

MINUTE ITEM

This Calendar Item No. 91 was approved as Minute Item No. 91 by the California State Lands Commission by a vote of 3 to 0 at its 08/21/96 meeting.

CALENDAR ITEM

91

A 37

PRC 7904

08/21/96

S 19

W 25118 AD 279

B. Stevenson

D. Plummer

**APPROVAL OF A BOUNDARY LINE AGREEMENT
CONCERNING APPROXIMATELY 30 ACRES OF LAND IN THE
CITY OF PORT HUENEME, VENTURA COUNTY; AUTHORIZATION
FOR PUBLIC AGENCY LEASE**

APPLICANT:

United States of America
Department of the Navy
Naval Facilities Engineering Command
900 Commodore Drive
San Bruno, California 94066-2402

BACKGROUND

During the past 18 months, the staff of the State Lands Commission has worked with the Department of the Navy and the City of Port Hueneme regarding the Naval Civil Engineering Laboratory (NCEL), a military installation at the mouth of Port Hueneme Harbor. The objective of the staff has been to settle tide and submerged land title questions within the NCEL, to benefit both the public trust and new port and aquaculture development by bringing certainty to land title. The title settlement which has been reached is the first settlement involving tide and submerged lands in a closing military facility in California, and has enjoyed the support and cooperation of the United States.

The NCEL is a closed military installation under the base realignment process established by Congress. In the cities of Port Hueneme and nearby Point Magu, defense spending cutbacks have resulted in the loss of 1,550 military and 1,100 civilian positions. Ventura County has been denominated a "Surplus Labor Area" under U.S. Department of Labor standards because of its elevated unemployment rate over two or more years.

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Because Port Hueneme is an area of "severe economic distress" as defined in Title 40 of the United States Code, the NCEL qualifies for a public benefit conveyance from the United States to the local entity so that the property may be put to port uses. It is anticipated that port expansion will result in 70-250 new jobs for port tenants, and 40-50 new positions in aquaculture and commercial fisheries jobs. The job multiplier effect of economic expansion in these areas will result in an additional 75 indirect jobs in shipping, receiving and cargo handling.

The settlement which has been negotiated will establish an agreed boundary line between the sovereign tide and submerged lands and the uplands in the subject property. The settlement will be memorialized through an exchange of deeds between the United States and the State of California, drafts of which are on file at the Sacramento offices of the California State Lands Commission. The Navy will quitclaim any interest it may have in the subject property that lies waterward of the agreed boundary line, (the waterward toe of rip-rap) together with an easement for public navigational purposes in any lands lying landward of the agreed line which are or which may later become covered by navigable waters. The State will quitclaim any and all right, title, and interest based upon sovereignty landward of the agreed boundary line. By its acceptance of the deed, the United States will establish a covenant running with the uplands that an area 50 feet in width running along the waterward side of the uplands parcel will be available for public access.

The staff and the Office of the Attorney General support completion of this transaction and execution of the deed from the State to the United States. Recordation of the deeds will settle land title questions in this area, and will clear title to upland areas slated for reuse. The settlement will also establish clear State ownership of land in the Pacific Ocean free from competing title interests of the United States or agencies to which it may deed the property.

In connection with this settlement of title, the staff is also requesting authority to lease the property confirmed in the State through this settlement to the City of Port Hueneme for use for public recreational purposes, should the City request such a lease as a part of its public access program.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div.3; Title 14, Div. 6.

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AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that these activities are exempt from the requirements of CEQA because they fall within the statutory exemption for settlements of title and boundary problems, and leases in connection with those settlements.

Authority: Public Resources Code Section 21080.11.

EXHIBITS:

- A. Location Map of the Subject Parcel

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 UNDER THE STATUTORY EXEMPTION FOR SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS AND LEASES IN CONNECTION THEREWITH PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11.
2. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE A DEED NECESSARY TO EFFECTUATE THE BOUNDARY LINE AGREEMENT, IN A FORM SUBSTANTIALLY SIMILAR TO THAT NOW ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION.
3. APPROVE RECORDATION ON BEHALF OF THE COMMISSION OF THE FOLLOWING DOCUMENTS:
 - A. THE DEED FROM THE UNITED STATES TO THE STATE OF CALIFORNIA;
 - B. A CERTIFICATE OF ACCEPTANCE BY THE STATE; AND
 - C. A STATE PATENT TO THE UNITED STATES OF THE LAND LYING LANDWARD OF THE AGREED BOUNDARY.

