MINUTE ITEM

This Calendar Item No. C64 was approved as Minute Item No. 64 by the California State Lands Commission by a vote of 2 to 0 at its 12-08-05 meeting.

CALENDAR ITEM
C64

A 73

S 35

PRC 8651

12/08/05
W 26120
S. Young

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Municipal Water District of Orange County
P.O.Box 20895
Fountain Valley, CA 92728

AREA, LAND TYPE, AND LOCATION:

0.495 acres, more or less, of sovereign lands in the Pacific Ocean, offshore of the city of Dana Point, Orange County.

AUTHORIZED USE:

The construction and installation of a test slant well extending approximately 370 feet from the uplands at Doheny State Beach to an area beneath the Pacific Ocean, near Dana Point, Orange County. The test well is part of a subsurface intake system feasibility investigation in connection with the Dana Point Ocean Desalination Project.

LEASE TERM:

Five years, beginning December 8, 2005.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined Single Limit Coverage of no less that $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has obtained approval and a grant for temporary use from the California Department of Parks and Recreation (Parks) to use that portion of Doheny State Beach adjoining the lease premises, for the Phase Two

Test Slant Well Project. A Right of Entry Permit will be issued by Parks on receipt of a Coastal Development Permit (CDP) approved by the California Coastal Commission. Parks has advised CSLC staff that any terms and conditions contained in the CDP will be incorporated in the Right of Entry Permit.

2. The proposed Test Slant Well Project is part of a subsurface intake feasibility investigation for the Dana Point Ocean Desalination Project located in Orange County. The project will be conducted to determine the hydrogeology and water quality characteristics of the San Juan Creek alluvial channel structure offshore from the mouth of the creek. The Municipal Water District of Orange County (Applicant) has advised CSLC staff that this investigation is a critical step towards determining the feasibility of using subsurface intake wells to provide source water for the Dana Point Ocean Desalination Project, which is planned to produce up to 28,000 acre-feet per year of potable water to improve water supply reliability to south Orange County.

   The Test Slant Well Project involves the construction of one 16-inch diameter inclined (slant) well at an angle of 23 degrees from horizontal to extend approximately 370 feet under the ocean to a vertical depth of 156 feet. The entry point for the well will be approximately 60 feet west of the San Juan Creek channel and approximately 135 feet south of the existing main lifeguard tower on Doheny State Beach. The project description indicates that the well will be drilled with a dual rotary rig to install conductor casing, well casing, well screen and gravel pack. The Applicant indicates that a total of approximately 80 working days are required for project mobilization, construction, initial drilling, pump testing, demobilization and site restoration.

   The Applicant has advised that during drilling, well development and test pumping, that the water will be pumped to a portable tank, clarified and returned to the borehole or discharged under an NPDES permit and USACOE Nationwide Permit 7 for Outfall Structures. Depending on discharge water quality, the clarified water will be discharged either directly into the seasonally ponded lagoon of San Juan Creek or into San Juan Creek or to a temporary percolation or underground drain system where the water will be disposed of by sand seepage to the surf zone. The Applicant indicates that no grading, native vegetation removal, or adverse wetlands impacts are anticipated.

Once the testing process is completed, the well will be capped for subsequent use in Phase 3 Pilot Plant Process Design and Extended Pump Testing, depending on the test results. The test well would need to be maintained until the full scale project feasibility is determined. If the project does not proceed beyond the Phase 2 – Test Slant Well Project, the test well would be destroyed pursuant to Department of Water Resources, California Well Standards (Bulletins 74-81 and 74-90), Well Destruction Procedures and any facilities on the lease premises will be destroyed or removed and the area restored. The duration of this pilot project work would be through December 7, 2010.

3. The area at the project location adjacent to Doheny State Beach, from the ordinary high water mark out to 1,500 feet offshore, is currently subject to a General Lease – Public Agency Use, PRC No. 4462.9, between the CSLC and Parks. Through the issuance of the grant for a temporary use, Parks has authorized the Applicant's use of a portion of the lease premises for the Test Slant Well Project. A Right of Entry Permit to be issued to the Applicant by Parks is pending issuance of a CDP.

