

**CALENDAR ITEM
C19**

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04/06/11
WP 6414.9
G. Kato

AMENDMENT OF LEASE

LESSEE:

California Department of Parks and Recreation
One Capitol Mall, Suite 410
Sacramento, CA 95814

AREA, LAND TYPE, AND LOCATION:

Filled sovereign lands within the Candlestick Point State Recreation Area, City and County of San Francisco.

AUTHORIZED USE:

Open space and recreation.

LEASE TERM:

49 years, beginning December 1, 1986.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Revise the authorized use to include the remediation and restoration of Yosemite Slough. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lease No. PRC 6414.9 is part of the proposed Candlestick Point/Hunters Point Shipyard Title Settlement, Public Trust Lands Exchange and Boundary Line Agreement (Trust Agreement). The purpose of this lease amendment is to authorize the Yosemite Slough Restoration Project and allow for this project to proceed until escrow can close on the Initial Phase of the Trust Agreement and the termination of Lease No. 6414.9 and the issuance of a new 66-year lease to State Parks can become effective.

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2. The project site was historically part of the tidal marshes and mudflats of San Francisco Bay. Development in the area began in the 1850s and since the late 1800s much of the area has been gradually filled in. The current Yosemite Slough represents a remnant channel within the original tidal marsh. The restoration project will remediate contaminated soil areas, restore 12 acres of tidal wetlands (increasing the tidally influenced area from nine acres to over 20 acres), create two isolated nesting islands for birds, re-vegetate areas with native species, create transitional areas to buffer sensitive habitat, provide 2.5 acres of passive recreation area, and develop approximately 5,000 feet of interpretive trails with several vista points. The project's restoration and construction activities are anticipated to take two years.
3. A Mitigated Negative Declaration SCH#2005122023 was prepared by the California Department of Parks and Recreation and adopted on June 5, 2006 for this project. The California State Lands Commission's staff reviewed such document.
4. A Mitigation Monitoring Program was adopted by the California Department of Parks and Recreation.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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:

United States Army Corps of Engineers
San Francisco Bay Conservation and Development Commission
State Water Resources Control Board
San Francisco Bay Area - Joint Aquatic Resource Permit Application

EXHIBITS:

- A. Location and Site Map
- B. Mitigation Monitoring Plan

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. **C19** (CONT'D)

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH#2005122023 and a Mitigation Monitoring Program were prepared by the California Department of Parks and Recreation and adopted on June 5, 2006, for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit B. attached hereto.

SIGNIFICANT LANDS INVENTORY FINDING:

