

MINUTE ITEM

This Calendar Item No. C17 was approved as Minute Item No. 17 by the California State Lands Commission by a vote of 3 to 0 at its 5/12/97 meeting.

CALENDAR ITEM

C17

A 78

05/12/97

S 39

WP 7866.9

B. Dugal

AMENDMENT OF LEASE

LESSEE:

Teledyne Ryan Aeronautical
P. O. Box 85311
San Diego, California 92186-5311

AREA, LAND TYPE, AND LOCATION:

9.95 acres, more or less, of sovereign lands in San Diego Bay, San Diego County.

AUTHORIZED USE:

Dredge a maximum of 30,000 cubic yards of sand from State sovereign lands.

LEASE TERM:

One year, beginning April 30, 1996.

CONSIDERATION:

Royalty:

No royalty will be charged for dredged material deposited at Convair Lagoon as the project is for the public health and benefit. \$0.25 per cubic yard will be charged for material used for private benefit or commercial sale purposes.

PROPOSED AMENDMENT:

The term for Lease No. PRC 7866.9 will be amended and will continue through and expire May 30, 1997, and the maximum volume of dredged material that can be removed from the lease premises will increase to 40,000 cubic yards. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. The Commission previously approved a five-month dredging lease effective December 1, 1995. The lease authorized the removal of a maximum of 30,000 cubic yards of material from sovereign lands. The

CALENDAR PAGE	66
MINUTE PAGE	000546

CALENDAR ITEM NO. C17 (CONT'D)

proposed dredging project is part of a remediation plan for a contaminated five-acre parcel located within Convair Lagoon in the San Diego Bay. The dredged material will be transported to the contaminated parcel and will be used as a sand cap to cover the existing contaminated sediments.

2. Due to unexpected delays, the Lessee was unable to begin the dredging project as scheduled. The Commission subsequently approved an extension of time until April 30, 1997, to complete the dredging project.
3. Before the construction of the sand cap could begin, various clean-up activities were required at Convair Lagoon. The clean-up activities were more extensive than originally planned which caused additional delays. Dredging was scheduled to begin February 20, 1997, but due to the extensive nature of the clean-up activities, the dredging portion of the remediation project did not begin until April 16, 1997. Therefore, the dredging project will extend beyond the lease expiration on April 30, 1997. The Lessee has requested that the Commission consider amending the lease term until May 30, 1997, so that the dredging portion of the remediation project can be completed.
4. An EIR and addendum were prepared and certified for this project by the San Diego Unified Port District. The California State Lands Commission (CSLC) staff has reviewed such document and the Mitigation Monitoring Program adopted by the lead agency. The EIR addendum authorized removal of a maximum 30,000 cubic yards of material. The CSLC adopted the findings pursuant to Minute Item 27 on December 7, 1995, in conformance with Section 15906(h) of the State CEQA Guidelines.
5. In order to mitigate any adverse impacts to least terns during the nesting season from turbidity in the water (where the terns forage), the project includes a mitigation plan. The mitigation plan includes the planting of .25 acres of eel grass if in-water construction activities continue until April 30, 1997 and an additional planting of .50 acres of eel grass if in-water construction activities continue until May 30, 1997.
6. The Lessee has also requested permission to dredge a maximum of 40,000 cubic yards of material which is an increase of 10,000 cubic yards. The additional dredge material is needed to fill a depression southwest of

CALENDAR ITEM NO. C17 (CONT'D)

the main cap and perimeter berm. Placing material in the depression may reduce the potential for sloughing of the outer cap material into the depression and help stabilize the perimeter berm. Dredging of the additional 10,000 cubic yards of material will occur within the approved footprint.

7. On March 14, 1996, the California Coastal Commission (CCC), granted Permit No. 6-95-129-A2 for this project under its certified regulatory program. (Title 14, California Code of Regulations, section 15251(c)). This permit authorized removal of a maximum of 30,000 cubic yards.
8. Based on CSLC staff review and consultation with the CCC and the Regional Water Quality Control Board, this amendment is considered to be a nonmaterial change.
9. 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:

San Diego Unified Port District

APPROVALS REQUIRED:

United States Army Corps of Engineers
Regional Water Quality Control Board
California Coastal Commission
California State Lands Commission

EXHIBIT:

A. Site Map

PERMIT STREAMLINING ACT:

N/A.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. C17 (CONT'D)

CEQA

FINDING:

FIND THAT AN EIR AND AN ADDENDUM WERE PREPARED AND CERTIFIED FOR THIS PROJECT BY THE SAN DIEGO UNIFIED PORT DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

