

MINUTE ITEM

This Calendar Item No. 73 was approved as
Minute Item No. 73 by the California State Lands
Commission by a vote of 3 to 0 at its
4/13/99 meeting.

**CALENDAR ITEM
73**

A 78
S 39

04/13/99
PRC 8075 W 25024
J. Smith
C. Fossum

GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

United States Fish and Wildlife Service
Department of the Interior
2730 Loker Avenue West
Carlsbad, California 92008

AREA, LAND TYPE, AND LOCATION:

2,209 acres, more or less, of sovereign tide and submerged/public trust lands in South San Diego Bay, cities of San Diego, Coronado, Imperial Beach, National City, and Chula Vista, San Diego County.

AUTHORIZED USE:

Creation and continued maintenance of the South San Diego Bay Unit of the San Diego National Wildlife Refuge to be managed as part of the National Wildlife Refuge System.

BACKGROUND:

The United States Fish and Wildlife Service (Service) is proposing to establish a unit of the National Wildlife Refuge System in South San Diego Bay. The refuge, as proposed, is to include several thousand acres of bay and wetlands habitat, nearly half of which is under the jurisdiction of the State Lands Commission. Three distinct areas of lands controlled by the Commission are involved:

- 1) The first area comprises approximately 722 acres of lands (shown as Parcels B-1 through B-3 on Exhibit A). These lands were formerly owned in fee by the Western Salt Company. Pursuant to a title settlement agreement between the Commission, the San Diego Unified Port District (District) and Western Salt Company, authorized by the Commission on January 29, 1999 as Minute Item 45, the District funded the purchase of Western Salt Company's private fee

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owned lands. On April 1, 1999 the Commission took title to 722 of those acres and the District the remaining 114 acres.

- 2) The second area (Parcel B-4 on Exhibit A) is approximately 612 acres of salt ponds, marsh and mudflat formerly leased to Western Salt in Lease No. PRC 175.1. Pursuant to Minute Item 32, the Commission authorized acceptance of a lease quitclaim deed from the Western Salt Company for the termination of Lease No. PRC 175.1. These lands were quitclaimed back to the Commission on April 1, 1999.
- 3) The third area (Parcel B-5 on Exhibit B) is approximately 875 acres of submerged bay lands lying easterly of the Coronado Cays navigation channel and westerly of the Chula Vista navigational channel. This constitutes the bulk of the remaining public trust lands under the Commission's jurisdiction within South San Diego Bay.

These three areas include shallow sub-tidal areas, inter-tidal mudflats and eelgrass beds as well as the salt ponds. The salt ponds contain shallow impounded waters, mudflats, dikes and fringes of salt marsh. In the upper two-thirds of San Diego Bay over 90% of the shallow submerged lands, inter-tidal mudflats and salt marshes have been eliminated. In the south third of the Bay only 39% of the original inter-tidal mudflats and almost no salt marsh remain. Hundreds of thousands of migrating shorebirds, seabirds and wintering waterfowl depend on the South Bay as crucial habitat for feeding, resting and nesting. In addition the bay is home to nearly 300 species of invertebrates, 22 fish species and two marine mammals (the Pacific bottle-nosed dolphin and California sea lion).

The refuge not only will preserve habitat for several species listed and protected under the Endangered Species Act, but is considered an essential element in the objective of protecting and enhancing those species potential for survival and the ultimate goal of restoring their populations to self-sustaining levels. These species include:

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ENDANGERED

CALIFORNIA LEAST TERN
LIGHT-FOOTED CLAPPER RAIL
PEREGRINE FALCON
BROWN PELICAN
SALT MARSH BIRD'S BEAK (PLANT)

THREATENED

WESTERN SNOWY PLOVER
BALD EAGLE
GREEN SEA TURTLE

STATE ENDANGERED

BELDING'S SAVANNAH SPARROW

Additional species of concern include:

ELEGANT TERN
ROYAL TERN
CASPIAN TERN
GULL-BILLED TERN
BLACK SKIMMER

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. The establishment of this federal wildlife refuge is considered to be one of the largest and most significant wetland and wildlife habitat protection efforts ever undertaken in Southern California.

LEASE TERM:

49 years, beginning May 1, 1999; with a provision that the lease will automatically be extended to 66 years should the Commission's regulations be amended to accommodate a longer lease term.

CONSIDERATION:

The public use and benefit; with the State reserving the right to share in any income from the property in excess of operation and maintenance costs of the service for the refuge on the leased land.

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SPECIFIC LEASE PROVISIONS:

Lessee will provide a Management Plan for review by the Commission staff within 36 months of the effective date of the lease. Such plan will detail lessee's proposed management and improvement plans for the refuge and include a public access component. The plan and future projects implementing the plan will be prepared in compliance with applicable state and federal requirements, including but not limited to, the National Environmental Policy Act (NEPA), the Coastal Zone Management Act and the California Coastal Act.

Pursuant to the Cooperative Agreement between the District and Service dated October 14, 1998, the District may implement restoration projects within the proposed refuge to create mitigation credits to offset future projects on District property. The sovereign lands to be included in the lease for the wildlife refuge may be made available to the District for such restoration projects.

The District and the Service have agreed that salt production may continue on the leased lands through December 31, 2004. Salt production may be continued after 2004, so long as its primary benefit is to maintain or enhance habitat values in the wildlife refuge.

OTHER PERTINENT INFORMATION:

1. A Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the U. S. Fish and Wildlife Service. The document was circulated for public review as broadly as state and local law may require and notice was given meeting the standards in Title 14, California Code of Regulations, section 15072(a). Therefore, pursuant to Title 14, California Code of Regulations, sections 15221 and 15225, the staff recommends the use of the federal FONSI in place of a Negative Declaration.
2. 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.

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3. Authority for establishment of the refuge is pursuant to the Fish and Wildlife Act of 1956 (16 USC 742a-742j); the Endangered Species Act of 1973 (16 USC 1531-1543); the Migratory Bird Conservation Act of 1929 (16 USC 715-715r); the Emergency Wetlands Resources Act of 1986 (PL 99-645) and the laws listed in the succeeding paragraph.
4. The South San Diego Bay Unit, San Diego National Wildlife Refuge would be managed as part of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Act of 1966, Refuge Recreation Act of 1962, Executive Order 12996 (Management and General Public Use of the National Wildlife Refuge System), the National Wildlife Refuge System Improvement Act of 1997, and other applicable laws.
5. This item recommends that the Commission authorize the issuance of a Public Agency Lease to the United States Fish and Wildlife Service that will include the 612 acres, more or less, of sovereign tide and submerged lands included in former Lease No. PRC 175.1, the 722 acres, more or less, acquired from Western Salt by the Commission and now held as sovereign lands, and the 875 acres, more or less, of additional, previously unencumbered, sovereign lands in South San Diego Bay.

EXHIBITS:

- A. Location Map.
- B-1 -- B-5 . Land Description
- C. Finding of No Significant Impact Report

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT, PREPARED AND ADOPTED FOR THIS PROJECT BY THE U. S. FISH AND WILDLIFE SERVICE,

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MEETS THE REQUIREMENTS OF THE CEQA. THEREFORE, PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15221 AND 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.

