

**CALENDAR ITEM  
C40**

A 13  
S 5

08/15/14  
PRC 9043.9  
V. Caldwell

**AMENDMENT OF LEASE**

**LESSEE:**

Port of Stockton  
2201 W. Washington Street  
Stockton, California 95203

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

Sovereign land in the San Joaquin River, near Rough and Ready Island, adjacent to Assessor's Parcel Numbers (APN) 145-020-09 and 162-030-01, near the city of Stockton, San Joaquin County.

**AUTHORIZED USE:**

Use, maintenance, and operation of a four-inch-diameter, 710-foot-long fiber-optic cable conduits installed using horizontal directional drilling (HDD) at a depth of 50 feet beneath the bed of the San Joaquin River.

**LEASE TERM:**

20 years, beginning February 22, 2013

**CONSIDERATION:**

The public use and benefit, 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.

**PROPOSED AMENDMENT:**

Amend Lease No. PRC 9043.9 to replace Exhibit A (Land Description) and Exhibit B (Site and Location Map) with a new Exhibit A (Land Description) and Exhibit B (Site and Location Map). All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Lessee owns APN 145-020-09 adjoining the lease premises on the left bank of San Joaquin River and has a right to use APN 162-030-01 adjoining the lease premises on the right bank of the San Joaquin River.

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2. On February 22, 2013, the Commission authorized a General Lease – Public Agency Use, Lease No. PRC 9043.9, with Port of Stockton for the installation of a four-inch-diameter, 710-foot-long fiber optic-cable conduits using HDD at a depth of 50 feet beneath the bed of the San Joaquin River. Installation of the fiber-optic conduits was completed on November 27, 2013.
3. The Port of Stockton requests that the land description be replaced with a revised land description based on a change in the bore alignment. The actual alignment (as constructed) falls outside of the previously authorized easement for a portion of the crossing. As a result, staff recommends amending Lease No. PRC 9043.9 to replace the land description and the site and location map with a revised land description and site and location map.
4. The staff recommends that the Commission find that the subject lease amendment does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBITS:**

- A. Land Description
- B. Site and Location

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject lease amendment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C40** (CONT'D)

**AUTHORIZATION:**

Authorize the amendment of Lease No. PRC 9043.9, a General Lease – Public Agency Use, effective August 15, 2014, to replace Exhibit A (Land Description) and Exhibit B (Site and Location Map) with a new Exhibit A (Land Description) and Exhibit B (Site and Location Map) attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