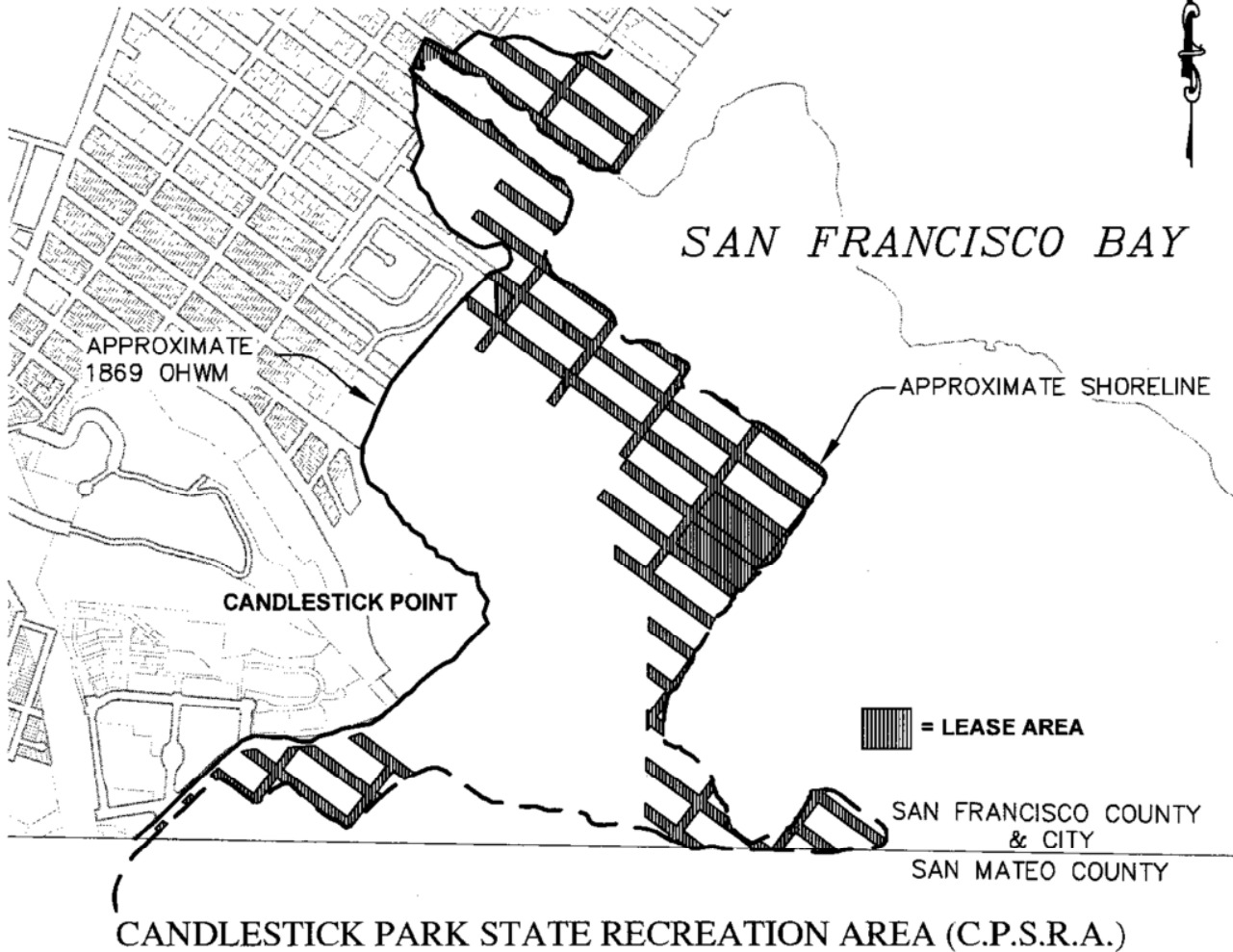
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 6414.9, a General Lease – Public Agency Use, for the remediation and restoration of Yosemite Slough within the Candlestick State Recreation Area and as shown on Exhibit A attached and by this reference made a part hereof, effective April 6, 2011, all other terms and conditions of the lease will remain in effect without amendment.

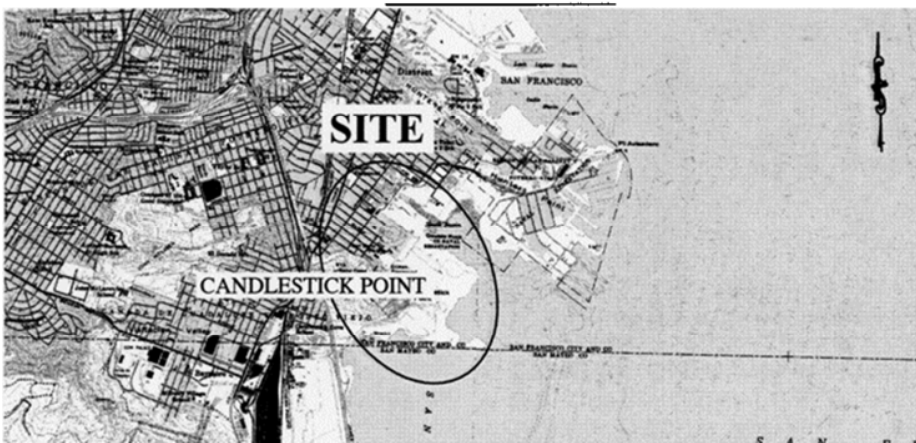
NO SCALE

SITE



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 6414
 C.P.S.R.A. LEASE
 AMENDMENT
 GENERAL LEASE -
 RECREATIONAL USE
 CITY & COUNTY OF
 SAN FRANCISCO



DJF 03/25/2011

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.