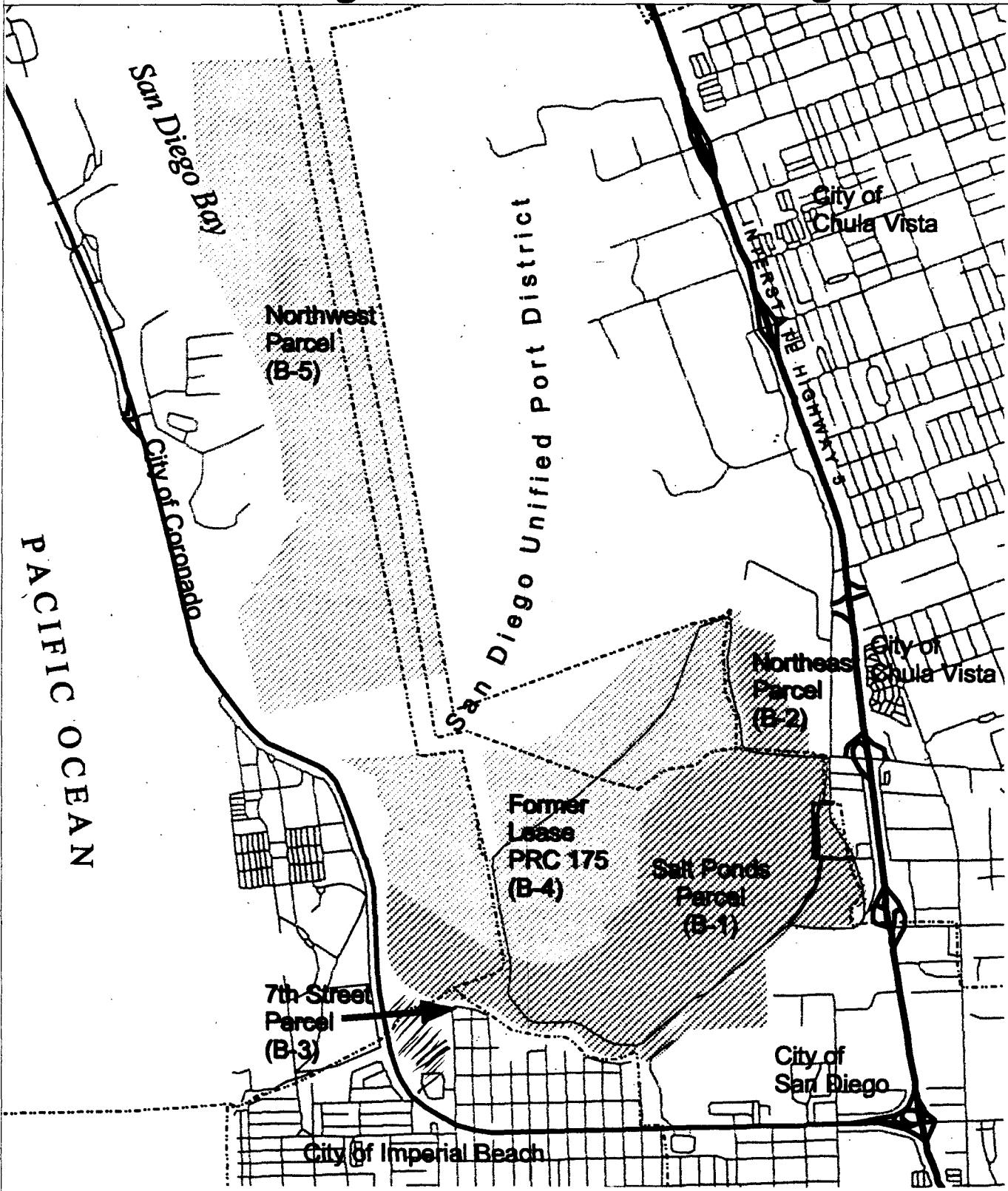
SIGNIFICANT LANDS INVENTORY FINDING:





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 ISSUANCE OF A GENERAL LEASE - PUBLIC AGENCY USE TO THE UNITED STATES FISH AND WILDLIFE SERVICE, BEGINNING MAY 1, 1999, FOR A TERM OF 49 YEARS WITH A PROVISION TO AUTOMATICALLY EXTEND THE LEASE TO 66 YEARS SHOULD THE COMMISSION'S REGULATIONS BE AMENDED TO ACCOMMODATE A LONGER LEASE TERM, FOR CREATION AND CONTINUED MAINTENANCE OF THE SOUTH SAN DIEGO BAY UNIT OF THE SAN DIEGO NATIONAL WILDLIFE REFUGE TO BE MANAGED AS PART OF THE NATIONAL WILDLIFE REFUGE SYSTEM ON THE LANDS DESCRIBED IN EXHIBIT B; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT TO SHARE IN ANY INCOME FROM THE PROPERTY IN EXCESS OF OPERATION AND MAINTENANCE COSTS OF THE SERVICE FOR THE REFUGE ON THE LEASED LAND.

Proposed South San Diego Bay Unit, San Diego National Wildlife Refuge



-  City Limits (1990 Census)
-  Western Salt Co to State of California (AD 364)
-  Proposed State Lands Commission Lease
-  Water



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Note: This map is subject to change and does not depict property boundaries of any state-owned lands.

EXHIBIT B-1

(SALT PONDS PARCEL)

Those portions of Sections 16, 17, 19, 20, and 21, Township 18 South 2 Range West San Bernardino Meridian and a portion of Rancho Peninsula of San Diego in the County of San Diego, State of California described as follows:

BEGINNING at the Southwest corner of Parcel Map No. 16887 Recorded June 26, 1992 as File No. 92-0400010 Official Records; thence along the Southerly boundary thereof South $82^{\circ}59'40''$ East, 1156.26 feet; thence leaving said Southerly boundary South $06^{\circ}47'08''$ West, 1371.58 feet; thence South $81^{\circ}32'22''$ East, 363.54 feet; thence South $76^{\circ}20'07''$ East, 224.05 feet to the Westerly line of the San Diego and Arizona Eastern Railway right-of-way; thence along said Westerly line South $02^{\circ}43'45''$ West, 737.75 feet; thence North $87^{\circ}51'01''$ West, 30.00 feet; thence South $02^{\circ}43'45''$ West, 299.59 feet to the beginning of a curve concave to the Northwest having a radius of 905.36 feet; thence Southwesterly 771.45 feet along said curve through a central angle of $48^{\circ}49'17''$; thence South $51^{\circ}33'02''$ West, 1114.98 feet to the Easterly line of the Southwest Quarter of the Northwest Quarter of Section 21, Township 18 South, Range 2 West; thence leaving said right-of-way line and along said Easterly line of the Southwest Quarter of the Northwest Quarter and the Easterly line of the Northwest Quarter of the Southwest Quarter of said Section 21 South $00^{\circ}53'26''$ West, 1741.82 feet; thence leaving said Easterly line North $87^{\circ}27'05''$ West, 1501.38 feet; thence South $51^{\circ}58'22''$ West, 875.07 feet; thence South $70^{\circ}54'23''$ West, 487.21 feet to a point on the Southerly line of the Northeast quarter of the Southeast quarter of said Section 20; thence along said Southerly line North $89^{\circ}20'49''$ West, 30.00 feet to the Southwest corner thereof; thence along the Easterly line of the Northwest quarter of the Southeast quarter of said Section 20 North $00^{\circ}38'17''$ East, 182.87 feet to a point on the Southerly line of said San Diego and Arizona Eastern Railway right-of-way, said point being on curve concave Northerly having a radius of 997.95 feet to which point a radial bears South $24^{\circ}34'36''$ East; thence Westerly 434.13 feet along said curve through a central angle of $24^{\circ}55'29''$; thence South $00^{\circ}37'24''$ West 87.74 feet to the Southerly line of said Northwest Quarter of the Southeast Quarter of said Section 20; thence along said Southerly line North $89^{\circ}20'57''$ West, 310.01 feet to the Easterly line of Boulevard Avenue; thence along the Northeasterly and Northerly line of said Boulevard Avenue North $00^{\circ}39'33''$ East, 19.98 feet to the Beginning of a curve concave to the Southwest having a radius of 188.95 feet; thence Northwesterly 228.66 feet through a central angle of $69^{\circ}20'13''$; thence non-tangent to said curve North $63^{\circ}43'50''$ West, 89.24 feet to the beginning of a non-tangent curve concave to the Northeast having a radius of 515.00 feet to which beginning a radial bears South $31^{\circ}16'00''$ West; thence Northwesterly 239.91 feet along said curve through a central angle of $26^{\circ}41'28''$; thence North $32^{\circ}02'36''$ West, 136.54 feet to the beginning of a curve concave to the Southwest having a radius of

