

CHAPTER 1520

An act granting certain tide and submerged lands to The Metropolitan Water District of Southern California upon certain trusts and conditions and for other public purposes, providing for the removal of the public trust for commerce, navigation and fisheries upon certain portions of said lands granted hereby upon the improvement of said portions of said lands for the use and benefit of all of the people of the state and granting an easement across certain state lands now owned and to be acquired for the purpose of connecting such tide and submerged lands to the mainland by means of a causeway.

[Approved by Governor August 28, 1967. Filed with
Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature of the State of California hereby finds and determines that:

(a) The conveyance to The Metropolitan Water District of Southern California of the tide and submerged lands for the purposes hereinafter described, together with the right to govern, control, improve and develop the same will result in great advantage and benefit to all the inhabitants of the state;

(b) Improvement in the art of desalting sea water will be of general benefit to the people of the State of California and of the United States.

(c) The lands conveyed are of but minimal size in relation to the tide and submerged lands in the area, and the removal of the public trust for commerce, navigation and fisheries as to those portions which will be above the level of mean high tide will not substantially impair commerce, navigation, or fisheries on the remaining lands or waters in the area, and the greatest public interest will be subserved by such removal of the trust.

SEC. 2. There is hereby granted to The Metropolitan Water District of Southern California, and to its successors, subject to existing leases, easements and rights-of-way heretofore granted by the state or agencies thereof, all of the right, title and interest of the State of California in and to all tide and submerged lands, either filled or unfilled, which said lands are bounded by and more particularly described as follows, to wit:

(i) Parcel I—A parcel of tide and submerged lands lying off-shore to the Bolsa Chica Beach State Park, in the City of Huntington Beach, County of Orange, State of California, as said Bolsa Chica Beach State Park is shown on map recorded in Book 53, page 40, of Record of Survey in the office of the Recorder of said County of Orange, said parcel of tide and submerged lands being more particularly described as follows:

Commencing at California State Lands Commission Station "Los Patos 2" (California State Coordinate System for Zone 6, N. 566,794.72 and E. 1,448,614.15) being a Brass Cap in Concrete marked "Los Patos No. 2 1950" as shown on said above-mentioned Record of Survey; thence N 55° 31' 19" W 150.05 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" being a point in the northeasterly boundary of said Bolsa Chica Beach State Park as shown on said Record of Survey; thence S 42° 28' 13" E along said northeasterly boundary 1,868.99 feet to a 2½ inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" as shown on said Record of Survey; thence S 42° 26' 30" E along said northeasterly boundary 941.07 feet; thence leaving said northeasterly boundary S 47° 30' 00" W 1,032.56 feet to the TRUE POINT OF BEGINNING in the Pacific Ocean, said True Point of Beginning having coordinates of N. 564,108.98 and E. 1,449,626.19, California State Coordinate System, Zone 6; thence S 42° 30' 00" E 4,400 feet; thence S 47° 30' 00" W 5,000 feet; thence N 42° 30' 00" W 7,200 feet; thence N 47° 30' 00" E 5,000 feet; thence S 42° 30' 00" E 2,800 feet to said True Point of Beginning.

(ii) Parcel II—A strip of tide and submerged lands 600 feet wide lying off-shore to the Bolsa Chica Beach State Park, in the City of Huntington Beach, County of Orange, State of California, as said Bolsa Chica Beach State Park is shown on map recorded in Book 53, page 40, of Record of Survey, in the office of the Recorder of said County of Orange, the northwesterly line of said strip of tide and submerged lands 600 feet wide being parallel with and 450 feet northwesterly, measured at right angles, from the following described traverse line:

Commencing at California State Lands Commission Station "Los Patos 2" (California State Coordinate System for Zone 6, N. 566,794.72 and E. 1,448,614.15) being a Brass Cap in Concrete marked "Los Patos No. 2 1950" as shown on said above-mentioned Record of Survey; thence N 55° 31' 19" W 150.05 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" being a point in the northeasterly boundary of said Bolsa Chica Beach State Park as shown on said Record of Survey; thence S 42° 28' 13" E along said northeasterly boundary 1,868.99 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" as shown on said Record of Survey; thence S 42° 26' 30" E along said northeasterly boundary 941.07 feet to the TRUE POINT OF BEGINNING; thence leaving said northeasterly boundary S 47° 30' 00" W 1,032.56 feet to a point in the Pacific Ocean herein designated Point A, said last mentioned point having coordinates of N. 564,108.98 and E. 1,449,626.19, California State Coordinate System, Zone 6.

The side lines of said above-described 600-foot wide strip of tide and submerged lands shall be prolonged or shortened so as to terminate northeasterly in the Mean High Tide Line, and so as to terminate southwesterly in a line which is at right angles to said above-described traverse line at said Point A.

