

**CALENDAR ITEM  
C56**

A 7  
S 15

08/14/12  
PRC 8620.9  
D. Simpkin

**AMENDMENT OF LEASE**

**LESSEE:**

Monterey Bay Aquarium Research Institute, a nonprofit public benefit corporation

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Pacific Ocean near Moss Landing, Monterey County.

**AUTHORIZED USE:**

Continued use and maintenance of a submarine cable extending 31.7 miles offshore from Moss Landing.

**LEASE TERM:**

25 years, beginning August 8, 2005.

**CONSIDERATION:**

The public use and benefit, 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:**

Amend Section 2, Special Provisions, Paragraph 16, to include the following.

Lessee shall re-survey the cable burial every five years, beginning in 2015 and submit to Lessor the survey report within 30 days of completion of the survey.

All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the upland adjoining the lease premises.
2. On August 8, 2005, the Commission authorized the issuance of Lease No. PRC 8620.9, a General Lease – Right-of-Way Use, to the Monterey Bay

CALENDAR ITEM NO. **C56** (CONT'D)

Aquarium Research Institute, a nonprofit public benefit corporation for a period of 25 years, for the construction, installation, operation, maintenance, and use of a submarine cable extending 31.7 miles offshore from Moss Landing.

3. The existing lease required the Lessee to submit two cable surveys following construction and installation to determine the interval of subsequent re-surveys. The two surveys indicate that the cable is still buried. The Lessee has submitted an application to amend the lease to allow re-surveys every five years, beginning in 2015.
4. The 5-year re-survey interval has already been approved by the Monterey Bay National Marine Sanctuary, through which the cable passes, and staff of the California Coastal Commission reports that they will recommend approval of an amendment to the Coastal Development Permit for the new re-survey interval.
5. The staff recommends that the Commission find that the subject lease amendment does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject lease amendment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C56** (CONT'D)

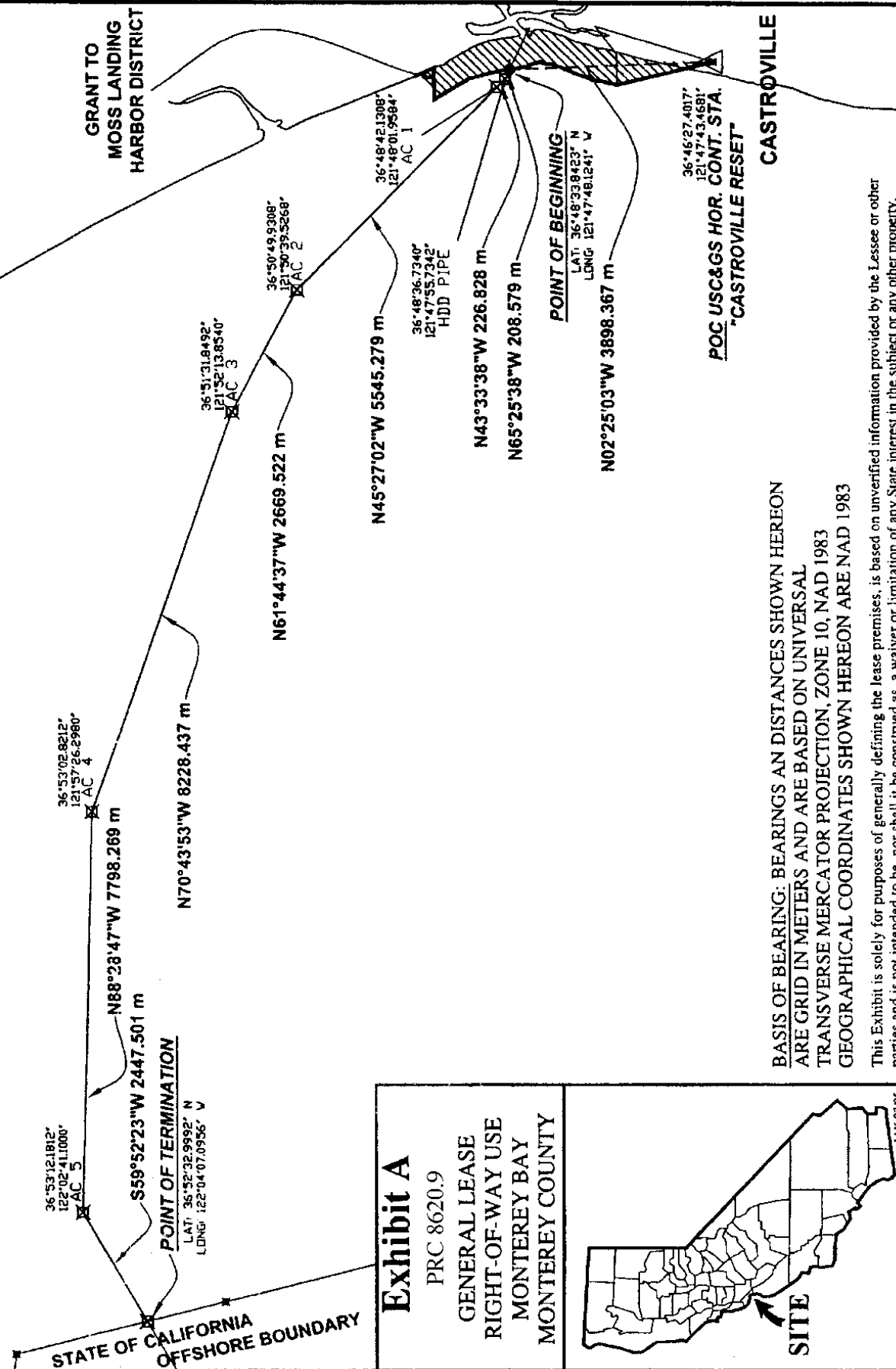
**AUTHORIZATION:**

Authorize the Amendment of Lease No. PRC 8620.9, a General Lease – Right-of-Way Use, to amend Section 2, Special Provisions to require the submittal of cable re-surveys every five years, beginning in 2015, as shown in exhibit A (for reference purposes only), effective July 26, 2012; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

# SITE

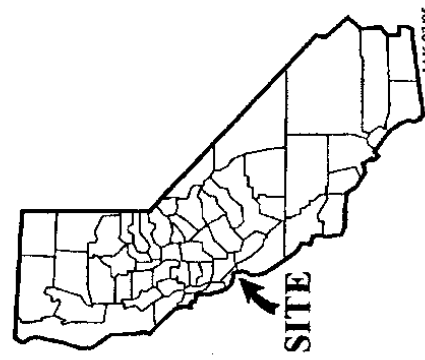
## MONTEREY BAY RESEARCH INSTITUTE, MARS CABLE



BASIS OF BEARING: BEARINGS AND DISTANCES SHOWN HEREON ARE GRID IN METERS AND ARE BASED ON UNIVERSAL TRANSVERSE MERCATOR PROJECTION, ZONE 10, NAD 1983 GEOGRAPHICAL COORDINATES SHOWN HEREON ARE NAD 1983

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 A**  
 PRC 8620.9  
 GENERAL LEASE  
 RIGHT-OF-WAY USE  
 MONTEREY BAY  
 MONTEREY COUNTY



JAK 07/05