

**CALENDAR ITEM
C59**

A 34
S 18

08/15/14
PRC 3511.1
D. Simpkin

AMENDMENT OF LEASE

LESSEE:

U.S. Borax, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the dry lake bed of Owens Lake, Inyo County.

AUTHORIZED USE:

Continued use and maintenance of an existing road and drainage ditches.

LEASE TERM:

13 years, beginning July 12, 2005, with a renewal option of one successive 10-year period.

CONSIDERATION:

Annual rent in the amount of \$1,753, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

The **Land Use or Purpose** of Section 1 of the Lease would be amended to authorize the realignment of an approximately 300-foot-long section of Lake Minerals Road adjacent to cell T1A-4.

Section 3, Land Description, of the Lease would be amended to include the attached Exhibit A.

OTHER PERTINENT INFORMATION:

1. On February 9, 2006, the Commission authorized the issuance of Lease No. PRC 3511.1, a General Lease – Right-of-Way Use, to U.S. Borax, Inc. (Borax) for a period of 13 years (with a renewal option of one successive period of 10 years), for the continued use and maintenance of an existing road and drainage ditches. The improvements are associated with Borax's mineral processing operations on Owens Lake.

CALENDAR ITEM NO. **C59** (CONT'D)

2. On September 20, 2013, the Commission authorized an amendment to Lease No. PRC 8079.9, a General Lease – Public Agency Use, to the City of Los Angeles Department of Water and Power (City) to construct the Owens Lake Dust Control Project Phase 7a (Phase 7a). In order to accommodate truck traffic during the construction of Phase 7a, a portion of Lake Minerals Road will be realigned. The new section will be approximately 300-feet long and 16-feet-wide with a 3-foot-high berm. The road will remain in place once Phase 7a is complete. U.S. Borax submitted an application to amend Lease No. PRC 3511.1 to allow for the realignment of Lake Minerals Road.
3. 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 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

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

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

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 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

CALENDAR ITEM NO. **C59** (CONT'D)

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 3511.1, a General Lease – Right-of-Way Use, effective August 15, 2014, to amend the Land Use or Purpose and the Land Description as described herein to authorize the realignment of an approximately 300-foot-long section of Lake Minerals Road adjacent to cell T1A-4 on lands described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 3511.1

LAND DESCRIPTION

Lake Minerals-Rio Tinto Haul Road From Meander to North of T1A-4

A strip of land 100 wide in the State-owned bed of Owens Lake, in Inyo County, State of California, being 50 feet on both sides of the following described Center Line:

COMMENCING at a 2" Iron Pipe with Tag "RCE 10467" set as an Owens Lake Meander Line corner on the section line between Sections 18 and 19, Township 18 South, Range 37 East, Mt. Diablo Meridian, shown on that map filed in Book 11, of Record of Surveys at page 47, Official Records of said County; thence South $41^{\circ}43'56''$ West, along said Meander Line 2,382.97 feet to the POINT OF BEGINNING, from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North $37^{\circ}44'40''$ East, a distance of 62,426.79 feet; thence North $67^{\circ}48'14''$ East, leaving said Meander Line 68.07 feet to the beginning of a tangent curve; thence along said curve, concave southeasterly, through a central angle of $9^{\circ}46'03''$, having a radius of 400.00 feet, an arc length of 68.19 feet; thence North $77^{\circ}34'16''$ East, 258.43 feet to the beginning of a tangent curve; thence along said curve, concave southwesterly, through a central angle of $46^{\circ}29'46''$, having a radius of 395.00 feet, an arc length of 320.55 feet; thence South $55^{\circ}55'58''$ East, 54.46 feet to the beginning of a tangent curve; thence along said curve, concave northeasterly, through a central angle of $30^{\circ}01'29''$, having a radius of 300.00 feet, an arc length of 157.21 feet; thence South $85^{\circ}57'26''$ East, 2,339.26 feet; thence South $86^{\circ}07'47''$ East, 1,692.86 feet; thence South $85^{\circ}26'08''$ East, 3,828.54 feet to the beginning of a tangent curve; thence along said curve, concave northerly, through a central angle of $25^{\circ}02'51''$, having a radius of 810.00 feet, an arc length of 354.10 feet; thence North $69^{\circ}31'01''$ East, 456.26 feet to the beginning of a tangent curve; thence along said curve, concave northwesterly, through a central angle of $77^{\circ}41'35''$, having a radius of 70.00 feet, an arc length of 94.92 feet; thence North $8^{\circ}10'34''$ West, 2,217.63 feet to the beginning of a tangent curve; thence along said curve, concave easterly, through a central angle of $23^{\circ}17'00''$, having a radius of 300.00 feet, an arc length of 121.91 feet; thence North $15^{\circ}06'26''$ East, 1,683.77 feet to the beginning of a tangent curve; thence along said curve, concave southeasterly, through a central

angle of 40°36'02", having a radius of 300.00 feet, an arc length of 212.58 feet; thence North 55°42'28" East, 483.43 feet to the beginning of a tangent curve; thence along said curve, concave southeasterly, through a central angle of 20°00'00", having a radius of 200.00 feet, an arc length of 69.81 feet; thence North 75°42'28" East, 119.27 feet to the beginning of a tangent curve; thence along said curve, concave northwesterly, through a central angle of 50°05'54", having a radius of 200.00 feet, an arc length of 174.88 feet; thence North 25°36'35" East, 247.13 feet, more or less, to the southern boundary of PRC 5464.1 as approved by the California State Lands Commission, and the terminus of said Center Line.

