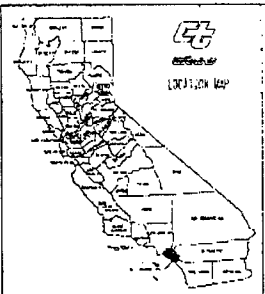
EXHIBIT B

DATE	PROJECT	SCALE	DATE PREPARED	SHEET NO.	TOTAL SHEETS
12/07	ORANGE	300'	07-11-07	3	4

101.5 MAP

STATE OF CALIFORNIA
BUSINESS AND TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
 IN THE CITY OF SEAL BEACH
 AND COUNTY OF ORANGE
DISTRICT 12 - RIGHT OF WAY ENGINEERING
STATE ROUTE 1

CHECK PRINT 07/27/07
SHEET 3 **SHEET 2**



STATE OF CALIFORNIA
 BUSINESS AND TRANSPORTATION AGENCY
 DEPARTMENT OF TRANSPORTATION

MAP SHOWING SOVEREIGN LANDS OF THE STATE OF CALIFORNIA IN ORANGE COUNTY AND THE PARCEL IDENTIFIED BY THE ANAHEIM BAY AREA OF THE CITY OF SEAL BEACH RECEIVED AS TRUST BY THE AHO FOR THE PROTECTION OF A STATE HIGHWAY ROAD, DAKARU AND DUISA.

STATE OF CALIFORNIA
 STATE LANDS COMMISSION

THIS MAP IS HEREBY APPROVED AND FILED FOR RECORD WITH THE STATE LANDS COMMISSION PURSUANT TO THE PROVISIONS OF SECTION 6400 OF THE STATUTES AND HONORABLE TO THE SOVEREIGN LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION AS THIS MAP IS WITHIN THE RIGHT OF WAY LINES SHOWN ON THIS MAP ARE HEREBY RESERVED FOR HIGHWAY PURPOSES.

APPROVED: _____
 DATE: _____ 2007.
 STATE LANDS COMMISSION

BY: _____
 BARBARA DYVAL
 CHIEF, DIVISION OF LAND MANAGEMENT

SURVEYORS STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION TO DESCRIBE AN APPLICATION FOR STATE LANDS PURSUANT TO SECTION 6400 OF THE STATUTES AND HONORABLE TO THE SOVEREIGN LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION AS THIS MAP IS WITHIN THE RIGHT OF WAY LINES SHOWN ON THIS MAP ARE HEREBY RESERVED FOR HIGHWAY PURPOSES.

MARK S. SHAMBER 12740
 EXP. 01/01/2007

- NOTES:
1. RIGHT OF WAY BOUNDARIES ARE PER STATE STATUTE & FIELD SURVEY.
 2. ALL TRACTS SHOWN ARE STATE LANDS.
 3. FOR MORE DETAILED RECORDS OF THIS INFORMATION SEE ALL THE AHO RECORDS IN THE OFFICE OF THE STATE LANDS COMMISSION.
 4. EXISTING RIGHT OF WAY LINES SHOWN ARE PER RECORDS OF THE STATE LANDS COMMISSION.
 5. MAP TRACT MAPS, RECORDS OF SURVEY AND AHO RECORDS IN THE OFFICE OF THE STATE LANDS COMMISSION.
 6. AHO RECORDS OF A. & B. RECORDS LARGE SURVEYS WITH THIS MAP WERE PREVIOUSLY QUANTIFIED NOVEMBER 2, 1992 BY THE CALIFORNIA STATE LANDS COMMISSION FIELD MAP REFERENCE ONLY.

