

**CALENDAR ITEM
C64**

A 7
S 2

04/23/15
PRC 8993.9
W. Hall

AMENDMENT OF LEASE

APPLICANT:

United States Fish and Wildlife Service

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Napa River and Dutchman Slough, near Vallejo, Solano County.

AUTHORIZED USE:

Construction of a new temporary sediment offloading facility and a dredged material slurry pipeline.

LEASE TERM:

3 years, beginning May 24, 2012.

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 interests.

PROPOSED AMENDMENT:

Amend the lease to extend the term of the lease to expire December 31, 2019.

OTHER PERTINENT INFORMATION:

1. Applicant owns or has the right to use the upland adjoining the lease premises.
2. On May 24, 2012, the Commission authorized a 3-year General Lease – Public Agency Use with the United States Fish and Wildlife Service. That lease will expire on May 23, 2015.
3. On January 23, 2015, Lessee submitted an application for amendment to extend the term of the lease to December 31, 2019.

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Applicant is requesting the amendment due to delays in the initiation of the project. Staff recommends authorization of the amendment.

4. A Joint Document (JD) Environmental Impact Report/Environmental Impact Statement (EIR/EIS), State Clearinghouse No. 2007092004, was prepared for this project by the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) and certified on April 22, 2010. The California State Lands Commission staff has reviewed such document and the Mitigation Monitoring Program prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.
5. In 2012, the USFWS applied to the CSLC for a lease for a sediment offloading facility in the Napa River and associated dredge material pipeline in Dutchman Slough. These facilities were not explicitly analyzed in the certified EIR/EIS, which proposed the offloading facility in another location. CSLC staff reviewed the changes in the Project and determined that the changes did not constitute “substantial changes” or “new information of substantial importance” as defined in section 15162, subdivision (a) of the State CEQA Guidelines, and concluded that the preparation and circulation of a subsequent or supplemental EIR was not required. At that time, staff prepared an addendum to the EIR/EIS pursuant to State CEQA Guidelines section 15164.
6. The CSLC considered the EIR/EIS and addendum at their May 24, 2012 meeting as part of agenda item C25. A Mitigation Monitoring Program and Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) were contained as part of agenda item C25 from the Commission’s May 24, 2012, meeting. (http://archives.slc.ca.gov/Meeting_Summaries/2012Documents/05-24-12/Items_and_Exhibits/C25.pdf).
7. CSLC staff reviewed the amendment to extend the lease term and determined that the lease term extension does not involve any “substantial changes” or “new information of substantial importance,” and thus no additional CEQA analysis is required as specified in Public Resources Code section 21166 and section 15162, subdivision (a) of the State CEQA Guidelines.

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8. 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR/EIS, State Clearinghouse No. 2007092004, was prepared for this Project by CDFW and that the EIR was certified on April 22, 2010, that an addendum to the EIR was prepared by Commission staff pursuant to the provisions of CEQA, and that the Commission has reviewed and considered the information contained therein.

Find that in its independent judgment, none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

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 8993.9, a General Lease – Public Agency Use, effective April 23, 2015, to extend the term of the lease to expire December 31, 2019; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 8993.9

LAND DESCRIPTION

Two parcels of tide and submerged land situate in the beds of the Dutchman Slough and Napa River, Solano County, State of California, said parcels lying adjacent to Solano County Swamp and Overflow Survey 569 on file at the Sacramento office of the California State Lands Commission, and being more particularly described as follows:

PARCEL 1 (PROPOSED PIPELINE)

A parcel of all that tide and submerged land lying in the beds of the Dutchman Slough and the Napa River, beginning at a point having CCS83, Zone 2 coordinates: Northing (y) = 1806810.34 feet and Easting (x) = 6476128.20 feet, which bears North 26°25'38" West 6491.54 feet from NGS monument PID JT0321 having CCS83, Zone 2 coordinates: Northing (y) = 1800997.16 feet and Easting (x) = 6479017.32 feet; thence from said point of beginning the following thirty one (31) courses:

