MINUTE ITEM
This Calendar Item No. C39 was approved as Minute Item No. 39 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM
C39

A 77

S 40

PRC 8552

08/17/04
W 25973
J. Porter

GENERAL LEASE - INDUSTRIAL USE

APPLICANT:
SeaWest WindPower, Inc.
1455 Frazee Rd., #900
San Diego, CA 92108

AREA, LAND TYPE, AND LOCATION:
Approximately 80,000 square feet of State School Lands located in Section 16, T.16S., R.6E., SBBM, in the vicinity of Boulevard, San Diego County.

AUTHORIZED USE:
Installation and operation of not more than two (2) meteorological masts equipped with wind monitoring equipment. Each mast shall be limited to 165 feet in height and each mast site shall occupy no more than 40,000 square feet of surface area.

LEASE TERM:
3 years, beginning September 1, 2004.

CONSIDERATION:
$20,000 in Year One, $10,000 in Year Two, $10,000 in Year Three.

SPECIFIC LEASE PROVISIONS:
Insurance: Liability insurance with coverage of not less than $1,000,000.

STATUTORY AND OTHER REFERENCES:
Public Resources Code: Division 6, Parts 1 and 2; Division 13.
California Code of Regulations: Title 2, Division 3; Title 14, Division 6.

OTHER PERTINENT INFORMATION:

1. At its meeting on June 7, 2004, pursuant to Calendar Item 36, the Commission authorized staff to issue a Request for Proposal (RFP) for a new wind monitoring lease on 640 acres of State School Lands located in San Diego County. The RFP was issued on June 9, 2004. Both the prior Calendar Item and the RFP also included a provision, upon the termination of the wind monitoring lease, for an option for the winning bidder of said lease to apply for an exclusive lease of the subject property for the purposes of operating a wind powered electrical generating facility. Any application for such a facility will be brought to the Commission for its consideration following the completion of the appropriate environmental documentation.

2. Pursuant to the terms of the RFP, a duly appointed review panel reviewed and evaluated the proposals received in response to the RFP.

3. On July 15, 2004, staff announced its intention to award the wind monitoring lease to the highest qualified bidder for the proposed project, SeaWest WindPower, Inc.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the provisions of the CEQA as a categorically exempt project. The project is exempt under Class 6: Information Collection; Title 2, California Code of Regulations, section 2905(e)(5).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon staff's consultation with persons nominating such lands and through the CEQA review process, it is the staff's opinion the project, as proposed, is consistent with the use classification.

APPROVALS OBTAINED:

N/A.

FURTHER APPROVALS REQUIRED:
State Lands Commission.

EXHIBITS:
A. Location Map
B. Legal Description

PERMIT STREAMLINING ACT DEADLINE:
N/A.

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 6: INFORMATION COLLECTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (e)(5).