STATE OF CALIFORNIA
 BUSINESS AND TRANSPORTATION AGENCY
 DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP
E120045-01-PRC 101.5 INDEX

SCALE: 1" = 300'

SOURCE: 12-TEX CHART 1. A. 8/1992

CALENDAR PAGE 000162
 MINUTE PAGE 002010

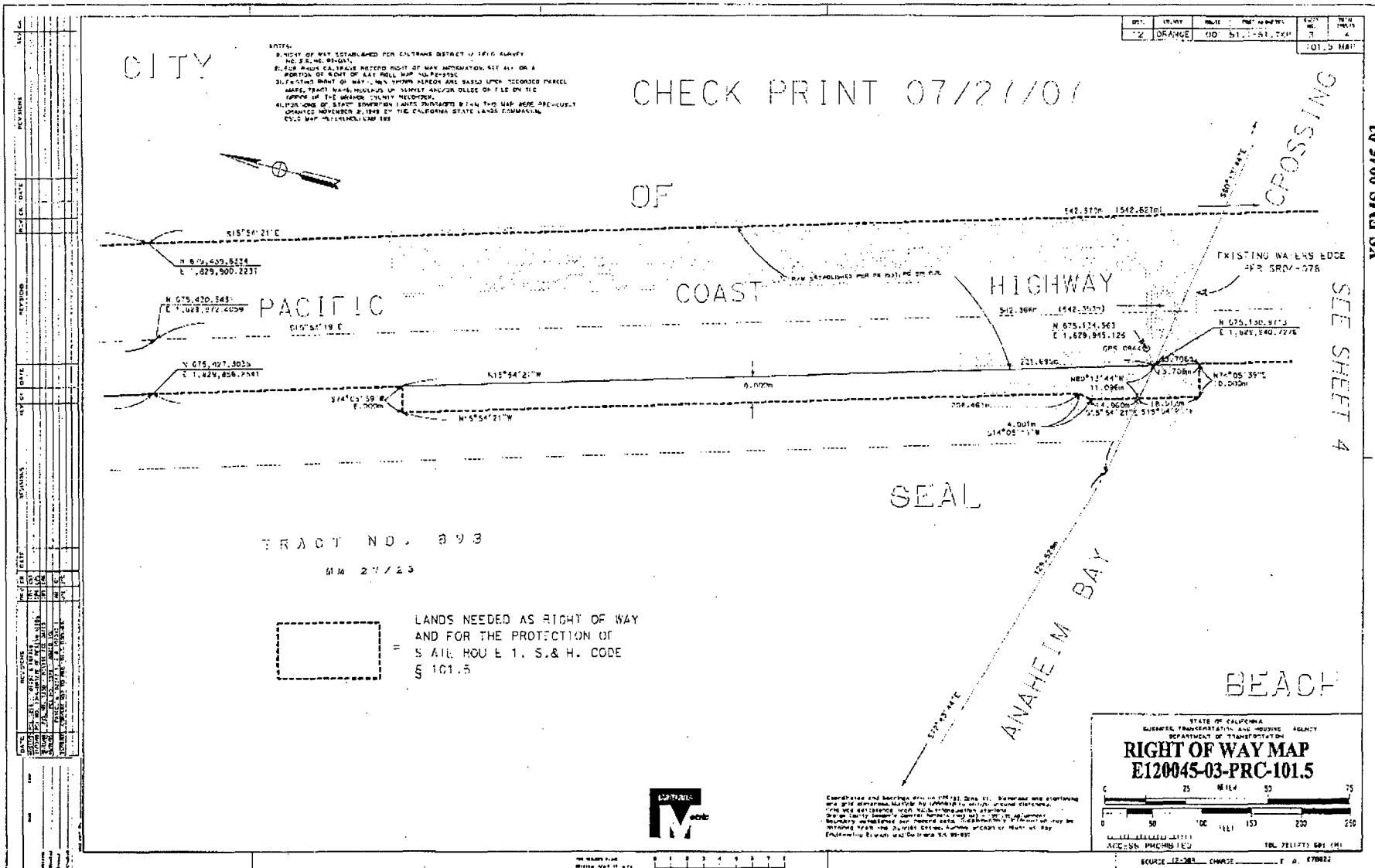
XS-FMS-0045-01

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NOTES:
 1. RIGHT OF WAY ESTABLISHED FOR CALTRANS DISTRICT 12 TRIG SURVEY AND BEACH WALKWAY.
 2. FOR ANAHEIM CALTRANS RECORD RIGHT OF WAY INFORMATION, SEE ALL ON A PORTION OF RIGHT OF WAY FULL MAP 12-283-001.
 3. EXISTING RIGHT OF WAY - NEW TOWN PARKWAY AND BASED UPON RECORDED PARCEL MAPS, TRACT MAPS, RECORDS OF SURVEY AND/OR OLDER DEEDS ON FILE ON THE RECORDS OF THE ANAHEIM COUNTY RECORDER.
 4. ALIQUOTS OF STATE SUPERSTITION LANDS PURCHASED BY THE MAP HERE PREVIOUSLY ORIGINATED NOVEMBER 2, 1986 BY THE CALIFORNIA STATE LANDS ESTABLISHMENT AND MAP RECORDED UNDER 100.

CHECK PRINT 07/21/07

CROSSING

SEE SHEET 4

XS-FMS-0045-03

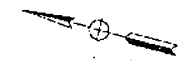
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CITY CHECK PRINT 07/27/07



OF

CROSSING

R 3 / 4 B
R 10 / 12
R 14 / 3 B
R 6 5 / 2 B

NO.	DATE	BY	FOR	SCALE	SHEET	TOTAL SHEETS
17	07/27/07	GD	S. 1-15-17K		4	4
					1	1
					1	1
					1	1

SEE SHEET 3

SEE SHEET 2

PACIFIC COAST

COAST

HIGHWAY

H.W. ESTABLISHED PER SR 1537, PG 319 O.R.

EXISTING WATERS EDGE PER SRO4-078

F.W. ESTABLISHED PER SR 1537, PG 319 O.R.

SEAL

ANAHEIM BAY

TRACT NO. 100
M 16 / 2 J
TRACT NO. 893
