MINUTE ITEM

This Calendar Item No. C66 was approved as Minute Item No. 66 by the California State Lands Commission by a vote of 2 to 0 at its 12 08 05 meeting.

CALENDAR ITEM
C66

A 79

S 36

PRC 8653

12/08/05
W 26098
S.Young

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Port of San Diego
3165 Pacific Highway
San Diego, CA 92137

AREA, LAND TYPE, AND LOCATION:

2.89 acres, more or less, of sovereign lands in San Diego Bay, adjacent to the Tenth Avenue Marine Terminal Berths 10-3 to 10-6, city of San Diego, San Diego County.

AUTHORIZED USE:

(1) Perform maintenance activities waterward of the existing seawall, Berths 10-3 to 10-6, including installation of geotextile fabric and a closed cellular concrete mat to provide stabilzation to the seawall; and (2) perform dredging of a maximum of 30,000 cubic yards of material from Berths 10-3 to 10-6 to a minimum uniform depth needed to allow for the continued use of the marine terminal by deep draft vessels. Disposal of suitable dredged material to be located at United States Army Corps of Engineers ocean disposal site, LA-5.

LEASE TERM:

20 years, beginning December 8, 2005.

CONSIDERATION:

As to the seawall maintenance activities, the public health and safety; 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 interest; as to the dredging activity, no royalty will be charged as the Project will result in a public benefit to navigation. The dredge material will not be sold.

SPECIFIC LEASE PROVISION:

Insurance:

Combined single limit coverage of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. In conjunction with the proposed dredging project, the Port of San Diego (Applicant) proposes to remove 6,500 cubic yards of toe rocks and concrete debris from the lease premises. As to the adjacent seawall, the Applicant proposes to install geotextile fabric and a closed cellular concrete mat to provide stabilization to the seawall. Berths 10-3 to 10-6 are located outside of the lands legislatvely granted to the Port of San Diego, at the Tenth Avenue Marine Terminal in San Diego Bay. Thus, berths 10-3 to 10-6 are located within sovereign lands under the jurisidction of the State Lands Commission.

2. A sediment re-characterization study for the project was conducted in February of 2005. A CD-rom copy of the report is on file at the Sacramento office of the State Lands Commission.

3. A Mitigated Negative Declaration was prepared and adopted for this project by the San Diego Unified Port District. The California State Lands Commission's staff has reviewed such document.

4. 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 REQUIRED:

United States Army Corps of Engineers
Regional Water Quality Control Board

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 MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY SAN DIEGO UNIFIED PORT DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE 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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE PORT OF SAN DIEGO BEGINNING DECEMBER 8, 2005, FOR A TERM OF 20 YEARS, FOR SEAWALL MAINTENANCE ACTIVITIES WATERWARD OF BERTHS 10-3 TO 10-6 AT THE TENTH AVENUE MARINE TERMINAL AND FOR DREDGING A MAXIMUM OF 30,000 CUBIC YARDS OF MATERIAL FROM THE LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; WITH DISPOSAL OF SUITABLE DREDGE MATERIAL TO BE LOCATED AT UNITED STATES ARMY CORPS OF ENGINEERS' OCEAN DISPOSAL SITE LA-5; SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS; AS TO THE SEAWALL MAINTENANCE, CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY; 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 INTEREST; AS TO THE DREDGING ACTIVITY, NO ROYALTY SHALL BE CHARGED AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT TO NAVIGATION, THE DREDGE MATERIAL MAY NOT BE SOLD;

AND WITH THE PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000 COMBINED SINGLE LIMIT.

NO SCALE

SITE

TENTH AVENUE MARINE TERMINAL

2520'±

LEASE AREA
TENTH AVE. MARINE TERMINAL

SAN DIEGO BAY

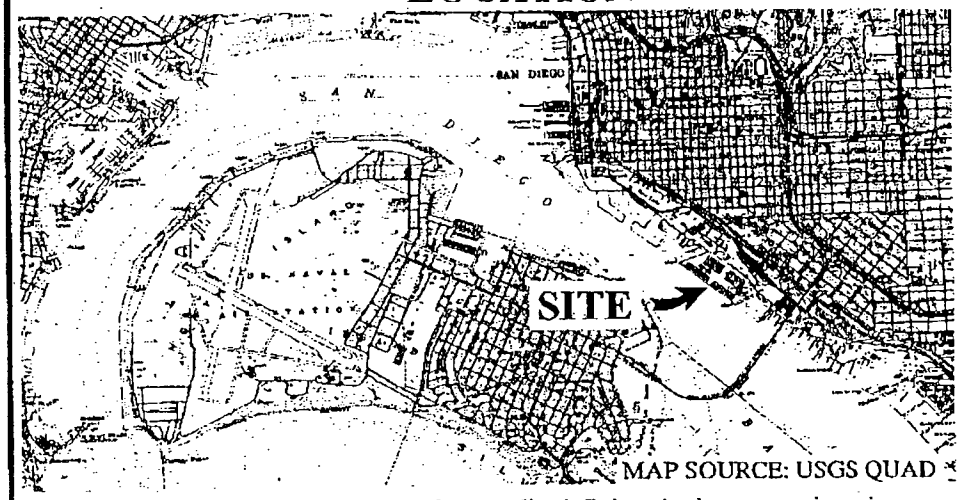
CENTRAL NAVIGATION CHANNEL DEEPENING TO EL -42' BY CORPS OF ENGINEERS

50.0'

TENTH AVENUE MARINE TERMINAL IN SAN DIEGO

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 A

W 26098
PORT OF SAN DIEGO
PUBLIC AGENCY
GENERAL LEASE
SAN DIEGO COUNTY

MJJ 10/05