MINUTE ITEM
This Calendar Item No. C34 was approved as Minute Item No. 34 by the California State Lands Commission by a vote of 3 to 0 at its 8-8-05 meeting.

CALENDAR ITEM
C34

A 78

S 39

08/08/05
PRC 8548 WP 8548.9
J. Lucchesi

AMENDMENT OF LEASE

LESSEE:

San Diego Unified Port District
P.O. Box 120488
San Diego, CA 9211-0488

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State, at the former Campbell Industries Shipyard Waterside Leasehold, city of San Diego, San Diego County

AUTHORIZED USE:

Dredge approximately 35,000 cubic yards of sediment in order to facilitate the creation of an engineered cap over the contaminated sediments at the former Campbell Shipyard Waterside Leasehold, which is designed to meet Cleanup and Abatement Order #95-21 requirements issued by the Regional Water Quality Control Board on May 24, 1995.

All dredged material will be transported by barge to an upland stockpile area to be dewatered. Once the dredged material is sufficiently dewatered, the material will be re-handled to truck or rail car for transport to be disposed of at a Class III local municipal landfill located in Otay Mesa.

LEASE TERM:

Five years, beginning August 18, 2004.

CONSIDERATION:

No royalty will be charged. Dredged material may not be sold.

PROPOSED AMENDMENT:

Authorize Lessee to dredge and remove a maximum of 41,000 cubic yards of dredged material. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee is the Trustee of the legislatively granted sovereign lands, pursuant to Chapter 67, Statutes of 1962 and as amended, with minerals reserved to the State.

2. The reason for the increase in dredged material is that after further design review and modifications, it was determined that 41,000 cubic yards of material needed to be dredged to achieve final design grade of –31 feet mean lower low water for the approach to the Tenth Avenue Marine Terminal.

3. A Supplemental EIR and Addendum were prepared and certified for this project by the San Diego Unified Port District. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento Office of the California State Lands Commission.

4. A State of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento Office of the California State Lands Commission. The impact for which a Statement of Overriding Considerations has been made by the San Diego Unified Port District in the Supplemental EIR involves cumulative significant effects to water quality. There is a potential for recontamination of the remediated area by lead and PCB contaminated sediments in storm water runoff from the Switzer Creek Outfall at the Tenth Avenue Marine Terminal, located to the southeast of the project. Because the sources of the recontamination are outside the jurisdiction of the Port, the Port is unable to mitigate these impacts. Water quality mitigation measures that have been adopted and will be monitored by the Port include those that address: turbidity, pile driving, short-term and long-term water quality monitoring.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Codes section 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:

Army Corps of Engineers; Regional Water Quality Control Board; San Diego Unified Port District.

FURTHER APPROVALS REQUIRED:

None.

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A SUPPLEMENTAL EIR AND 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.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h), ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE MITIGATION MONITORING PROGRAM, ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE I N CONFORMANCE WITH TITLE 14, CLAIFORNIA CODE OF REGULATIONS, SECTION 15093, ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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 THE AMENDMENT OF LEASE NO. PRC 8548.9 TO AUTHORIZE THE LESSEE TO DREDGE AND REMOVE A MAXIMUM OF 41,000 CUBIC YARDS OF DREDGED MATERIAL, LOCATED AT THE FORMER CAMPBELL INDUSTRIES SHIPYARD WATERSIDE LEASEHOLD, CITY OF SAN DIEGO, SAN DIEGO COUNTY AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE AUGUST 9, 2005, TO AUGUST 17, 2009; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

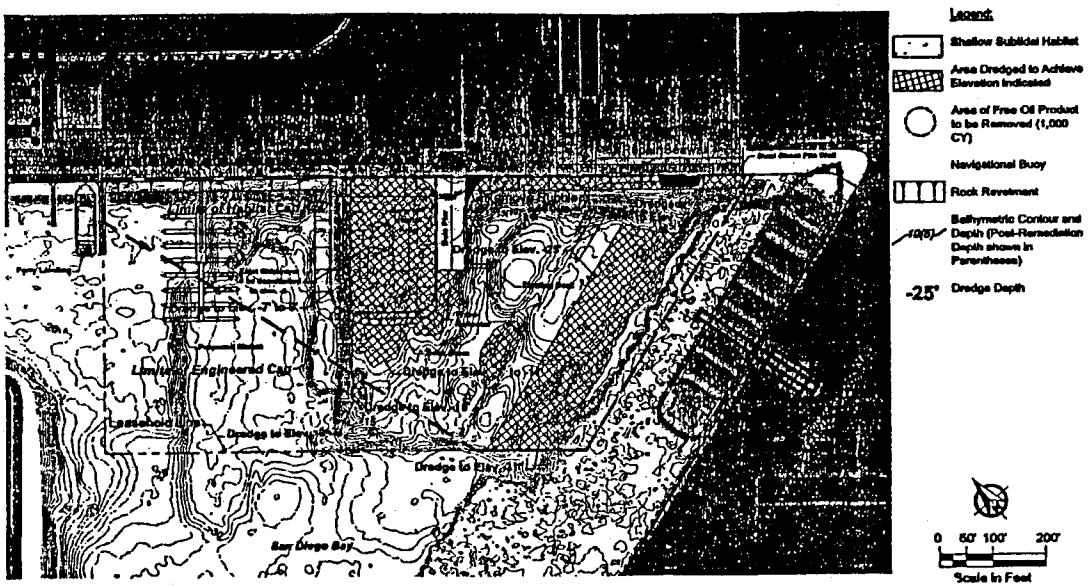

Exhibit A
Location and Site Map

LOCATION AND SITE MAP
WP 8548.9
Dredging Lease
Former Campbell Shipyard
San Diego Unified Port District

This Exhibit is solely for purpose of generally defining the project area, is based on unverified information provided by 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.

J.L. 08/08/05