

Staff Report 25

LESSEE:

Eco Services Operations Corp.

PROPOSED ACTION:

Amendment of General Lease – Industrial and Protective Structure Use

AREA, LAND TYPE, AND LOCATION:

31.04 acres (Parcel A), 3.6 acres (Parcel B), and 33.35 acres (Parcel C), more or less, of filled and unfilled sovereign land in Peyton Slough and Carquinez Strait, adjacent to 100 Mococo Road, near Martinez, Contra Costa County.

AUTHORIZED USE:

Parcel A: Continued use and maintenance of existing industrial facilities on filled and unfilled sovereign land improved with a wastewater treatment facility with pipelines, pump houses, and appurtenant facilities, outfall pipeline, road, railroad spur, utilities, retention pond, sheet pile seawall, capped remediated soils in old Peyton Slough channel, and groundwater monitoring wells.

Parcel B: Continued use and maintenance of existing groundwater monitoring wells on filled sovereign land.

Parcel C: Continued use and maintenance of open wetland and marshland habitat, realigned Peyton Slough channel, and groundwater monitoring wells on filled and unfilled sovereign land.

TERM:

25 years, beginning April 20, 2017.

CONSIDERATION:

Parcel A: \$95,088, with the Commission reserving the right to establish a different rent periodically during the lease term, as provided in the lease.

Parcel B: The public health and safety; with the Commission reserving the right to set a monetary rent if the lessor finds such action to be in the State's best interests, as provided in the lease.

Parcel C: The public health and safety; with the Commission reserving the right to set a monetary rent if the lessor finds such action to be in the State's best interests, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to:

- Include in the Authorized Use and Improvements the use and maintenance of an additional approximately 300 tons of rip rap along the shoreline in front of the north bulkhead, and approximately 60 feet to the east and to the west of the bulkhead.
- Replace the existing Exhibit B-1, Site and Location Map, with the attached Exhibit B-1, Site and Location Map (for reference purposes only).

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

BACKGROUND:

On April 20, 2017, the Commission approved ratification of previously unauthorized assignments; termination of Lease Number PRC 7660, a General Lease – Right-of-Way Use, and Lease Number PRC 8441, a General Lease – Industrial Use. At the same time, the Commission authorized the issuance of one General Lease – Industrial and Protective Structure Use (Lease Number PRC 7660) to Eco Services Operations Corp. (Eco Services), the current operator of the upland facilities ([Item C33, April 20, 2017](#)) to include activities previously covered by both leases. On October 18, 2018, the Commission approved an amendment of Lease 7660 for the installation, use, and maintenance of approximately 250 linear feet of shoreline protection and to require the Lessee to monitor and report to the Commission all significant erosion events that would cause the Lessee to conduct non-routine maintenance or reorganization of the shoreline protection, as well as report the natural environmental conditions associated with or causing the significant erosion event ([Item C37, October 18, 2018](#)). That lease will expire on April 19, 2042.

The historic upland copper processing facility and fertilizer plant caused copper and zinc to leach into the surrounding soils and sediment in and adjacent to Peyton Slough. Peyton Slough, in particular the northern reach, had been subject to

several past evaluations of concentrations of copper and zinc in soils and sediments. On August 20, 2001, the San Francisco Bay Regional Water Quality Control Board directed Eco Services to remediate the contamination in and around Peyton Slough.

The remediation and monitoring project included excavating contaminated soils and sediment from Peyton Slough, dewatering the material and placing it back into the slough bed, and placing an engineered cap over the contaminated sediments in and along the embankment of the existing slough to chemically and physically isolate the remaining contaminated sediments. The project also included placing additional sediment on top of the cap to bring elevations of the marsh plain to a height to support the establishment of tidal marsh vegetation. Further, a new slough channel was excavated approximately 400 feet to the east of the capped slough, and water flows were rerouted from a new tide gate located on the upland to the new channel.

The Carquinez Strait shoreline within the lease premises has eroded, on average, 25.6 feet between 2000 and 2017, or approximately 1.5 feet per year, threatening to expose monitoring wells and legacy contamination.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Due to continued shoreline erosion, on-going maintenance activities are implemented on an as-needed basis to maintain the integrity of the Peyton Slough Remediation Project by preventing legacy contamination from entering the Carquinez Strait. Erosion of the shoreline directly east and west of the North Bulkhead had been observed, thus increasing the risk of exposing legacy contaminants. As a result, Commission staff issued a Letter of Non-objection and on November 30, 2020, approximately 300 tons of rock was placed along the shoreline in front of the bulkhead, and approximately 60 feet to the east and to the west of the North bulkhead. The new shoreline protection for the north ore body was installed by placing geotextile fabric at low tide and rock was placed atop the fabric by a crane-mounted barge at high tide. To fulfill a condition of the issuance of the Letter of Non-objection, the Lessee is now requesting Commission approval to amend the lease to authorize the rock riprap that was placed pursuant to the

letter. Staff believes the rock riprap is necessary to protect the public. If the riprap were removed, faster erosion of the shoreline would likely occur, increasing the risk of legacy contaminants entering the Carquinez Strait and creating an environmental hazard.