Exhibit B Mitigation and Monitoring Plan

Yosemite Slough Restoration
Candlestick Park State Recreation Area
Conditions and Mitigation Monitoring and Reporting Plan
June 2006

This form must be completed and returned to the Project Environmental Coordinator upon project completion along with DPR form 510: "CEQA Project Completion Verification"

Condition/Mitigation Measure	Timing	Responsible for Implementing Mitigations and Conditions	Responsible for Insuring Implementation	Required for Task to be Complete	Date Completed	Status / Comments
Aesthetics						
DPR or its Design contractor will design structures that agree with the general character of the area to minimize visual impacts.	Pre-construction	Design Contractor	Project Manager	Design of buildings to be reviewed by San Francisco City Design Review Board. Design Contractor to provide State's Representative with the Board's comments and project responses.		
All exterior surfaces of proposed structures will be painted with low-glare paints to reduce glare.	Pre-construction	Contractor	DPR Construction Manager	Copies of the monthly status report and the certification of compliance signed by the contractor are to be provided to the State's Representative.		
Air Quality						
Conditions of the Project: Dust control BMPs will ensure that short-term air pollutant emissions from construction activities will be less than significant. As part of the BMPs, construction activities will comply with all applicable BAAQMD rules and regulations, specifically Rule 8-3 regarding architectural coatings, Rule 8-15 regarding asphalt paving, Rule 11-2 regarding demolition, and Regulation 6 regarding particulate matter and visible emissions. To limit potential exposure of workers and nearby sensitive receptors to toxic contaminants contained in the fugitive dust particles, the contractor will implement Mitigation Measures Hazmat-3, Hazmat-6 and Hazmat-7.	Duration of Project	Contractor	DPR Construction Manager and/or Inspector	Copies of the monthly status report and the certification of compliance signed by the contractor are to be provided to the State's Representative.		
	Pre-construction & Duration of Project	Contractor	DPR Construction Manager and/or Inspector	Copies of the monthly status report and the certification of compliance signed by the contractor are to be provided to the State's Representative.		
Biological Resources						
A DPR Environmental Scientist and/or a qualified biologist will conduct preconstruction surveys within two weeks prior to the commencement of construction to verify the presence or absence of birds, including raptors, passerines, and their nests. If the survey indicates the potential presence of nesting raptors or protected passerines, construction workers will adhere to CDFG avoidance guidelines, which are typically a minimum 500-foot buffer zone surrounding active raptor nests and a 250-foot buffer zone surrounding nests of other birds. However, the exact width of the buffer zone will be established in consultation with CDFG.	Pre-construction	DPR Contractor	DPR Staff	Completion of survey reports and consultation with the appropriate regulatory agency. Environmental Scientist will provide State's Representative with copies of reports and consultation notes.		

