

MINUTE ITEM

This Calendar Item No. 45 was approved as
Minute Item No. 45 by the California State Lands
Commission by a vote of 3 to 0 at its
1-29-99 meeting.

CALENDAR ITEM

45

A	78, 79	01/29/99
		G 10-8.9
S	39, 40	AD 364
		Fossum

**CONSIDER APPROVAL AND EXECUTION OF A TITLE SETTLEMENT
AGREEMENT, INCLUDING THE PROPOSED EXPENDITURE OF PUBLIC TRUST
FUNDS BY THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE ACQUISITION OF
PROPERTY FROM WESTERN SALT COMPANY, INVOLVING LANDS IN AND
ADJACENT TO SOUTH SAN DIEGO BAY, IN THE CITIES OF
CORONADO, IMPERIAL BEACH, NATIONAL CITY, AND SAN DIEGO
SAN DIEGO COUNTY**

PARTIES:

San Diego Unified Port District
PO Box 488
San Diego, CA 92122-0488
Attention: David R. Chapman, Port Attorney

Western Salt Company
7220 Trade Street, Suite 300
San Diego, CA 92121
Attention: Allen M. Jones, Vice President

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Attention: Curtis L. Fossum, Senior Counsel

CURRENT STATUS:

The San Diego Unified Port District (Port) is trustee of tide and submerged lands granted to it by the Legislature by Chapter 67, Statutes of 1962, 1st Executive Session, as amended. The Port desires to expand facilities at Lindbergh Field onto adjacent former Camp Nimitz, Naval Training Center San Diego (NTC) property. As part of the

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Base Relocation and Closure process (BRAC), a twenty-five acre parcel of NTC land is to be transferred from the United States to the Port. In the environmental review process for the base closure, 10 acres of the property was identified as habitat for the endangered California least tern and was proposed to be made subject to a conservation easement to be held by the United States Fish & Wildlife Service (Service) together with a 15 acre buffer surrounding it (see EXHIBIT B). Because of the critical location of the site for use by the Port for needed expansion of the Lindbergh Field facilities, the Port has negotiated with the Service to provide a better location for the terns, through acquisition and enhancement of areas of privately owned or controlled critical habitat in South San Diego Bay.

Through coordination with the State Lands Commission (Commission) staff and with the approval of the Commission, the Port will fund the purchase of approximately 836 acres of private fee owned lands and purchase the final years of a 612± acre lease of state owned lands leased by Western Salt Company. Approximately 722 acres of the 836± acre purchase will be vested in the State of California and held by the Commission subject to the Public Trust for purposes of providing habitat for the California least tern and other wildlife and fish, ecological preservation, habitat restoration and enhancement, open space, and when compatible with the wildlife purposes of the area, for scientific study, public education and wildlife-dependent recreation. The remaining 114± acres of the purchase from Western Salt Company will be vested in the Port subject to the Public Trust and the statutory provisions providing for the Port's operations. The entire 722 acres, together with an additional 1485± acres of state owned Public Trust land is proposed to be leased to the Service for inclusion in the South Bay Unit of the San Diego National Wildlife Refuge. The Refuge is presently in the planning and NEPA review stage. At such time as the Service has completed its environmental processing, the Commission will be asked to implement the above plan by leasing the lands to the Service. The above described lands are shown for reference on EXHIBIT C.

This acquisition will remove most of the shallow water habitat in south San Diego Bay from private control and facilitate the placement of approximately 2200 acres of state owned Public Trust lands within the proposed federal wildlife refuge. This is considered to be one of the largest and most significant wetlands and wildlife habitat protection actions ever undertaken in Southern California.

BIOLOGICAL SIGNIFICANCE:

South San Diego Bay holds a large share of the remaining estuarine wetlands, shallow waters, and other coastal habitats existing on the south coast of California, and

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plays a pivotal role in ecosystem functioning on bioregional scale due its proximity to the Tijuana River National Estuarine Research Reserve. It is of international importance, being a critical link in the Pacific Flyway and providing habitat for hundreds of thousand of migrating shorebirds and wintering waterfowl.

The proposed settlement agreement is an essential part of the creation of the proposed South Bay Unit of the San Diego National Wildlife Refuge. It will allow the protection and enhancement of a number of valuable habitats in South San Diego Bay, including shallow water, eelgrass beds, mudflats, and the unique diked salt pond complex at the bottom end of the bay.

The shallow subtidal areas, intertidal mudflats and eelgrass beds are fertile areas, growing plentiful invertebrates and fishes which in turn provide abundant food for over 50 species of shorebirds and over 20 species of waterfowl. Feeding or resting waterbirds are often observed in congregations of hundreds or even thousands, providing the public with spectacular viewing experiences.