The existing industrial use has existed at this site for many years and does not significantly further alter the land, nor does it alienate the State’s fee simple interest, permanently impair public rights, or substantially interfere with Public Trust needs, at this location, at this time, and for the foreseeable term of the lease. The proposed lease requires the Lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee’s activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

CLIMATE CHANGE:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The project is located in the Carquinez Strait, in a tidally influenced site vulnerable to flooding at current sea levels that will be at high risk of flood exposure based on the projected scenarios of sea-level rise in this area.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea-level rise scenario for the region as listed in Table 1.

Table 1. Projected Sea-Level Rise for San Francisco

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

Due to the high wave energy at this location, Eco Services placed shoreline protection to protect the existing north bulkhead of the capped Peyton Slough in November 2020. The area is a tidal marsh that is inundated during high tide events. Shoreline protection of this location was necessary for the continued protection of

the shoreline from erosion and exposure of the north ore body's contained contaminants.

Sea-level rise will cause more frequent overtopping and inundation of the riprap and shoreline, and the Lessee states this should have minimal impact on the riprap's ability to protect the shoreline, and thus the north ore body, from erosion. At this location, the riprap abuts upland habitat (approximately 7 to 10 feet elevation). This area is currently not submerged at mean higher high water and remains above the tides even under the "high emissions," "extreme risk aversion" scenario provided in Table 13 of the State of California Sea-Level Rise Guidance: 2018 Update, which is 2.7 feet projected sea-level rise by 2050. The shoreline protection may need additional reinforcement in the future to withstand higher levels of flood exposure and more frequent storm events. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement.

The 25-year lease term provides both the Commission and the Lessee an opportunity to monitor the effects of sea-level rise in the shorter term, evaluate the design and functionality of the existing protection structures, and make incremental adaptation steps as necessary and appropriate. To achieve this, staff worked with the Lessee to incorporate lease provisions to track climate change impacts through monitoring and reporting of major erosion/degradation events and subsequent maintenance/repair actions. The information the Lessee reports will help shape future strategy development of appropriate adaptation measures that may be required for the continued protection of the site in the future.

CONCLUSION:

For all the reasons above, staff believes that the amendment of this lease is consistent with the common law Public Trust Doctrine by protecting the public and Public Trust resources from pollutants and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Denial of the application may result in a determination that the proposed activity on or use of State land is unauthorized and may result in legal action. Upon expiration or prior termination of the lease, the lessee has no right to a new lease or to renewal of any previous lease.

2. This action is consistent with the “Meeting Evolving Public Trust Needs” and “Leading Climate Activism” Strategic Focus Areas of the Commission’s 2021-2025 Strategic Plan.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

APPROVALS OBTAINED:

San Francisco Bay Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

EXHIBITS:

- A. Land Description
- B-1. Site and Location Map – Parcel A

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE’S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the amended lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize the amendment of Lease Number PRC 7660, a General Lease – Industrial and Protective Structure Use, effective June 29, 2021, for the use and maintenance of an additional approximately 300 tons of riprap along the shoreline in front of the north bulkhead, and approximately 60 feet to the east and to the west of the bulkhead; and to replace the existing Exhibit B-1, Site and Location Map, with the attached Exhibit B-1, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 7660.1

LAND DESCRIPTION

Three parcels of land situate in Contra Costa County, State of California, described as follows:

PARCEL A:

A parcel of land being a portion of Parcel A of Book 53 of LSM at Page 49+50, Contra Costa County Records and sovereign lands situate in Contra Costa County, State of California, described as follows:

BEGINNING at a point on the exterior line of S&O Survey #147, having a California Coordinate System of 1983, Zone 3, epoch 2007.00, coordinate of North=2,202460.36 feet and East=6,097,293.25 feet, said point bearing North 57°23'36" West, 840.98 feet from the common corner of courses 56 and 57 of said Rancho Las Juntas, which bears North 56°07'31" West, 629.91 feet from National Geodetic Control Point "Zinc", PID JT0370, having a CCS83, Zone 3 coordinate of North=2,201,656.09 feet and East=6,098,524.67 feet; thence leaving said exterior line North 04°33'41" West, 9.57 feet; thence