<p>DPR staff or its contractors will prepare a Monitoring and Adaptive Management Plan that will set the framework for long-term (5-year) biological monitoring of the project's restored habitats. The plan will specify the monitoring requirements for each year of the plan which will include, but are not limited to, establishment of transects for vegetative data collection, measurement of plant survivorship rates, invasive species monitoring, continued reconnaissance surveys for wildlife use of the site, installation of sediment traps (for determining accretion/erosion at the site), limited bioassays for contaminants, and the establishment of photo documentation points. Transects will be established during the first year of monitoring, and the remaining requirements will occur during the 1st, 3rd, and 5th years. In addition, evaluation of dispersion/density of vegetation will occur during year 4.</p>	<p>Pre construction Post-construction</p>	<p>DPR Contractor</p>	<p>DPR Staff</p>	<p>Prior to completion of construction DPR staff will have the Monitoring and Adaptive Management Plan review and approved by the appropriate regulatory agency.</p>		
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Cultural Resources	The following conditions will be implemented to protect previously unrecorded historic resources: 1) Prior to any ground-disturbing activity associated with the proposed project, a DPR-qualified archaeologist will conduct a pre-construction meeting to alert construction crews to the possibility of encountering subsurface historic resources during construction. 2) DPR-qualified archaeologist will monitor any ground disturbing activities associated with the construction of the proposed project. If pockets of historical materials are discovered, construction will cease in that vicinity until the archaeologist has evaluated the find and implemented appropriate treatment and disposition of artifact(s). Treatment measures may include avoidance, removal, preservation, and/or reinterment in accordance with accepted professional archaeological practice.	Pre-construction & Duration of Project	DPR Contractor	DPR Construction Manager and/or Inspector	1) The contractor will provide notification to DPR staff that the pre-construction conference has been held and the construction personnel understand the conditions of work. 2) A monitoring report will be prepared and if necessary a report outlining treatment measures. The Cultural Resource Specialist will provide State's Representative with copies of reports.
In the event that human remains are discovered, work will cease immediately in the area of the find and the project manager/site supervisor will notify the appropriate DPR personnel. Any human remains and/or funerary objects will be left in place or returned to the point of discovery and covered with soil. The DPR District Superintendent (or authorized representative) will notify the County Coroner, in accordance with 7050.5 of the California Health and Safety Code, and the Native American Heritage Commission (or Tribal Representative). If a Native American monitor were on-site at the time of the discovery, the monitor will be responsible for notifying the appropriate Native American authorities.	Pre-construction & Duration of Project	DPR Contractor	DPR Construction Manager and/or Inspector	1) The contractor will provide notification to DPR staff that the pre-construction conference has been held and the construction personnel understand the conditions of work. 2) A monitoring report will be prepared and if necessary a report outlining treatment measures. The Cultural Resource Specialist will provide State's Representative with copies of reports.	
If the coroner or tribal representative determines the remains represent Native American interment, the Native American Heritage Commission in the Sacramento and/or tribe would be consulted to identify the most likely descendants and appropriate disposition of the remains. Work would not resume in the area of the find until proper disposition is complete. (PRC 5097.98). No human remains or funerary objects will be cleaned, photographed, analyzed, or removed from the site prior to determination. If it is determined the find indicates a sacred or religious site, the site will be avoided to the maximum extent practicable. Formal consultation with the State Historic Preservation Officer and review by the Native American Heritage Commission/Tribal Cultural representatives will also occur as necessary to define mitigation measures or future restrictions.	Pre-construction & Duration of Project	DPR Contractor	DPR Construction Manager and/or Inspector	1) The contractor will provide notification to DPR staff that the pre-construction conference has been held and the construction personnel understand the conditions of work. 2) A monitoring report will be prepared and if necessary a report outlining treatment measures. The Cultural Resource Specialist will provide State's Representative with copies of reports.	

