MINUTE ITEM

This Calendar Item No. 24 was approved as Minute Item No. 24 by the California State Lands Commission by a vote of 3 to 2 at its 6-2-03

CALENDAR ITEM C24

Α 76, 79 06/02/03 PRC 5392 WP 5392.1 S 39. 40 J. Smith

AMENDMENT OF LEASE AND ACCEPTANCE OF A QUITCLAIM DEED

LESSEE:

San Diego Gas & Electric Company 6316 Century Park Court, CP11D San Diego, California 92123

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in San Diego Bay, between the cities of San Diego and Coronado, San Diego County.

AUTHORIZED USE:

Operation and maintenance of two existing natural gas lines and electrical transmission lines.

CURRENT LEASE CONDITIONS:

Term:

30 years, beginning October 1, 1994.

Annual Rent: \$34,030

insurance:

General liability insurance in an amount no less than \$1,000,000.

Lessee may self-insure under the following conditions:

- Lessee must provide an annual letter of assurance signed by its Financial a. Officer stating that it is self-insured.
- b. Lessee must meet the financial responsibility strength as described in Title 14, California Code of Regulations, section 795(b)(1)(B) (Test II).

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PROPOSED AMENDMENT:

- 1. Install a new 69kV power cable and a new 12 kV power cable and authorize the subsequent removal of existing Tieline 655. The land description contained in Section 3 of Lease No. PRC 5392.1 is superseded by the land descriptions attached as Exhibits A-1 and A-2.
- 2. Accept a quitclaim deed for a portion of Lease No. PRC 5392.1, upon concurrence that existing Tieline 655 has been removed to Commission staff's satisfaction. Upon acceptance of the quitclaim deed, the land description for Lease No. PRC 5392.1 will be those sovereign lands as described in Exhibit A-1.
- 3. The annual rent for the existing and new lease areas is revised to \$75,825. Upon acceptance of the quitclaim deed for the removal of the existing Tieline 655, the annual rent is revised to \$64,350. The new annual rent will take effect on October 1, 2003.
- 4. The liability insurance requirements are amended as follows:
 - a. Lessee is authorized to self-insure for the first \$1,000,000 of general liability based on meeting the financial responsibility strength criteria in Title 14, California Code of Regulations, section 795(b)(1)(B)(Test II) (Office of Spill Prevention and Response regulations).
 - b. Lessee will provide evidence, on an annual basis, of Excess Liability Insurance in the amount of \$35,000,000.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

- 1. Lessee has a right to use the uplands adjoining the lease premises.
- 2. The U.S. Army Corps of Engineers is proposing to deepen the Federal Navigation Channel in San Diego Bay to accommodate deep draft vessels. Deepening the Channel will help stimulate regional economic growth and cargo movement efficiencies at the Port of San Diego.

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Lease No. PRC 5392.1 covers Lessee's existing facilities, consisting of two natural gas lines and electrical transmission lines (TL 650 and TL 655), running under San Diego Bay between the cities of San Diego and Coronado. As a result of the Channel deepening, Lessee is required to relocate one of its electrical transmission facilities. TL 655. A new conduit system under San Diego Bay will be installed using horizontal directional drilling (HDD). In addition to a new 69 kV power cable, a new 12kV power cable will be installed in the new conduits to accommodate increased demand for electricity with proposed development at Seaport Village. One set of extra conduits will be installed so that future cable replacement or additions can be completed with minimal construction activity. The route for the drilling starts at the Embarcadero Marina Park on the San Diego side and ends in the parking lot of the Ferry Landing Marketplace on the Coronado side. The conduit system will be installed approximately 1,350 feet east of the existing location, at a sufficient depth to avoid conflicts with any future dredging operations.

Once the new power cable system has been installed and energized, the existing TL 655 will be de-energized and removed or abandoned in place as described. The removed portions will be cut into segments, loaded onto a barge and disposed at a local landfill or recycled. The nearshore portions of TL 655 will be abandoned in place to avoid impacts to eelgrass habitat.