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430.00 feet; thence Northwesterly 105.61 feet along said curve through a central angle of 14°04'18"; thence leaving said Boulevard Avenue North 12°49'10" West, 82.36 feet; thence North 46°43'16" West, 48.12 feet; thence North 59°05'57" West, 35.16 feet; thence North 87°13'49" West, 190.37 feet to a point on the Northerly prolongation of the centerline of 11th Street; thence South 81°44'27" West, 165.49 feet; thence South 87°12'38" West, 152.38 feet; thence South 70°45'03" West, 68.03 feet to the Northerly prolongation of the centerline of 10th Street; thence along said Northerly prolongation South 00°40'35" West, 6.52 feet to said Northerly line of Boulevard Avenue, being a point on a curve concave to the North having a radius of 320.00 feet, a radial to said point bears South 07°23'36" East; thence Westerly along said curve and said Northerly line of Boulevard Avenue 161.63 feet through a central angle of 28°56'22" to the beginning of a reverse curve concave Southerly having a radius of 620.00 feet to which beginning a radial bears North 22°34'50" East; thence Westerly 216.97 feet along said curve through a central angle of 20°03'02" to the beginning of a non-tangent curve concave to the South having a radius of 730.00 feet to which beginning a radial bears North 19°35'25" East; thence Westerly 363.59 feet along said curve through a central angle of 28°32'14" to the beginning of a non-tangent curve concave to the Northeast having a radius of 470.00 feet to which beginning a radial bears South 45°40'55" West; thence Northwesterly 239.66 feet along said curve through a central angle of 29°12'57" to the beginning of a reverse curve concave to the Southwest having a radius of 305.00 feet to which beginning a radial bears North 74°53'52" East; thence Northwesterly 355.17 feet along said curve through a central angle of 66°43'17" to the beginning of a non-tangent curve concave to the Southwest having a radius of 1466.19 feet to which beginning a radial bears North 31°09'28" East; thence Northwesterly 265.46 feet along said curve through a central angle of 10°22'26"; thence North 69°12'58" West, 96.16 feet to the beginning of a curve concave to the South having a radius of 762.41 feet; thence Westerly 321.58 feet along said curve through a central angle of 24°10'00" to the beginning of a compound curve concave to the Southeast having a radius of 524.06 feet to which beginning of compound curve a radial bears North 03°22'58" West; thence Southwesterly 107.17 feet along said curve through a central angle of 11°43'02" to an intersection with the Northerly line of the San Diego and Arizona Eastern Railroad right-of-way, said intersection being a point on a curve concave to the North having a radius of 1214.44 feet to which point a radial line bears South 02°43'36" East; thence leaving said Northerly line of Boulevard Avenue and along said Northerly right-of-way line Westerly 212.92 feet along said curve through a central angle of 10°02'43" to the Southeasterly line of Rancho Peninsula of San Diego; thence leaving said right-of-way line and along said Southeasterly line of Rancho Peninsula South 50°01'08" West, 60.33 feet to the Southerly line of said San Diego and Arizona Eastern Railroad right-of-way, being a point on a curve concave to the North having a radius of 1259.44 feet, to which point a radial line bears South 09°10'49" West; thence Easterly 6.18 feet along said curve and said Southerly right-of-way line through a central angle of 00°16'52" to the Easterly line of Section 19, Township 18 South, Range 2 West as shown on Record of Survey No.

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12442 recorded in the Office of the County Recorder of San Diego County December 14, 1989 as File No. 89-677077; thence along said Westerly line South 00°37'06" West, 1324.55 feet to the Southeast corner of said Record of Survey No. 12442; thence along the Southerly, Southeasterly, Westerly and Northwesterly lines thereof North 89°25'33" West, 381.44 feet; thence South 48°22'41" West, 270.92 feet; thence South 64°01'41" West 103.04 feet; thence North 89°24'27" West, 60.02 feet; thence North 17°15'37" West, 239.36 feet; thence North 89°21'16" West 55.42 feet to a point on the Easterly line of California State Highway No. 75 (XI SD 75), said point being on a curve concave to the Northeast having a radius of 2161.00 feet, to which point a radial bears South 65°16'57" West; thence Northerly 505.86 feet along said curve and Easterly line of California State Highway No. 75 through a central angle of 13°24'44" to the Southeasterly line of said Rancho Peninsula of San Diego; thence leaving said Easterly line of Highway 75 and along said Southeasterly line of Rancho Peninsula North 69°02'08" East, 57.67 feet; thence North 50°01'08" East, 89.77 feet; thence leaving said Southeasterly line and the Northwesterly line of Record of Survey No. 12442 North 25°33'45" West, 165.18 feet; thence North 13°18'55" West, 227.06 feet; thence North 35°05'50" West, 94.54 feet to the Easterly line of said California State Highway No. 75 (XI SD 75); thence along said Easterly line North 04°12'33" West, 841.35 feet to a point in the lands condemned in that certain action in the United States District Court of the United States, in and for the Southern District of California Southern Division, entitled "United States of America Plaintiff vs. J.D. and A.B. Spreckels Company, a Corporation et al Defendants, Civil Case No. 202", a certified copy of the decree on declaration of taking having been recorded October 23, 1942 in book 1422, page 230 of official records in the Office of the County Recorder of San Diego County; thence leaving said Easterly line of Highway No. 75 and along the East line of said lands condemned North 04°44'58" East, 207.58 feet; thence North 13°08'24" East, 187.50 feet; thence North 01°02'10" West, 253.87 feet; thence North 01°11'26" East, 732.31 feet; thence North 13°51'03" East, 113.64 feet; thence North 03°15'39" East, 195.05 feet; thence North 12°02'33" West, 171.22 feet; thence North 44°41'24" East, 211.81 feet to a line shown on Miscellaneous Map No. 79 recorded in the Office of the County Recorder of San Diego County December 15, 1926 as File No. 76218 and Miscellaneous Map No. 149 recorded September 11, 1940 as File No. 45492, said line is referred to as "mean high tide line of San Diego Bay"; thence along said line South 40°09'24" East, 52.75 feet; thence South 23°51'47" East, 103.27 feet; thence South 42°00'46" East, 81.10 feet; thence North 68°28'12" East, 55.60 feet; thence South 50°10'46" East, 287.29 feet; thence South 50°13'46" East, 1275.30 feet; thence South 68°47'46" East, 1300.00 feet; thence South 88°47'46" East, 730.00 feet; thence North 61°12'14" East, 1000.00 feet; thence North 22°47'46" West, 200.00 feet; thence North 58°12'14" East, 850.00 feet; thence North 06°23'14" East, 1740.00 feet; thence North 44°12'14" East, 1170.00 feet; thence North 82°12'14" East, 530.00 feet; thence North 61°12'14" East, 770.00 feet; thence South 84°31'46" East, 300.00 feet; thence North 03°45'47" East, 44.04 feet to the POINT OF BEGINNING.

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EXCEPTING therefrom, all of those lands lying within the San Diego and Arizona Railroad right-of-way as laid out and constructed and also those areas described in those deeds recorded in the Official Records of San Diego County as follows:

- 1) on December 6, 1887, in Book 108, Page 234 of Deeds
- 2) on June 12, 1888, in Book 130, Page 155 of Deeds
- 3) on August 17, 1889, in Book 153, Page 120 of Deeds
- 4) on September 12, 1891, in Book 191, Page 28 of Deeds
- 5) on December 28, 1894, in Book 234, Page 23 of Deeds

ALSO EXCEPTING therefrom, that portion of the southwest quarter of the northwest quarter of Section 21, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, described as follows:

BEGINNING at the intersection of the easterly line of said southwest quarter of the northwest quarter with the southeasterly line of the San Diego and Arizona Eastern railway right-of-way; thence along said easterly line South $00^{\circ}52'58''$ West 64.65 feet to a line parallel with and 50.00 feet southeasterly of said southeasterly line; thence along said parallel line South $51^{\circ}32'34''$ West 750.00 feet; thence leaving said parallel line South $64^{\circ}59'45''$ West 215.91 feet to the southeasterly line of said San Diego and Arizona Eastern railway right-of-way; thence along said southeasterly line North $51^{\circ}32'34''$ East 1000.00 feet to the POINT OF BEGINNING (containing 1.004 acres, more or less).

