

EXHIBIT B

IMPLEMENTATION LANGUAGE

Recommendation 1

Language for inclusion in Environmental Documents:

Effects of Sea Level Rise. The EIR should consider the effects of sea level rise to any relevant resource categories of the proposed project. Please note that when applying for a lease from the CSLC, staff has been directed to request information concerning the potential effects of sea level rise on the proposed project; and, if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of the project. For further information, please see “A Report on Sea Level Rise Preparedness,” which was approved by the CSLC at its meeting on December 17, 2009 (the Report and accompanying Staff Report can be found on CSLC’s website: <http://www.slc.ca.gov/>). One of the recommendations from the Report is to direct CSLC staff to consider the effects of sea level rise to hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations.

Recommendation 3

Language for the Application Package, Part III, Section B: Assessment of Environmental Impacts:

Section B.6. Will the project involve any feature subject to sea level rise or other effects associated with climate change over the life of the project? If so, please explain in detail and address any planned adaptation strategies.

Recommendation 4

Language for the Application Package, Part II, Section B: Project Description, Subsection 1.e.

Subsection 1.e. If the project involves development, in an area subject to tidal action, provide risk analysis, implications of failure, and adaptation strategies for, addressing projected sea level rise of 16 inches by year 2050 and 55 inches by year 2100, relative to the projected life expectancy of the project. Adaptation strategies may include alternate project designs to prevent impacts.

Recommendation 6

MOTEMS Regulations - New Section 3103F.5.3.4 (effective 01/2011):

All MOTs shall consider the predicted sea level rise over the remaining life of the terminal, due to subsidence or climate change combined with maximum high tide and storm surge. Consideration shall include but not be limited to variation in fender locations, additional berthing loads (deeper draft vessels) and any components near the splash zone.

Language for the Application Package, Part II, Section B: Project Description, Subsection 1.f.

Subsection 1.f. What engineering standards are being relied on to address potential impacts from sea level rise on proposed or existing facilities throughout the life of the project?

Recommendation 7

Language for Lease, Section 2, Special Provisions:

Lessee shall comply with and be bound by all rules, regulations, statutes or ordinances pertaining to sea level rise either presently existing or subsequently enacted by the State Lands Commission or any other governmental agency or entity having lawful authority and jurisdiction.

Recommendation 9

Language for Boundary Line and Title Settlement Agreements:

The boundaries and fee title are intended to be fixed and not subject to change by erosion, accretion, reliction or submergence whether due to natural or artificial causes. However, should lands freed of the Public Trust easement for commerce, navigation and fisheries become inundated from waters of the San Dieguito River or the Pacific Ocean, whether due to either erosion or sea level rise that results in the land being submerged or subject to the ebb and flow of the tide below the elevation of mean high water, the lands for so long as such conditions exist will be subject to the Public Trust easement. Nothing in this section limits the rights of either party pursuant to Civil Code Section 1015.