

**CALENDAR ITEM
C80**

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S 39

12/02/13
W 26504
K. Foster

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

The Regents of the University of California
c/o UC San Diego Real Estate
9500 Gilman Drive, #0982
La Jolla, CA 92093-0982

LAND TYPE AND LOCATION:

Sovereign land in San Diego Bay, in the city of San Diego, San Diego County.

AUTHORIZED USE:

Use and maintenance of an existing wharf, riprap, portions of a fixed pier, and appurtenant structures; the demolition of the existing wharf, portions of a fixed pier and appurtenant structures; the construction, use, and maintenance of a new wharf, portions of a fixed pier, and appurtenant structures along the same alignment; riprap repair and limited sediment removal along the shoreline; and minor vessel repairs, maintenance, and vessel refueling.

LEASE TERM:

49 years, beginning December 2, 2013.

CONSIDERATION:

The public benefit, with the State reserving the right to set a monetary rent should such state-wide public benefit cease, or the Lease Premises be used for any commercial or profit-generating activities.

SPECIFIC LEASE PROVISIONS:

Other:

1. The Lease Premises are used for research activities and for the docking of research vessels operated by the Scripps Institution of Oceanography (SIO) and visiting institutions. Should such statewide public benefit cease, or the Lease Premises be used for any commercial or profit-generating activities, such change in use will require an amendment to the Lease, and may be subject to rent.

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2. Any future dredging operations will require Commission authorization.
3. Any uses authorized by the United States Department of the Navy (Navy) lease, for those portions of the finger pier located within Navy property, that are contrary to Public Trust uses of sovereign land, or contrary to any provisions in the Lease, are prohibited within the lease area.
4. All vessels subject to the Marine Invasive Species Act (MISA) (Pub. Resources Code, § 71200 et seq.), that utilize the wharf and pier will abide by and conform to the MISA requirements for the management of nonindigenous species.
5. A logbook will be kept to track any debris, including any objects or hazardous materials that fall into the water during minor vessel repairs and maintenance conducted within the lease area.

BACKGROUND INFORMATION:

The property occupied by the existing SIO Nimitz Marine Facility (MarFac), shown on Exhibit B, was previously owned by the Navy and was leased to the University of California, San Diego (UCSD) beginning in 1964. The original SIO wharf and pier improvements were completed in 1965 and consisted of a 100-foot-long concrete wharf and two floating barges. The wharf was extended to its current length of approximately 310 feet in 1974, and the existing 365-foot-long finger pier was constructed. The Navy sold the upland property as surplus in 1975 to the UC Regents on behalf of UCSD and SIO. A significant portion of the finger pier is located within adjacent Navy property and is subject to a lease from the Navy.

The wharf and pier at MarFac are used by SIO for the operation of its marine research fleet, consisting of four vessels: Research Vessel (R/V) Roger Revelle, R/V Melville, R/V New Horizon, and R/V Robert Gordon Sproul, and the research platform Flip. A fifth vessel under construction for the Navy, the R/V Sally Ride, will be added to the fleet in 2015 and will operate out of the SIO facility. The facility is also used periodically by visiting research vessels.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

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2. Title to a 300-yard-wide strip of tide and submerged land adjacent to MarFac was previously granted by the State to the United States for military purposes pursuant to Chapter 81, Statutes of 1897, but reverted to the State when the Navy sold the upland property. The Commission became aware of the reversion in 2009 when UCSD staff contacted Commission staff during the planning stages for the MarFac wharf and pier replacement project, to request information to clarify ownership of the tide and submerged land adjacent to MarFac. Because of this reversion, the Applicant is requesting a lease of the ungranted sovereign land adjacent to the shoreline at MarFac as shown on Exhibit B, bounded on the north side by a legislative grant to the San Diego Unified Port District, and on the south side by the Naval base boundary.
3. A recent inspection of the facility determined that the wharf and pier have experienced widespread degradation and are now able to support less than 25 percent of their original load capacity. The proposed project will demolish the existing structures and construct a new wharf and pier of the same dimensions along the same alignment as the existing structures. The new structures will feature an increased deck height to account for any foreseeable future sea level rise at the site.
4. The project is scheduled to begin in May 2014 with work commencing on the upland property. Work within the lease area is scheduled to begin in September 2014 with the demolition of the existing wharf and pier, and removal of the existing pilings. Construction of the new wharf and pier is expected to be completed by January 2016. In addition to the wharf and pier demolition and replacement, the project includes shoreline riprap repair and minor sediment removal to provide erosion control and increase shoreline stability.
5. A Mitigated Negative Declaration, State Clearinghouse No. 2013041022, was prepared by the University of California, San Diego and adopted on September 17, 2013, for this project. The California State Lands Commission staff has reviewed such document.

