

**CALENDAR ITEM  
C35**

A 41  
S 23

04/06/11  
WP 8775.9  
S. Paschall

**AMENDMENT OF LEASE**

**LESSEE:**

Calleguas Municipal Water District  
2100 Olsen Road  
Thousand Oaks, CA 91360

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the Pacific Ocean, near the cities of Oxnard and Port Hueneme, Ventura County.

**AUTHORIZED USE:**

The installation, use, and maintenance of a steel or high-density polyethylene outfall pipeline and diffuser extending west from the Port Hueneme Beach Parking Lot "A" approximately 4,625 feet on the bed of the Pacific Ocean, for the purpose of transporting concentrate from demineralization of brackish groundwater and to facilitate the reuse or disposal of tertiary treated municipal wastewater; and the continued maintenance of a non-operational sewer outfall pipeline adjacent to the Port Hueneme Municipal Pier.

**LEASE TERM:**

25 years, beginning March 25, 2008.

**CONSIDERATION:**

The public health and safety, 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.

**PROPOSED AMENDMENT:**

1. Replace the original Section 3 (Land Description) of the lease with a revised Section 3. All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR ITEM NO. **C35** (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On March 25, 2008, the Commission authorized the issuance of a 25-year General Lease – Public Agency Use, Lease No. PRC 8775.9 to the Calleguas Municipal Water District for the installation, use, and maintenance of a new 30-inch diameter pipeline extending approximately 4,625 feet offshore.
3. On January 18, 2011, staff received an application for a lease amendment to modify the lease boundaries to reflect the difference between the original proposed outfall alignment and the final as built outfall alignment. The difference arose because an obstruction was encountered during construction causing an adjustment in the drilling and boring path for the pipeline and outfall placement.
4. An EIR SCH# 2007021026 was prepared for this project by Calleguas Municipal Water District and certified on October 8, 2007. Commission staff has reviewed such document and Mitigation Monitoring Plan prepared in conformance with the provisions of CEQA (Public Resources Code section 21081.6) and adopted by the lead agency.
5. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento Office of the California State Lands Commission.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. 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.

**EXHIBITS:**

- A. Location and Site Map
- B. Land Description
- C. Mitigation Monitoring Plan

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

CALENDAR ITEM NO. **C35** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that an EIR SCH# 2007021026 was prepared for this Project by Calleguas Municipal Water District and certified on October 8, 2007 and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Plan, as contained in Section 10.0 of the EIR, attached hereto, as shown on Exhibit C.

Adopt the findings made in conformance with Title 14, California Code of Regulations, sections 15091 and 15096 (h), as contained on file in the Sacramento Office of the California State Lands Commission.

**SIGNIFICANT LANDS INVENTORY FINDING:**

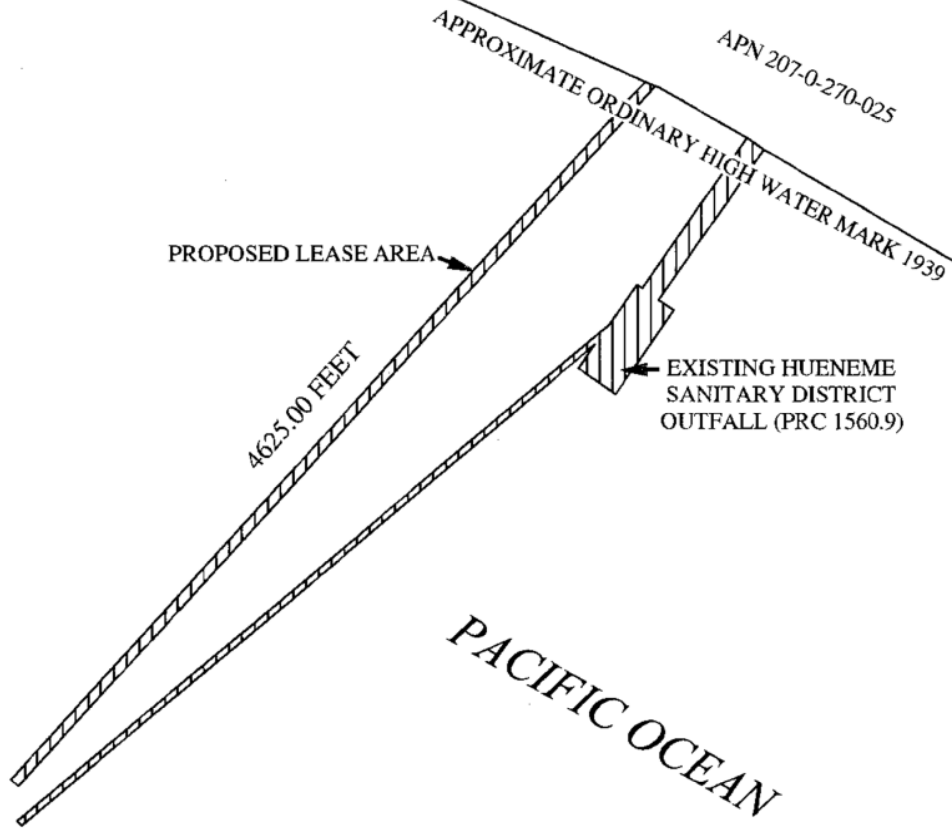
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

**AUTHORIZATION:**

Authorize the Amendment of Lease No. PRC 8775.9, a General Lease – Public Agency Use, effective March 25, 2008, to replace the original Section 3 (Land Description) with a revised Section 3, as shown on the attached Exhibit B; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

### SITE



OFFSHORE OF PORT HUENEME  
VENTURA COUNTY

WP

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit A

WP 8775.9  
 CALLEGUAS MUNICIPAL  
 WATER DISTRICT  
 GENERAL LEASE  
 PUBLIC AGENCY USE  
 VENTURA 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.