This page amended April 12, 1999

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EXHIBIT B - 1.1

(RAILROAD RIGHT OF WAY PARCELS)

All those lands lying within the perimeter of the lands described in EXHIBIT B-1, hereto, which also lie either within the San Diego and Arizona Railroad right-of-way, as laid out and constructed or within those areas described in those certain deeds recorded in the Official Records of San Diego County as follows:

- 1) on December 6, 1887, in Book 108, Page 234 of Deeds
- 2) on June 12, 1888, in Book 130, Page 155 of Deeds
- 3) on August 17, 1889, in Book 153, Page 120 of Deeds
- 4) on September 12, 1891, in Book 191, Page 28 of Deeds
- 5) on December 28, 1894, in Book 234, Page 23 of Deeds

(EXHIBIT B-1.1 PULLED ON 04-07-99)

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EXHIBIT B-2

(NORTHEAST PARCEL)

Parcel 1 of Parcel Map No. 16887, in the City of Chula Vista, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County June 26, 1992 as File No. 1992-0400010 of Official Records.

Prepared by:

NOLTE Associates, Inc.

Ronald C. Parker 3-25-99
Ronald C. Parker LS 4312 Date



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EXHIBIT B-2.1

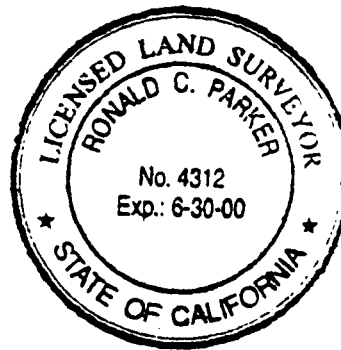
(30 FOOT EASEMENT PARCEL)

Those interests in lands, rights and obligations as provided in that THIRTY FOOT (30') ACCESS EASEMENT AND MAINTENANCE AGREEMENT, as described in that document recorded September 24, 1996 as file No. 1996-0484279 in the Office of the County Recorder of San Diego County, California.

Prepared by:

NOLTE Associates, Inc.

Ronald C. Parker 3-25-99
Ronald C. Parker LS 4312 Date



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EXHIBIT B-3

(SEVENTH STREET PARCEL)

Lot 1 in Block 70 of South San Diego Company's addition to South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to the Map thereof No. 497, filed in the Office of the County Recorder of said San Diego County October 4, 1887.

Together with the Westerly 10 feet of Seventh Street, adjoining said Lot 1 on the East, as vacated by Resolution No. 1439 of the City Council of the City of Imperial Beach recorded November 4, 1968 as File No. 193024 of Official Records.

Prepared by:

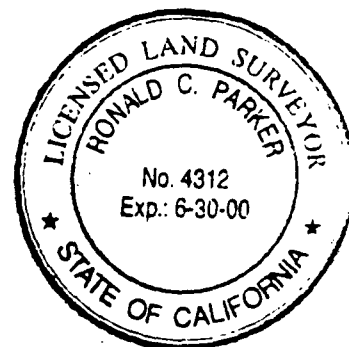
NOLTE Associates, Inc.

Ronald C. Parker

3-25-99

Ronald C. Parker LS 4312

Date



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Sixteen parcels of tide and submerged land in the south end of the Bay of San Diego, San Diego County, California, described as follows:

PARCEL NO. 1:

That certain piece or parcel of land shown on the official map as Parcel No. 1, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79, filed in the Office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

All of that certain portion of tidelands situated at the south end of the Bay of San Diego, in the County of San Diego, State of California and more particularly bounded and described as follows:

Beginning at a 4x4 stake at the center of Quarter Section 169, Rancho de la Nacion, thence South 70° 34' West along the center line of said Quarter Section, 542.8 feet to a point on the mean high tide line of San Diego Bay; thence South 8° 19' West along said mean high tide line 45.2 feet to a point on the southerly limits of the City of Chula Vista; thence South 70° 34' West along said southerly city limits extended, 945.95 feet; thence South 23° 55' West, 1882 feet; thence South 42° 38' West 419.7 feet to the TRUE POINT OF BEGINNING of said Parcel 1; thence North 41° 26' West, 1191 feet; thence South 48° 34' West 1426 feet; thence South 41° 26' East 1290 feet; thence North 47° 17' East 621.4 feet; thence North 42° 38' East 809.2 feet to the true point of beginning, containing 39.9 acres, and marked "Parcel No. 1" as shown on Miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 2:

That certain piece or parcel of land shown on the official map as Parcel No. 2, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79, filed in the office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

All of that certain portion of tidelands situated at the South end of the Bay of San Diego, in the County of San Diego, State of California, and more particularly bounded and described as follows:

From a 4x4 stake at the center of Quarter Section 169, Rancho de la Nacion; thence South 70° 34' West along the center line of said Quarter Section 542.8 feet to the mean high tide line of San Diego Bay; thence South 8° 19' West along the said mean high tide line 45.2 feet to the southerly city limits of the City of Chula Vista; thence South 70° 34' West along said southerly city limits extended 945.95 feet to a TRUE POINT OF BEGINNING of said Parcel 2; thence continuing South 70° 34' West 1244.18 feet

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to a point of curve having a radius bearing North 56° 26' West 3000 feet from said point of curve; thence Southwesterly along the arc of said curve, 785.4 feet; thence tangent to said curve South 48° 34' West 198.82 feet; thence South 41° 26' East 1191 feet; thence North 42° 38' East 419.7 feet; thence North 23° 55' East 1882 feet to the true point of beginning of said Parcel No. 2, containing 38.3 acres, and marked "Parcel No. 2", as shown on Miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 3:

That certain piece or parcel of land shown on the official map approved and filed with the lessor as Parcel No. 3, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79, filed in the office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

All of that certain portion of tidelands situated at the south end of the Bay of San Diego, in the County of San Diego, State of California, and more particularly bounded and described as follows:

From a 4x4 stake at the center of Quarter Section 169, Rancho de la Nacion, thence South 70° 34' West along the center line of said Quarter Section, 542.8 feet to a point on the mean high tide line of San Diego Bay, thence South 8° 19' West 45.2 feet along said mean high tide line to a point on the Southerly city limits of the City of Chula Vista, said point being also the TRUE POINT OF BEGINNING, of said Parcel 3; thence South 70° 34' West, 945.95 feet; thence South 23° 55' West 1685.7 feet; thence North 79° 30' East 1466 feet to a point on said mean high tide line, thence along said mean high tide line, as follows:

North 5° 40' East 300 feet; North 16° 16' West 200 feet; North 8° 19' East 1109.8 feet to the true point of beginning of said Parcel 3, containing 38.2 acres, and marked "Parcel No. 3" as shown on Miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL No. 4:

That certain piece or parcel of land shown on the official map approved and filed with the lessor as Parcel No. 4, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79 filed in the office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

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All of that certain portion of tidelands situated at the south end of the Bay of San Diego, in the County of San Diego, State of California, and more particularly bounded and described as follows:

BEGINNING at a point on the south boundary line of Rancho de la Nacion, bearing North 84° 12' West 1620 feet from the Southwest corner of the East half of Quarter Section 168 of said Rancho, said point of beginning being also on the mean high tide line of San Diego Bay, thence North 84° 12' West 718.1 feet; thence North 67° 31' West 1371.6 feet to the southeast line of Parcel 2, as shown on said Mis. Map No. 79, thence North 42° 38' East 378.9 feet; thence North 23° 55' East 196.3 feet; thence North 79° 30' East along the South line of Parcel 3 as shown on said Miscellaneous Map, 1466 feet to said mean high tide line; thence South 16° 37' East 800 feet; thence South 2° 33' West 556 feet to the point of beginning of said Parcel 4, containing, 39.9 acres, and marked "Parcel No. 4" as shown on Miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 5:

That certain piece or parcel of land shown on the official map approved and filed with the lessor as Parcel No. 5 being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79 filed in the office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

All of that certain portion of tidelands situated at the south end of the Bay of San Diego, in the County of San Diego, State of California, and more particularly bounded and described as follows:

BEGINNING at a point on the southerly line of the Rancho de la Nacion extended Westerly, said point bearing North 84° 12' West, 2338.1 feet from the Southwest corner of the East Half of Quarter Section 168 of said Rancho; thence North 67° 31' West 1371.6 feet to the southeasterly line of Parcel 2, as shown on Miscellaneous Map No. 79, thence South 42° 38' West 850 feet, thence South 47° 17' West 900 feet; thence South 40° 40' East 781.7 feet; thence North 46° 47' East 1374 feet; thence North 69° 54' East 1058 feet to the point of beginning of said Parcel 5, containing 39.4 acres, and marked "Parcel No. 5" as shown on Miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 6

That certain piece or parcel of land shown on the official map approved and filed with the lessor as Parcel No. 6, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79 filed in the office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

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All of that certain portion of tidelands situated at the south end of the Bay of San Diego, in the County of San Diego, State of California, and more particularly bounded and described as follows:

From the Southwest corner of the East Half of Quarter Section 168, Rancho de la Nacion; thence North 84° 12' West along the South line of said Rancho, 2338.1 feet; thence South 69° 54' West 1058 feet; thence South 46° 48' West 1374 feet to the TRUE POINT OF BEGINNING of said Parcel 6, being also the southerly corner of Parcel 5 of said Miscellaneous Map No. 79; thence South 9° 25' West 1790 feet; thence North 35° 43' West 2009.6 feet; thence North 57° 36' East 640 feet; thence North 47° 17' East 566.4 feet; thence South 40° 40' East 781.7 feet to the true point of beginning containing 39.4 acres, and marked "Parcel No. 6" as shown on Miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 7

That certain piece or parcel of land shown on the official map approved and filed with the lessor as Parcel No. 7, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79, filed in the office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

All of that certain portion of tidelands situated at the south end of the Bay of San Diego, in the County of San Diego, State of California, and more particularly bounded and described as follows:

From the southwest corner of the East Half of Quarter Section 168, Rancho de la Nacion; thence North 84° 12' West 2338.1 feet; thence South 69° 54' West 1058 feet; thence South 46° 47' West 1374 feet; thence South 9° 25' West 1790 feet to the TRUE POINT OF BEGINNING of Parcel 7, being also the southerly corner of Parcel 6, as shown on said Miscellaneous Map No. 79, thence South 48° 11' West 470 feet; thence South 73° 09' West 400 feet; thence North 35° 48' West 1979.5 feet; thence North 57° 36' East 850 feet; thence South 35° 43' East 2009.6 feet to the true point of beginning, containing 39.7 acres, and marked "Parcel No. 7" as shown on Miscellaneous Map No. 79 filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 8

That certain piece or parcel of land shown on the official map approved and filed with the lessor as Parcel No. 8, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79, filed in the office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

All of that certain portion of the tidelands situated at end of the Bay of San Diego, in the County of San Diego,

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California and more particularly bounded and described as follows:

From the Southwest corner of the East half of Quarter Section 168, Rancho de la Nacion; thence North 84° 12' West along the South line of said Rancho, 2338.1 feet; thence South 69° 54' West 1058 feet; thence South 46° 47' West 1374 feet; thence South 9° 25' West 1790 feet; thence South 48° 11' West 470 feet; thence South 73° 09' West 400 feet to the TRUE POINT OF BEGINNING of said Parcel 8, said point being also the southerly corner of Parcel 7, as shown on said Miscellaneous Map No. 79; thence South 73° 09' West 1056 feet; thence South 53° 34' West 257 feet; thence North 12° 42' West 1817.1 feet; thence North 57° 36' East 544 feet; thence South 35° 48' East 1979.5 feet to true point of beginning, containing 38.1 acres, and marked "Parcel No. 8" as shown on Miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 9:

That certain piece or parcel of land shown on the official map approved and filed with the lessor as Parcel No. 9, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79, filed in the office of the County Recorder of said San Diego County December 15, 1926, which said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

All of that certain portion of tidelands situated at the South end of the Bay of San Diego, in the County of San Diego, State of California and more particularly bounded and described as follows:

From the Southwest corner of the East Half of Quarter Section 168, Rancho de la Nacion; thence North 84° 12' West along the South line of said Rancho 2338.1 feet; thence South 69° 54' West 1058 feet; thence South 46° 47' West 1374 feet, thence South 9° 25' West 1790 feet; thence South 48° 11' West 470 feet to the TRUE POINT OF BEGINNING of said Parcel 9, said point being also an angle point on the Southeasterly line of Parcel 7, as shown on said Miscellaneous Map No. 79; thence South 73° 09' West 1456 feet; thence South 53° 34' West 257 feet; thence North 83° 56' West 96 feet; thence North 64° 18' West 2050 feet to a point on the mean high tide line of San Diego Bay; thence along said mean high tide line as follows: South 51° 26' East 1275.3 feet, South 70° East 1300 feet, due East 730 feet, North 60° East 1000 feet, North 24° West 200 feet; thence North 40° West 300 feet to the true point of beginning, containing 34 acres, and marked "Parcel No. 9" as shown on Miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 10:

That certain piece or parcel of land shown on the official map approved and filed with the lessor as Parcel No. 10, being a part of the tidelands of said San Diego Bay, and more particularly shown and delineated on Miscellaneous Map No. 79, filed in the office of the County Recorder of said San Diego County December 15,

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said piece or parcel of land or tidelands is and are more particularly bounded and described as follows:

All of that certain portion of tidelands situated at the South end of the Bay of San Diego in the County of San Diego, State of California, and more particularly bounded and described as follows:

From the Southwest corner of the East Half of Quarter Section 168, Rancho de la Nacion, thence North $84^{\circ} 12'$ West along the southerly line of said Rancho, 1620 feet to the TRUE POINT OF BEGINNING, said point being also the Southeast corner of Parcel 4, as shown on said Miscellaneous Map No. 79; thence North $84^{\circ} 12'$ West 718.1 feet; thence South $69^{\circ} 54'$ West 1058 feet; thence South $46^{\circ} 47'$ West 1374 feet; thence South $9^{\circ} 25'$ West 1790 feet; thence South $48^{\circ} 11'$ West 470 feet; thence South 40° East 300 feet to the mean high tide line of San Diego Bay; thence along said mean high tide line as follows:

North 57° East 850 feet; North $5^{\circ} 11'$ East 1740 feet; North 43° East 1170 feet, North 81° East 530 feet, North 60° East 770 feet, South $85^{\circ} 44'$ East 300 feet; thence North $2^{\circ} 33'$ East, 44 feet to the true point of beginning, containing 39.5 acres, and marked "Parcel No. 10" as shown on miscellaneous Map No. 79, filed in the office of the County Recorder of San Diego County, California.

PARCEL NO. 11

That certain piece or parcel of land shown as "Lease Area 11", on map made by John F. Covert, Civil Engineer, said Map being filed in the office of the County Recorder of San Diego County on Sept. 11, 1940, and known as Miscellaneous Map No. 149 of the records of said office, being a part of the tidelands of said San Diego Bay and lying easterly of the subdivision of Coronado Heights, as shown upon the map thereof on file in the said Recorder's Office, known as Map No. 460, and lying northerly and westerly of the tidelands of said Bay shown upon Miscellaneous Map No. 79, filed in said County Recorder's office on December 15th, 1926, and more particularly described as follows:

BEGINNING at the extreme westerly corner of Parcel 9, shown on Miscellaneous Map No. 79, and filed in the office of the Recorder of said San Diego County, said point bearing South $62^{\circ} 31'$ East 1073.4 feet from the southeast corner of Block 33, Coronado Heights, as per Map No. 460, on file in said Recorder's Office, said point being also on the mean high tide line of San Diego Bay; thence South $63^{\circ} 12'$ East along the northerly line of said Parcel 9, 1890.0 feet; thence North $8^{\circ} 11'$ West 1461.5 feet; thence South $89^{\circ} 06'$ West 1975.8 feet to a point on the mean high tide line, thence along said mean high tide line as follows:

South $7^{\circ} 54'$ East 137.92 feet; South $41^{\circ} 22'$ East 155.25 feet; South $25^{\circ} 04'$ East 103.27 feet; South $43^{\circ} 13'$ East 81.1 feet; North $67^{\circ} 16'$ East 55.6 feet; South $51^{\circ} 23'$ East 287.29 feet to the place of beginning, containing 39.9 acres.