A major element of the proposed transaction involves over a thousand acres of salt ponds. These lands contain shallow impounded ponds, mudflats, dikes, and fringes of salt marsh. The expanses of shallows and flats provide respite from high tide, and more importantly, teem with invertebrates such as brine flies and brine shrimp favored as food items by waterbirds which utilize the salt ponds in huge numbers. The high ground of the dikes is critical nesting habitat for at least nine species of ground-nesting birds, which have found the dikes fortuitous replacements for natural beach habitats, now all but gone due to coastal development and use. The nesting species include the state and federally listed California least tern, the federally listed threatened Western snowy plover, and the Caspian, Forster's, Gull-billed and Royal terns. The salt-ponds in the south bay are one of the only two nesting sites for Elegant terns found within the United States, and they are one of the three primary locations for nesting of the Black skimmer, both of which are considered California Species of Concern. Lastly, the dikes and the narrow fringes of saltmarsh found along their lower slopes are also used for nesting by the state-endangered Belding's savannah sparrow.

The salt-ponds of South San Diego Bay have long been recognized as offering considerable opportunities for habitat restoration or enhancement, particularly for the sensitive ground-nesting species. The proposed transaction will enable the planning and development of appropriate management and land stewardship to protect and expand the valuable habitats of this area.

HISTORICAL BACKGROUND:

The State of California acquired title to the vast majority of the lands which are the subject of this transaction in 1850. On September 9, 1850 California was admitted to the Union and was vested with title to the sovereign tide and submerged (public trust) lands lying in San Diego Bay, as well as other waterways throughout the state. On September 28, 1850 Congress granted all federally owned "swamp and overflowed" lands within California and other western states to the respective states for purposes of reclamation and development. The state sold the swamp and overflowed lands in the subject area in 1869 pursuant to Swamp and Overflowed Surveys 5, 6 and 7 (San Diego County). As a general statement the lands currently being leased to Western Salt by the state are sovereign tide and submerged Public Trust lands and the fee owned lands of Western Salt are primarily swamp and overflowed lands, but also include some federal upland conveyances.

The predecessors of Western Salt began development of the property for salt evaporation operations soon after acquiring the lands. In 1926 and 1940 the Board of State Harbor Commissioners for the Bay of San Diego (created in 1889), entered into leases with Western Salt for the use of hundreds of acres of state owned tide and submerged lands for salt ponds. These leases were subsequently inherited by the Port and Commission pursuant to legislation.

In 1973, the same year as Congress enacted the Federal Endangered Species Act, the California Legislature enacted Chapter 1114, Statutes of 1973 (SB 632 Mills). Chapter 1114 revoked the Legislative grant of lands then under lease from the Port to Western Salt Company. These lands had been granted to the Port by Chapter 1744, Statutes of 1965. Chapter 1114 also mandated the Resources Agency to undertake a study, in cooperation with the State Lands Commission, to determine which state agency should manage the lands. The conclusion of the study issued in January of 1978, was that the Department of Fish and Game should manage the salt ponds for wildlife preservation purposes. It also recommended funding be made available for the department. No funding was forthcoming. During the same period, the Service began an investigation into possible acquisition of several areas of estuarine lands for the protection of endangered species and their habitat (including lands surrounding South San Diego Bay).

Pursuant to a Cooperative Agreement between the Commission and the Service, the Commission staff investigated the historical evidence relating to property interests in South San Diego Bay. Because funding for acquisition of private lands by the Service or management of state lands by the Department of Fish and Game was not obtained, the Commission has continued to manage the state owned lands for the last 25 years.

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Due to the need to maintain the breeding, nesting and foraging habitat values of the salt ponds and the levees, the Commission decided to re-lease the salt ponds in 1984 to Western Salt. This current lease is subject to several conditions, including the reservation of the right to use the lands for scientific study and development of environmental management plans, so long as those uses did not substantially interfere with salt production operations. Additionally the lease requires that Western Salt cooperate and work with the Department of Fish and Game to minimize conflicts with the fish and wildlife values and protect birds during nesting periods.

TITLE SETTLEMENT / ACQUISITION:

Given the needs for both expansion of necessary facilities at Lindbergh Field and the need to find permanent and preferred nesting sites for the endangered California least tern in and adjacent to San Diego Bay, the Port and Service determined a preferred location was expanded nesting sites at the salt ponds in south San Diego Bay. Following months of discussion and negotiations between the Service, Port and Western Salt, the Port and Western Salt entered into a Purchase Agreement dated September 30, 1998 providing for the purchase of Western Salt property interests in South San Diego Bay. The agreement provides for a purchase price with a range of a minimum \$20,000,000 and a maximum \$20,500,000. The purchase of the property was conditioned on the results of several studies and contingencies: appraisals, surveys, title insurance, hazardous material studies, suitability of the property for wildlife habitat mitigation projects, approval of a cooperative agreement with the Service and the approval of the purchase by the Commission.