Sec. 3 Subject to the provisions of subdivision (b) of this section, said tide and submerged lands shall be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said district, its successors, easement holders, lessees and licensees only for the promotion and accommodation of the following stated purposes having statewide benefit: the construction, maintenance and operation thereon of a plant or plants for the production of fresh water employing a nuclear powered sea water desalting process or a plant or plants for the production of electric energy using nuclear means, or both, and any other facilities, equipment or plants necessary or desirable in connection with the production and delivery of fresh water, electricity and any byproducts incident thereto, and to these or any of these ends, said district and its successors are hereby authorized to reclaim, fill and raise portions of said lands to such level as may be necessary or convenient to create an island in parcel I and a causeway of open construction in parcels I and II to connect said island with the mainland; provided, however, that without the approval of the State Lands Commission, said island shall not exceed 125 acres in area at the mean high water line and said causeway shall not exceed 60 feet in width at its top.

(b) It is found and determined that if and when any portions of said lands have been reclaimed, filled and raised to such level as may be necessary or convenient to create an island in Parcel I and the island shall have been created and said causeway shall have been constructed, said portions of said lands constituting said island and said causeway or any extensions or additions thereto will be no longer submerged or below the line of mean high tide and will no longer be necessary or useful for commerce, navigation or fisheries, subject only to the right of the public to fish from said causeway and island, all as provided in Section 5 hereof. The State Lands Commission is hereby directed, upon the completion of the reclamation, filling and raising of the level of any portions of said lands to create the island and upon completion of the causeway, or when any extensions or additions thereto are constructed, to execute and record in the office of the County Recorder of the County of Orange appropriate instruments describing the lands comprising the island and causeway. Upon the recording of **any such** instrument or instruments, together with a certificate that the lands described therein are above the line of mean high tide and have been found to be no longer necessary or useful for commerce, navigation and fisheries, all as hereinabove provided, said described lands shall thereupon and thereafter be

held by said district free of the public use and trust for commerce, navigation and fisheries, including any trust for said purposes imposed by this section, subject only to the right to fish from the causeway and island as provided in Section 5 hereof. Such certificate shall be made from time to time by the State Lands Commission on its own initiative or shall be made on the application of the district, its successors, easement holders, lessees or licensees. It is further found and determined that the freeing of any lands so certified from said trust is promotive of the public interest and in aid of the construction, maintenance and operation of the plant or plants hereinabove in Section 3 referred to and that said freeing of said lands from said trust can be done without impairing the paramount public interest in the lands and waters remaining or adjacent to or in the vicinity of the island and causeway when the same are reclaimed, created or constructed as herein provided.

(c) That neither said district nor its successors shall at any time grant, convey, or alien said lands, or any part thereof, to any individual, firm or corporation, for any purpose whatsoever; provided, that said district or its successors, may grant easements, licenses and leases thereon for any of the uses and purposes specified in subdivision (a) hereof for periods not in excess of 66 years; provided further, that such easements, licenses and leases may be granted to municipal corporations for periods not in excess of 99 years; provided further, however, that whenever any portions of said lands are held by the district free of the public use and trust for commerce, navigation and fisheries in accordance with subdivision (b) hereof, said easements, licenses, or leases may extend as to such portions for such periods of time as such lands are used for the purposes specified in subdivision (a) hereof.

(d) That for the purpose of obtaining material to reclaim and fill the lands hereby granted to said district, it may dredge said lands, and submerged lands within the following described area: A parcel of tide and submerged lands lying in the Pacific Ocean partly in the City of Huntington Beach, all in the County of Orange, State of California, said parcel of tide and submerged lands being more particularly described as follows:

Commencing at California State Lands Commission Station "Los Patos 2" (California State Coordinate System for Zone 6, N. 566,794.72 and E. 1,448,614.15) being a Brass Cap in Concrete marked "Los Patos No. 2 1950" as shown on map recorded in Book 53, page 40, of Record of Survey in the office of the Recorder of said County of Orange; thence N 55° 31' 19" W 150.05 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" being a point in the northeasterly boundary of said Bolsa Chica Beach State Park as shown on said Record of Survey; thence S 42° 28' 13" E along said northeasterly boundary 1,868.99 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" as shown on said Record of Survey; thence S 42° 26' 30" E along said north-

easterly boundary 941.07 feet; thence leaving said northeasterly boundary S 47° 30' 00" W 1,032.56 feet to a point in the Pacific Ocean having coordinates of N. 564,108.98 and E. 1,449,626.19, California State Coordinate System, Zone 6; thence S 42° 30' 00" E 4,400 feet; thence S 47° 30' 00" W 4,500 feet to the TRUE POINT OF BEGINNING; thence S 42° 30' 00" E 5,130 feet; thence S 47° 30' 00" W 9,500 feet; thence N 42° 30' 00" W 21,200 feet; thence N 47° 30' 00" E 9,500 feet; thence S 42° 30' 00" E 8,900 feet; thence S 47° 30' 00" W 500 feet; thence S 42° 30' 00" E 7,200 feet; thence N 47° 30' 00" E 500 feet to said True Point of Beginning.