4. A Negative Declaration was prepared and adopted for this project by Municipal Water District of Orange County. The California State Lands Commission's staff has reviewed such document.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

APPROVALS OBTAINED:

California Department of Parks and Recreation – Grant for Temporary Use

APPROVALS REQUIRED:

U.S. Bureau of Reclamation
U.S. Army Corps of Engineers
California Coastal Commission
California Department of Parks and Recreation – Right of Entry Permit

EXHIBITS:

A. Site and Location Map
B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

January 21, 2006

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY MUNICIPAL WATER DISTRICT OF ORANGE COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

SIGNIFICANT LANDS INVENTORY FINDING:

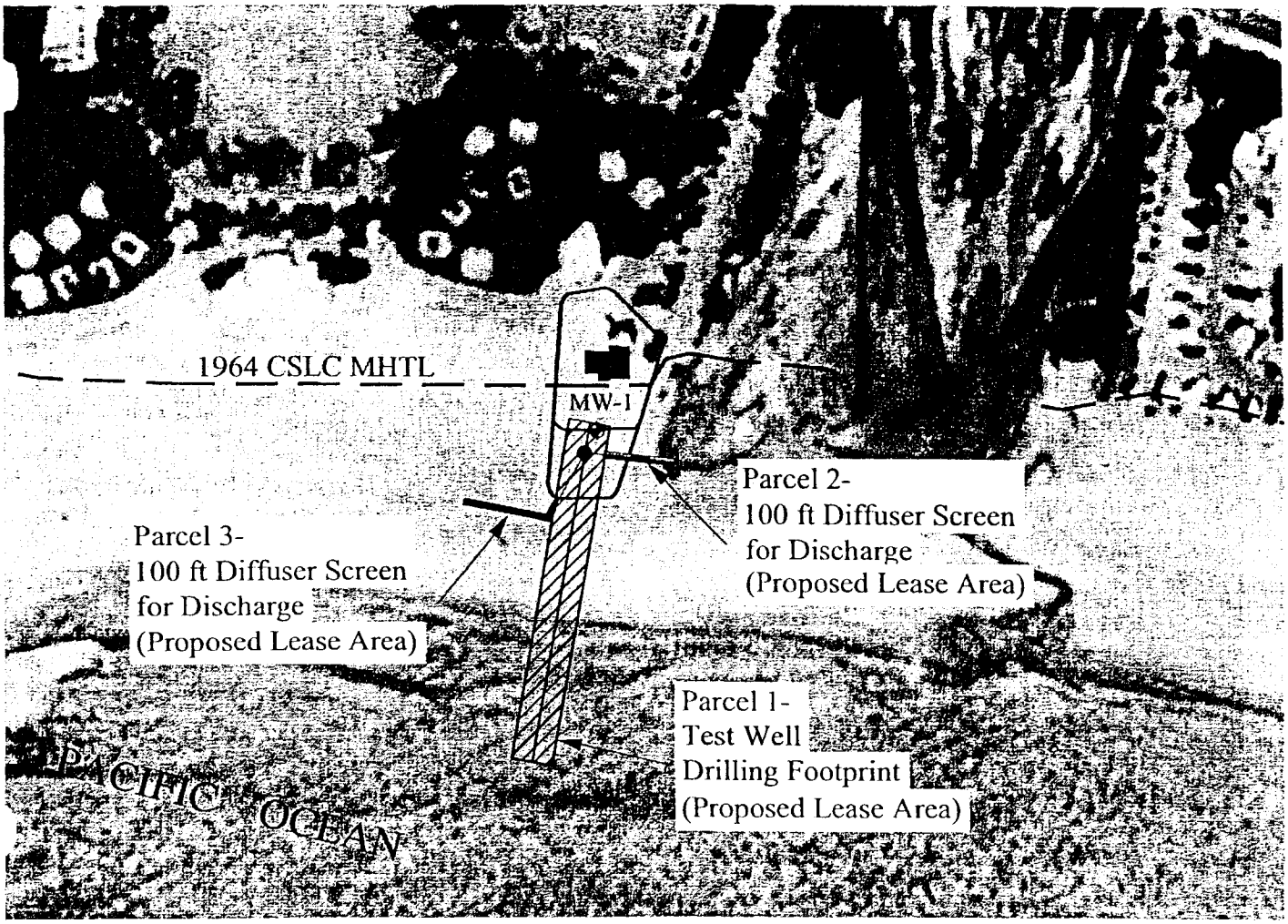
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING DECEMBER 8, 2005, FOR A TERM OF FIVE YEARS, FOR THE CONSTRUCTION AND INSTALLATION OF A TEST SLANT WELL SUBSURFACE INTAKE SYSTEM ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $1,000,000.