Two weeks later, on October 14, 1998, the Service and Port entered into a Cooperative Agreement providing for the protection and enhancement of nesting and foraging habitats for the endangered California least tern at the salt ponds in South San Diego Bay as mitigation for the loss of the existing tern colony at Camp Nimitz/NTC. That agreement obligated the Port to acquire Western Salt's fee interests in approximately 800 acres of lands and a 600+ acre leasehold. The agreement also obligated the parties to work with the Commission to implement the mitigation of the NTC site by the addition of the 1400± acres to the proposed South San Diego Unit of the San Diego National Wildlife Refuge and gave the Port certain specific rights for future mitigation within the acquired lands. The Cooperative Agreement additionally provides funding of up to \$900,000 by the Port to the Service, including: \$500,000 Management Endowment for maintenance, biological monitoring and predator control; \$200,000 for development of an holistic habitat restoration plan; \$150,000 for substrate nesting enhancement with sand and shell material; and \$50,000 for foraging habitat enhancement. The Service and Port may also agree to continue the salt operations if it is consistent with operation of the refuge.

The Commission has assisted several of California's major ports in the crucial expansion of shipping trade and transportation facilities by facilitating mitigation projects. The Port of Los Angeles funded acquisition and enhancement of critically needed fish and wildlife habitat at Batiquitos Lagoon in San Diego County and the Ports of Long Beach and Los Angeles have funded additional acquisition and enhancement at Bolsa Chica in Orange County. In each instance the Commission has facilitated the acquisition and enhancement by serving as the trustee of the lands to be purchased and enhanced with Public Trust revenues and held for Public Trust purposes. The Commission has worked cooperatively with federal, state and local jurisdictions as well as public interest groups and the public at large to insure the positive outcome of these important attempts to preserve endangered species and restore thousands of acres of wetlands habitat lost in the last 150 years.

Pursuant to Section 30.5 (c) of Chapter 67, Statutes of 1962, as added by Chapter 399, Statutes of 1996, the Port may not make a capital expenditure in excess of \$1,000,000 outside of the lands granted to it by the Legislature without the approval of the Commission pursuant to Public Resources Code Section 6701, et seq. In order for the Port to spend Public Trust funds for an acquisition of property, the title to the property must also vest as Public Trust lands. The Commission continues to hold title to the majority of Public Trust lands in the bay proper, with the Port serving as the legislative grantee/trustee of lands on the bay's outer edge. The Port in this proposed transaction will acquire 114± acres of lands on the outer edge of the acquisition and the Commission the bayward 722± acres.

Pursuant to the Public Resources Code the Commission may resolve title and boundary problems and exchange interests in lands no longer needed for Public Trust purposes for lands of equal or greater value (Public Resources Code Section 6307). Pursuant to Public Resources Code Sections 8600 et seq. the Commission may accept lands and/or moneys, facilitate mitigation projects, and enter into title settlement agreements. The settlement of title claims between the state and Western Salt is proposed to be facilitated by the acquisition of the majority of Western Salt's holdings in South San Diego Bay.

The parties recognize that, unless the disputes regarding the ownership and boundaries of the subject property are settled by negotiation and compromise, each of them could expend substantial sums of money in litigation of their conflicting claims of ownership or through eminent domain proceedings involving the subject property. The results of such litigation would be uncertain. The parties recognize that is in their best interests and in the best interests of the general public that a compromise agreement be made by way of a title settlement agreement and acquisition.

The staff of the Commission has conducted an extensive study of the area and has reviewed the complex issues of title and boundary questions involved. It has examined historical maps, surveys, aerial photos, hydrological data, and other evidence concerning the area, in an effort to determine the extent and location of the tide and submerged lands boundaries and the respective property rights and claims and associated values attributable to the lands within South San Diego Bay. Historical evidence suggests the existence of some tidal sloughs within the lands sold and patented as swamp and overflowed lands. This evidence has been evaluated by the Commission's staff and used in conjunction with the appraisal to assure that the Public Trust funds being expended are for the value of the privately owned property rights not for lands already subject to the trust. The Commission staff has reviewed appraisals, surveys, title reports, toxics reports and other studies conducted for the acquisition.