SEC. 4. The district shall:

(a) Make ecological studies of conventional scope before, during, and after the construction of the island according to a plan approved by the Department of Fish and Game, and shall provide for reasonable mitigation of damage of a substantial nature resulting to the total fish and wildlife resources caused by the construction of the island.

(b) Establish conventional monitoring systems to measure the effects of the development of such lands on existing shoreline conditions and provide for reasonable mitigation of any erosion or accretion damage of a substantial nature caused by such development. Both the monitoring and damage mitigation shall be carried out according to standards approved by the Department of Water Resources.

(c) Provide on said island or within a reasonable distance from said island and causeway parking facilities sufficient to accommodate employees of the district, its easement holders, lessees and licensees, and also to reasonably accommodate members of the public who are permitted by the district, its easement holders, lessees and licensees to enter the plant or plants constructed on said island.

(d) Place all lines, cables or other conduits for the transmission of electrical energy, water or any other products of the district, its easement holders, lessees and licensees below the top level of the causeway. Said lines, cables and conduits may at the option of the district, its easement holders, lessees and licensees, be constructed from the island to the Pacific Coast Highway within the structure of the causeway, or beneath the floor of the ocean and said state beach lands, or in some combination thereof.

SEC. 5. There are hereby reserved in the people of the State of California the rights of navigation and fishing in the waters surrounding the facilities to be constructed. Fishing shall be permitted from safe and suitable locations on the causeway and the island in a manner compatible with the operations of said district, its successors, easement holders, lessees and licensees if permitted by federal and state laws and regulations, and provided that the State of California or others pay any costs or expenses necessarily incurred by the district, its successors, easement holders, lessees and licensees, for the purpose of accommodating fishermen on said causeway and island.

SEC. 6. The district shall take such measures as may be required by federal or state law, and it may take such additional measures as it deems necessary or desirable in the interest of public health and safety.

SEC. 7. (a) There are hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas in the lands granted by this act, but without any right of entry on the surface of said lands, or the right to drill through said lands above a depth of 500 feet below the ocean floor.

(b) There are hereby reserved to the State of California the rights to construct breakwaters in aid of the establishment of a harbor for small boats and to construct such other harbor facilities incidental thereto as may be required, provided said breakwaters and harbor facilities shall be constructed at locations and in a manner compatible with federal and state laws, the operations of the Department of Parks and Recreation, and of said district, its successors, easement holders, lessees, and licensees for the purposes set forth in Section 3 hereof.

SEC. 8. There is hereby granted to The Metropolitan Water District of Southern California, and to its successors, subject to existing leases, easements and rights-of-way heretofore granted by the state or agencies thereof, an easement across the following described state beach lands for the upland portion of the causeway and for the uses and purposes specified in subdivision (a) of Section 3.

Parcel IV—A strip of land 600 feet wide lying in the Bolsa Chica Beach State Park, in the City of Huntington Beach, County of Orange, State of California, as shown on map recorded in Book 53, page 40, of Record of Survey in the office of the Recorder of said County of Orange, the northwesterly line of said strip of land, 600 feet wide, being parallel with and 450 feet northwesterly, measured at right angles, from the following described traverse line:

Commencing at California State Lands Commission Station "Los Patos 2" (California State Coordinate System for Zone 6, N. 566,794.72 and E. 1,448,614.15) being a Brass Cap in Concrete marked "Los Patos No. 2 1950" as shown on said above-mentioned Record of Survey; thence N 55°31'19" W 150.05 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" being a point in the northeasterly boundary of Bolsa Chica Beach State Park as shown on said Record of Survey; thence S 42° 28' 13" E along said northeasterly boundary 1,868.99 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" as shown on said Record of Survey; thence S 42°26'30" E along said northeasterly boundary 941.07 feet to the TRUE POINT OF BEGINNING; thence leaving said northeasterly boundary S 47°30'00" W. 1,032.56 feet to a point in the Pacific Ocean herein designated Point A, said last mentioned point having coordinates of N. 564,108.98 and E. 1,449,626.19, California State Coordinate System, Zone 6.

The side lines of said above-described 600-foot wide strip of land shall be prolonged or shortened so as to terminate north-easterly in said northeasterly line of said Bolsa Chica Beach State Park and so as to terminate southwesterly in the Mean High Tide Line.