- 3. The existing natural gas lines, which will not be affected by the Channel Deepening Project, are regulated by the California Public Utilities Commission (General Order No. 112) and the U.S. Department of Transportation (Title 49 CFR Pt. 192). Commission staff has reviewed the most current reports and are satisfied with the condition of the lines.
- 4. A joint EIS/EIR was prepared and certified for this project by the U.S. Army Corps of Engineers and the San Diego Unified Port District. Commission staff has reviewed such document and the Mitigation Monitoring Program adopted by the lead agencies. A Statement of Overriding Considerations was also adopted by the Port for the noise impacts of the project, as described below.
- 5. The anticipated noise levels generated from trenching and drilling for the utility relocation would exceed the municipal code requirements for construction noise limits of both the city of San Diego and the city of

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Coronado. The impacts would be significant and unavoidable. Construction noise permits would be required for both cities. There are sensitive receptors within eight meters (25 feet) of the drilling exit point on the Coronado side of the alignment, including residents in nearby condominiums and apartments and employees of the commercial business establishments in the Ferry Landing Marketplace. The removal of the existing 69 kV cable would last approximately 15 days and may occur 24 hours per day. The directional drilling operations are scheduled to last 90 days. Less than 25 days of actual directional drilling would occur, also for 10 hours per day from Monday through Saturday. Pullback operations would occur for a maximum of two days, 24 hours a day.

6. 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:

U.S. Army Corps of Engineers; San Diego Unified Port District; California Coastal Commission.

FURTHER APPROVALS REQUIRED:

San Diego Regional Water Quality Control Board; Cities of San Diego and Coronado; California State Lands Commission.

EXHIBITS:

- A-1 Land Description for Parcel 1, New Parcel 2A and Parcel 3
- A-2 Land Description for Existing Parcel 2
- B. Location and Site Map
- C Notice of Determination

PERMIT STREAMLINING ACT DEADLINE:

September 17, 2003

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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CEQA FINDING:

FIND THAT A JOINT EIR/EIS WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE U.S. ARMY CORPS OF ENGINEERS AND 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 COMMISSION.

ADOPT THE MITIGATION MONITORING PROGRAM ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, ON FILE IN THE SACRAMENTO OFFICE OF THE 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 AMENDMENT OF LEASE NO. PRC 5392.1, A GENERAL LEASE – RIGHT OF WAY USE, OF LANDS DESCRIBED ON EXHIBITS A-1 AND A-2 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JULY 1, 2003, TO INSTALL A NEW 69KV POWER CABLE AND ONE 12 KV POWER CABLE, AND SUBSEQUENTLY REMOVE THE EXISTING TL 655. THE LAND DESCRIPTION CONTAINED IN SECTION 3 OF LEASE NO. PRC 5392.1 IS SUPERSEDED BY THE LAND DESCRIPTIONS ATTACHED HERETO AS EXHIBITS A-1 AND A-2.

ACCEPT A QUITCLAIM DEED FOR A PORTION OF LEASE NO. PRC 5392.1, UPON CONCURRENCE THAT EXISTING TL 655 HAS BEEN REMOVED TO COMMISSION STAFF'S SATISFACTION. UPON

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ACCEPTANCE OF THE QUITCLAIM DEED, THE LAND DESCRIPTION FOR LEASE NO. PRC 5392.1 WILL BE THOSE SOVEREIGN LANDS DESCRIBED IN EXHIBIT A-1.

REVISE THE ANNUAL RENT TO \$75,825. UPON ACCEPTANCE OF THE QUITCLAIM DEED FOR THE REMOVAL OF THE EXISTING TL 655, THE ANNUAL RENT WILL BE REVISED TO \$64,350. THE NEW ANNUAL RENT WILL TAKE EFFECT ON OCTOBER 1, 2003.