As part of the proposed transaction Western Salt will retain their ownership of an approximately 26 acre parcel, currently used as a magnesium chloride pond and two parcels containing office building improvements on sites in Imperial Beach. These parcels has been reviewed by staff for public trust utility. Staff has also reviewed evidence in the historical record as to the parcels' elevations (presently 5 - 15± feet above sea level) and their relationship to the bay proper. This property will be cleared of any claims of title interest by the state as an element of this transaction.

The proposed Agreement provides that:

- (1) Western Salt Company conveys to the State of California, acting by and through the State Lands Commission, its interests in approximately 722 acres of salt ponds, levees, and wildlife habitat lands (as shown on EXHIBIT C as the SALT PONDS PARCEL, NORTHEAST PARCEL and SEVENTH STREET PARCEL), reserving a flowage easement over a portion of those lands.
- (3) Western Salt Company conveys to the San Diego Unified Port District its interests in approximately 114 acres of lands (as shown on EXHIBITS C as the SALT PLANT, POND 20, and FLORENCE STREET PARCELS).
- (4) Western Salt Company will deposit into escrow a quitclaim to the Commission of Lease PRC 175, involving 612 acres more or less of Public Trust lands in South San Diego Bay.

In exchange for such conveyances and covenants by Western Salt Company to to the State of California and the San Diego Unified Port District:

- (1) The State of California, acting by and through the State Lands Commission quitclaims to Western Salt Company any and all right, title and interest of the state in the upland trust termination parcels (as shown on EXHIBIT C as the MAGNESIUM CHLORIDE PARCEL, BAYVIEW INDUSTRIAL PARCEL AND IMPERIAL BEACH PARCEL).
- (2) The State Lands Commission accepts the above described 722± acres, as Public Trust Lands for the benefit of the People of the State California, to be held by the State of California in perpetuity for purposes of ecological preservation, restoration and enhancement, scientific study, open space, fish and wildlife habitat, public education and passive recreation.
- (3) The State Lands Commission will deposit into escrow an acceptance of the quitclaim of Lease PRC 175 from Western Salt Company.
- (4) The San Diego Unified Port District will deposit into escrow \$20,500,000 payable to Western Salt Company.
- (5) The San Diego Unified Port District accepts the 114± acres of lands described above as Public Trust Lands for the benefit of the People of California, to be held by the Port for public trust purposes and subject to the provisions of Chapter 67, Statutes of 1962, 1st Ex. Sess., as amended.

Finally, upon all elements for close of escrow having been met, the escrow officer will record the agreement and the Lease PRC 175 quitclaim and acceptance, and distribute the funds to Western Salt Company. This close of escrow may coincide with the effective lease of the lands under the Commission's jurisdiction within the proposed South San Diego Bay Unit of the San Diego National Wildlife Refuge to the Service.

The Commission staff has reviewed the submittal of information for the proposed expenditure of public trust funds pursuant to Section 30.5 of Chapter 67, Statutes of 1962, 1st Ex. Sess., as amended. and Public Resources Section 6701, et seq. The staff believes the proposed acquisition is consistent with the Public Trust needs in the area and the lands to be held by the Port will be managed consistent with the statutory trust under which the lands entrusted to them are held, that any revenues generated therefrom will be deposited in appropriate trust accounts, that the transaction is in the best interests of the State, and recommends that the Commission consent to the proposed expenditure of Public Trust funds.

EXHIBITS:

- A. Location Map
- B. Camp Nimitz/NTC Site Map
- C. South San Diego Bay Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080. 11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS, AND PUBLIC RESOURCES CODE SECTION 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, PUBLIC RESOURCES CODE SECTION 8600, ET SEQ.

2. FIND THAT PURSUANT TO SECTION 30.5 (C) OF CHAPTER 67, STATUTES OF 1962, 1ST EXEC. SESS., AS ADDED BY CHAPTER 399, STATUTES OF 1996, THE PROPOSED EXPENDITURE BY THE SAN DIEGO UNIFIED PORT DISTRICT OF \$20,500,000 OF PUBLIC TRUST FUNDS FOR THE ACQUISITION OF CERTAIN PROPERTY FROM WESTERN SALT COMPANY PURSUANT TO THE TERMS OF THE PURCHASE AGREEMENT ENTERED INTO ON SEPTEMBER 30, 1998 AND THE TERMS OF THE HEREIN AUTHORIZED TITLE SETTLEMENT AGREEMENT:
 - A: IS IN ACCORDANCE WITH THE TERMS OF CHAPTER 67, STATUTES OF 1962, 1ST EXECUTIVE SESSION, AS AMENDED.