(a) That neither said district nor its successors shall at any time grant said easement or assign said easement, or any part thereof, to any individual, firm or corporation, for any purpose whatsoever; provided, that said district or its successors, may grant easements, licenses and leases covering the use of Parcel IV, or any part thereof, for any of the purposes referred to in subdivision (a) of Section 3 hereof for periods not in excess of the term of any easement, license, or lease granted pursuant to subdivision (c) of Section 3 hereof which has the longest term.

(b) The causeway structure to be constructed within the state beach lands and within other lands between such state beach lands and the Pacific Coast Highway shall not exceed 60 feet in width at the top and 95 feet in width at the base and shall be constructed so as to provide for reasonable mitigation of any damage of a substantial nature to such state beach lands.

Such construction shall include a public vehicular crossing from either side of the causeway to the other at a location agreeable to the Department of Parks and Recreation unless the department determines that such vehicular crossing is not required, and the abutment for such causeway on the seaward side shall be constructed at an elevation sufficiently above the level of mean high tide to allow passage of pedestrian traffic and beach maintenance vehicles under such causeway above said mean high tide line.

(c) Upon completion of the causeway within Parcel IV heretofore described, the district shall quitclaim to the state that portion of the easement herein granted, in excess of 75 feet in either direction from the centerline of said causeway.

(d) The easement granted in this Section 8 shall terminate unless the district pays to the State of California for the account of the Department of Parks and Recreation the sum of one hundred twenty thousand dollars (\$120,000) within two years from the effective date of this grant or upon commencement of construction on Parcel IV, whichever event first occurs.

(e) No improvements shall be placed on the surface of Parcel IV other than the causeway and conduits, cables and other facilities incorporated within said causeway, and the public vehicular crossing from either side of the causeway to the other, without the consent of the Department of Parks and Recreation.

SEC 9. The State of California proposes to purchase a strip of land contiguous with the easterly line of Parcel IV, described in Section 8 hereof and extending to and contiguous with the westerly line of the Pacific Coast Highway to be used,

in part, for state beach purposes. Said land is more particularly described in a deed to the Pacific Electric Company recorded October 24, 1903, in Book 92, page 306, of Deeds in the office of the County Recorder of the County of Orange.

If the state acquires the portions of such land hereinafter referred to, the state shall grant to The Metropolitan Water District of Southern California and to its successors, the following easements in such land:

(a) An easement 600 feet wide across said land to permit the easterly continuation of the causeway from the easterly limit of the easement designated as Parcel IV to the Pacific Coast Highway. Said easement shall be granted so as to allow construction of the causeway in a straight line perpendicular to the island to be constructed, and for the same uses and purposes as provided in Section 8 but subject to the restrictions contained in subdivision (a) thereof. Upon completion of the causeway within the easement granted in this subsection, the district shall quitclaim to the state that portion of the easement which is in excess of 75 feet in either direction from the centerline of said causeway.

(b) An easement across said land to be used for the construction of an acceleration lane to and a deceleration lane from the Pacific Coast Highway.

Said easement shall be granted only after the centerline of the causeway has been determined and shall consist of a strip of land 1,000 feet in length and 15 feet in width extending southeasterly and northwesterly 500 feet from the centerline of the causeway as constructed, the northeasterly line of said strip being the northeasterly line of the land described in the deed to the Pacific Electric Company referred to herein.

The acceleration and deceleration lanes shall be constructed at the expense of the district in accordance with specifications approved by the Director of District 7 of the Division of Highways of the State of California. Following such construction, the easement herein referred to in this subsection (b) may be dedicated for highway purposes in the manner provided by law.

The easements granted in this section shall terminate unless the district pays to the State of California for the account of the Department of Parks and Recreation within 30 days after demand for payment of a sum equal to the average cost per square foot paid by the state for the property referred to in this section multiplied by the square footage within the portion thereof to be permanently granted to the district under the provisions of subdivisions (a) and (b) hereof.

No improvements shall be placed on the surface of the lands subject to the easements described in subdivision (a) hereof other than the causeway and conduits, cables and other facilities incorporated within said causeway and the public vehicular crossing from either side of the causeway to the other, without the consent of the Department of Parks and Recreation.

SEC. 10. The district and its successors, together with or independent of its easement holders, lessees, or licensees, of any lands conveyed by the state pursuant to the provisions of this act, are hereby authorized to bring suit against the State of California to quiet title to the lands so conveyed, or to obtain declaratory relief determining the validity of the title to the easements, leases and licenses made by the grantee or its successors. Service of process in any such suit shall be made upon the chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the state in any such suit. In any such action, whether or not judgment is given against the state, no costs shall be recovered against the state. Any action so brought hereunder shall be commenced prior to January 1, 1969.