AMEND THE LIABILITY INSURANCE REQUIREMENTS AS FOLLOWS:

- 1. LESSEE IS AUTHORIZED TO SELF-INSURE FOR THE FIRST \$1,000,000 OF GENERAL LIABILITY BASED ON ITS COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY CRITERIA IN TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 795(b)(1)(B)(TEST II).
- 2. LESSEE IS TO PROVIDE EVIDENCE, ON AN ANNUAL BASIS, OF EXCESS LIABILITY INSURANCE IN THE AMOUNT OF \$35,000,000, NAMING THE STATE OF CALIFORNIA, ITS OFFICERS, AGENTS, EMPLOYEES, AND SERVANTS AS ADDITIONAL INSUREDS.

ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

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EXHIBIT A-1 LAND DESCRIPTION

PARCEL 1

A PARCEL OF SUBMERGED LAND, LYING IN THE BED OF SAN DIEGO BAY, SAN DIEGO COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF SUBMERGED LAND 25 FEET WIDE LYING 12.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT GPS POINT NO. 43, HAVING CCS 83, ZONE 6 COORDINATE. N. 1,837,771.436, E. 6.279,306.556 AS SET AND DESCRIBED PER RECORD OF SURVEY MAP NO. 17055 ON FILE WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY. SAID POINT NO. 43 BEARS NORTH 66°24'43" WEST 1742.23 FEET FROM GPS POINT NO. 45. AS SET AND DESCRIBED PER RECORD OF SURVEY MAP NO. 17055. THENCE NORTH 13°08'16" EAST 1814.70 FEET ON A RANDOM LINE TO A POINT OF INTERSECTION OF THE "WILLIAMS BASELINE" AND THE "C" LINE AS SHOWN PER MISCELLANEOUS MAP NO.'S 18, 42, 564 AND AS MONUMENTED PER RECORD OF SURVEY MAP NO. 14238, ALL ON FILE WITH THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID "C" LINE NORTH 77°23'22" WEST 800.09 FEET TO AN ANGLE POINT; THENCE LEAVING SAID "C" LINE ON A RANDOM LINE AS DETERMINED BY COORDINATE INVERSE SOUTH 84°51'12" WEST, 1919.91 FEET TO STATION NO. 475 ON THE U.S. PIERHEAD LINE AS SHOWN ON MISCELLANEOUS MAP NO. 564 AND THE MAP ENTITLED, "HARBOR LINES, SAN DIEGO BAY, CALIFORNIA", APPROVED BY THE SECRETARY OF THE ARMY, SEPTEMBER 8, 1959, WHICH MAP BEARS FILE NO.(D.O. SERIES) 426 IN THE OFFICE OF THE DISTRICT ENGINEER, U.S. CORPS OF ENGINEERS, LOS ANGELES CALIFORNIA; THENCE ALONG SAID PIERHEAD LINE BETWEEN STATIONS 475 AND 477 AS SHOWN ON LAST SAID MAPS, SOUTH 50°18'19" EAST 2434.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID PIERHEAD LINE SOUTH 02°58'33" WEST 2311.92 FEET MORE OR LESS TO A POINT LYING ON SAID PIERHEAD LINE LYING BETWEEN STATION NO.'S 535 AND 533 OF SAID LAST-MENTIONED MAPS, ALSO BEING THE POINT OF TERMINUS.

THE SIDELINES OF SAID STRIP SHALL BE PROLONGED OR SHORTENED AS TO BEGIN AND TERMINATE ON SAID PIERHEAD LINES.

ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. TO COMPUTE GROUND DISTANCES, DIVIDE GRID DISTANCES BY 0.999981190. ALL BEARINGS SHOWN HEREIN ARE GRID BASED UPON CALIFORNIA COORDINATE SYSTEM, 1983, ZONE 6, ADJUSTMENT, and EPOCH 1991.35.

