

MINUTE ITEM

This Calendar Item No. C47 was approved as Minute Item No. 47 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM
C47

A 76
S 39

06/26/06
PRC 8602.1
S. Young

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Southern California Marine Association
1006 E. Chapman Avenue
Orange, California 92866-2111

AREA, LAND TYPE, AND LOCATION:

2.04 acres, more or less, of sovereign lands in San Diego Bay, city of San Diego, San Diego County.

AUTHORIZED USE:

Installation and maintenance of a temporary marina facility for the 2006 San Diego Summer Boat Show.

LEASE TERM:

32 days, beginning July 5, 2006, and ending August 5, 2006.

CONSIDERATION:

\$2,026

SPECIFIC LEASE PROVISIONS:

Insurance:

General liability insurance in an amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. On April 26, 2005, the Commission approved the issuance of a General Lease - Commercial Use to Southern California Marine Association (SCMA) for a one-month and two day period for the placement of a temporary marina facility within and waterward of the existing Sheraton Marina in San Diego Bay to accommodate the 2005 San Diego Summer Boat Show. The SCMA is now applying for a General Lease -

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Commercial Use for the placement of the temporary marina facility at this same location to accommodate the 2006 San Diego Summer Boat Show. The SCMA is owned by approximately 400 member companies including boat dealers, manufacturers, and distributors. The show will be held at the Harbor Island Sheraton Hotel on July 20-23 and is open to the public for a nominal charge. The show will showcase approximately 275 new and pre-owned boats, as well as landside displays of marine accessory products and services. The SCMA has indicated that set up would begin on July 5th and the temporary facilities would be removed no later than August 5th.

The temporary marina facility consists of a floating steel barge that will be held in place with anchors that will be screwed into the seafloor. A diver will install the anchors manually. Approximately 55 docks will be located on ungranted sovereign lands, occupying an area of 8,800 square feet. In order to accommodate the boat show, the SCMA will need to temporarily relocate approximately 30 vessels now located on lands legislatively granted to the Port of San Diego. These 30 vessels, owned by existing Sheraton Marina tenants, will be moved to the temporary marina and then returned to their existing docks at the end of the boat show.

The SCMA is required to conduct a survey for the presence of eelgrass and *Caulerpa taxifolia* (an invasive exotic alga) at the proposed location of the temporary marina. Prior to the installation of the temporary facilities, the SCMA will be required to provide the results of the survey to the CSLC. If eelgrass is found, the SCMA's protocol will be to avoid locating the facilities' anchors within the bed of the eelgrass. National Marine Fisheries Service has approved Caulerpa Control Protocol, Version 2.1, adopted March 6, 2006, which will require the SCMA to follow specific protocol if *Caulerpa taxifolia* is detected, including no start of disturbing activities until such time as the infestation has been isolated, treated, or the risk of spread from the proposed disturbing Activity is eliminated. The Department of Fish & Game (DFG) is also requiring that a survey for the presence of eelgrass and *Caulerpa taxifolia* be provided by the SCMA prior to DFG making a determination if the project will have any significant adverse effect on existing marine resources and habitats.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of

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the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process; it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Fish and Game
Port of San Diego

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

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.

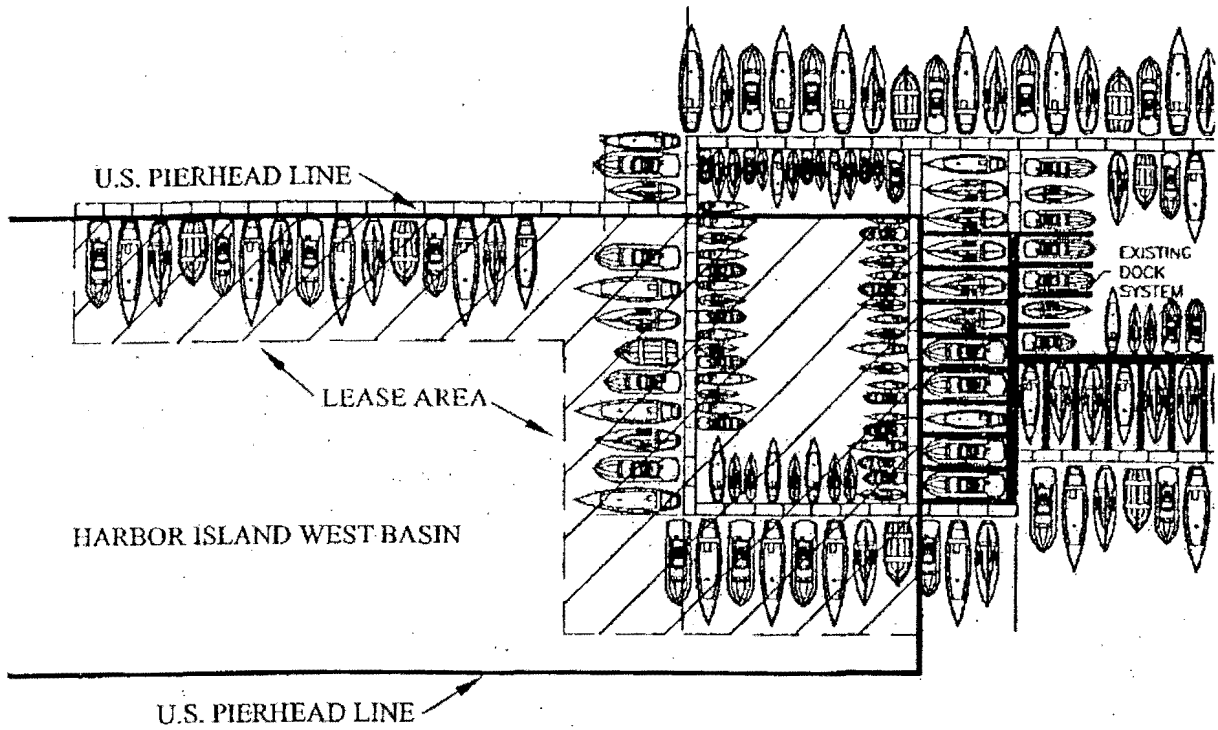
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AUTHORIZATION:

AUTHORIZE ISSUANCE TO SOUTHERN CALIFORNIA MARINE ASSOCIATION OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING JULY 5, 2006, FOR A TERM OF 32 DAYS, ENDING AUGUST 5, 2006, FOR THE INSTALLATION AND MAINTENANCE OF A TEMPORARY MARINA FACILITY AS SHOWN ON EXHIBIT A ATTACHED AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; RENT IN THE AMOUNT OF \$2,026; LIABILITY INSURANCE IN AN AMOUNT OF NO LESS THAN \$1,000,000.

NO SCALE

SITE



TEMPORARY MARINA FACILITY, HARBOR ISLAND
SHERATON MOTEL, SAN DIEGO BAY

NO SCALE

LOCATION

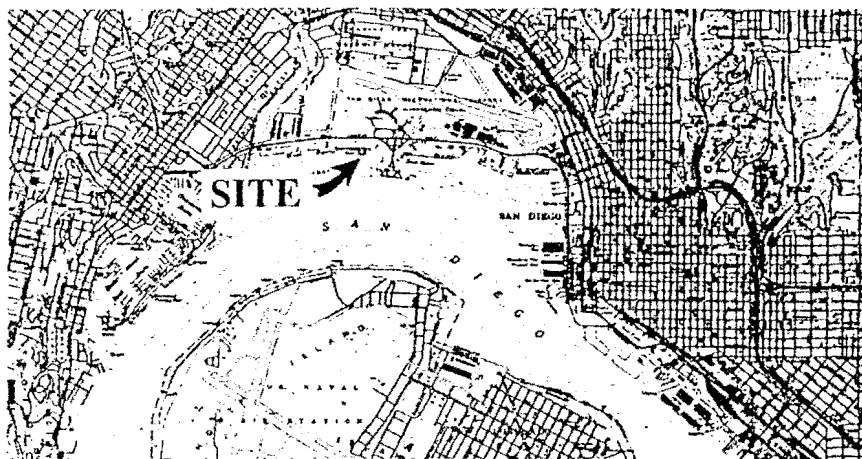


Exhibit A
PRC 8602.1
SOUTHERN
CALIFORNIA
MARINE ASSOCIATION
COMMERCIAL LEASE
SAN DIEGO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

MAP SOURCE: USGS QUAD

RAB 0405

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EXHIBIT B

LAND DESCRIPTION

All of those submerged lands in the bed of the San Diego Bay on the easterly side of Harbor Island West Basin, City of San Diego, San Diego County , State of California, and being more particularly described as follows:

BEGINNING at a point on the pierhead line of San Diego Harbor, said point designated as Station 459-D-1 having CCS27, Zone 6, coordinates North = 205,639.37, East = 1,708,014.87 as shown on California State Lands Commission map entitled "Map of the Lands Transferred to the San Diego Unified Port District pursuant to Chapter 67 Statutes of 1962 1st E.S" and filed as CB map number 1574, thence along said pierhead line South 00°30'38" West, 280 feet; thence leaving said pierhead line North 89°29'22" West , 230 feet; thence North 00°30'38" East, 205 feet; thence North 89°29'22" West , 325 feet; thence North 00°30'38" East, 75 feet to said pierhead line; thence along said pierhead line South 89°29'22" East, 555 feet to the Point of Beginning.

EXCEPTING THEREFROM any lands lying within the lands granted to the San Diego Unified Port District pursuant to Chapter 67 Statutes of 1962 1st E.S

END OF DESCRIPTION