Geology and Soils						
<p>The following conditions will be implemented before construction of any facility. 1) Proposed facilities will be designed in accordance with the 2001 California Building Code (based on 1997 Uniform Building Code) requirements for seismic activity or more stringent local building code provisions. 2) DPR or its contractors will conduct a site-specific geological/engineering study for the Interpretative Center. The study will evaluate the potential for liquefaction, differential settlement, and expansion to occur at the proposed Interpretative Center site, and identify the actions needed to reduce damage to the proposed building from geologic hazards. The identified actions of that study will be incorporated in the design of the facility. Actions to reduce potential damage from the structure could include standard or specialized construction procedures and foundation support systems.</p>	Pre-construction	DPR /Contractor	DPR Construction Manager and/or Inspector	Contractor will provide a geotechnical report to the architect/engineer of record for design guidance for all project structures. Contractor to provide State's Representative with copies of all building permits for all structures.		
Hazards and Hazardous Materials						
<p>A qualified engineer will conduct engineering analysis, including hydrodynamic modeling to identify existing erosion processes along the shoreline edge of the project site (from tidal currents, wave action, rainfall, runoff, etc.). The analysis results will contribute to the design of the nesting islands and wetlands (determine the depth of wetland cover) to reduce the potential for erosion and exposure of deep chemically impacted soils.</p>	Pre-construction	DPR contractor	DPR Staff	Restoration design consultants to provide DPR staff with the hydrodynamic model with complete engineering documents.		
<p>The contractor will develop an Erosion Control and Monitoring Plan (ECMP) which will be a stand-alone document or incorporated into the Risk Management Plan (RMP) (see Mitigation Measure Hazmat-3). The ECMP will identify long-term erosion control measures that will be implemented in the upland areas of the project site, to reduce erosion and runoff of soils and subsequent exposure of deeper chemically-impacted soils, as well as monitoring of these soils. Construction specifications for the proposed project will require contractors to implement the ECMP, and to maintain a copy of the ECMP onsite. Erosion control measures would be necessary for two years prior to reestablishment of vegetation. The type of measures would be determined based on the site-specific location.</p>	Pre-construction & Duration of Project	DPR Contractor	DPR Construction Manager and/or Inspector	As a part of the Risk Management Plan the contractor will have included an Erosion Control and Monitoring Plan for review and approval DPR and the regulatory agencies.		
<p>The contractor will develop a Risk Management Plan (RMP) that will guide soil disturbing activities at the project site. The RMP would include the ECMP and Soil Handling and Materials Management Plan (SHMMP). All contractors working at the project site will implement the RMP whenever soil-disturbing construction activities occur. Compliance with the RMP will ensure that chemically-impacted soils will not be exposed and pose a risk to people working and living in the area.</p>	Pre-construction & Duration of Project	DPR Contractor	DPR Construction Manager and/or Inspector	As a part of the Risk Management Plan the contractor will include a Soil Handling and Materials Management Plan for review and approval by DPR and regulatory agencies.		

<p>Prior to the start of construction, qualified DPR staff and/or its contractors will prepare an emergency Spill Prevention and Response Plan and maintain the plan and a spill kit on-site during project construction. The plan will include a map that delineates construction staging areas, where reticulating, lubrication, and maintenance of equipment may occur. In the event of any spill or release of any chemical in any physical form at the project site or in Yosemite slough during construction, the contractor will immediately notify the appropriate DPR staff (e.g., project manager, supervisor, or State Representative).</p>	<p>Pre-construction & Duration of Project</p>	<p>DPR contractor</p>	<p>DPR Staff</p>	<p>DPR's contractor will submit the Spill Prevention and Response Plan to DPR and the appropriate regulatory agency for review and approval. The plan will be posted in a prominent location on the project site.</p>	
<p>Prior to the start of construction, contractors will inspect all equipment for leaks, and regularly inspect equipment until all equipment is removed from SRA properties.</p>	<p>Pre-construction & Duration of Project</p>	<p>Contractor</p>	<p>DPRS Construction Manager and/or Inspector</p>	<p>Contractor to provide a copy of the Inspection report to the State's Representative.</p>	
<p>The contractor will prepare a Health and Safety Plan that includes project-specific monitoring procedures and action levels for dust, and specific actions to be implemented if these action levels are exceeded. The portion of the plan that relates to the control of toxic contaminants contained in fugitive dust will be prepared in accordance with the Bay Area Air Quality Management District (BAAQMD) guidelines. The BAAQMD guidelines to prevent the exposure of sensitive receptors to levels above applicable thresholds will be implemented. The Health and Safety Plan, applicable to all excavation activities, will establish policies and procedures to protect workers and the public from potential hazards posed by hazardous materials. The plan will be prepared according to federal and California OSHA regulations. DPR and/or its contractors will maintain a copy of the Plan on-site during construction activities.</p>	<p>Pre-construction & Duration of Project</p>	<p>Contractor</p>	<p>DPR Construction Manager and/or Inspector</p>	<p>The contractor shall submit the Health and Safety Plan to the appropriate regulatory agencies for review and approval. Contractor to provide the State's Representative with a copy of the approved plan. The approved plan is to be post in a prominent location on the project site.</p>	
<p>Qualified DPR staff or a qualified engineer/contractor will prepare a Soil Handling and Materials Management Plan (SHMMP), which will be incorporated into the Risk Management Plan (RMP) (see Mitigation Measure Hazmat-3). The SHMMP will identify proper procedures for the management (excavation, handling, treatment, reuse, and disposal) of both chemically impacted soils and non-chemically impacted soils at the project site. Construction specifications for the proposed project will require contractors to implement the SHMMP, and to maintain a copy of the SHMMP on-site.</p>	<p>Pre-construction</p>	<p>DPR Contractor</p>	<p>DPR Staff</p>	<p>The contractor shall submit the Risk Management Plan containing the Soil Handling and Materials Management Plan to the appropriate regulatory agencies for review and approval. Contractor to provide the State's Representative with a copy of the approved plan. The approved plan is to be post in a prominent location on the project site.</p>	