A Mitigation Monitoring Program was adopted by the University of California, San Diego. In addition, project design features to minimize environmental impacts were required as part of the project and require monitoring during project activities. Several of these design features include activities on sovereign land. A table of project design features is included in Exhibit C for informational purposes.

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6. 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 California Environmental Quality Act (CEQA) review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

San Diego Regional Water Quality Control Board
California Coastal Commission
United States Army Corps of Engineers
United States Department of the Navy

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Plan

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2013041022, and a Mitigation Monitoring Program were prepared by the University of California, San Diego and adopted on September 17, 2013, for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, 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 section 6370 et seq.

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AUTHORIZATION:

Authorize issuance of a General Lease - Public Agency Use to The Regents of the University of California beginning December 2, 2013, for a term of 49 years, for the use and maintenance of an existing wharf, riprap, portions of a fixed pier, and appurtenant structures; the demolition of the existing wharf, portions of a fixed pier and appurtenant structures; the construction, use, and maintenance of a new wharf, portions of a fixed pier, and appurtenant structures along the same alignment; riprap repair and limited sediment removal along the shoreline; and minor vessel repairs, maintenance, and vessel refueling; as described in Exhibit A attached and by this reference made a part hereof, and as shown on Exhibit B (for reference purposes only); Consideration is the public benefit, with the State reserving the right to set a monetary rent should such state-wide public benefit cease, or the Lease Premises be used for any commercial or profit-generating activities.

EXHIBIT C: MITIGATION MONITORING PROGRAM & PROJECT DESIGN FEATURES

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Responsible Party	Timing
Air 1: Cumulative Air Quality Impacts due to Nitrogen Oxide	<p>MM Air-1. The contractor shall implement the following measures, or equivalent measures, to reduce nitrogen oxide emissions from the proposed project by its fair share of cumulatively considerable construction emissions (36 percent). These measures shall be included on construction plans. If alternative measures are selected, construction plans shall include a demonstration that maximum daily nitrogen oxide emissions would not exceed 145 pounds per day.</p> <ol style="list-style-type: none"> 1. Tugboat engine idling time shall be limited to a total of 4 hours per day. 2. All equipment with a 50-horsepower engine or greater shall be certified Tier 2 or higher. 3. Diesel equipment with a 50-horsepower engine or greater shall be outfitted with an oxidation catalyst that reduces nitrogen oxide emissions by 15 percent compared to offroad 2007 emissions factors. 	Project Area	Compliance Monitoring	University of California, San Diego (UCSD)/ United States Navy (USN)	During Project Demolishing, Regrading, and Construction Activities

Project Design Features

Resource Impacted	Project Design Feature	Responsible/Implementing Party	Reporting
Aesthetics	<ul style="list-style-type: none"> • Lighting Installation. New upgraded lighting installed as part of the Project would comply with UCSD’s Outdoor Lighting policy 	UCSD	UCSD to confirm implementation
Biological Resources	<ul style="list-style-type: none"> • Pile Driving (Least Terns). Pile driving and other in-water demolition or construction that creates excessive underwater acoustics and turbidity shall avoid the endangered California least tern breeding season (April 1 through September 15) per the 2004 Memorandum of Understanding (MOU) between the United States Navy (USN) and the United States Fish and Wildlife Service (USFWS). In the event of an emergency, the USN could informally consult with the USFWS to extend activities that are not covered under the MOU. • Construction Materials. The contractor shall use only clean construction materials suitable for use in the aquatic environment. • Debris Storage. The contractor shall ensure that the debris, soil, silt, 	USN, Contractor, UCSD	<p>Scripps Institution of Oceanography (SIO)/ UCSD project manager shall regularly monitor construction activities to ensure that no deviation from the project requirements occurs.</p> <p>In the event that an unauthorized deviation</p>