NO SCALE

SITE



DOHENY STATE BEACH,
APN 121-34-84

NO SCALE

LOCATION

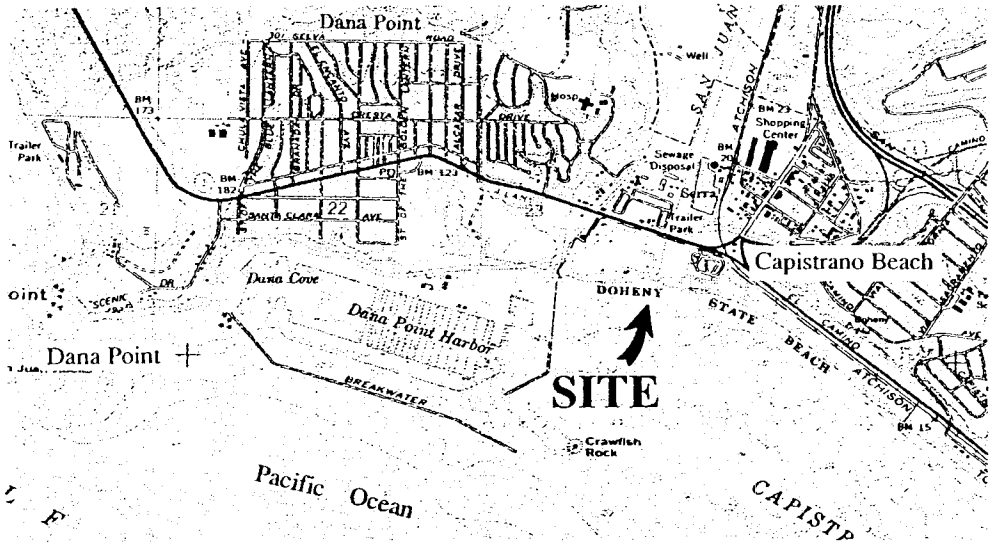


Exhibit A

W 26120
MUNICIPAL WATER
DISTRICT OF
ORANGE COUNTY
GENERAL LEASE
PUBLIC AGENCY

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.

MAP SOURCE: USGS QUAD

RAB 10/05

EXHIBIT B **W 26120**

LAND DESCRIPTION

Three parcels of tide and submerged land in the Pacific Ocean adjacent to Doheny State Park, situated in Orange County, State of California, being more particularly described as follows:

Parcel 1 - A 50 foot strip of land lying 25 feet on each side of the following described centerline: Beginning at a point that bears North 76° 12' 31" West 3490 feet, more or less, from NGS monument DOHENY, said monument having CCS27, Zone 6 coordinates: North 473,501.21 feet and East 1,566,164.95 feet; thence South 10° 6' 24" West 420 feet and the end of said strip.

Parcel 2 - A 5 foot strip of land lying 2.5 feet on each side of the following described centerline: Beginning at a point that bears North 76° 46' 10" West 3464 feet, more or less, from NGS monument DOHENY, said monument having CCS27, Zone 6 coordinates: North 473,501.21 feet and East 1,566,164.95 feet; thence South 83° 31' 40" East 80 feet and the end of said strip.

Parcel 3 - A 5 foot strip of land lying 2.5 feet on each side of the following described centerline: Beginning at a point that bears North 77° 56' 07" West 3510 feet, more or less, from NGS monument DOHENY, said monument having CCS27, Zone 6 coordinates: North 473,501.21 feet and East 1,566,164.95 feet; thence South 29° 41' 23" West 30 feet and the end of said strip.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

END OF DESCRIPTION

Prepared 11-10-2005 by the Boundary Unit of the California State Lands Commission.

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

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