

**CALENDAR ITEM
C70**

02/20/15
PRC 3335.9
R. Collins

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

United States Department of the Interior, Bureau of Reclamation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the bed of the Colorado River in Mohave County, Arizona.

AUTHORIZED USE:

Continued use and maintenance of a ditch and fence.

LEASE TERM:

25 years, beginning July 20, 2014.

CONSIDERATION:

Public 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 interests.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. Between 1949 and 1953 the United States Department of the Interior, Bureau of Reclamation (Bureau) dredged an artificial channel and diverted the flow of the Colorado River from its natural course to its present location. This resulted in the drying up of the old river bed in the area known as Pelican Bend.
3. As a result of the Bureau's rechannelization of the Colorado River, the river was moved from its last natural location by way of avulsion, thus causing sovereign title of the old channel to remain with the state.
4. On March 12, 1963, the *Interstate Compact Defining the Boundary between the States of Arizona and California* became effective, and the boundary between Arizona and California was relocated to the centerline

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of the new artificial channel leaving California sovereign lands located in Pelican Bend within the State of Arizona.

5. On July 20, 1965, the Commission authorized a General Lease – Public Agency Permit, Lease No. PRC 3335.9, to the Bureau, for the construction of a ditch to provide water to the Topock Marsh, over sovereign land in the old bed of the Colorado River in Mohave County, Arizona, for a 49-year term beginning July 20, 1965.
6. On September 23, 1965, the Commission authorized the amendment of Lease No. PRC 3335.9 to amend the legal description at the request of the Bureau after it was learned that engineering considerations required a change in the alignment of the ditch providing water to the Topock Marsh.
7. On September 26, 1966, the Commission authorized an amendment of Lease No. PRC 3335.9 for the construction of a 4-wire livestock fence to protect the banks of the unlined ditch from cave-in and damage by livestock.
8. The Lease expired on July 19, 2014, and the Applicant is now applying for a new lease.
9. 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).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
10. 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.

EXHIBITS:

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

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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 issuance of a General Lease – Public Agency Use to the United States Department of the Interior, Bureau of Reclamation beginning July 20, 2014, for a term of 25 years, for a ditch and fence as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is the public 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 interests.

EXHIBIT A

PRC 3335.9

LAND DESCRIPTION

A strip of formerly submerged sovereign land, lying within the right (southwesterly) half of the last natural bed of the Colorado River, adjacent to Section 33, Township 9 North, Range 23 East, SBM, San Bernardino County, California; said strip being 100 feet wide, lying 50' on each side of the following described centerline:

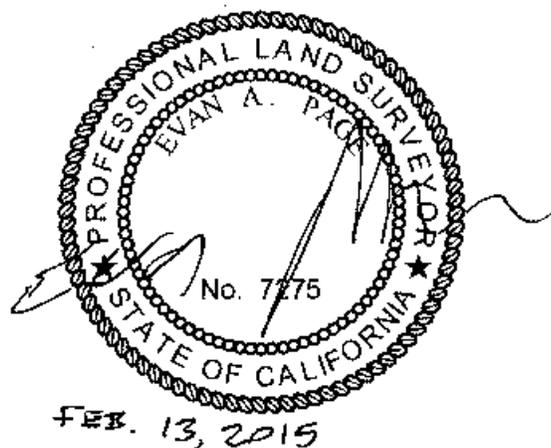
COMMENCING at a point on the centerline of the old Needles Bridge on the East abutment; thence S 21°10'20" E a distance of 200 feet to a point on the centerline of the Topock Marsh Inlet Channel, said point being the POINT OF BEGINNING; thence along the centerline of the Topock Marsh Inlet Channel the following seven (7) courses:

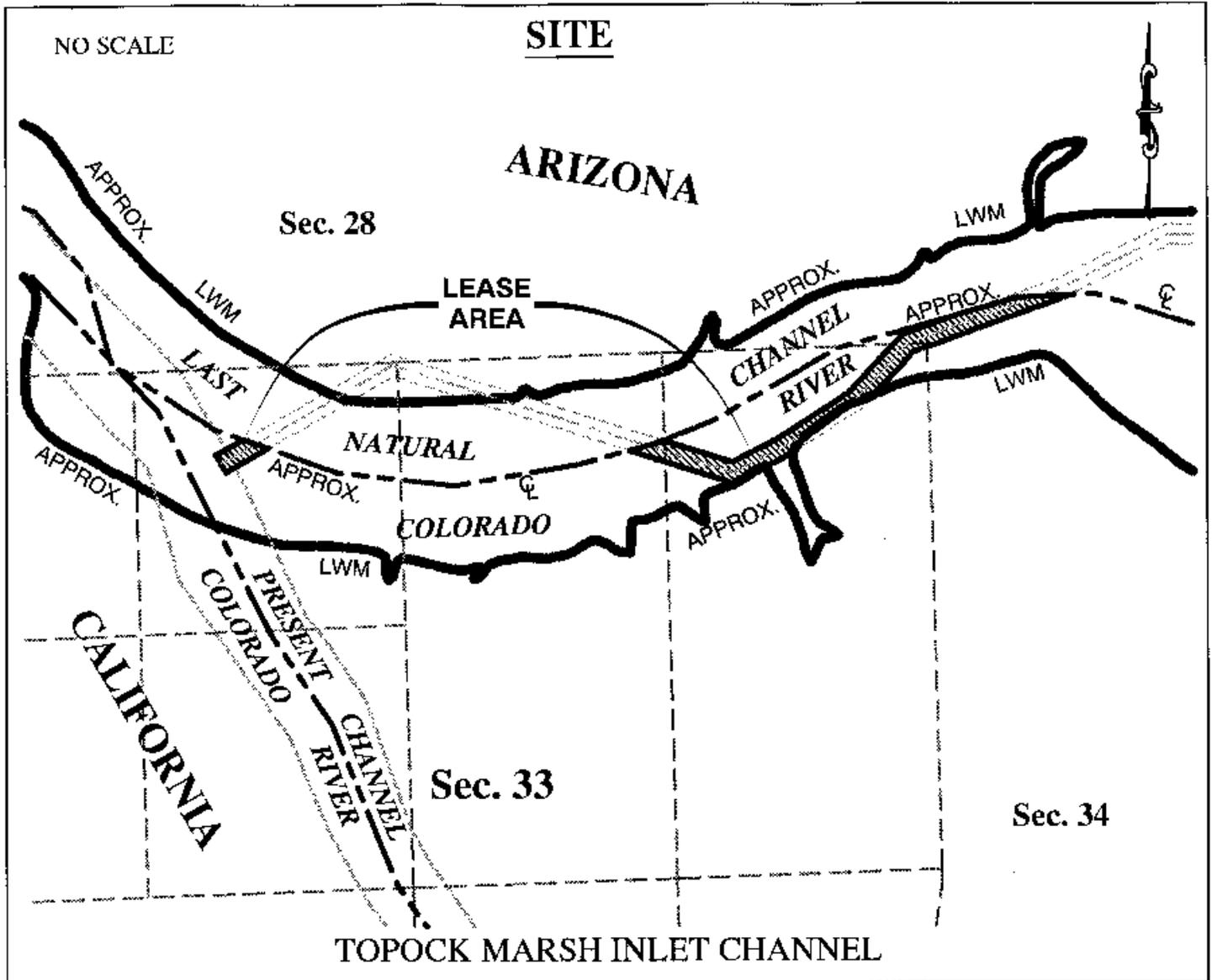
- 1) N 60°10'30" E, 989 feet
- 2) S 71°19'20" E, 1784 feet
- 3) N 62°17'40" E, 287 feet
- 4) N 57°07'50" E, 417 feet
- 5) N 42°51'50" E, 394 feet
- 6) N 70°02'10", 814 feet, and
- 7) N 63°20'10" E, 595 feet to the POINT OF TERMINATION of this strip.

The sidelines of said strip being extended or shortened as necessary to begin at the Left (East) bank of the present channel of the Colorado River, and to end at the centerline of the last natural channel of the Colorado River where it crosses the centerline of said strip between Station 25+95 and Station 52+50.

EXCEPTING THEREFROM any portions lying left (northeasterly) of the centerline of the last natural channel, or lying landward of the right (southeasterly) low water mark of the last natural channel of the Colorado River.

END DESCRIPTION





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 3335.9
 US Bureau of Reclamation
 APN 216-17-02 & 03
 216-18-02 & 03
 GENERAL LEASE -
 Public Agency Use
 Mohave County, AZ



EAP 2/03/15