North 28°27'22" East, 71.56 feet; thence North 76°48'56" East, 28.52 feet; thence

North 43°02'25" East, 55.95 feet; thence North 12°08'02" East, 95.10 feet; thence

North 03°44'41" East, 97.84 feet; thence North 01°28'02" West, 157.42 feet; thence North 26°02'26" East, 26.97 feet; thence North 43°56'34" East, 7.21 feet; thence

North 03°31'24" East, 61.47 feet; thence North 22°56'51" West, 30.32 feet; thence

North 01°58'42" West, 9.96 feet; thence North 12°40'44" West, 18.56 feet; thence

North 23°16'39" West, 43.01 feet; thence North 02°50'07" West, 44.29 feet; thence North 27°21'34" West, 60.76 feet; thence North 09°31'38" West, 88.63 feet; thence North 26°55'23" West, 86.64 feet; thence North 10°39'01" West, 2.94 feet; thence

North 03°02'05" West, 71.12 feet; thence North 08°04'55" West, 77.82 feet; thence North 11°07'33" West, 82.73 feet; thence North 10°24'37" West, 75.73 feet; thence North 18°50'05" West, 37.77 feet; thence North 10°37'02" West, 81.01 feet; thence North 00°15'52" West, 51.83 feet; thence North 03°28'28" West, 124.21 feet; thence North 24°48'44" West, 160.99 feet; thence North 36°42'56" West, 89.98 feet; thence North 47°51'00" West, 145.72 feet; thence North 32°58'04" West, 109.50 feet; thence North 36°28'06" West, 191.85 feet; thence South 58°12'23" West, 224.19 feet; thence South 68°30'49" West, 25.90 feet; thence South 51°36'12" West, 622.89 feet, to a point on the Easterly Right of Way Line of State Route 680 as shown on Record of Survey 3419 recorded as 143 LSM 5-8 inclusive; thence, continuing along same bearing into said Right of Way South 51°36'12" West, 129.75 feet to a point in the Easterly line of Outfall Lease Parcel as described in Exhibit "A" of PRC 7660 approved as Calendar Item No. 76 on September 23, 1992; thence along said line North 29°10'01" West, 725.77 feet,

thence South 60°49'59" West, 20.00 feet; thence South 29°10'01" East, 890.00 feet; thence North 60°49'59" East, 90.00; thence North 89°27'45" East, 14.88 feet to a point on the aforementioned Easterly Right of Way Line of State Route 680; thence leaving said lease line Southeasterly along a curve to the right with a radius bearing N75°37'21" E, having a radius of 3520.09 feet and an included angle of 7°22'59", 453.59 feet (chord bearing South 10°41'09" East 453.28 feet) to a point on the southerly boundary of said Parcel A ; thence departing said Right of Way line and along said southerly boundary North 73°56'09" East, 194.40 feet; thence South 71°49'00" East, 315.00 feet; thence South 56°08'00" East, 195.00 feet; thence South 21°15'00" East, 312.00 feet; thence South 3°33'00" East, 330.00 feet; thence South 57°23'44" East, 181.95 feet; thence leaving said southerly boundary South 57°23'44" East, 46.43 feet; thence South 57°23'36" East, 57.35 feet to the POINT OF BEGINNING.

All distances in this description are ground distances, multiply by 0.9999386 to obtain grid distances. Containing 1,352,153 square feet, or 31.0412 acres, more or less.

PARCEL B:

A parcel of land being a portion of Parcel A of Book 53 of LSM at Page 49+50, Contra Costa County Records and sovereign lands situate in Contra Costa County, State of California, described as follows:

BEGINNING at a point on the exterior line of S&O Survey #147, having a California Coordinate System of 1983, Zone 3, epoch 2007.00, coordinate of North=2,202460.36 feet and East=6,097,293.25 feet, said point bearing North 57°23'36" West, 840.98 feet from the common corner of courses 56 and 57 of said Rancho Las Juntas, which bears North 56°07'31" West, 629.91 feet from National Geodetic Control Point "Zinc", PID JT0370, having a CCS83, Zone 3 coordinate of North=2,201,656.09 feet and East=6,098,524.67 feet; thence North 47°47'16" West, 1380.14 feet to the True Point of Beginning, being a point on the southerly boundary of said Parcel A;