The Bearings used in this description are on the California Coordinate System, NAD83, (CCS83/92), Zone 4. The Coordinate values, in U.S. Survey Feet, of said Mineral Monument No. 58, also known as Triangulation Station "Keeler" are: Northing 2,064,076.37, Easting 6,890,187.91. All distances shown herein are grid distances in U.S. Survey Feet. To obtain ground surface distances, multiply the distances shown by 1.000228742.

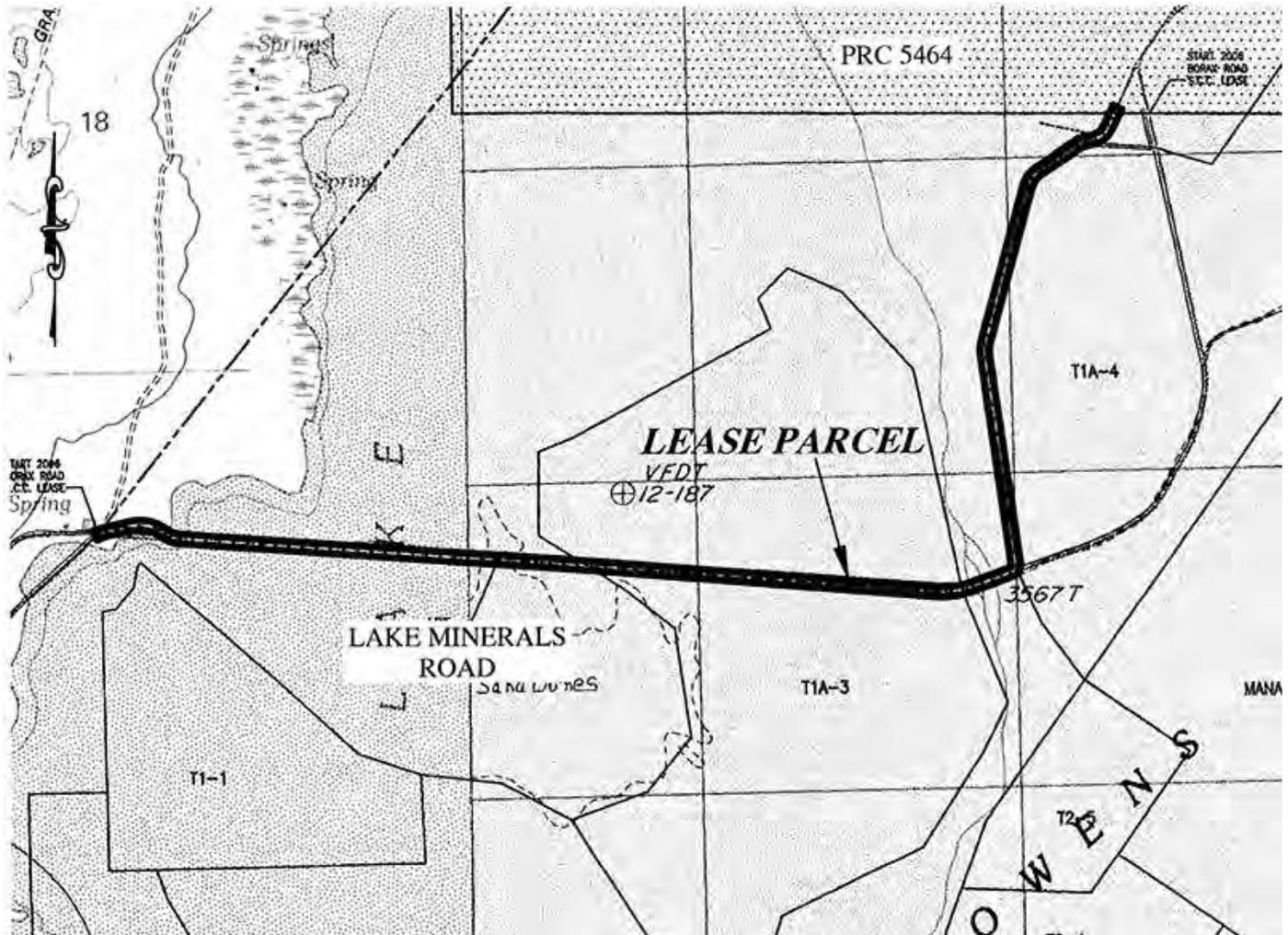
END OF DESCRIPTION.



Patrick R. Maddock
6-23-14

NO SCALE

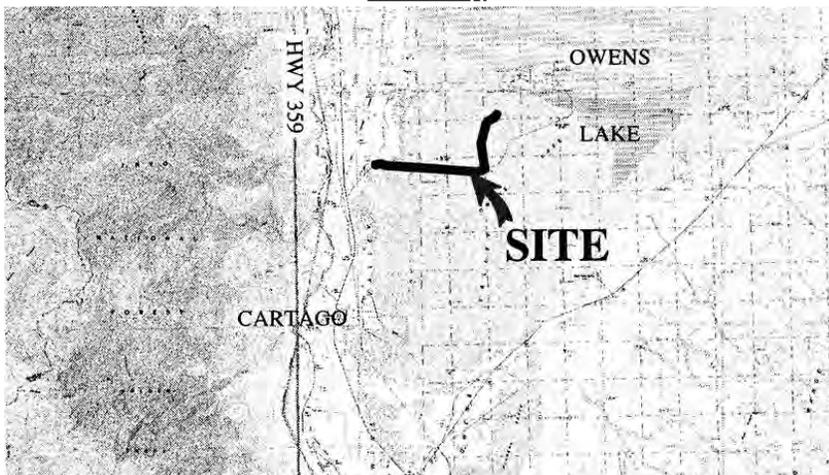
SITE



DRY LAKE BED OF OWENS LAKE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 3511.1
 U. S. BORAX INC.
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 INYO COUNTY



TS 07/17/14