

**CALENDAR ITEM
C43**

A 74
S 39

10/2209
WP 8804.9
J. Smith

AMENDMENT OF LEASE

LESSEE:

22nd District Agricultural Association
2260 Jimmy Durante Boulevard
Del Mar, California 92014

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the San Dieguito River, city of Del Mar, San Diego County.

AUTHORIZED USE:

Construction, use, and maintenance of an eight-inch diameter sewer forcemain pipeline encased within a 16-inch diameter high density polyethylene pipeline and the abandonment in place of an existing eight-inch diameter sewer forcemain pipeline.

LEASE TERM:

20 years, beginning December 3, 2008.

CONSIDERATION:

The public health and safety, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Authorize the removal of an approximately 210-foot section of the abandoned eight-inch diameter sewer forcemain pipeline. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns and has a right to use the uplands adjoining the lease premises.
2. On December 3, 2008, the Commission authorized a General Lease - Public Agency Use to the 22nd District Agricultural Association (Lessee) for

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the construction, use, and maintenance of a new eight-inch sewer forcemain pipeline encased in a 16-inch pipeline, and the abandonment in place of an existing eight-inch sewer forcemain pipeline crossing under the San Dieguito (River). The abandoned pipeline was flushed with water, cut and capped pursuant to the Commission's requirements.

The new pipeline is located at a depth sufficient to avoid potential conflicts with Southern California Edison's (SCE) San Dieguito Wetland Restoration Project (Project). A component of the Project is the dredging of the River channel to increase tidal action and maintain a permanent opening of the San Dieguito Rivermouth to the Pacific Ocean.

Shortly before construction started on the new sewer forcemain, approximately 75 lineal feet of the abandoned pipeline became exposed through tidal action. At a meeting with the regulatory agencies, concern was raised about the potential for further exposure of the pipeline, and the decision was made to remove an approximately 210-foot section of the abandoned pipeline within the River channel to the edge of the banks on either side. A track excavator, located on top of the bank, will remove the exposed portion, then dig and break the remaining 135+ feet. The removed pipe will be disposed of at an upland landfill. In order to avoid potential environmental impacts to sensitive habitat, the pipeline located within the banks will remain abandoned in place.

The dredging of the River channel is planned for early 2010, at which time SCE's dredging contractor will remove the 210 feet of pipeline. Sixty days prior to start of the construction, the Lessee will provide a detailed plan for capture and containment of any contaminants from the abandoned sewer forcemain pipeline. Once the pipeline is removed, Lessee will provide as-built plans to confirm the location of the remaining portion of the pipeline.

3. On September 9, 2009, the California Coastal Commission (CCC) granted Permit Amendment #6-08-74-A2 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)).

Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

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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 OBTAINED:

California Department of Fish and Game and the California Coastal Commission

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers and the San Diego Regional Water Quality Control Board

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT AMENDMENT #6-08-74-A2, WAS ADOPTED FOR THIS PROJECT ON SEPTEMBER 9, 2009, BY THE CCC UNDER ITS CERTIFIED REGULATORY PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)), AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

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 8804.9, A GENERAL LEASE – PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE NOVEMBER 1, 2009, TO AUTHORIZE THE REMOVAL OF AN APPROXIMATELY 210-FOOT SECTION OF AN

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ABANDONED EIGHT-INCH DIAMETER SEWER FORCEMAIN
PIPELINE; ALL OTHER TERMS AND CONDITIONS OF THE LEASE
WILL REMAIN IN EFFECT WITHOUT AMENDMENT.