

**CALENDAR ITEM
C34**

A 76
S 39

10/27/11
PRC 8891.9
M. Andersen

AMENDMENT OF LEASE

LESSEE:

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.

PROPOSED AMENDMENT:

Amend Section 1, Authorized Activity, and Section 2, Special Provisions 1 through 4, of the Lease to revise the amount of material to be removed from the Chula Vista Wildlife Reserve from a maximum of 50,000 cubic yards to a maximum of 65,000 cubic yards. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. The Lessee is Trustee of legislatively granted sovereign land pursuant to Chapter 67, Statutes of 1962 and Chapter 1744, Statutes of 1965 and as amended, with minerals reserved to the State.

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2. On August 20, 2010, the Commission authorized the removal of 50,000 cubic yards of material from legislatively granted sovereign lands in the Chula Vista Wildlife Reserve (CVWR) for distribution within sovereign tide and submerged lands in South San Diego, identified as Western Salt Ponds 10, 10A, and 11, and subject to Commission Lease No. PRC 8075.9. The removal of material from the CVWR was a component of a larger restoration and enhancement project involving the San Diego Port District, Fish and Wildlife Service, and the San Diego National Wildlife Refuge Complex.
3. The project was completed as March 31, 2011 and post-removal survey results determined that more material was excavated than had been authorized. The Lessee has now applied to amend the lease to revise the amount of material to be removed from the CVWR from a maximum of 50,000 cubic yards to a maximum of 65,000 cubic yards.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15061) staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304(g).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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 and Regional Water Quality Control Board

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

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CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Lands; Title 14, California Code of Regulations, section 15304(g).

SIGNIFICANT LANDS INVENTORY FINDING:

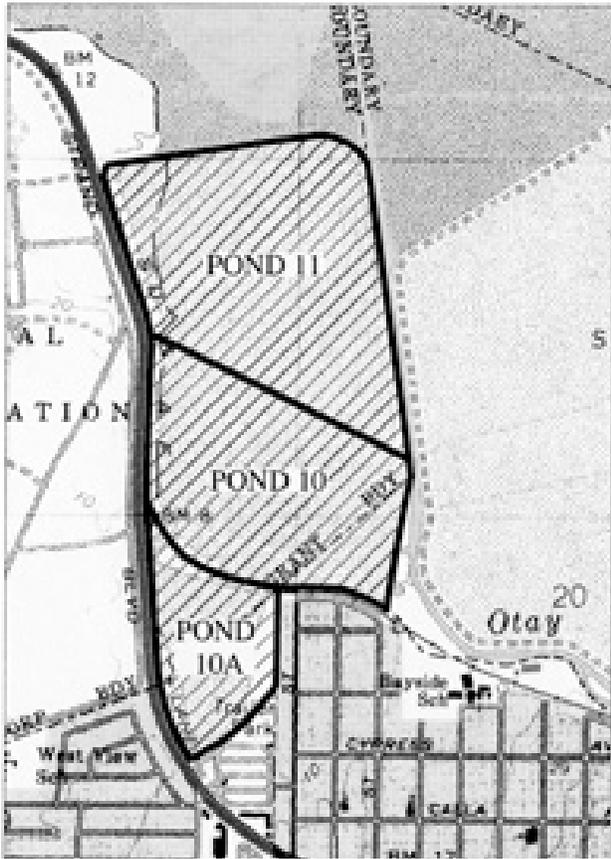
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8891.9, a General Lease – Public Agency Use, of legislatively granted sovereign lands as shown on Exhibit A attached and by this reference made a part hereof, effective October 27, 2011, to amend Section 1, Authorized Activity, and Section 2, Provisions 1 through 4, of the Lease to revise the amount of material to be removed from the Chula Vista Wildlife Reserve from a maximum of 50,000 cubic yards to a maximum of 65,000 cubic yards; all other terms and conditions of the lease will remain in effect without amendment.

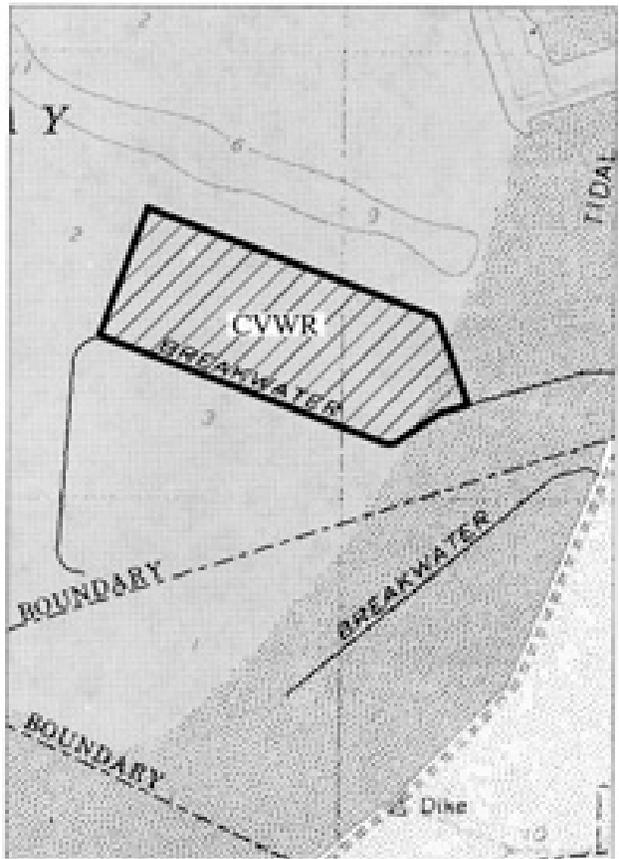
NO SCALE

SITE 1



Western Salt Ponds

SITE 2



Chula Vista Wildlife Reserve

San Diego Bay, Chula Vista

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 8891.9

SAN DIEGO UNIFIED
PORT DISTRICT
GENERAL LEASE-
PUBLIC AGENCY USE
SAN DIEGO COUNTY



SITE

MJF 8/6/10

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.