

**CALENDAR ITEM  
C59**

A 33  
S 18

04/23/14  
PRC 3321.9  
K. Foster

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

County of San Bernardino  
777 E. Rialto Avenue  
San Bernardino, CA 92415-0763

**LAND TYPE AND LOCATION:**

Sovereign land located in the old bed of the Colorado River adjacent to Moabi Regional Park, San Bernardino County.

**AUTHORIZED USE:**

Public recreational purposes, including the continued use and maintenance of facilities related to campgrounds, a small boat marina, a water treatment plant, and an All Terrain Vehicle (ATV) riding facility.

**LEASE TERM:**

Two years, beginning July 2, 2014.

**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:** In an amount of no less than \$5,000,000 per occurrence. Applicant may satisfy all or part of the insurance requirements through maintenance of a staff-approved self-insurance program as outlined in the Lease.

**Other:**

1. A bona fide dispute exists with respect to the boundary between lands of the State of California and lands of the United States Department of the Interior Bureau of Reclamation and Bureau of Land Management at Moabi Regional Park (Park) in Section 6, T7N, R24E. The land description in Exhibit A is an interim description of the Lease Premises for purposes of

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determining jurisdiction and implementing lease terms under this Lease until such dispute is resolved, and that such description is not intended to be a waiver or limitation of the State's right, title, or interest in any of the lands so disputed, or an admission of the adequacy of the boundary as described between State and Federal lands in Section 6, T7N, R24E.

2. The issuance of this Lease is intended to cover an interim period only while the described boundary dispute is resolved. This Lease will terminate upon either the issuance of a new longer-term lease following the resolution of said boundary dispute, or July 1, 2016, whichever occurs first.
3. The issuance of this Lease conveys no water rights to Colorado River water, and it is the Lessee's sole responsibility to secure such water rights for use on the Lease Premises and other areas adjacent to the Lease Premises within the Park.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the upland adjoining the lease premises.
2. On July 2, 1965, the Commission authorized the issuance of Lease No. PRC 3321.9, a General Lease – Public Agency Use to the County of San Bernardino for a well to supply water, and access to and view of the Colorado River as part of the adjacent small boat marina at Moabi Regional Park (Park), for a 49 year term ending July 1, 2014.
3. On August 20, 1987, the Commission authorized an amendment to the Lease to clarify the existing land use and to authorize the construction of an All Terrain Vehicle (ATV) facility. By way of clarification, the 1987 amendment authorized the Lessee's use of the Lease Premises for public recreational purposes, including facilities related to campgrounds, a small boat marina, and a water treatment plant, and the construction of an ATV riding facility, which was subsequently constructed.
4. The Applicant is also a party to a lease with the United States Department of the Interior Bureau of Reclamation (BOR) and Bureau of Land Management (BLM), for the adjoining upland property at the Park.
5. On November 11, 2011, the Applicant submitted an application to the Commission requesting the issuance of a new lease and approval for the

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construction of various new park amenities. While processing the application, staff discovered a discrepancy between the location of the State's lease boundary and that of the adjoining BOR/BLM lease. A dispute arose between the State and BOR/BLM over the boundary location which requires resolution before the application for a new lease can be considered by the Commission. Commission staff, County of San Bernardino staff, and BOR/BLM staff are working to resolve the boundary dispute, but a resolution is not expected to be achieved until after the term of the existing lease expires on July 1, 2014.

6. As California Administrative Code, Title 2, Section 2004 limits the maximum lease term of a General Lease to 49 years with no option to extend such a lease beyond the specified term, the Applicant has requested a short-term interim lease be authorized for the current lease area and existing improvements to allow the Applicant to continue to operate the Park facility until the boundary issue can be resolved and a new longer-term lease can be considered by the Commission. This short-term lease will terminate upon the issuance of a new longer term lease.
7. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2). The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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.

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**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**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 section 6370 et seq.

**AUTHORIZATION:**

Authorize the issuance of a new interim General Lease – Public Agency Use to the County of San Bernardino for a two (2) year period beginning on July 2, 2014 for the continued use and maintenance of the existing improvements at Moabi Regional Park, as described in Exhibit A attached and by this reference made a part hereof, and as shown on Exhibit B attached (for reference purposes only); consideration is 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; insurance in an amount of no less than \$5,000,000 per occurrence, applicant may satisfy all or part of the insurance requirements through maintenance of a staff-approved self-insurance program as outlined in the Lease.