M 27 / 2 B
R. S. 90-1023
S 83 135 / 3 A

NOTES:

1. PORTION OF WAY ESTABLISHED PER CALIFORNIA DISTRICT FIELD SURVEY NO. 53, PG. 90 O.R.
2. PORTION OF WAY ESTABLISHED PER PORTION OF WAY INFORMATION SHEET ALL OR A PORTION OF WAY EST. BY SR 1537 3450
3. REPORTED RIGHT-OF-WAY LINES WHICH ARE BASED UPON RECORDED PARCEL MAPS, TRACT MAPS, RECORDS OF SURVEY AND/OR DEEDS ON FILE ON THE OFFICE OF THE ORANGE COUNTY RECORDER.
4. PORTIONS OF WAY EST. HEREON IN THIS MAP WHICH WOULD CHALLENGE RECORDS FILED BY THE CALIFORNIA STATE LAND COMMISSION, SHALL BE REFERENCED TO THE

LANDS NEEDED AS RIGHT OF WAY AND FOR THE PROTECTION OF STATE ROUTE 1, S. & F. CODE § 101.5

BEACH

COLD COAST HIGHWAY

STATE OF CALIFORNIA
 BUSINESS TRANSPORTATION AND HOUSES
 DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
E120045-04-PRC-101.5

0 25 50 75
 FEET

0 50 100 150 200 250
 FEET

ACCESS PROHIBITED

SOURCE: J2-383, CHWCE... F. S. 879222



Reproduction and bearing this map in CO, CA, PG. 7-1, BUSINESS AND TRANSPORTATION DEPARTMENT, STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, 1515 CALIFORNIA STREET, SACRAMENTO, CALIFORNIA 95833. THIS MAP IS A REPRODUCTION OF THE ORIGINAL MAP AND IS NOT TO BE USED AS A SUBSTITUTE FOR THE ORIGINAL MAP. ANY REVISIONS OR AMENDMENTS TO THIS MAP SHALL BE MADE BY THE ORIGINAL SURVEYOR OR HIS SUCCESSORS. THIS MAP IS THE PROPERTY OF THE STATE OF CALIFORNIA AND IS LOANED TO YOU FOR YOUR INFORMATION ONLY. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE STATE OF CALIFORNIA.