

**CALENDAR ITEM
C24**

A 76
S 39

8/20/10
W 26421
G. Kato

ISSUANCE OF A NEW GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101-1128

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State, San Diego Bay, Chula Vista, San Diego County located at the L-shaped drainage ditch (L-Ditch), which is adjacent to 850 Lagoon Drive in Chula Vista and at the D Street Fill site, which is approximately 1.8 miles north of the L-Ditch site and adjacent to the Sweetwater Marsh National Wildlife Refuge.

AUTHORIZED USE:

Removal of a maximum of 500 cubic yards of contaminated material from the L-Ditch to comply with the requirements of the Cleanup and Abatement Order from the Regional Water Quality Control Board, with disposal of the material at an approved upland site.

Removal of a maximum of 65,000 cubic yards of material, as mitigation for the remediation activities at the L-Ditch, from the D Street Fill with disposal of the material at one or more upland site(s), approved by the San Diego Unified Port District.

LEASE TERM:

Two years, beginning August 20, 2010.

CONSIDERATION:

No monetary consideration will be charged as the project will result in a public benefit. The excavated material may not be sold.

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OTHER PERTINENT INFORMATION:

1. The L-Ditch is an L-shaped stormwater drainage channel that runs along two sides of a former B.F. Goodrich Aerospace facility. As a result of its prior use by B.F. Goodrich, the L-Ditch is contaminated with arsenic, cadmium, chromium, copper, lead, mercury, nickel, silver, and zinc. In 1998, the Regional Water Quality Control Board (RWQCB) issued a Cleanup and Abatement Order to (CAO-98-08) to B.F. Goodrich that required the L-Ditch, a jurisdictional water of the United States, be remediated. B.F. Goodrich has prepared a remedial action plan in coordination with the RWQCB and the San Diego Unified Port District.
2. The Project will remove the hazardous materials hotspots from the L-Ditch. After removal of the contaminated sediments, the L-Ditch will be backfilled with clean fill and a lined sand filtration system will be installed to replace the drainage function of the L-Ditch and prevent it from being a potential pathway for contaminants entering San Diego Bay. The storm drains that discharge into the L-Ditch will be capped and abandoned in place. Stormwater drainage will be reconfigured so that stormwater does not flow into the L-Ditch before entering San Diego Bay. The removal of the contaminated sediments and installation of the sand filter will result in the loss of 1.1 acres of wetlands.
3. To mitigate for the backfilled wetlands at the L-Ditch, the Applicant will restore wetland habitat at the D Street Fill. This project involves removal of a maximum of 65,000 cubic yards of material, grading, and revegetating 3.34 acres. The goal is to create new tidal salt marsh areas for the benefit of water fowl and other species that rely on such habitat.
4. Both the L-Ditch and the D Street Fill sites are within lands legislatively granted to the San Diego Unified Port District, pursuant to Chapter 67, Statutes of 1962, and as amended, with minerals reserved to the State. Because minerals were reserved and because the proposed project would entail extraction of soil, authorization from the Commission is necessary.
5. The Project will result in substantial environmental benefits by removing contaminated materials and vegetation at the L-Ditch, eliminating a potential pathway of contaminants entering surface waters, and will provide approximately 3.34 acres of habitat

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restoration at the D Street Fill adjacent to a National Wildlife Refuge.

6. **L-Ditch:** 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 CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land Title 14, California Code of Regulations, section 15304(c).

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

7. **D Street Fill:** 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 CEQA as a categorically exempt project. The project is exempt under Class 33, Small Habitat Restoration Projects Title 14, California Code of Regulations, Section 15333(d)(2).

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

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. Based on 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:

United States Army Corps of Engineers

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

October 5, 2010

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

L-Ditch: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304(c).

D Street Fill: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 33, Small Habitat Restoration Projects; Title 14, California Code of Regulations, section 15333(d)(2).

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:

Issuance of a General Lease – Public Agency Use to the San Diego Unified Port District beginning August 20, 2010, for a term of two years, to remove a maximum of 500 cubic yards of contaminated material from the L-Ditch to comply with the Regional Water Quality Control Board's Clean Up and Abatement Order, with material to be disposed of at an approved upland site and removal of a maximum of 65,000 cubic yards of material from the D Street Fill as mitigation for the L-Ditch remediation action, with material to be disposed of at one or more approved upland site(s). Both removal sites are located within the city of Chula Vista, San Diego County, shown on Exhibit A and B attached and by this reference made a part hereof; such permitted activity is contingent upon applicant's compliance with applicable permits, recommendations, or limitations issued by Federal, State and local governments. No monetary consideration shall be charged, as the project will result in a public benefit. The excavated material may not be sold.

NO SCALE

SITE 1



SITE 2



D St. Habitation Migration Site

"L" Ditch Improvements

San Diego Bay, Chula Vista

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 26421

SAN DIEGO UNIFIED
PORT DISTRICT
GENERAL LEASE
PUBLIC AGENCY USE
SAN DIEGO COUNTY



MIF 8/6/10

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.