EXHIBIT C: MITIGATION MONITORING PROGRAM & PROJECT DESIGN FEATURES

Resource Impacted	Project Design Feature	Responsible/Implementing Party	Reporting
	<p>sand, sawdust, rubbish, cement, or concrete washings thereof, chemicals, and oil or petroleum products from construction are not placed where they may be washed by rainfall or runoff into waters of the State and United States. Upon completion of the project, any and all excess materials or debris shall be completely removed from the work area and disposed of in an appropriate cleanup site.</p> <ul style="list-style-type: none"> • Spill Prevention. Spill kits and cleanup materials shall be present during construction should there be a leak of debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, chemicals, and oil or petroleum products from construction into the surrounding water. Workers shall be trained to clean up spills. • Debris Disposal. All debris shall be transported to, and disposed of, at an appropriate upland disposal site, or recycled, if appropriate. • Excavated Sediments Disposal. Excavated material shall be disposed of at an upland disposal site after drying/dewatering on site. • Harassment Prohibition. Equipment operators and all other project workers shall not harass and marine mammals, waterfowl, or fish in the project area. • Pile Driving (Turtles and Marine Mammals). A biological monitor shall perform a visual sweep of the local project area or a 100-foot radius (whichever is greater) prior to commencing pile driving and during each pile-driving event and any other activity that creates in-water noise and turbidity. If a green sea turtle or marine mammal is observed, the project shall shut down. Work can continue 15 minutes after the last sighting. • Pile Driving (Ramp-Up Procedure). Prior to the start of pile-driving each day, and after each break of more than 30 minutes, and if any increase in the intensity is required, the contractor shall use a ramp-up procedure. The procedure involves a slow increase in pile driving to allow any undetected animals in the area to voluntarily depart. • Eelgrass and <i>Caulerpa taxifolia</i> surveys. Pre- and post- construction eelgrass surveys would be conducted to verify the absence of eelgrass and <i>Caulerpa taxifolia</i>. • USN Marine Mammals. Marine mammals housed at Space and Naval Warfare Systems Command Systems Center (SSC) Pacific would be 		<p>occurs, the SIO/UCSD project manager shall notify the USN immediately. The USN would report any violation of authorized impacts to the appropriate regulatory agency within 24 hours of its occurrence.</p>

EXHIBIT C: MITIGATION MONITORING PROGRAM & PROJECT DESIGN FEATURES

Resource Impacted	Project Design Feature	Responsible/Implementing Party	Reporting
	<p>relocated as part of the USN P-151 Fuel Pier Replacement Project (P-151 Project). As the P-151 Project is expected to overlap with the SIO/UCSD MarFac wharf and pier replacement project, the proposed project would have no effect on these marine mammals. If the P-151 Project is delayed, additional construction condition would be added to the proposed project to ensure there is no effect on these marine mammals. In coordination with the USN Marine Mammal Program, the project would not affect marine mammals housed at SSC Pacific if the following conditions were included as part of the project construction:</p> <ul style="list-style-type: none"> ○ Pile Driving. The contractor shall be limited to no more than 3,500 blows per day during installation of the 24-inch concrete piles, which according to modeling conducted by the USN should not result in any impacts to marine mammals. ○ Real-Time Data Collection and Sharing. UCSD would be required to keep the USN involved as the project progresses so that real-time data during construction can be collected and marine mammals monitored. ○ Contingency Measures. In the unlikely event there is some unanticipated effect on marine mammals, a construction hiatus would be required to allow animals located closest to the pier, those housed at SSC Pacific, to be moved to another pen. 		
<p>Geology and Soils</p>	<ul style="list-style-type: none"> • Restoration of Structural Integrity. The proposed project would restore the structural integrity and functionality of the degraded SIO/UCSD MarFac, reducing the potential for impacts related to geologic or seismic hazards. • Compliance with Existing Code. Seismic design of the wharf and pier would be developed using performance- and code- based methods of design. Seismic design criteria were determined based on recommendations of the geotechnical investigation and the Port of Long Beach and Unified Facilities Criteria 4-152-01 Pier and Wharves, Paragraph 3-4.5. The project design would comply with Level 1 (Operating) and Level 2 (Contingency Level) Spectra per the California Building Code and Marine Oil terminal Engineering and Maintenance Standards (MOTEMS) criteria. 	<p>Contractor</p>	<p>UCSD to confirm implementation</p>