END OF DESCRIPTION

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EXHIBIT A-1 LAND DESCRIPTION

PARCEL 2A

A PARCEL OF SUBMERGED LAND, LYING IN THE BED OF SAN DIEGO BAY, SAN DIEGO COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF SUBMERGED LAND 30 FEET WIDE LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT GPS POINT NO. 43, HAVING CCS 83, ZONE 6 COORDINATE. N. 1,837,771.436, E. 6.279,306.556 AS SET AND DESCRIBED PER RECORD OF SURVEY MAP NO. 17055 ON FILE WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY. SAID POINT NO. 43 BEARS NORTH 66°24'43" WEST 1742.23 FEET FROM GPS POINT NO. 45, AS SET AND DESCRIBED PER RECORD OF SURVEY MAP NO. 17055. THENCE NORTH 13°08'16" EAST 1814.70 FEET ON A RANDOM LINE TO A POINT OF INTERSECTION OF THE "WILLIAMS BASELINE" AND THE "C" LINE AS SHOWN PER MISCELLANEOUS MAP NO.'S 18, 42, 564 AND AS MONUMENTED PER RECORD OF SURVEY MAP NO. 14238. ALL ON FILE WITH THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID "C" LINE NORTH 77°23'22" WEST 800.09 FEET TO AN ANGLE POINT: THENCE LEAVING SAID "C" LINE ON A RANDOM LINE AS DETERMINED BY COORDINATE INVERSE SOUTH 84°51'12" WEST, 1919.91 FEET TO STATION NO. 475 ON THE U.S. PIERHEAD LINE AS SHOWN ON MISCELLANEOUS MAP NO. 564 AND THE MAP ENTITLED. "HARBOR LINES. SAN DIEGO BAY, CALIFORNIA", APPROVED BY THE SECRETARY OF THE ARMY, SEPTEMBER 8, 1959, WHICH MAP BEARS FILE NO.(D.O. SERIES) 426 IN THE OFFICE OF THE DISTRICT ENGINEER, U.S. CORPS OF ENGINEERS, LOS ANGELES CALIFORNIA; THENCE ALONG SAID PIERHEAD LINE BETWEEN STATIONS 475 AND 477 AS SHOWN ON LAST SAID MAPS, SOUTH 50°18'19" EAST 2302.90 FEET TO THE TRUE POINT OF BEGINNING: THENCE LEAVING SAID PIERHEAD LINE SOUTH 07°36'50" WEST 2241.48 FEET MORE OR LESS TO A POINT LYING ON SAID PIERHEAD LINE LYING BETWEEN STATION NO.'S 535 AND 533 OF SAID LAST-MENTIONED MAPS, ALSO BEING THE POINT OF TERMINUS.

THE SIDELINES OF SAID STRIP SHALL BE PROLONGED OR SHORTENED AS TO BEGIN AND TERMINATE ON SAID PIERHEAD LINES.

ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. TO COMPUTE GROUND DISTANCES, DIVIDE GRID DISTANCES BY 0.999981190. ALL BEARINGS SHOWN HEREIN ARE GRID BASED UPON CALIFORNIA COORDINATE SYSTEM, 1983, ZONE 6, ADJUSTMENT, and EPOCH 1991.35.

END OF DESCRIPTION

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EXHIBIT A-1 LAND DESCRIPTION