 - B. FUNDS AUTHORIZED TO BE SPENT OR HEREAFTER GENERATED ON LANDS ACQUIRED SHALL BE PLACED IN A FUND OR FUNDS EXPENDABLE ONLY FOR STATEWIDE PURPOSES, CONSISTENT WITH THE LEGISLATIVE PROVISIONS UNDER WHICH THE LANDS ARE HELD.

 - C. THAT THE PURCHASE AGREEMENT AND TITLE SETTLEMENT AGREEMENT ARE IN THE BEST INTERESTS OF THE STATE.

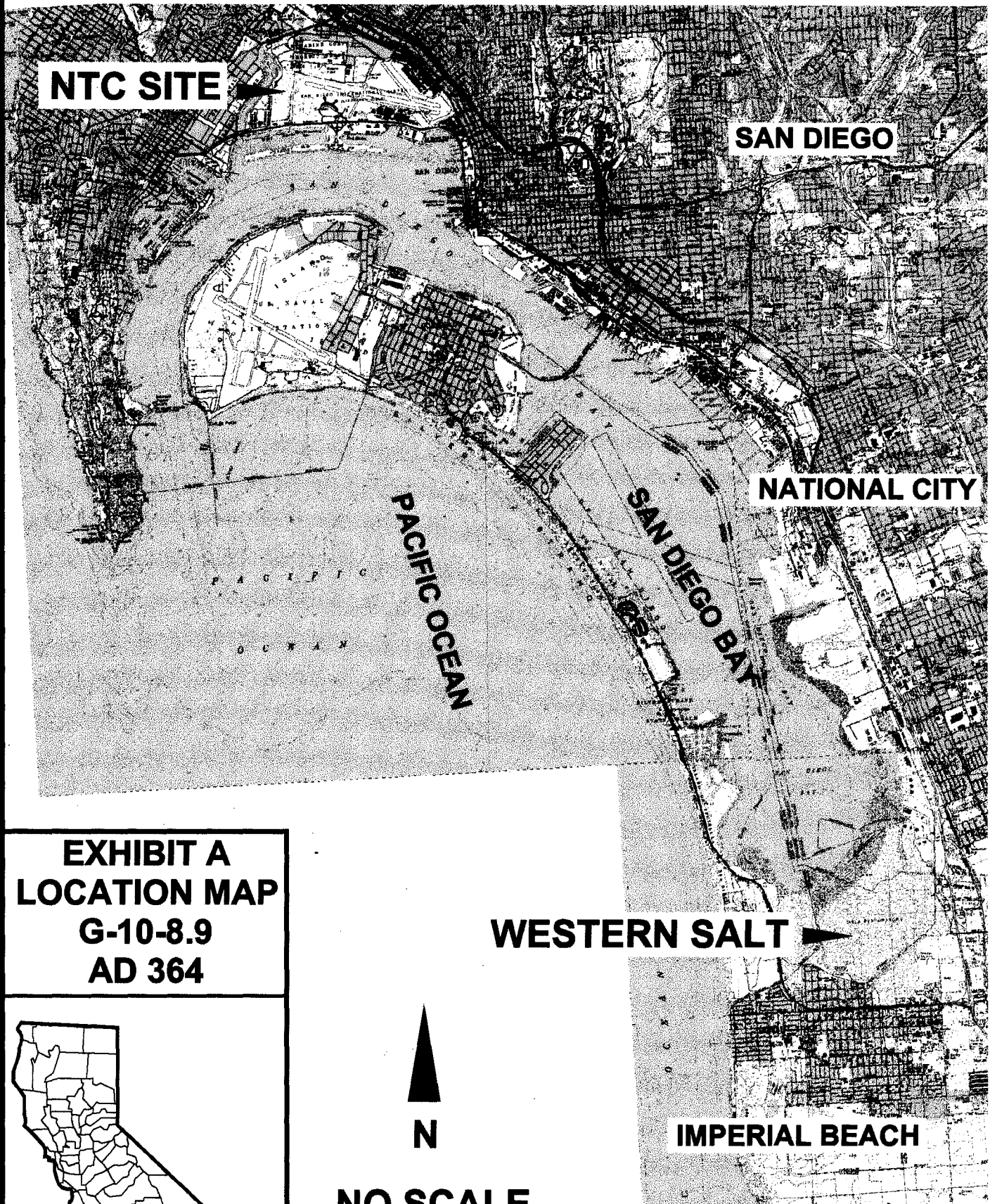
3. FIND THAT, WITH RESPECT TO THE PROPOSED TITLE SETTLEMENT AGREEMENT, INCLUDING THE EXCHANGE OF THE STATE'S INTEREST WITHIN THE AREA DESIGNATED THE MAGNESIUM CHLORIDE PARCEL, BAYVIEW INDUSTRIAL PARCEL AND THE IMPERIAL BEACH PARCEL, AND