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PARCEL NO. 12:

That certain piece or parcel of land shown as "Lease Area 12", on Map made by John F. Covert, Civil Engineer, said Map being filed in the office of the County Recorder of San Diego County on September 11, 1940, and known as Miscellaneous Map No. 149, of the records of said office, being a part of tidelands of said San Diego Bay and lying easterly of the subdivision of Coronado Heights, as shown upon the Map thereof on file in the said Recorder's Office, known as Map No. 460, and lying northerly and westerly of the tidelands of said Bay shown upon Miscellaneous Map No. 79, filed in said County Recorder's Office on December 15th, 1926, and more particularly described as follows:

BEGINNING at the Northwest corner of Lease Area No. 11, as per Miscellaneous Map No. 149, made by John F. Covert, Civil Engineer, said point being on the mean high tide line of San Diego Bay; thence North 89° 06' East along the north line of said Lease Area No. 11, 1975.8 feet to the northeast corner of said Lease Area No. 11; thence North 8° 11' West 891.0 feet; thence South 89° 06' West 1802.8 feet to a point on the mean high tide line of San Diego Bay; thence along said mean high tide line as follows:

South 41° 30' West 149.35 feet; South 10° 20' East 116.85 feet; South 28° 09' West 140.47 feet; South 5° 32' East 325.62 feet; South 20° 45' East 167.0 feet; South 7° 54' East 54.0 feet to the place of beginning, containing 39.9 acres.

PARCEL NO. 13:

That certain piece or parcel of land shown as "Lease Area 13" on Map made by John F. Covert, Civil Engineer, said Map being filed in the office of the County Recorder of San Diego County, on September 11, 1940, and known as Miscellaneous Map No. 149 of the records of said office, being a part of the tidelands of said San Diego Bay and lying easterly of the subdivision of Coronado Heights, as shown upon the map thereof on file in the said Recorder's Office, known as Map No. 460, and lying northerly and westerly of the tidelands of said bay shown upon Miscellaneous Map No. 79, filed in said County Recorder's Office on December 15th, 1926, and more particularly described as follows:

BEGINNING at the Northwest corner of Lease Area No. 12, as per Miscellaneous Map No. 149, made by John F. Covert, Civil Engineer, said point being also on the mean high tide line of San Diego Bay; thence North 89° 06' East 1802.8 feet to the northeast corner of said Lease Area No. 12; thence North 8° 11' West 963.2 feet; thence South 89° 06' West 1323.6 feet to a point on the mean high tide line of San Diego Bay; thence along said mean high tide line as follows:

South 10° 37' West 264.89 feet; South 30° 42' East 285.24 feet; South 23° 02' East 280.4 feet; South 6° 05' West 166.36 feet; South 41° 30' West 31.65 feet to the place of beginning, containing 39.98 acres.

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PARCEL NO. 14:

That certain piece or parcel of land shown as "Lease Area 14" on map made by John F. Covert, Civil Engineer, said map being filed in the office of the County Recorder of San Diego County on September 11, 1940, and known as Miscellaneous Map No. 149 of the records of said office, being a part of the tidelands of said San Diego Bay and lying Easterly of the subdivision of Coronado Heights, as shown upon the map thereof on file in the said Recorder's Office, known as Map No. 460, and lying northerly and westerly of the tidelands of said bay shown upon Miscellaneous Map No. 79, filed in said County Recorder's Office on December 15th, 1926, and more particularly described as follows:

BEGINNING at the northwest corner of Lease Area No. 13, as per Miscellaneous Map No. 149, made by John F. Covert, Civil Engineer, said point being also on the mean high tide line of San Diego Bay; thence North $89^{\circ} 06'$ East along the North line of said Lease Area No. 13, 1833.6 feet to the Northeast corner of said Lease Area No. 13; thence North $8^{\circ} 11'$ West 545.2 feet; thence South $89^{\circ} 06'$ West 2551.8 feet to a point on the mean high tide line of San Diego Bay; thence along said mean high tide line as follows:

South $74^{\circ} 56'$ East 131.03 feet; South $57^{\circ} 00'$ East 192.62 feet; South $42^{\circ} 18'$ East 115.9 feet; South $74^{\circ} 34'$ East 236.08 feet; South $59^{\circ} 21'$ East 148.14 feet; South $24^{\circ} 19'$ East 181.6 feet to the place of beginning, containing 26.15 acres

PARCEL NO 15:

That certain piece or parcel of land shown as "Lease Area 15" on map made by John F. Covert, Civil Engineer, said map being filed in the office of the County Recorder of San Diego County on September 11, 1940, and known as Miscellaneous Map No. 149 of the records of said office being a part of the tidelands of said San Diego Bay and lying easterly of the subdivision of Coronado Heights, as shown upon the map thereof on file in the said Recorder's Office, known as Map No. 460, and lying northerly and westerly of the tidelands of said bay shown upon Miscellaneous Map No. 79, filed in said County Recorder's Office on December 15th, 1926, and more particularly described as follows:

BEGINNING at the most westerly corner of Parcel No. 6, shown on Miscellaneous Map 79, filed in the Recorder's Office of said San Diego County; thence South $58^{\circ} 42'$ West along the northwesterly line of said Parcel 7 and Parcel 8, 1237.8 feet; thence North $8^{\circ} 11'$ West 2069.8 feet; thence North $89^{\circ} 06'$ East 229.7 feet to a point on a curve having a radius bearing North $4^{\circ} 56'$ East 2000 feet thence easterly along the arc of said curve 554.4 feet to a point which is South $10^{\circ} 57'$ East 2000 feet from the center point of said curve; thence South $21^{\circ} 38'$ East 1547.3 feet to the place of beginning, containing 39.96 acres

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PARCEL NO. 16:

That certain piece or parcel of land shown as "Lease Area 15" on map made by John F. Covert, Civil Engineer, said map being filed in the office of the County Recorder of San Diego County on September 11, 1940, and known as Miscellaneous Map No. 149 of the records of said office, being a part of the tidelands of said San Diego Bay and lying easterly of the Subdivision of Coronado Heights, as shown upon the map thereof on file in the said Recorder's Office, known as Map No. 460 and lying northerly and westerly of the tidelands of said bay shown upon Miscellaneous Map No. 79, filed in said County Recorder's Office on December 15th, 1926, and more particularly described as follows:

BEGINNING at the most westerly corner of Parcel 6, shown on Miscellaneous Map No. 79, on file in the office of County Recorder of said San Diego County, thence North 21° 38' West along the east line of Lease Area No. 15, as per Miscellaneous Map No. 149, made by John F. Covert, Civil Engineer, 1547.3 feet to a point on a curve having a radius bearing North 10° 57' West 2000 feet; thence Northeasterly along the arc of said curve 1025.7 feet to a point which is South 40° 20' East 2000 feet from the center of said curve, said point being also the most westerly corner of Parcel No. 1, shown on Miscellaneous Map No. 79; thence South 40° 20' East along the southwesterly line of said Parcel No. 1, 1290.0 feet to the southerly corner of said Parcel No. 1; thence South 48° 23' West along the northwesterly line of Parcels 5 and 6 of said Miscellaneous Map No. 79, 845.4 feet; thence South 58° 42' West along the northwesterly line of said Parcel 6, 640 feet to the place of beginning containing 39.94 acres.

END OF DESCRIPTION

REVIEWED JULY 12, 1984 BY BOUNDARY AND TITLE UNIT.