MIJ 02/2011

## EXHIBIT B

WP 8775.9

### LAND DESCRIPTION

A 50 foot wide strip over those portions of the tide and submerged lands of the bed of the Pacific Ocean lying between the Ordinary High Water Mark and the State of California Offshore Boundary, Ventura County, State of California, the centerline of said strip more particularly described as follows:

BEGINNING at a point on the Ordinary High Water Mark of 1939, as surveyed by the State Lands Commission and shown on the map recorded in Book 28, Page 76 of Records of Survey of said County, said point being distant North  $66^{\circ}54'11''$  West 38.67 feet from Station Number 24 of said survey (said Ordinary High Water Mark of 1939 shown as North  $66^{\circ}54'11''$  West on said Record of Survey), said Station Number 24 being located at North 1,876,305.74 feet and East 6,199,912.25 feet of the California Coordinate System Grid, Zone 5, NAD 83; thence along said centerline the following course,

1<sup>st</sup>) South  $43^{\circ}12'15''$  West 4625.00 feet.

The sidelines of said 50 foot wide strip of tide and submerged land to be lengthened or shortened to terminate at said Ordinary High Water Mark.

All bearings and distances shown are based on the California Coordinate System Grid, Zone 5 in feet, NAD 83.

Prepared on September 1, 2010 by:



William L. Meagher  
LS 5948 (Expires 12/10)



**10.0 MITIGATION MONITORING PLAN/ENVIRONMENTAL COMMITMENTS**

The following is a summary of mitigation measures and environmental commitments made on behalf of the proposed project. This Section also comprises a Mitigation Monitoring and Reporting Program as required by Section 15097 of the State CEQA Guidelines and Section 21081.6 of the Public Resources Code. CMWD would be responsible for implementation of each measure/commitment.

MEASURE	TIMING	RESPONSIBLE PARTY/METHODS
<b>GEOLOGY</b>		
The following measure shall be fully implemented to reduce geologic and soil-related impacts:		
1. A Horizontal Directional Drilling Plan will be implemented for HDD drilling. The HDD Plan will include specific operations to avoid accidental releases of drilling fluid.	HDD Plan shall be submitted for written approval by CMWD prior to construction and implemented during construction.	CMWD shall be responsible for implementation by the construction contractor. Compliance would be determined through review of the HDD Plan, and inspections during construction.
<b>CULTURAL RESOURCES</b>		
The following measures shall be fully implemented to reduce potential impacts to CA-VEN-662 to a less than significant level:		
1. Within CA-VEN-662's boundaries, two archaeologists and a Chumash representative shall be retained to monitor all earth disturbances. The two archaeologists shall be prepared to professionally retrieve any features that might be exposed during excavation in a timely manner.	Throughout construction operations.	CMWD, in consultation with the project archaeologist and Native American Monitor, will review of final alignments and conduct field inspections during construction activities.
2. Within the known extents of CA-VEN-662, the District's soils engineer will be on-site to observe all excavation and determine whether the materials are previously disturbed or undisturbed. If previously undisturbed materials are encountered, the contractor will use a bladed, rather than toothed bucket, for excavation through the extent of the undisturbed materials.		
The following measures shall be fully implemented to reduce potential impacts to unknown/buried cultural resources, should they occur, to a less than significant level:		
3. If disturbance to the Ventura County Railway is determined necessary during project construction activities, a Memorandum of Agreement shall be drafted for mitigation of historic properties. All requirements of Section 106 of the National Historic Preservation Act shall be fully implemented.		
4. Plans for monitoring, treatment of human remains and unplanned discoveries shall be written in consultation with the United States Bureau of Reclamation (Reclamation), State Historic Preservation Office (SHPO), Native Americans, interested parties, and Advisory Council, if they choose to participate.		
5. A professional archaeologist and Chumash representative should be retained to monitor all initial earth disturbances from Perkins Road to the entrance Port Hueneme Beach Park.		
a. At the commencement of project construction, the archaeological monitor shall give all workers associated with earth-disturbing procedures an orientation regarding the probability of exposing cultural resources, tips on recognizing cultural resources and directions as to what steps are to be taken if a find is encountered.		

MEASURE	TIMING	RESPONSIBLE PARTY/METHODS
<ul style="list-style-type: none"><li>b. The archaeologist shall have the authority to temporarily halt or redirect project construction in the event that potentially significant cultural resources are exposed. Based on monitoring observations and the actual extent of project disturbance, the lead archaeologist shall have the authority to refine the monitoring requirements as appropriate (i.e., change to spot checks, reduce or increase the area to be monitored) in consultation with the lead agency.</li><li>c. A monitoring report shall be prepared upon completion of construction and provided to Reclamation and the South Central Coastal Information Center (SCCIC).</li></ul> <p>6. In the event that archaeological resources are exposed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended until a qualified archaeologist has evaluated the nature and significance of the find. Reclamation and CMWD shall be notified of any such find.</p> <p>7. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. Reclamation and CMWD shall be notified of any such find.</p>		