PARCEL 3

A PARCEL OF SUBMERGED LAND, LYING IN THE BED OF SAN DIEGO BAY, SAN DIEGO COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF SUBMERGED LAND 30 FEET WIDE LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT GPS POINT NO. 43, HAVING CCS 83, ZONE 6 COORDINATE, N. 1,837,771.436, E. 6.279,306.556 AS SET AND DESCRIBED PER RECORD OF SURVEY MAP NO. 17055 ON FILE WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID POINT NO. 43 BEARS NORTH 66°24'43" WEST 1742 23 FEET FROM GPS POINT NO. 45, AS SET AND DESCRIBED PER RECORD OF SURVEY MAP NO. 17055. THENCE NORTH 13°08'16" EAST 1814.70 FEET ON A RANDOM LINE TO A POINT OF INTERSECTION OF THE "WILLIAMS BASELINE" AND THE "C" LINE AS SHOWN PER MISCELLANEOUS MAP NO.'S 18, 42, 564 AND AS MONUMENTED PER RECORD OF SURVEY MAP NO. 14238. ALL ON FILE WITH THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID "C" LINE NORTH 77°23'22" WEST 800.09 FEET TO AN ANGLE POINT; THENCE LEAVING SAID "C" LINE ON A RANDOM LINE AS DETERMINED BY COORDINATE INVERSE SOUTH 84°51'12" WEST, 1919.91 FEET TO STATION NO. 475 ON THE U.S. PIERHEAD LINE AS SHOWN ON MISCELLANEOUS MAP NO. 564 AND THE MAP ENTITLED, "HARBOR LINES. SAN DIEGO BAY, CALIFORNIA", APPROVED BY THE SECRETARY OF THE ARMY, SEPTEMBER 8, 1959, WHICH MAP BEARS FILE NO.(D.O. SERIES) 426 IN THE OFFICE OF THE DISTRICT ENGINEER, U.S. CORPS OF ENGINEERS, LOS ANGELES CALIFORNIA; THENCE ALONG SAID PIERHEAD LINE BETWEEN STATIONS 475 AND 477 AS SHOWN ON LAST SAID MAPS, SOUTH 50°18'19" EAST 1651.21 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID PIERHEAD LINE SOUTH 19°00'29" WEST 2192.52 FEET MORE OR LESS TO A POINT LYING ON SAID PIERHEAD LINE LYING BETWEEN STATION NO.'S 535 AND 533 OF SAID LAST-MENTIONED MAPS, ALSO BEING THE POINT OF TERMINUS.

THE SIDELINES OF SAID STRIP SHALL BE PROLONGED OR SHORTENED AS TO BEGIN AND TERMINATE ON SAID PIERHEAD LINES.

ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. TO COMPUTE GROUND DISTANCES, DIVIDE GRID DISTANCES BY 0.999981190. ALL BEARINGS SHOWN HEREIN ARE GRID BASED UPON CALIFORNIA COORDINATE SYSTEM, 1983, ZONE 6, ADJUSTMENT, and EPOCH 1991.35.

END OF DESCRIPTION

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EXHIBIT A - 2

LAND DESCRIPTION

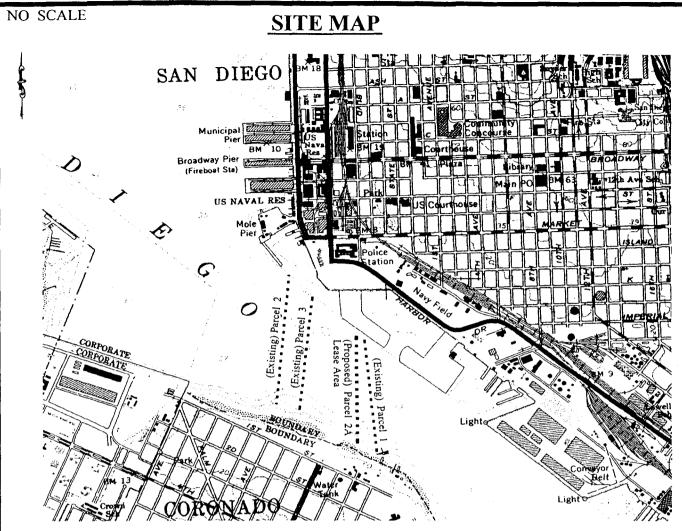
A parcel of submerged land, lying in the bed of San Diego Bay, San Diego County, State of California, being Parcel 2 as described in PRC 5392, approved by the California State Lands Commission on May 12, 1997, being more particularly described as follows:

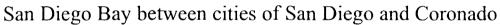
A strip of submerged land 100 feet wide lying 50 feet on each side of the following described centerline:

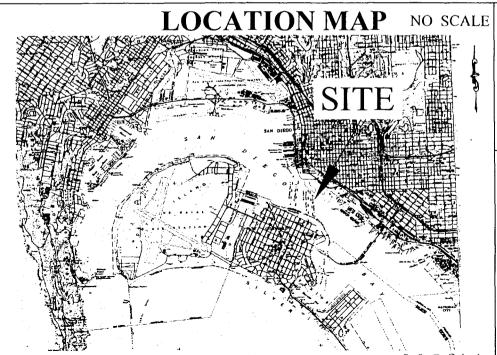
COMMENCING at Station 475 on the U.S. Pierhead Line as shown on a map entitled, "Harbor Lines, San Diego Bay, California", approved by the Secretary of the Army, September 8, 1959, which map bears File No. (D.O. Series) 426 in the Office of the District Engineer, U.S. Corps of Engineers, Los Angeles, California: thence along said Pierhead Line between stations 475 and 477 as shown on said map, \$50°50′00″E, 1,122.00 feet to TRUE POINT OF BEGINNING; thence southerly to a point on the Pierhead Line between Stations 535 and 533, as shown on said map, and being 245.00 feet southeasterly of said Station 535.

END OF DESCRIPTION

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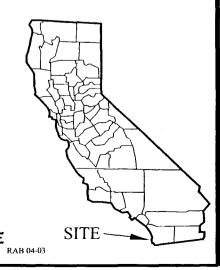




This Exhibit is solely for purposes of generally defining the lease premises, is pased 8 on unverified information provided by the lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the UTE PAGE subject or any other property.

Source: USGS QUAD

Exhibit B
PRC 5392.1
San Diego Gas & Electric
San Diego County



Notice of Determination

.	ore con to all the		Maliana Mailandar	
ro: 🗌	Office of Planning and Research PO Box 3044, 1400 Tenth Street, R	200m 222	From: (Public Agency) Melissa Mailander San Diego Unified Port District	
	Sacramento, CA 95812-3044	San Diego di		
×	County Clerk	PO BOX 12 04	88. San Diego, CA 92112-0488	
Ç.	County of San Diego		Gregory J. Smith, Recarder/County C	
	1600 Pacific Highway Roc	om 260		
	San Diego, CA 92101		MAY 2 1 2003	
			BY	
		Subject:	DEPL	
Filing of	Notice of Determination in com	pliance with Section 21108 or :	21152 of the Public Resources Code.	
Com Dia	go Harbor Deepening (Cent)	ral Maurication Channell		
roject Ti		rai Navigaci on Channel,		
. Oject 1.				
1998041036		Melissa Mailander	(619) 686-6283	
State Clearinghouse Number (If submitted to Clearinghouse)		Lead Agency Contact Person	Area Code/Telephone/Extension	
•	go Bay, San Diego County	VV		
	ocation (include county)			
This is to a		ed Port District	bas approved the above described project on	
May		following determinations regarding	the above described project:	
	(Date)			
	he project [will will not] have a s			
_	An Environmental Impact Report w			
	☐ A Negative Declaration was prepare litigation measures [☑were ☐were n			
	statement of Overriding Consideration	-		
	indings [were were not] made pu	· -		
his is to ce	crtify that the final EIR with comments	and responses and record of project	approval is available to the General Public at:	
San Die	go Unified Port District,	Office of District Clerk	k, 3165 Pacific Highway	
		;		
Mec	essa / hitande	May 20, 2003	Environmental Review Coord.	
ignature (Public Agency)	Date	Tide	
_	FILED IN	THE OFFICE OF THE	COUNTY CLERK	
Date receiv	ed for filing at OPR: SAN DIEG	PACQUNITY ON MAY	2 1 2003 Revised May 1999	
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26	ETURNE	D TO AGENCY ON	Governor's Office of Planning and Research	
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