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EXHIBIT B-5
(Northwest Parcel)

LEGAL DESCRIPTION

A parcel of tide and submerged land in San Diego Bay within the Cities of San Diego and Coronado, San Diego County, California, more particularly described as follows:

COMMENCING at a point being the southwest corner of the parcel shown as 1961 grant to the City of Chula Vista, said point being designated "Station E" with 1927 North American Datum California Coordinate System Zone VI coordinates X= 1,732,968.29, Y=161,508.13 on Map of said grant filed as Miscellaneous Map No. 422 on April 24, 1962 records of San Diego County; thence along the westerly line of said grant North 07° 29' 16" West, 736.10 feet to a point being the intersection of said westerly line with the northerly line of Parcel 1 of the grant from the State of California to the San Diego Unified Port District per Chapter 1744 of 1965 California Statutes, said grant shown on Miscellaneous Map No. 544 filed on July 31, 1972, records of San Diego County, and the TRUE POINT OF BEGINNING of the herein described lands; thence along the said westerly line of said grant to the City of Chula Vista North 07° 29' 16" West, 11173.09 feet, more or less to the westerly line of a six hundred foot, more or less, wide North-South deep channel, which junctions with the "Sweetwater Channel", said junction shown on National Ocean Service navigation chart No. 18773 dated May 2, 1998; thence northerly along said westerly line North 26° 12' 03" West, 306.19 feet, North 11° 53' 31" West, 440.96 feet, North 06° 55' 59" West, 458.24 feet, North 06° 04' 17" West, 491.16 feet, North 08° 55' 54" West, 217.61 feet to a point which bears due East from Station 38, on shoreline of San Diego Bay, as shown on map filed in records of San Diego County as Miscellaneous Map No. 215; thence due West 2570.49 feet, more or less, to the northerly extension of the easterly line of a 200 foot wide deep channel adjacent to "Coronado Cays" as shown on said navigation chart; thence southerly along said northerly extension and said easterly line South 00° 08' 59" West, 4154.90 feet, South 37° 54' 29" East, 1387.86 feet, South 12° 28' 42" East, 3318.86 feet, South 00° 34' 55" East, 1055.24 feet to Station 497 of U. S. Pierhead Line established for the Bay of San Diego per U.S. Army Corps of Engineers File No. 427, said station being on the Easterly line of Parcel 2 as shown on said

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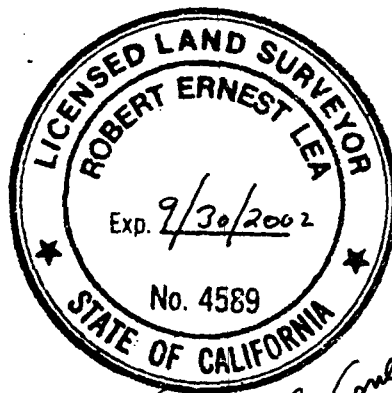
Miscellaneous Map 544; thence along said easterly line of said Parcel 2 and said pierhead line the following two (2) courses:

- (1) South 32° 31' 09" West, 2353.72 feet, to Station 495 of said pierhead line;
- (2) South 14° 33' 16" East, 2054.72 feet, to Station 493 of said pierhead line being a point on the northerly line of said Parcel 1 on said Miscellaneous Map No. 544;
thence along said northerly line North 80° 49' 51" East, 3619.16 feet to the point of beginning.

The basis of bearings, distances and coordinates for this description based on North American Datum of 1927 California Coordinate System Zone VI. Distances shown are grid. To convert grid distance to ground distance, multiply the grid distance by a factor of .9999705.

END OF DESCRIPTION

R1 April 8, 1999



Robert Ernest Lea

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EXHIBIT C

U.S. Department of the Interior
FISH AND WILDLIFE SERVICE
Region one, Portland, Oregon

FINDING OF NO SIGNIFICANT IMPACT
Proposed South San Diego Bay Unit and Stewardship Project
of the
San Diego National Wildlife Refuge
San Diego County, California

The U.S. Fish and Wildlife Service (Service) has completed the *Environmental Assessment for the Proposed South San Diego Bay Unit and Stewardship Project of the San Diego National Wildlife Refuge*. The Environmental Assessment describes the Service's proposal and the affected environment and evaluates the effects of establishing an approved Refuge and Stewardship Project boundary for four alternatives (including the no action alternative). The *Land Protection Plan for the South San Diego Bay Unit* and *Conceptual Management Plan for the San Diego National Wildlife Refuge* complement the Environmental Assessment by providing information on land acquisition priorities and management programs that could be implemented on the proposed Refuge unit.

The Service analyzed four alternatives, including the no action alternative, in the Environmental Assessment. We did not select the no-action alternative because only the existing Chula Vista Wildlife Reserve would be formally managed and protected as habitat for endangered, threatened, and rare species. The remaining areas within South San Diego Bay would lack a coordinated management plan to recover listed species and conserve migratory birds. Under the no action alternative, habitat protection would be implemented through the existing regulatory programs of the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Coastal Commission, local jurisdictions, and San Diego Unified Port District. The U.S. Navy and the Service could implement an existing agreement to cooperatively manage wildlife habitat at the Naval Radio Receiving Facility. Habitat and wildlife management implemented under individual regulatory actions may result in projects that are not consistent or coordinated with other habitat restoration projects and would not maximize benefits to wildlife in South San Diego Bay.

Alternative A (5,000 acres) would protect the largest amount of habitat in South San Diego Bay. While the public and the environmental community support this alternative, there is inadequate support for it by the State of California, local elected officials, and the business community. If we were to establish the South San Diego Bay Unit without the support of the local elected officials and business community, relationships between the Service and affected communities would be damaged in the long term. We did not select Alternative A, for that reason.

Alternative B (3,940 acres), the preferred alternative, represents an agreement between the Service, the State of California, local elected officials, environmental groups, and business groups. The preferred alternative would ensure that the State of California, local elected officials, business interests, and environmental and community groups would support and participate in the operation and management of the South San Diego Bay Refuge. Alternative B protects the majority of the sensitive wildlife

habitats found in South San Diego Bay (see table 5 of the Environmental Assessment). Given the similarity in environmental benefits between Alternatives A and B, and wider support for Alternative B, we selected the smaller sized project as the preferred alternative.

We did not select Alternative C (2,200 acres) because key areas and habitats would not be protected and managed as part of the National Wildlife Refuge System. Under Alternative C, only 50 acres of eelgrass beds would be protected compared to 432 acres of eelgrass beds under the preferred alternative. Only 88 acres of beach, dunes, and created lands would be conserved compared to 515 acres under the preferred alternative, and only 22 acres of fallow agricultural land would be suitable for habitat restoration compared to 146 acres under the preferred alternative (see table 5 of the Environmental Assessment).

We notified the public of our proposal early on and built public participation into the decision-making process. The Service distributed the *Concept Plan for the San Diego National Wildlife Refuge* to government agencies, Tribes, interested citizens, community groups, and landowners in August 1995. The Service held three public workshops in October 1995 to discuss the Refuge Concept Plan, and distributed Planning Updates in October 1995, March 1996, November 1996, November 1997, February 1998, and April 1998 to keep landowners, agencies, elected officials, and interested citizens informed on the progress of planning efforts for the San Diego National Wildlife Refuge.

As part of the public notice and review process, the draft *Environmental Assessment and Land Protection Plan for the Proposed South San Diego Bay Unit* were available for a 90-day review and comment period starting in February 1998. We received more than 1,600 comments. The Service held three public workshops in February 1998 at Imperial Beach, Chula Vista, and Coronado to receive comments on the draft Environmental Assessment and Land Protection Plan. As a result of comments on the draft documents, we modified the preferred alternative, improved the analysis of the effects of the project alternatives, corrected minor errors of fact and omission, and completed the Environmental Assessment and Land Protection Plan.

The preferred alternative would have no significant impact on any of the environmental issues identified by the public and the Service in the Environmental Assessment. A summary of the rationale used to conclude that the effects were not significant follows.

Effects on Coastal Ecosystems: Service acquisition and management proposed under the preferred alternative would permit the Service to protect, enhance, or restore habitats in the acquisition boundary. Service management of the area would maintain or increase South Bay's value as habitat for wintering waterfowl, migrating shorebirds, and nesting seabirds. Since the Federal action proposed is to establish a refuge unit boundary, and since habitats will remain essentially as they are now for the immediate future, establishment of the Unit will not result in significant impacts to coastal ecosystems. Management plans for the South San Diego Bay Unit would be prepared in the future. The plans would be subject to a separate National Environmental Policy Act (NEPA) compliance process with a public review and comment period.