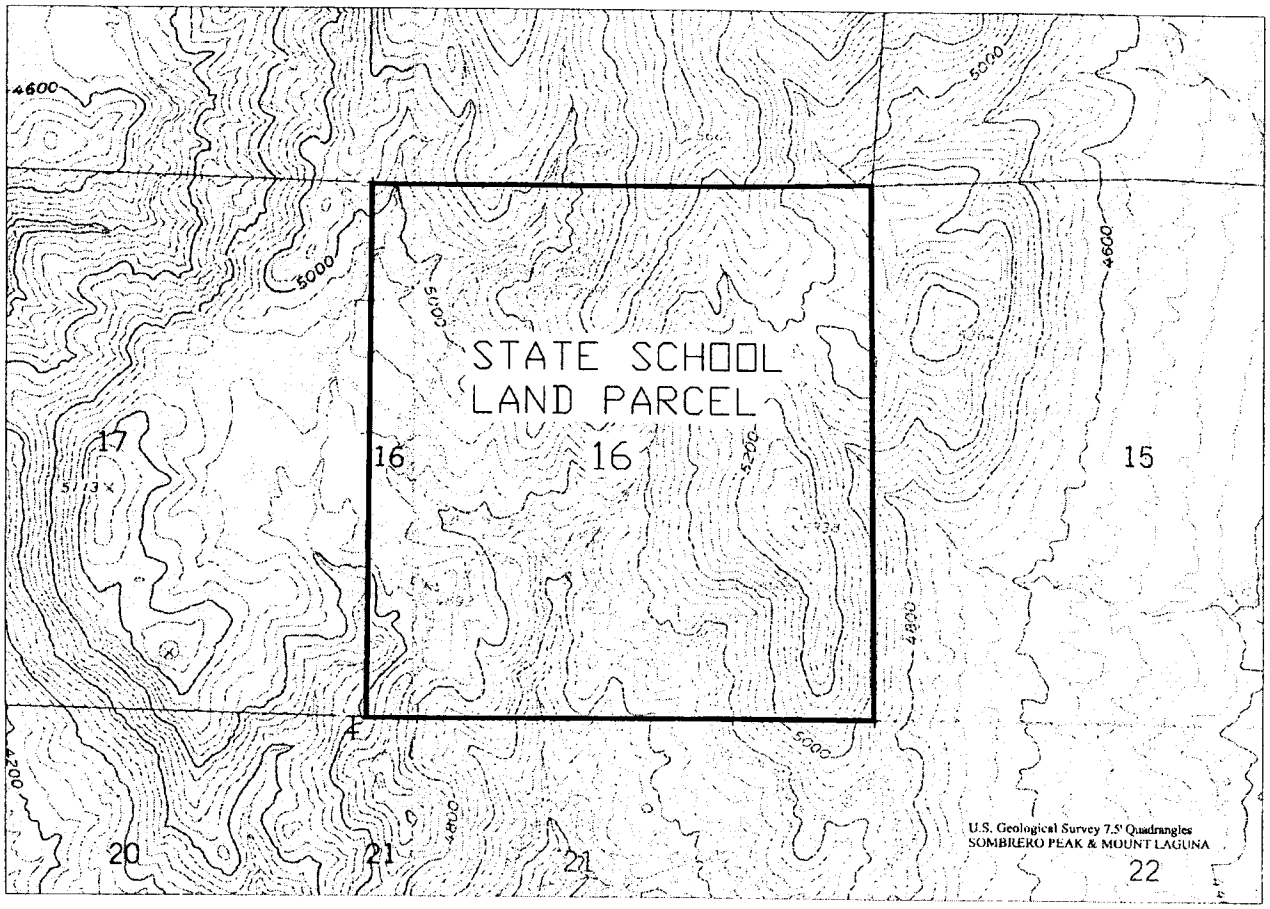
SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THESE ACTIVIES ARE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
1) AUTHORIZE ISSUANCE TO SEAWEST WINDPOWER, INC. OF A GENERAL LEASE – INDUSTRIAL USE, BEGINNING SEPTEMBER 1, 2004, FOR A TERM OF 3 YEARS; ON THE LAND SHOWN ON EXHIBIT A AND DESCRIBED ON EXHIBIT B, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; SAID LEASE TO ALLOW INSTALLATION AND OPERATION OF NOT MORE THANT TWO (2) METERORLOGICAL MASTS EQUIPPED WITH WIND MONITORING EQUIPMENT AND THE OPTION FOR THE LESSEE, UPON THE TERMINATION OF THE WIND MONITORING LEASE, TO APPLY FOR A NEW LEASE FOR THE EXCLUSIVE USE OF THE SUBJECT PROPERTY FOR THE DEVELOPMENT OF A WIND-GENERATED

ELECTRICAL POWER FACILITY; THE CONSIDERATION IS $20,000 IN YEAR ONE, $10,000 IN YEAR TWO, AND $10,000 IN YEAR THREE.

NO SCALE

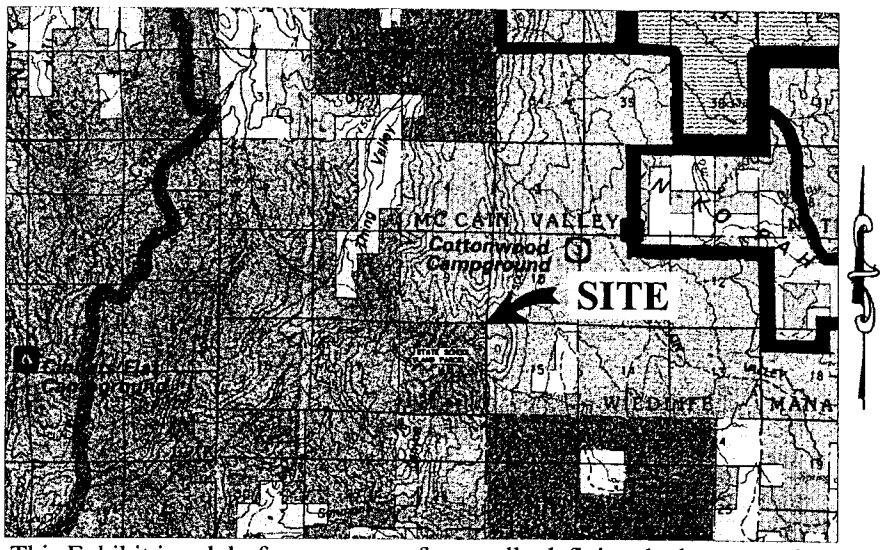
SITE MAP



Section 16 T16S R6E SBBM

NO SCALE

LOCATION MAP



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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.

EXHIBIT A
W25973

APN 528-230-09

General Lease - Industrial
San Diego County

DWC 05-05-04

EXHIBIT B

W25973

LAND DESCRIPTION

Those state owned school lands in the vicinity of Boulevard, San Diego County, California described as follows:

All of Section 16 Township 16 South, Range 6 East, San Bernardino Base Meridian.

END OF DESCRIPTION

Prepared May 04, 2004 by DWC

LICENSED LAND SURVEYOR
STEVE C. LEHMAN
Exp. 12/31/05
No. 7377
STATE OF CALIFORNIA