- (1) South 24°02'31" East 75.97 feet,
- (2) North 75°19'48" West 150.14 feet,
- (3) North 17°07'13" East 328.05 feet,
- (4) South 82°06'02" East 113.91 feet,
- (5) South 76°56'54" East 301.96 feet,
- (6) South 73°09'18" East 433.13 feet,
- (7) South 70°33'13" East 223.00 feet,
- (8) South 66°53'57" East 1178.75 feet,
- (9) South 76°39'21" East 316.78 feet,
- (10) South 89°30'24" East 331.84 feet,
- (11) North 83°19'52" East 760.18 feet,
- (12) North 82°09'51" East 646.70 feet,
- (13) North 00°07'14" East 308.41 feet,
- (14) South 89°18'27" East 328.41 feet,
- (15) South 00°07'14" West 500.26 feet,
- (16) North 89°18'27" West 328.41 feet,
- (17) North 00°07'14" East 88.34 feet,
- (18) South 80°12'46" West 472.71 feet,
- (19) South 85°16'37" West 340.12 feet,
- (20) South 85°16'58" West 563.74 feet,
- (21) South 87°33'18" West 317.94 feet,
- (22) North 78°19'42" West 423.05 feet,
- (23) North 67°01'49" West 439.24 feet,
- (24) North 66°40'38" West 427.83 feet,
- (25) North 66°31'32" West 215.30 feet,
- (26) North 69°55'51" West 252.88 feet,
- (27) North 70°44'46" West 153.71 feet,
- (28) North 70°26'42" West 118.83 feet,

- (29) North 75°17'40" West 271.96 feet,
- (30) North 75°27'17" West 234.28 feet, and
- (31) South 17°07'13" West 190.45 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Marks of the Dutchman Slough and the Napa River.

ALSO EXCEPTING THEREFROM any portion lying landward of the Agreed Boundary Line along the south bank of the Dutchman Slough as described in BLA 142 on file at the Sacramento office of the California State Lands Commission.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 2 (2007.00). All distances are grid distances.

PARCEL 2 (PROPOSED ALTERNATE PIPELINE)

A parcel of all that tide and submerged land lying in the beds of the Dutchman Slough and the Napa River, beginning at a point having CCS83, Zone 2 coordinates: Northing (y) = 1806589.13 feet and Easting (x) = 6476680.63 feet, which bears North 22°40'42" West 6060.55 feet from NGS monument PID JT0321 having CCS83, Zone 2 coordinates: Northing (y) = 1800997.16 feet and Easting (x) = 6479017.32 feet; thence from said point of beginning the following twenty four (24) courses:

- (1) North 73°49'44" West 640.21 feet,
- (2) North 12°30'30" East 132.28 feet,
- (3) South 74°40'32" East 788.47 feet,
- (4) South 68°57'48" East 1329.18 feet,
- (5) South 77°52'52" East 484.48 feet,
- (6) South 88°29'50" East 480.51 feet,
- (7) North 85°08'02" East 630.14 feet,
- (8) South 66°57'32" East 246.71 feet,
- (9) South 45°41'55" East 113.40 feet,
- (10) North 54°42'58" East 296.04 feet,
- (11) South 35°51'22" East 500.26 feet,
- (12) South 54°42'58" West 328.41 feet,
- (13) North 79°43'02" West 162.16 feet,
- (14) North 26°39'12" West 297.21 feet,
- (15) North 56°44'50" West 342.31 feet,
- (16) North 82°39'51" West 185.11 feet,
- (17) South 86°13'43" West 224.07 feet,
- (18) South 82°54'45" West 478.53 feet,
- (19) South 89°06'31" West 262.71 feet,
- (20) North 77°21'56" West 437.59 feet,
- (21) North 72°03'32" West 263.88 feet,
- (22) North 70°12'49" West 191.81 feet,

- (23) North 66°26'24" West 760.27 feet, and
- (24) North 77°27'43" West 299.31 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Marks of the Dutchman Slough and the Napa River.

ALSO EXCEPTING THEREFROM any portion lying landward of the Agreed Boundary Line along the south bank of the Dutchman Slough as described in BLA 142 on file at the Sacramento office of the California State Lands Commission.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 2 (2007.00). All distances are grid distances.