## EXHIBIT A

PRC 3321.9

### LAND DESCRIPTION

THOSE CERTAIN SOVEREIGN LANDS OF THE BED OF THE COLORADO RIVER SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 6, T. 7 N., R. 24 E., S.B.M., AS SHOWN ON COUNTY SURVEYOR'S MAP NO. 7003 DATED MAY 1959; THENCE N. 89° 10' E. 4,290 FEET TO A POINT OF INTERSECTION OF THE 1947 RIGHT BANK OF THE COLORADO RIVER WITH THE RIGHT BANK OF THE BUREAU OF RECLAMATION CHANNEL IN THE VICINITY OF NEEDLES, WHICH POINT IS THE TRUE POINT OF BEGINNING; THENCE ALONG THE 1947 RIGHT BANK OF THE COLORADO RIVER THE FOLLOWING COURSES: S. 79° 25' W. 445 FEET, S. 81° 05' W. 1370 FEET, N. 84° 30' W. 890 FEET, N. 65° 20' W. 1190 FEET, N. 58° 50' W. 1230 FEET, N. 72° 30' W. 1300 FEET, S. 81° 10' W. 840 FEET, N. 41° 05' W. 975 FEET, N. 23° 05' W. 790 FEET, N. 8° 40' W. 1380 FEET, N. 2° 50' W. 1350 FEET, N. 24° 50' W. 945 FEET; THENCE LEAVING THE 1947 RIGHT BANK OF THE COLORADO RIVER, N. 65° 25' E. 260 FEET TO A POINT ON THE RIGHT BANK OF THE BUREAU OF RECLAMATION CHANNEL; THENCE, IN A SOUTHEASTERLY DIRECTION, 700 FEET, MORE OR LESS, ALONG A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 7947.04 FEET, THENCE 6500 FEET, MORE OR LESS, ALONG A CURVE CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 8014.63 FEET AND, THENCE, 3200 FEET, MORE OR LESS, ALONG A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 11,661.05 FEET, TO THE POINT OF BEGINNING (CURVE DATA ON THE NEEDLES CHANNEL SHOWN ON U. S. DEPT. OF INTERIOR, BUREAU OF RECLAMATION, REGION 3, OFFICE OF RIVER CONTROL, QUADRANGLE SHEETS, DATED 1952).