THE PAYMENT OF \$20,500,000 OF PUBLIC TRUST FUNDS BY THE PORT OF SAN DIEGO TO WESTERN SALT COMPANY FOR ALL WESTERN SALT COMPANY'S BUSINESS ON AND INTEREST IN THE LANDS DESIGNATED THE SALT POND PARCEL, NORTHEAST PARCEL AND 7TH STREET PARCEL TO BE CONVEYED TO THE STATE AND LANDS DESIGNATED THE SALT PLANT PARCEL, POND 20 PARCEL AND THE FLORENCE STREET PARCEL TO BE CONVEYED TO THE PORT OF SAN DIEGO:

- A. THE AGREEMENT IS IN THE BEST INTERESTS OF THE STATE AND CONSISTENT WITH PUBLIC TRUST NEEDS.
- B. THAT THE LANDS AND INTERESTS TO BE CONVEYED TO THE STATE AND TO THE PORT OF SAN DIEGO, AS TRUSTEE OF THE STATE, AS DESCRIBED ABOVE, ARE EQUAL TO, OR GREATER THAN, THE VALUE OF ANY STATE INTEREST IN THE LANDS TO BE QUITCLAIMED BY THE STATE TO WESTERN SALT PLUS THE PURCHASE PRICE OF \$20,500,000 BEING PAID BY THE PORT.
- C. THE AREAS OF INTERESTS IN LANDS BEING RELINQUISHED BY THE STATE, WHICH COLLECTIVELY ARE A RELATIVELY SMALL AREA (APPROXIMATELY 27 ACRES OF THE 836± ACRES INVOLVED), HAVE BEEN EVALUATED AS TO THE HISTORICAL EVIDENCE OF THEIR PHYSICAL AND LEGAL CHARACTER, HAVE BEEN EVALUATED AS TO THEIR CURRENT PHYSICAL CHARACTER AND TRUST UTILITY; THOSE LANDS LYING BELOW THE 10 FOOT ELEVATION IN THE MAGNESIUM CHLORIDE PARCEL HAVE BEEN DIKED OR RECLAIMED FROM PATENTED SWAMP AND OVERFLOWED LANDS FOR OVER 100 YEARS, AND HAVE BEEN EXCLUDED FROM THE PUBLIC CHANNELS, AND ALL LANDS IN TO BE QUITCLAIMED TO WESTERN SALT ARE NO LONGER, IF THEY EVER WERE, TIDE OR SUBMERGED LANDS AND ARE NOT AVAILABLE OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION OR FISHING.
- D. THE CONVEYANCES PROPOSED BY THE AGREEMENT WILL NOT INTERFERE WITH BUT RATHER ENHANCE THE PUBLIC'S RIGHTS IN AND TO THE BAY OF SAN DIEGO.
- E. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE AS TO THEIR RESPECTIVE INTERESTS AND CLAIMS WITHIN THE AGREEMENT AREA.
- F. THE PROPOSED SETTLEMENT AGREEMENT CONSTITUTES A

COMPROMISE OF THE CONTESTED ISSUES OF LAW AND FACT UPON WHICH THE DISPUTE IS BASED.

- G. THE AGREEMENT IS IN LIEU OF THE COSTS, DELAYS, AND UNCERTAINTIES OF TITLE LITIGATION, AND IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW.
 - H. ON THE DATE PROVIDED FOR IN THE TITLE SETTLEMENT AGREEMENT AND CONSISTENT WITH ITS TERMS, THE TRUST TERMINATION PARCELS WILL BE FOUND TO NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND ANY CLAIM OF PUBLIC TRUST EASEMENT OR STATE SOVEREIGN TITLE THEREIN WILL BE TERMINATED.
4. FIND THAT THE LANDS TO BE CONVEYED TO THE STATE ARE TO BE ACCEPTED AS PUBLIC TRUST LANDS FOR THE BENEFIT OF THE PEOPLE OF THE STATE OF CALIFORNIA, TO BE HELD BY THE STATE OF CALIFORNIA IN PERPETUITY FOR PURPOSES OF: PROVIDING HABITAT FOR THE CALIFORNIA LEAST TERN AND OTHER WILDLIFE AND FISH, ECOLOGICAL PRESERVATION, HABITAT RESTORATION AND ENHANCEMENT, OPEN SPACE, AND WHEN COMPATIBLE WITH THE WILDLIFE PURPOSES OF THE AREA, FOR SCIENTIFIC STUDY, PUBLIC EDUCATION AND WILDLIFE-DEPENDENT RECREATION; AND THE LANDS TO BE CONVEYED TO THE PORT ARE TO BE HELD BY THE PORT AS PUBLIC TRUST LANDS, SUBJECT TO CHAPTER 67, STATUTES OF 1962, 1ST EX. SESS., AS AMENDED)
5. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT, AND RECORDATION OF THE WESTERN SALT TITLE SETTLEMENT AGREEMENT, ON BEHALF OF THE CALIFORNIA STATE LANDS COMMISSION, IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.
5. AUTHORIZE AND DIRECT THE STAFF OF THE CALIFORNIA STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE CALIFORNIA STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AND PAYMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.