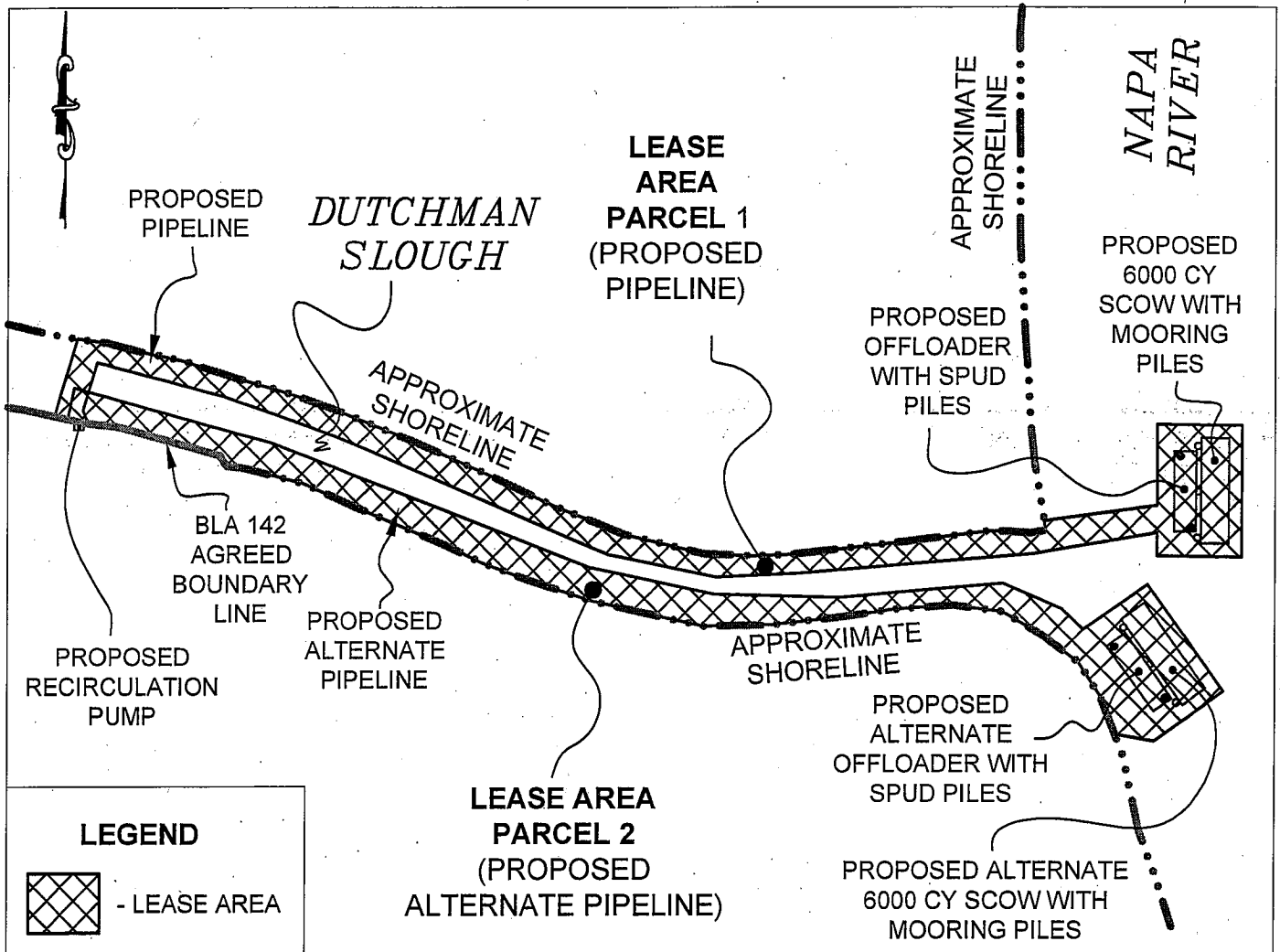
END OF DESCRIPTION

Prepared 05/03/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

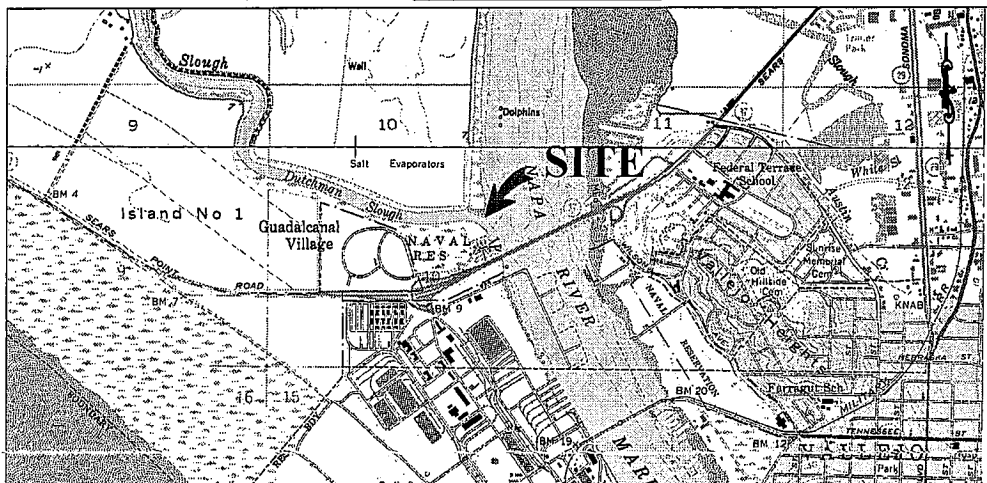
SITE



DUTCHMAN SLOUGH AND NAPA RIVER ADJACENT TO CULLINAN RANCH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8993.9
 US FISH AND
 WILDLIFE SERVICE
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SOLANO 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.