

**CALENDAR ITEM
C23**

A 76

8/20/10

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G. Kato

ISSUANCE OF A NEW GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101-1128

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State,
San Diego Bay, Chula Vista, San Diego County

AUTHORIZED USE:

Removal of a maximum of 50,000 cubic yards of material from the Chula
Vista Wildlife Reserve

LEASE TERM:

Two years, beginning August 20, 2010.

CONSIDERATION:

No monetary consideration will be charged as the project will result in a
public benefit. The excavated material may not be sold.

OTHER PERTINENT INFORMATION:

1. The San Diego Unified Port District (SDUPD) and the United States Fish and Wildlife (WSFWS), San Diego National Wildlife Refuge Complex (SDNWRC) are working together on the restoration and enhancement of approximately 285 acres of coastal wetlands in South San Diego Bay. The project involves the removal of the salt ponds from the existing commercial solar salt operation and the redistribution of approximately 150,000 cubic yards of material within the Western Salt Ponds 10, 10A, and 11, and removal of a maximum of 50,000 cubic yards of material from the Chula Vista Wildlife Reserve to restore approximately 35 acres of shallow subtidal habitat, 20 acres of intertidal mudflats, 123 acres of low salt marsh habitat, 22 acres of mid salt marsh habitat, and 14 acres of high salt marsh habitat.

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2. The removal of a maximum of 50,000 cubic yards of material from the Chula Vista Wildlife Reserve would be a component of the larger restoration and enhancement project.
3. The Chula Vista Wildlife Reserve occupies lands legislatively granted to the SDUPD pursuant to Chapter 67, Statutes of 1962 and Chapter 1744, Statutes of 1965, and as amended with minerals reserved to the State. A maximum of 50,000 cubic yards of material will be removed from the Chula Vista Wildlife Reserve and piped to Ponds 10, 10A, and 11.
4. Ponds 10, 10A and 11 are located within sovereign tide and submerged lands in south San Diego Bay subject to California State Lands Commission Lease No. PRC 8075.9 issued to the USFWS for the creation and continued maintenance of the South San Diego Bay Unit of the San Diego National Wildlife Refuge to be managed as part of the national Wildlife Refuge System. The lease authorizes the USFWS to work with the SDUPD for wetland restoration and/or enhancement projects as required in the Cooperative Agreement between the United States Department of the Interior, Fish and Wildlife Service and the SDUPD executed October 14, 1998 without further additional approvals of the Lessor. Accordingly, no additional authorization is needed for the redistribution of the 150,000 cubic yard within Ponds 10, 10A, and 11.
5. The Chula Vista Wildlife Refuge is located within lands legislatively granted to the San Diego Unified Port District, pursuant to Chapter 67, Statutes of 1962 and Chapter 1744, Statutes of 1965 and as amended with minerals reserved to the State. Because minerals were reserved and because the proposed project would entail extraction of soil, a lease approved directly by the Commission is necessary.
6. The restoration and enhancement project is possible with funding support from the California Coastal Conservancy, National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) through the American Recovery and Reinvestment Act of 2009, the Service's Wildlife and Sport fish Restoration Program and Coastal Program, and the United States Environmental Protection Agency.

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7. A Mitigated Negative Declaration SCH#2009091066 was prepared by the State Coastal Conservancy and adopted on October 29, 2009, for this project. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the State Coastal Conservancy.
8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based on 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:

December 22, 2010

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH #2009091066 and a Mitigation Monitoring Program were prepared by the State Coastal Conservancy and adopted on October 29, 2009, for this Project 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 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 Sections 6370, et seq.

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AUTHORIZATION:

Issuance of a General Lease – Public Agency Use to the San Diego Unified Port District beginning August 20, 2010, for a term of two years, to remove a maximum of 50,000 cubic yards of material and distribute the material to Salt Ponds 10, 10A, and 11 located on sovereign lands in South San Diego Bay, San Diego County, as shown on Exhibit A attached and by this reference made a part hereof; such permitted activity is contingent upon applicant's compliance with applicable permits, recommendations, or limitations issued by Federal, State, and local governments. No monetary consideration shall be charged, as the project will result in a public benefit. The excavated material may not be sold.