**EXHIBIT A
LOCATION MAP
G-10-8.9
AD 364**



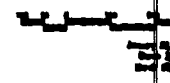
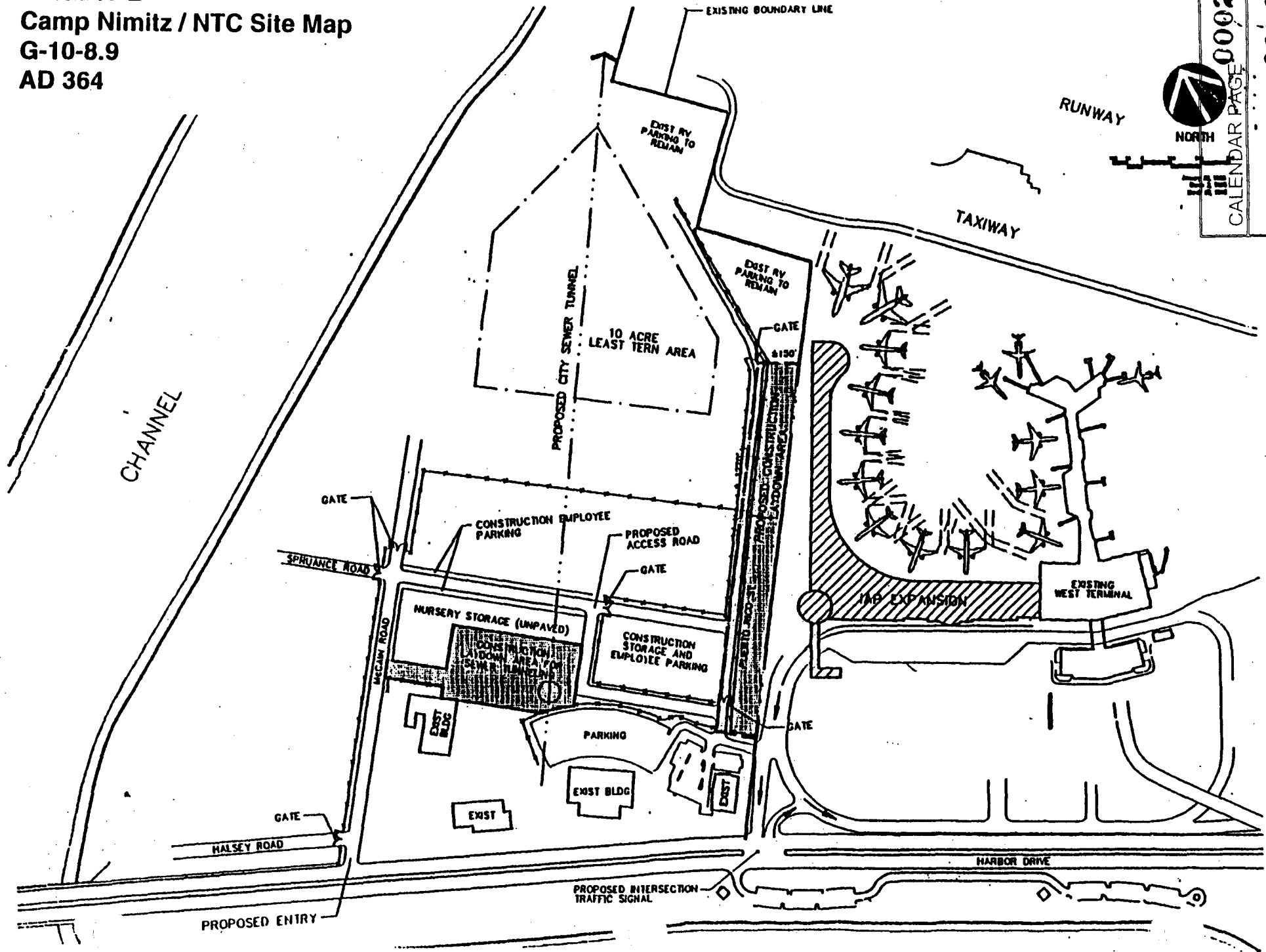
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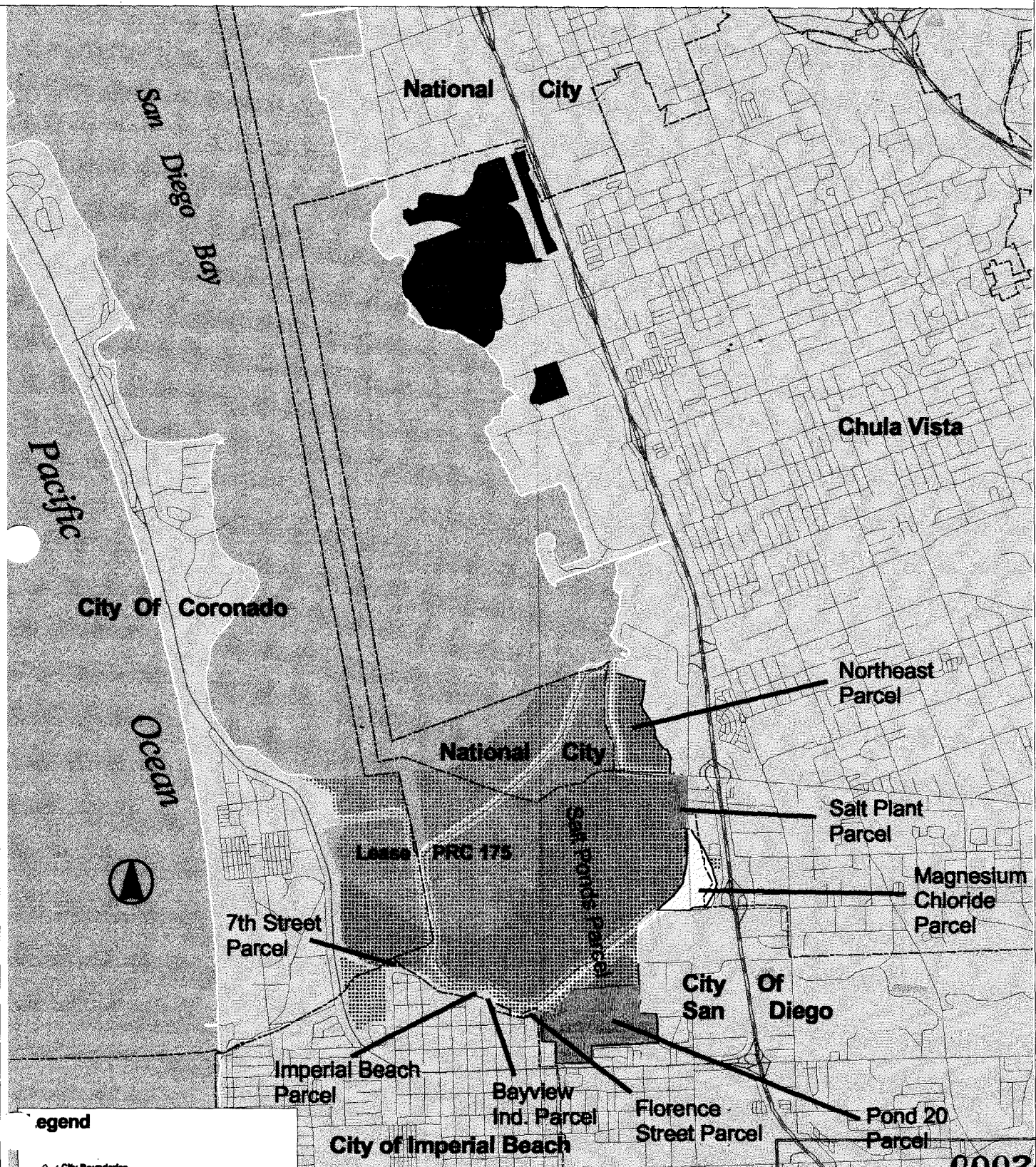
EXHIBIT B
Camp Nimitz / NTC Site Map
G-10-8.9
AD 364



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Exhibit C South San Diego Bay



Legend

- City Boundaries
- Sweetwater Marsh MWR
- Western Salt Co to Port of San Diego
- Western Salt Co
- Western Salt Co to State of Ca.
- Lease PRC 175
- Water
- City_slo



Not To Scale

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