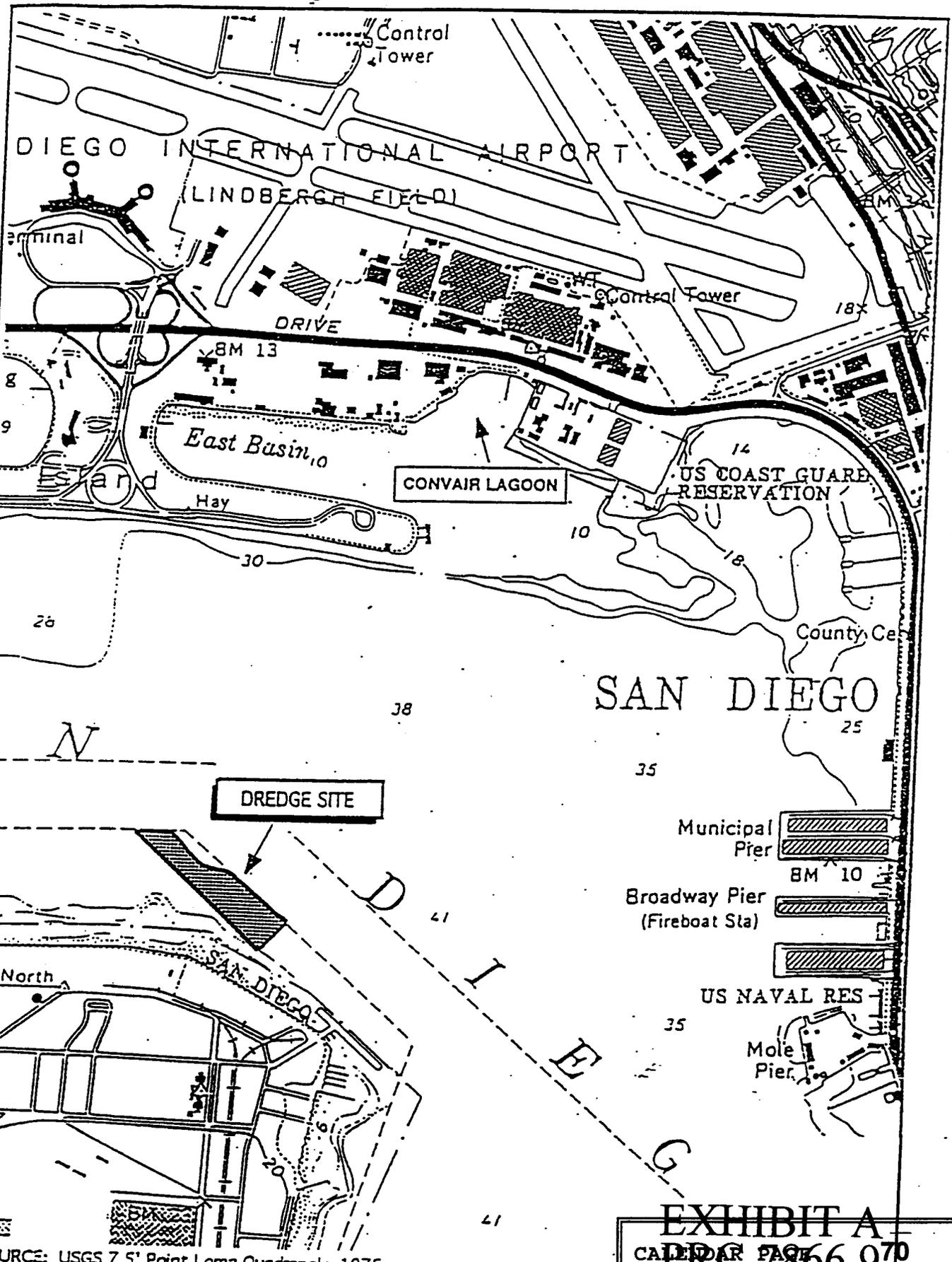
SIGNIFICANT LANDS

INVENTORY FINDING:

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

AUTHORIZATION:

AUTHORIZE ISSUANCE OF AN AMENDMENT EFFECTIVE APRIL 30, 1997, TO DREDGING LEASE NO. PRC 7866.9 TO AMEND THE LEASE TERM WHICH WILL CONTINUE THROUGH AND EXPIRE ON MAY 30, 1997, AND INCREASE THE MAXIMUM VOLUME OF DREDGED MATERIAL TO 40,000 CUBIC YARDS. ALL OTHER TERMS AND CONDITIONS OF LEASE NO. PRC 7866.9 REMAIN IN FULL FORCE AND EFFECT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON LESSEE'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



SOURCE: USGS 7.5' Point Loma Quadrangle, 1975

EXHIBIT A	
CALENDAR PAGE	7866.970
MINUTE PAGE	000550

PROJECT VICINITY