EXHIBIT C: MITIGATION MONITORING PROGRAM & PROJECT DESIGN FEATURES

Resource Impacted	Project Design Feature	Responsible/Implementing Party	Reporting
<p>Hazards and Hazardous Materials</p>	<ul style="list-style-type: none"> • Demolition Debris. Floating rafts shall be placed under the wharf and pier to catch demolition debris. • Compliance with Applicable Law. Hazardous materials (such as lead-based paint and materials containing asbestos) shall be contained and disposed of in accordance with applicable laws. • Pile Contamination. Piles shall be pulled from the subsurface and quickly placed onto a receiving barge to minimize potential releases of creosote, petroleum sheens, and turbidity in the waterway. • Pile Processing. Piles shall not be rinsed or washed in any way. The barge’s storage area shall consist of a row of hay, straw bales, or filter fabric placed around the perimeter of the barge. • Pile Disposal. Treated timber piles and pile stubs shall be tested to determine the level of disposal facility required. • Spill Contingency. A Spill Prevention, Control, and Countermeasures (SPCC) Plan shall be developed and implemented. 	<p>Contractor</p>	<p>UCSD to confirm implementation</p>
<p>Hydrology and Water Quality</p>	<ul style="list-style-type: none"> • Stormwater Treatment. The Stormwater collection and treatment system shall be designed to be consistent with UCSD’s Storm Water Management Plan and shall result in improved water quality in San Diego Bay. • Stormwater Pollution Prevention. A Stormwater Pollution Prevention Plan (SWPPP) shall be developed and implemented. • Excavated Sediments. Sediments excavated during grading shall be tested and placed at an appropriate upland site. 	<p>Contractor</p>	<p>UCSD to confirm implementation</p>
<p>Noise</p>	<ul style="list-style-type: none"> • Pile Driving. During all pile-driving activities, the pile and driver shall be completely enclosed on all sides and on the top by an acoustical shroud. The shroud shall extend from the water surface to a point at least 5 feet above the top of the pile to be driven. The acoustical shroud, held in place by a crane, shall surround the pile-driving assembly during the pile-driving activities. • Noise-Reduction. Construction equipment shall be properly outfitted and maintained with manufacturer recommended noise-reduction devices to minimize construction-generated noise. 	<p>Contractor/ UCSD</p>	<p>UCSD to confirm implementation</p>

EXHIBIT "A"

W 26504

LAND DESCRIPTION

A portion of lands lying within the Bay of San Diego, in the City of San Diego, County of San Diego, State of California adjacent and contiguous to the upland between the mean high tide line and a line 300 yards out beyond the low water mark, which lands reverted to the State of California pursuant to the Statutes of California of 1897, Chapter 81 (LXXXI) when the upland tract of land consisting of 5.80 acres, more or less, was quitclaimed to The Regents of the University of California according to Deed Recorded September 19, 1975 as F/P No.75-256342 filed in the office of the County Recorder of San Diego County under Accessor Parcel No. 532-520-08, said lands being more particularly described as follows:

COMMENCING at an old stone monument in the North line of said Deed land, marked U.S.M.R. near the shore of San Diego Bay, from which the United States Coast and Geodetic Survey Station "Astro" bears South $32^{\circ}30'11''$ West 2968.5 feet as shown on Miscellaneous Map No. 129, recorded as file No. 24010 on April 16, 1934, in the office of the County Recorder of San Diego County; thence along the North line of said Deed land North $89^{\circ}31'35''$ East 111.06 feet more or less, to an intersection with the mean high tide line of November 1945, of the Bay of San Diego and the POINT OF BEGINNING; thence South $05^{\circ}22'50''$ West along said mean high tide line 310.21 feet; thence continuing along said mean high tide line South $01^{\circ}15'45''$ West 103.50 feet; thence leaving said mean high tide line North $89^{\circ}31'35''$ East 425 feet; thence Northwesterly to a line which bears North $89^{\circ}31'35''$ East from the Point of Beginning and 150 foot from the Low Water mark of said San Diego Bay; thence South $89^{\circ}31'35''$ West to the POINT OF BEGINNING.

