

MINUTE ITEM

This Calendar Item No. C42 was approved as Minute Item No. 42 by the California State Lands Commission by a vote of 3 to 0 at its 09-13-09 meeting.

CALENDAR ITEM

C42

A 33

09/13/07

S 18

PRC 8009

G. Kato

AMENDMENT OF LEASE

LESSEE:

Port San Luis Harbor District
PO Box 249
Avila Beach, CA 93424

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State, in San Luis Obispo Bay, near the city of Avila Beach, San Luis Obispo County.

AUTHORIZED USE:

Dredge a maximum of 250,000 cubic yards annually for a five-year period for maintenance dredging of boat launching facilities. Dredged materials will be used for beach replenishment on lands granted to the Port San Luis Harbor District at Lighthouse Beach, West Bluff, Jetty Disposal site, Fisherman's Beach, Olde Port Beach and Avila Beach.

LEASE TERM:

Five years, beginning December 1, 2002, ending November 30, 2007.

CONSIDERATION:

No royalty will be charged; \$0.25 per cubic yard will be charged for any material used for private benefit or for commercial sale purposes.

PROPOSED AMENDMENT:

Extend the lease term to November 30, 2010. No monetary consideration will be charged as the project will result in a public benefit. The dredged material may not be sold. All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR ITEM NO. C42 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant is the Trustee of the legislatively granted sovereign lands, pursuant to Chapter 647, Statutes of 1955, as amended, with minerals reserved to the State.
2. The Commission approved the issuance of the initial dredging lease at its December 16, 2002 Commission meeting. The Lessee needs to continue with its maintenance dredging activities and has applied to extend the term of the lease.
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 the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land Title 2, California Code of Regulations, section 2905 (d)(4).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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 process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

United States Army Corps of Engineers
California Coastal Commission
Port San Luis Harbor Commission

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. C42 (CONT'D)

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(4).

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 THE AMENDMENT OF LEASE NO. PRC 8009 TO EXTEND THE LEASE TERM TO NOVEMBER 30, 2010, AND TO PROHIBIT THE SALE OF DREDGED MATERIALS, ON LEGISLATIVELY GRANTED SOVEREIGN LANDS WITH MINERALS RESERVED TO THE STATE IN SAN LUIS OBISPO BAY, NEAR THE CITY OF AVILA BEACH, SAN LUIS OBISPO COUNTY AS SHOWN ON EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

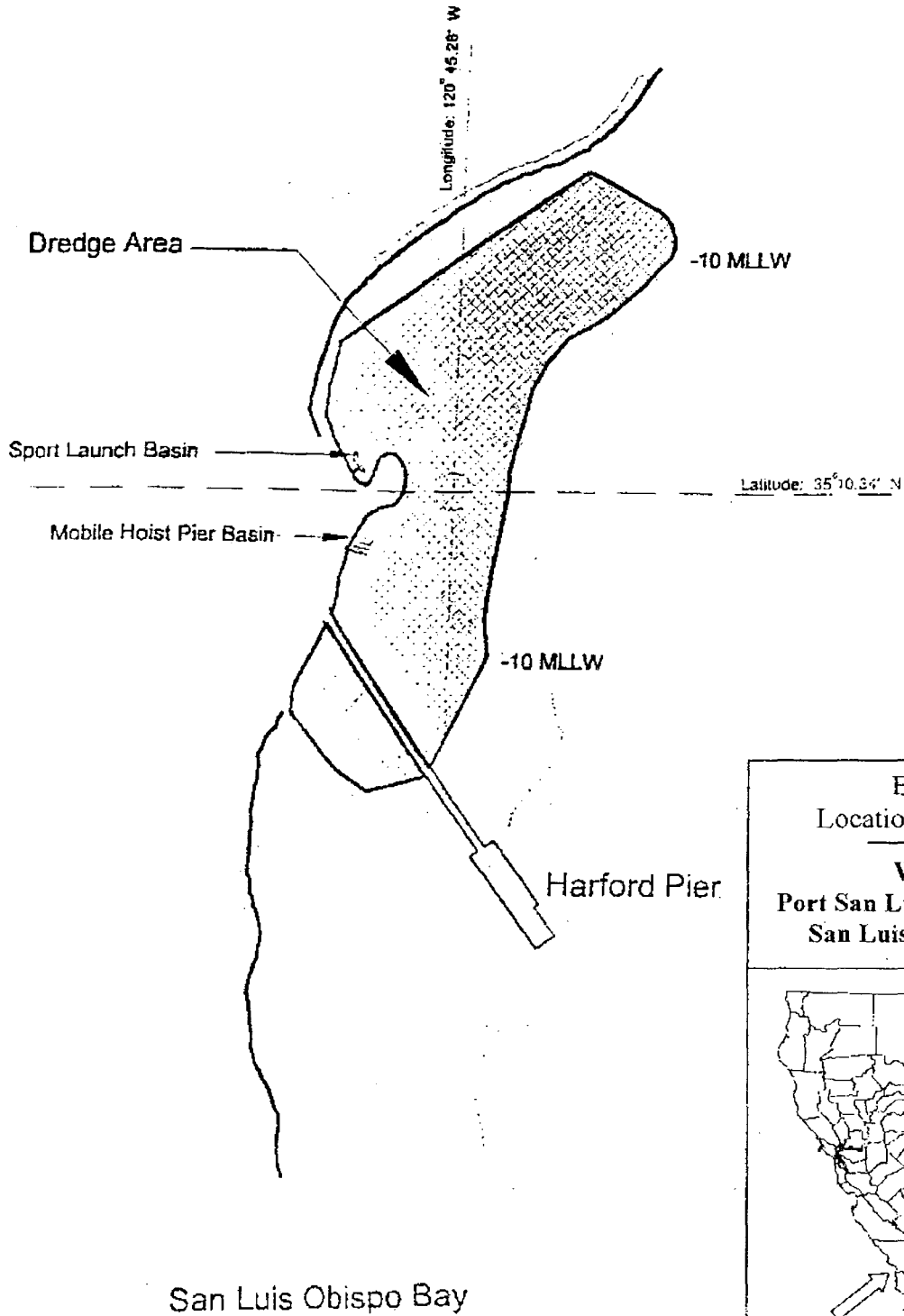
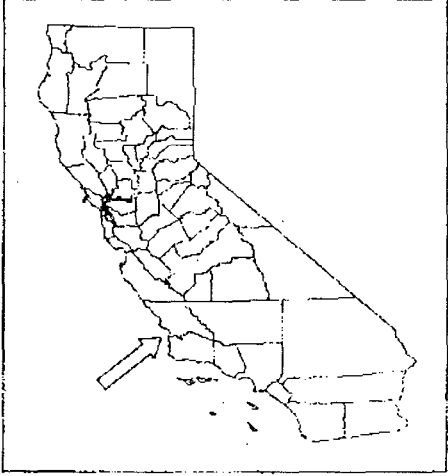


Exhibit A
 Location and Site Map
 WP 8009
 Port San Luis Harbor District
 San Luis Obispo County



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

GK