## LAND DESCRIPTION

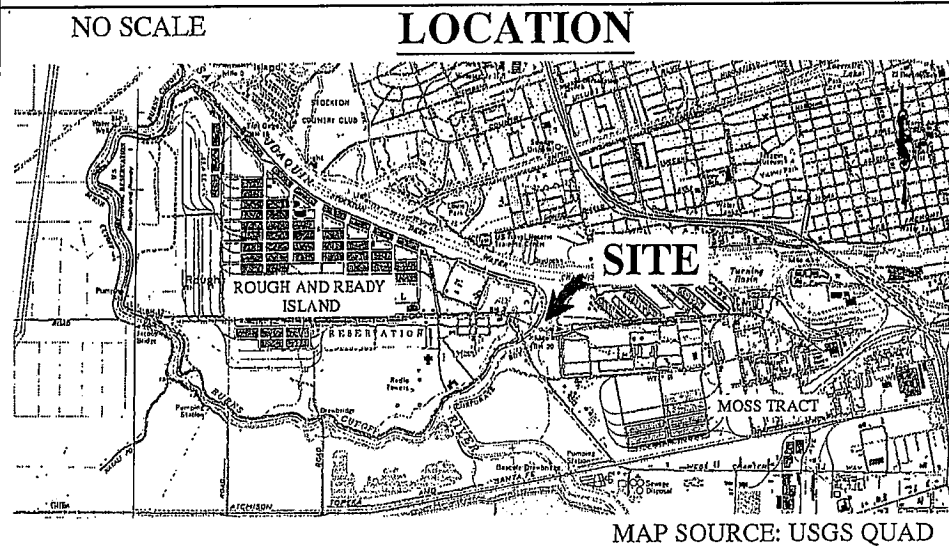
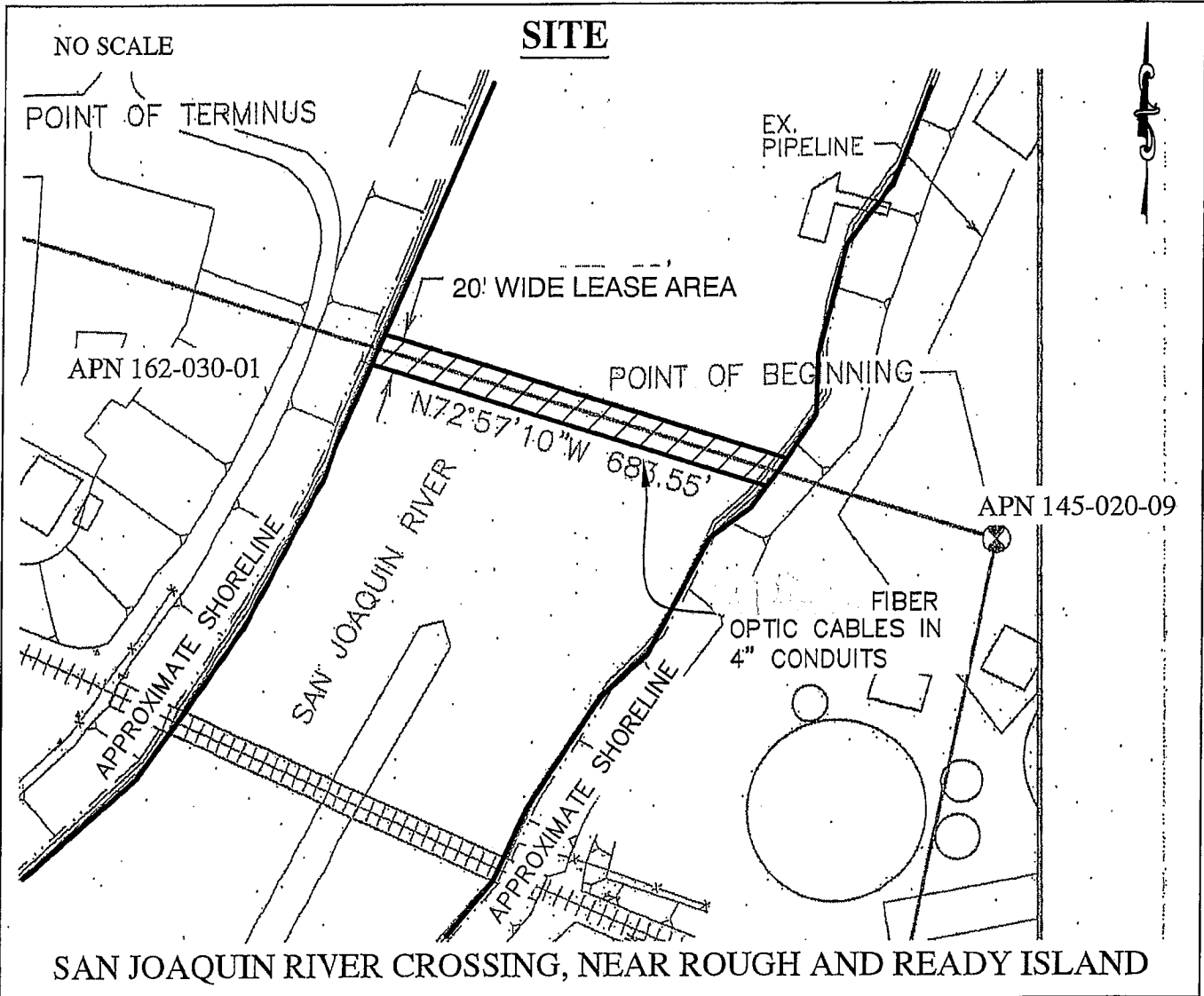
A 20 FOOT WIDE STRIP OF TIDE AND SUBMERGED LAND LYING IN THE BED OF THE SAN JOAQUIN RIVER, ADJACENT TO PROTRACTED SECTION 8, TOWNSHIP 1 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON OFFICIAL GOVERNMENT TOWNSHIP PLAT APPROVED DECEMBER 5, 1879, SITUATE IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT GPS OCCUPIED POINT 306 AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD ON AUGUST 30, 1994 IN BOOK 33 OF SURVEYS AT PAGE 20, SAN JOAQUIN COUNTY RECORDS, SAID POINT HAVING CCS83 ZONE 3 (1991.35) COORDINATES OF NORTHING 2167315.376 FEET AND EASTING 6320382.066 FEET; THENCE NORTH 12°07'56" EAST 1611.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 72°57'10" WEST 683.55 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

EXCEPTING THEREFROM ANY PORTION LYING LANDWARD OF THE ORDINARY HIGH WATER MARKS OF THE RIGHT AND LEFT BANKS OF THE SAN JOAQUIN RIVER.

END OF DESCRIPTION





**Exhibit B**

PRC 9043.9  
 PORT OF STOCKTON  
 APN 145-020-09 & 162-030-01  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SAN JOAQUIN COUNTY



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.