Effects on Federally Endangered or Threatened Species, and Belding's savannah sparrow: The South San Diego Bay Unit and Stewardship Project would conserve important coastal habitats for several endangered, threatened, and rare species; sustain native biological diversity by conserving large contiguous blocks of wildlife habitats; and provide a contribution to the Multiple Species Conservation Program preserve system. Since the Federal action proposed is to establish a refuge unit boundary, and habitats will remain essentially as they are now for the immediate future, establishment of the Unit will not result in significant impacts to endangered and threatened species, native wildlife, and their habitats. Management plans for the South San Diego Bay Unit would be prepared in the future and would be subject to a separate National Environmental Policy Act (NEPA) compliance action with a public review and comment period.

Effects on the Economic Environment: If the Service acquires Western Salt Company lands and phases out salt production activities over time, an estimated 25 jobs could be lost (Niehaus 1994). Annual losses of earnings and sales are projected at \$670,000 and \$4.9 million, respectively (ibid). Since this is the only viable area for salt production in the region, this activity would not be able to relocate to another site nearby. The Ghio/Fenton parcel and the portion of Pond 20 that is within the proposed boundary are not being used for salt production or any other economic activities. If the Service acquires the parcels, the owners would receive the same amount of reimbursement as if the parcels were sold to any other buyer, because the Service is required to pay the appraised market value. If the Service acquired and managed the parcels, development would not occur on areas that have development potential. Until the special study area process establishes otherwise, no development is permitted (City of San Diego, in conversation 1997). Because of the special study area zoning overlay, the amount of foregone development is unknown. None of these potential effects are significant given the magnitude of the greater San Diego area economy.

Niehaus (1994) projected the net annual increase in visitors to the area that could be attributed to establishing the South San Diego Bay Unit, to be up to 80,000. The number of visitors to the San Diego area is projected to increase at about 3 percent annually even without the project (Alternative D), or by about 1.1 million additional visitors annually with increasing emphasis on the outdoor recreational experience. An increase of 80,000 visitors above and beyond the 1.1 million is not significant. It is about 1/4 of 1 percent (.25 percent) of the 35 million visitors a year that San Diego County receives (Niehaus 1994).

The preferred alternative could result in an estimated increase in expenditures of as much as \$7.5 million (in constant 1992 dollars). Indirect employment impacts also could be expected as these direct expenditures are translated into additional secondary spending and employment. The majority of these outlays are expected to be in the retail trade, and lodging and food service. Niehaus (1994) estimated that the preferred alternative could add up to 172 jobs with associated earnings increases of \$4.5 million.

Property tax collections for the local governments amounted to \$1.3 billion in all jurisdictions within the County, exclusive of levies for voter-approved bonded indebtedness (Niehaus 1994). If the Service acquires fee-title to all private lands within the proposed boundary, the loss of property taxes would be slightly less than \$30,000. Although the Federal government does not pay property taxes on its own

land, several factors offset the potential hardship for local governments from loss of property tax revenue. First, refuge lands and waters demand little in the way of expensive infrastructure or services. Second, when the Service acquires private land in fee, Congress allocates payments to counties under the Refuge Revenue Sharing Act to partially compensate for the loss of property taxes. Third, refuge status typically results in larger numbers of visitors, and local governments benefit from increased sales and lodging taxes. According to Niehaus (1994), the annual net gains from sales and lodging taxes would total up to \$147,400 for the largest proposal, not including Revenue Sharing Act funds. This increase is not a significant change.

Effects on Quality of Life: Issues include whether the YMCA's Camp Surf would continue, and how the proposal could affect boating, the proposed golf course, the proposed Bayshore Bikeway Trail, and the potential uses for the railroad right-of-way. We also analyzed the effects of the proposed Refuge on overall desirability of living in the San Diego area. This desirability is often referred to as quality of life. The preferred alternative excludes the Silver Strand parcel, Camp Surf, and the railroad right-of-way and would not affect other proposed uses of these properties. The proposed Unit would add a combination of biodiversity and intrinsic values of up to \$325 million per year (Niehaus 1994). These amounts would benefit the regional economy but would not be a significant change.

This proposed Federal action to establish a refuge unit boundary would have no effect on boating. The Service will study the effects recreational boats, exceeding 5 miles per hour, have on waterfowl wintering in South Bay. The studies could result in the Service requesting that the Coast Guard promulgate a rule to seasonally restrict recreational boating in specific areas. We would not begin this process until more data are gathered on bird use, boat use, and interactions between the two. Minimal effect is expected on boats that observe the existing 5 miles per hour speed limit in South Bay. We would not propose additional boating restrictions until the public planning process, including a separate NEPA analysis, is complete.

Officials from the City of Coronado are concerned that the presence of a refuge unit acquisition boundary on the Naval Radio Receiving Facility would prohibit a golf course development that City officials have proposed. The Navy has not determined whether it will lease land for the golf course, making the proposal speculative. The EA could not analyze the effects of each alternative on a speculative venture. However, to minimize the appearance of a conflict, we have proposed a stewardship project rather than a National Wildlife Refuge for the Naval Radio Receiving Facility. The proposed Stewardship Project would allow the Service and the Navy to collaborate on habitat protection and enhancement projects, and would not preclude the Navy's option to lease part of the Naval Radio Receiving Facility for the golf course proposal.

Effects on Public Access to the Bay: The final proposed boundary includes two small parcels that are not suitable for habitat that could provide new visitor access and parking in the City of Imperial Beach for access to the proposed Unit. The Service will conduct detailed planning with the public and the City of Imperial Beach. The existing Bay access point at Chula Vista would be unaffected.

Based on my review and evaluation of the information contained in the supporting references, I have determined that establishing an approved Refuge and Stewardship Project boundary and protecting up

to 3,940 acres of land for the proposed South San Diego Bay Unit of the San Diego National Wildlife Refuge is not a major Federal action that would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the Service is not required to prepare an environmental impact statement.

This Finding of No Significant Impact and supporting references are on file at U.S. Fish and Wildlife Service, San Diego National Wildlife Refuge Complex, 2736 Loker Avenue West, Suite A, Carlsbad, California 92008 (telephone 760/930-0168) and U.S. Fish and Wildlife Service, Division of Refuge-Planning, 911 NE 11th Avenue, Portland, Oregon 97232-4181 (telephone 800/662-8933). These documents can also be found on the Internet at <http://www.r1.fws.gov/planning/plnhome.html>. These documents are available for public inspection, and interested and affected parties are being notified of our decision.

Citations

Niehaus, Robert D. Inc. 1994. *South San Diego Bay Habitat Protection Program Socioeconomic Study*.

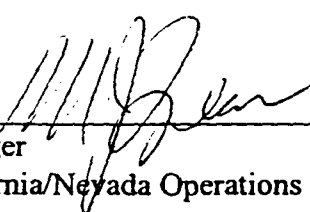
Otay-Nestor Community Plan. City of San Diego Planning Department. 1997. Phone conversation RE open space and special study area overlay zoning with Ella Paris on November 5.

Supporting References

U.S. Fish and Wildlife Service. 1995. *Concept Plan for the San Diego National Wildlife Refuge*. Southern California Ecoregion, Portland, Oregon.

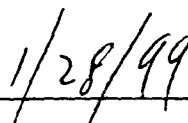
U.S. Fish and Wildlife Service. 1997. *Conceptual Management Plan for the San Diego National Wildlife Refuge*. Southern California Ecoregion, Portland, Oregon.

U.S. Fish and Wildlife Service. 1999. *Environmental Assessment and Land Protection Plan for the South San Diego Bay Unit and Stewardship Project of the San Diego National Wildlife Refuge*. Southern California Ecoregion, Portland, Oregon.



Manager
California/Nevada Operations Office

Date


1/28/99