<p>The SHMMP will include results of the Phase II Environmental Site Assessment, which include but are not limited to those measures identified below. Specific details of the requirements (e.g., methods of excavation, protocols for in-situ and ex-situ treatment, etc.) will be developed and completed prior to the start of construction activities. 1) Contractors will be required to implement the SHMMP, and to maintain a copy of the SHMMP onsite at all times. 2) The SHMMP will require DPR or its contractors to remove chemically-impacted soils in two localized zones to reduce chemical solubility of the soils and remove the localized potential for groundwater contamination.</p>				<p>Pre-construction, duration of project, & post-construction</p>	<p>DPR Contractor</p>	<p>DPR Construction Manager and/or Inspector</p>	<p>Contractor to submit monthly to the State's Representative a report certifying compliance with the SHMMP</p>	
<p>3) The SHMMP will require DPR or its contractors to conduct bioremediation within the project area (South, North A, and North B areas) where TEPH and PAHs have been detected. Bioremediation could be completed in-situ before grading or ex-situ during grading. 4) The SHMMP will require DPR or its contractors to remove wetland layer soils that do not meet the screening criteria for the project, and replace the soil with suitable material taken from cut soils or with clean imported fill that meet the screening criteria.</p>								
<p>5) The SHMMP will require DPR or its contractors to place cut soils that do not meet appropriate criteria for reuse as wetland or upland cover in upland areas underneath soils that meet appropriate uplands cover criteria. Alternatively, these soils would be treated and/or adequately disposed of off-site in accordance with federal, state, and local regulations.</p>								
<p>6) The SHMMP will require DPR or its contractors to conduct analysis and statistical evaluation of the final wetland layer soils (consisting of cut soils proposed for reuse and wetland layer soils left in-place) to ensure that project goals are achieved (i.e., concentrations in the final wetland layer do not exceed screening criteria and the average concentrations are near ambient concentrations for San Francisco Bay sediments). 7) The SHMMP will require DPR or its contractors to properly dispose of groundwater during de-watering activities. Chemically impacted water will be treated prior to discharge or disposed of at a licensed facility. Non chemically-impacted water will be passed through settlement devices (e.g., settling pond) prior to discharge into the Bay.</p>								
<p>Hydrology and Water Quality</p>								
<p>Qualified DPR staff or its contractor will prepare and file a waste discharge report with RWQCB, and obtain a WDR, or waiver, from the RWQCB for discharge of stormwater to Yosemite Slough. The project will comply with all applicable water quality standards as specified in the SF RWQCB Basin Plan.</p>	<p>Pre-construction & Duration of Project</p>	<p>DPR / Contractor</p>	<p>DPR Construction Manager and/or Inspector</p>	<p>Contractor to provide the State's Representative with a copy of the report submitted to the RWQCB certifying compliance with the applicable water quality standards.</p>				
<p>Contractors will not work along the shoreline (during connection of restored area to the slough) during high tides or rainy season (October 31 to May 1). Grading activities occurring during the winter months will require special measures, including covering (trapping of stockpiled soils).</p>	<p>Duration of Project</p>	<p>Contractor</p>	<p>DPR Construction Manager and/or Inspector</p>	<p>Contractor to provide the State's Representative with a monthly report certifying construction activities are in compliance with restricted work activity time frames.</p>				

