

**CALENDAR ITEM  
C23**

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S 9

08/11/09  
PRC 8721  
G. Kato

**AMENDMENT OF LEASE**

**LESSEE:**

City of Oakland  
250 Frank H. Ogawa Plaza, Ste 4314  
Oakland, CA 94612-2032

**AREA, LAND TYPE, AND LOCATION:**

Granted sovereign lands, with minerals reserved to the State, pursuant to Chapter 390, Statutes of 1909 and as amended, within the Lake Merritt Channel, in the city of Oakland, Alameda County.

**AUTHORIZED USE:**

Dredge a maximum of 2,000 cubic yards of material to improve tidal circulation and enhance ecological function. Dredged material will be used onsite as fill material for grading purposes to improve flow of water in the Lake Merritt Channel.

**LEASE TERM:**

Three years, beginning October 12, 2006.

**CONSIDERATION:**

No royalty will be charged for the dredged material as the project will result in a public benefit. Dredged material may not be sold.

**PROPOSED AMENDMENT:**

Extend the term of the lease by three years to October 11, 2012. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Commission approved Lease No. PRC 8721 for dredging at its November 21, 2006 Meeting.

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2. An EIR (SCH # 2005102080) was prepared for this project by the city of Oakland and certified on July 5, 2006. California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program prepared in conformance with the provisions of the CEQA (Public Resources Code Section 21081.6) and 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.
3. 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:**

City of Oakland  
Regional Water Quality Control Board

**EXHIBIT:**

- A. Location and site map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT AN EIR (SCH # 2005102080) WAS PREPARED FOR THIS PROJECT AND CERTIFIED BY THE CITY OF OAKLAND ON JULY 5, 2006, AND THAT THE COMMISSION 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), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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

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LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,  
ET SEQ.

**AUTHORIZATION:**

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8721, TO  
EXTEND TERM OF THE LEASE TO OCTOBER 11, 2012, ON GRANTED  
SOVEREIGN LANDS, WITH MINERALS RESERVED TO THE STATE, IN  
LAKE MERRITT CHANNEL, CITY OF OAKLAND, ALAMEDA COUNTY  
AS SHOWN ON EXHIBIT A ATTACHED HERETO AND BY THIS  
REFERENCE MADE A PART HEREOF; ALL OTHER TERMS AND  
CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT  
AMENDMENT.