This legal description was prepared by me or under my direction.

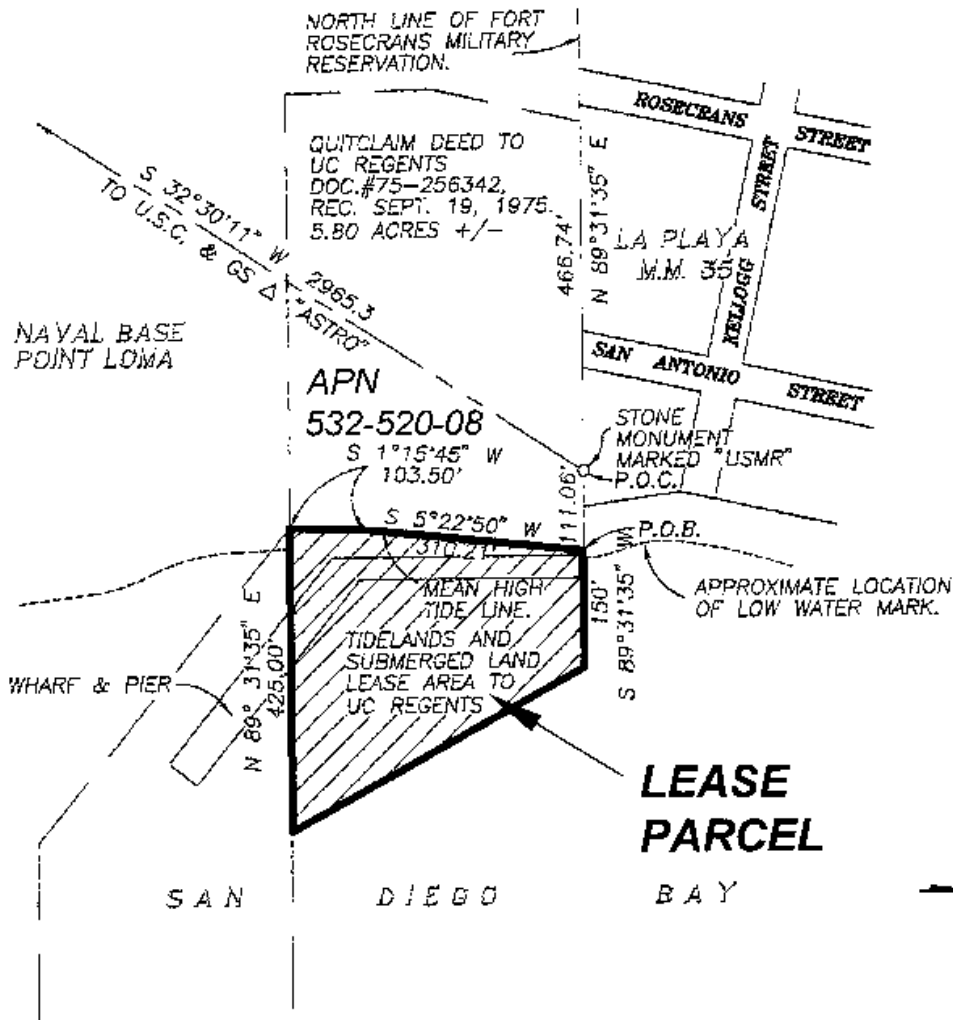


Herman W. Bateman, P.L.S. 4605
October 24, 2013



NO SCALE

SITE



UCSD SCRIPPS INSTITUTION OF OCEANOGRAPHY, SAN DIEGO, CA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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

W 26504

UCSD SCRIPPS WHARF/PIER
REPLACEMENT PROJECT
APN 532-520-08
GENERAL LEASE -
PUBLIC AGENCY USE
SAN DIEGO COUNTY