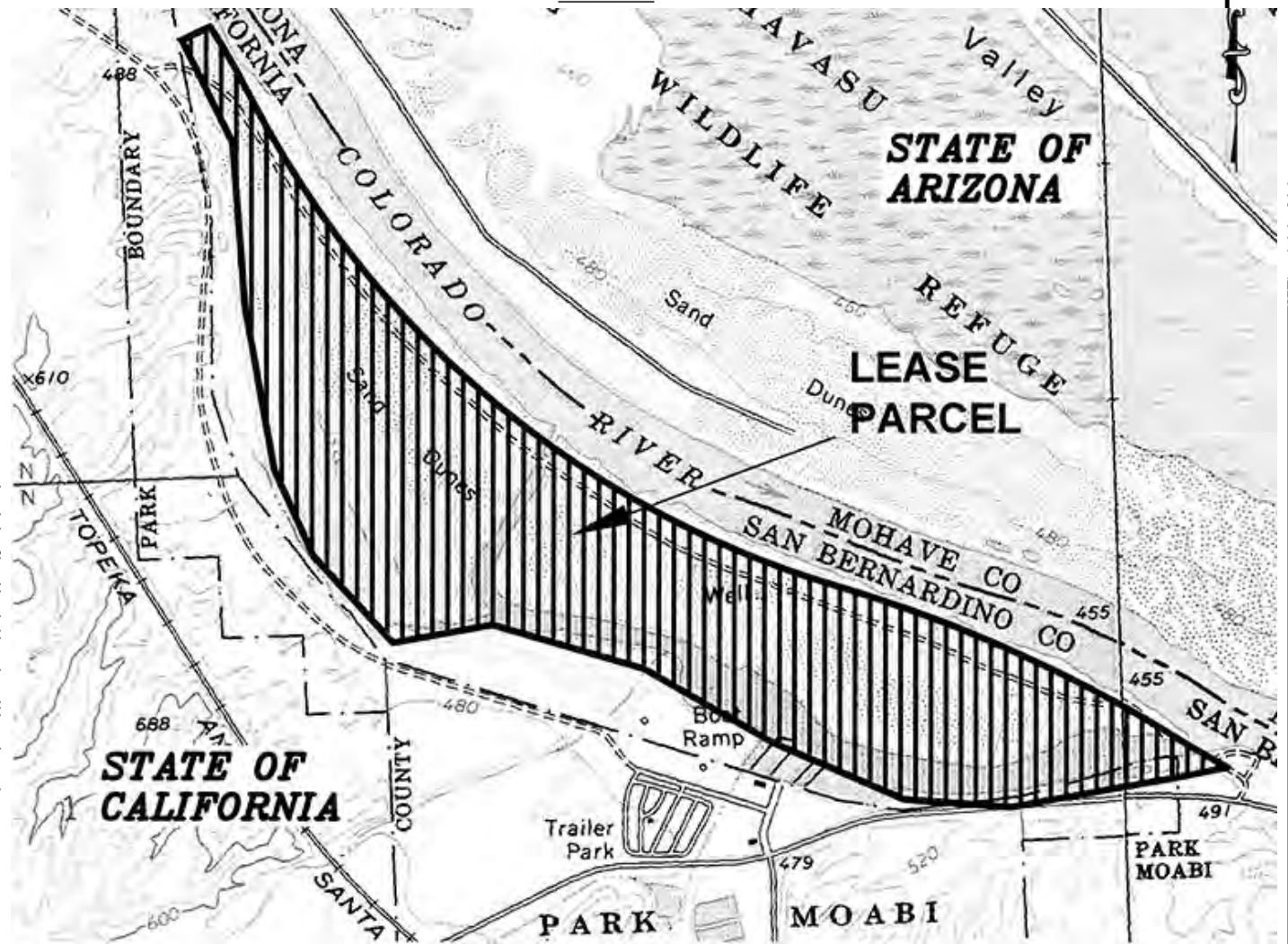
EXCEPTING FROM THE ABOVE-DESCRIBED PARCEL ANY PORTION OF HALF OF THE NATURAL CHANNEL OF THE COLORADO RIVER BELONGING TO THE STATE OF ARIZONA.

### END OF DESCRIPTION

The above description is a duplicate of that original description prepared by California State Lands Commission on February 1965 as found in PRC 3321.9 file.

NO SCALE

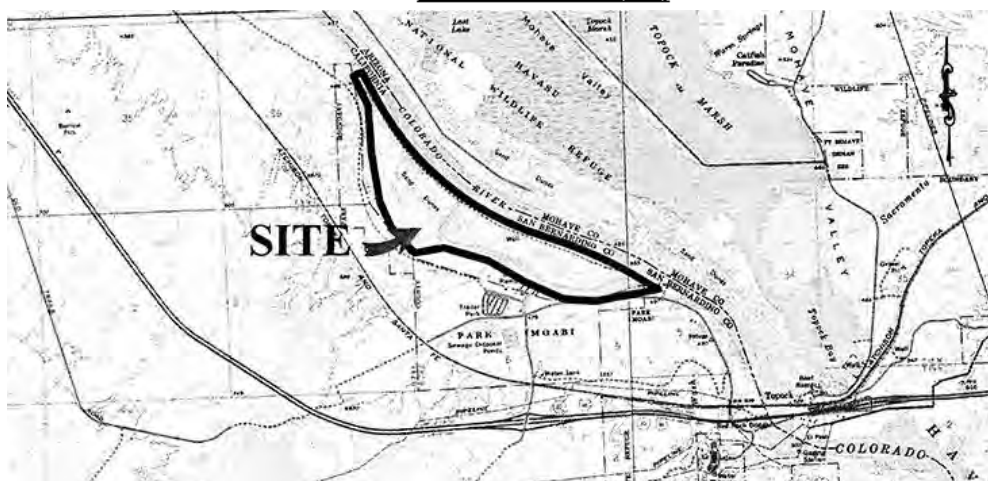
# SITE



COLORADO RIVER, SOUTH OF THE CITY OF NEEDLES

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

**Exhibit B**  
 PRC 3321.9  
 COUNTY OF SAN BERNARDINO -  
 MOABI PARK  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SAN BERNARDINO 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.