

**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.

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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

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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.