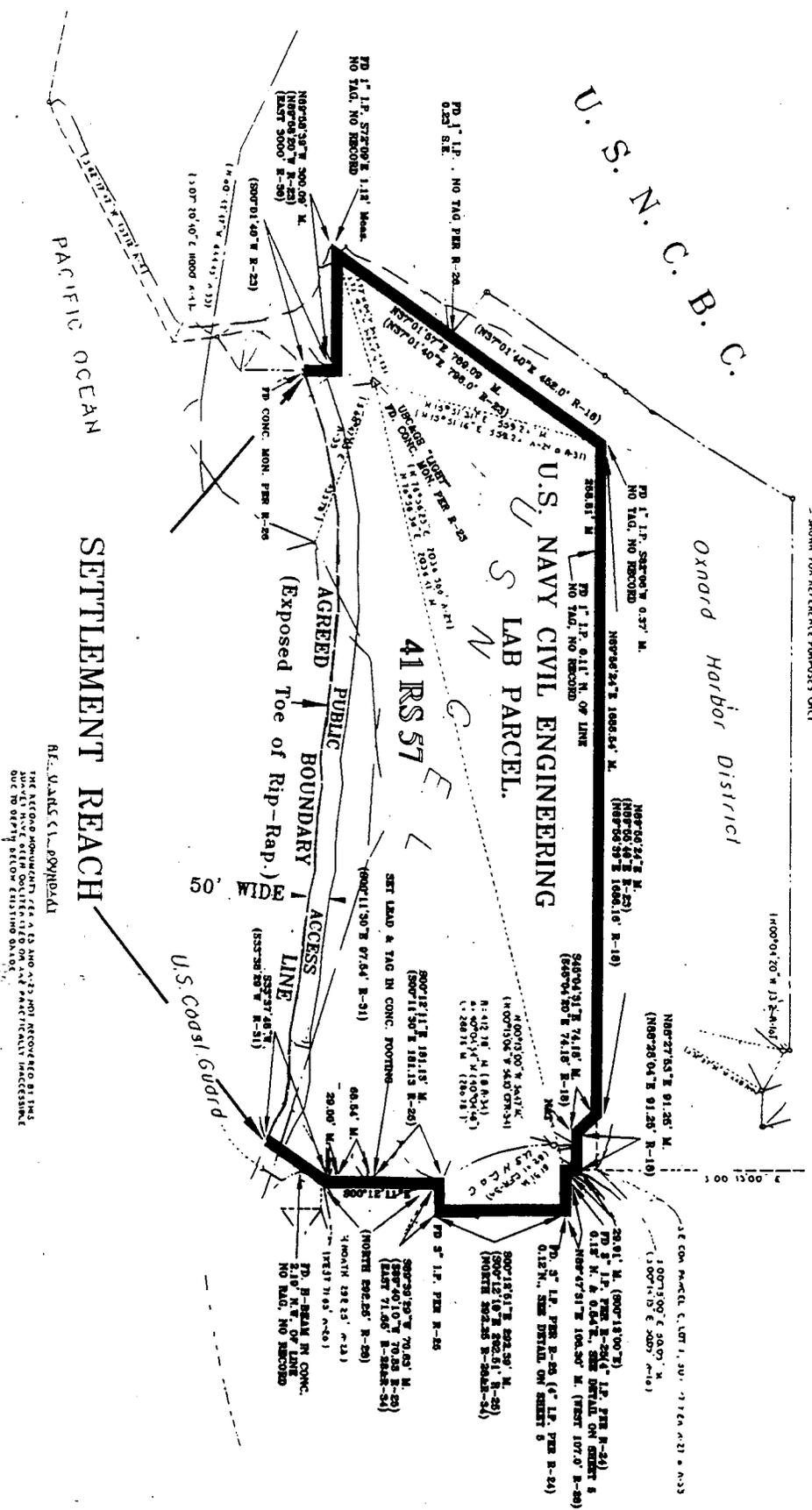
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4. AUTHORIZE A PUBLIC AGENCY LEASE OF THE PROPERTY CONFIRMED IN THE STATE TO THE CITY OF PORT HUENEME FOR A TERM OF 49 YEARS FOR PUBLIC RECREATIONAL PURPOSES, THE LEASE BEING FREE OF RENT BECAUSE IT WILL CONFER A STATEWIDE PUBLIC BENEFIT.

5. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE BOUNDARY LINE AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

EXHIBIT 'A'

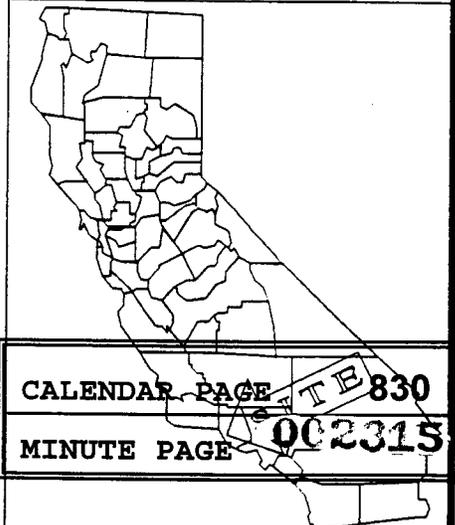
SITE MAP



SHOW FOR REFERENCE PURPOSES ONLY

NO SCALE

EXHIBIT 'A'
 W25118
 SETTLEMENT PLAT
 Port. Hueneme
 State of California
 Ventura County



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RE: WANTS C.L. DOCUMENT
 THE ABOVE INFORMATION IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS OBTAINED FROM THE SOURCE.

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