<p>Preparation of a SWPPP would be required as part of the project to prevent water quality degradation. The SWPPP will specify BMPs to prevent construction pollutants from contaminating stormwater and moving offsite into receiving waters. BMPs include measures guiding the management and operation of construction sites to control and minimize the potential contribution of pollutants to storm runoff from the project area. Erosion and sedimentation control practices could include installation of silt fencing, straw wattle, fiber rolls, mulch, soils stabilization, detention basins, straw bales, silt check dams, geotextiles, drainage swales, sand bag dikes, revegetation, and runoff control, or other applicable techniques to limit increases in sediment in storm water runoff. In addition, all storm water inlets in the project vicinity will be protected during ground disturbing activities with one or more of the measures identified above.</p>	<p>Pre-construction & Duration of Project</p>	<p>Contractor</p>	<p>DPR Construction Manager and/or Inspector</p> <p>Contractor to submit the SWPPP to DPR and the appropriate regulatory agencies for review and approval.</p>
<p>Land Use and Planning</p>			
<p>DPR will obtain relevant permits and implement permit conditions as part of project implementation.</p>	<p>Pre-construction</p>	<p>DPR / Contractor</p>	<p>DPR Construction Manager</p> <p>State's Representative to be provided with copies of all required permits.</p>
<p>Transportation/Traffic</p>			
<p>Construction truck traffic will be prohibited during 48er football game days.</p>	<p>Duration of Project</p>	<p>Contractor</p>	<p>DPR Construction Manager and/or Inspector</p> <p>Contractor to post and maintain traffic direction signs restricting traffic on days the stadium is in use.</p>
<p>The bicycle routes on Carroll Avenue will be detoured to adjacent streets during construction activities to ensure safety.</p>	<p>Duration of Project</p>	<p>Contractor</p>	<p>DPR Construction Manager and/or Inspector</p> <p>Contractor to post and maintain signage re-directing bicycle traffic from Carroll Avenue.</p>
<p>Construction Best Management Practices (BMPs), including the preparation of a traffic control plan, are required by the City of San Francisco to be in place to ensure the safety of construction workers, motorists, bicyclists and pedestrians throughout project construction. Prior to initiation of construction, a Traffic Control Plan, conforming to the State's Manual of Traffic Controls for Construction and Maintenance Work Areas, will be prepared and implemented. The traffic control plan will be prepared by the contractor(s) prior to the start of construction and will be reviewed by the City of San Francisco prior to its implementation. It will include specifications on construction traffic scheduling, hours of operation, haul routes, construction parking, staging area management, visitor safety, detour routes and speed controls.</p>	<p>Pre-construction & Duration of Project</p>	<p>Contractor</p>	<p>DPR Construction Manager and/or Inspector</p> <p>Contractor to prepare a Traffic Control Plan for review and approved by DPR and the appropriate regulatory agency.</p>
<p>Utilities and Service Systems</p>			
<p>Prior to the start of construction, contractors will disclose the name and location of the permitted waste disposal facility that will accept the proposed project's Class I, Class II or Class III wastes.</p>	<p>Pre-construction & Duration of Project</p>	<p>Contractor</p>	<p>DPR Construction Manager and/or Inspector</p> <p>Contractor to post and maintain at the project site information concerning the location of disposal facility for the Class I, II and III wastes.</p>