Thence along the southerly and westerly boundary of said Parcel A, South 73°56'09" West, 284.76 feet; thence North 01°02'40" West, 109.00 feet; thence North 18°59'56" West, 252.54 feet; thence leaving said boundary South 71°00'04" West, 63.00 feet; thence North 18°59'56" West, 63.00 feet; thence North 71°00'04" East, 63.00 feet; thence returning to said boundary of Parcel A; thence, along westerly and northerly boundary of said Parcel A North 18°59'56" West, 96.76 feet; thence North 51°36'12" East, 196.35 feet; thence, leaving said boundary of Parcel A, South 29°10'01" East, 160.98 feet; thence North 60°49'59" East, 90.00 feet; thence North 89°27'45" East, 14.88 feet to a point in the Easterly Right of Way Line of State Route 680; thence Southeasterly along a curve to the right with a radius bearing N75°37'21" E, having a radius of 3520.09 feet and an included angle of 7°22'59", 453.59 feet (chord bearing South 10°41'09" East 453.28 feet) to a point on the southerly boundary of said Parcel A, being the True Point of Beginning of this Description.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water mark of the Carquinez Straight.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 3(epoch 2007.00). All distances in this description are ground distances, multiply by 0.9999386 to obtain grid distances.

Containing 156,430 square feet, or 3.591 acres, more or less.

PARCEL C:

A parcel of State of California sovereign lands situate in Contra Costa County, State of California, and being adjacent to Rancho Las Juntas as shown on Official U.S. Government Plat approved June 11, 1864, and being more particularly described as follows:

BEGINNING at a point on the exterior line of the Rancho Las Juntas, said point being the common corner of courses 56 and 57 of said Rancho Las Juntas and having a CCS83, Zone 3 coordinate of North=2,202,007.19 feet and East=6,098,001.68 feet, which bears North 56°07'31" West, 629.91 feet from National Geodetic Control Point "Zinc", PID JT0370, having a CCS83, Zone 3 coordinate of North=2,201,656.09 feet and East=6,098,524.67 feet; thence along exterior line of S&O Survey #147 North 57°23'37" West, 840.98 feet; thence leaving said line North 04°33'41" West, 9.57 feet; thence

North 28°27'22" East, 71.56 feet; thence North 76°48'56" East, 28.52 feet; thence

North 43°02'25" East, 55.95 feet; thence North 12°08'02" East, 95.10 feet; thence

North 03°44'41" East, 97.84 feet; thence North 01°28'02" West, 157.42 feet; thence North 26°02'26" East, 26.97 feet; thence North 43°56'34" East, 7.21 feet; thence

North 03°31'24" East, 61.47 feet; thence North 22°56'51" West, 30.32 feet; thence

North 01°58'42" West, 9.96 feet; thence North 12°40'44" West, 18.56 feet; thence

North 23°16'39" West, 43.01 feet; thence North 02°50'07" West, 44.29 feet; thence North 27°21'34" West, 60.76 feet; thence North 09°31'38" West, 88.63 feet; thence North 26°55'23" West, 86.64 feet; thence North 10°39'01" West, 2.94 feet; thence

North 03°02'05" West, 71.12 feet; thence North 08°04'55" West, 77.82 feet; thence North 11°07'33" West, 82.73 feet; thence North 10°24'37" West, 75.73 feet; thence North 18°50'05" West, 37.77 feet; thence North 10°37'02" West, 81.01 feet; thence North 00°15'52" West, 51.83 feet; thence North 03°28'28" West, 124.21 feet; thence North 24°48'44" West, 160.99 feet; thence North 36°42'56" West, 89.98 feet; thence North 47°51'00" West, 145.72 feet; thence North 32°58'04" West, 109.50 feet; thence North 36°28'06" West, 203.40 feet; thence North 71°03'00" East, 649.67 feet; thence South 12°38'49" East, 60.19 feet; thence South 28°19'04" West, 18.40 feet; thence South 07°42'32" East, 22.53 feet; thence South 11°58'57" East, 67.71 feet; thence South 03°15'13" West, 13.86 feet; thence South 27°26'08" East, 27.91 feet; thence

South 02°24'45" West, 29.17 feet; thence South 12°50'23" East, 16.18 feet; thence

South 24°12'31" East, 39.55 feet; thence South 16°16'06" East, 39.05 feet; thence

South 16°11'50" East, 68.29 feet; thence South 14°02'36" East, 42.60 feet; thence South 17°05'52" East, 93.19 feet; thence South 19°00'55" East, 22.42 feet; thence South 17°25'05" East, 35.89 feet; thence South 03°59'54" East, 30.46 feet; thence South 26°05'29" East, 50.47 feet; thence South 31°22'14" East, 13.01 feet; thence South 36°58'09" East, 41.71 feet; thence South 38°07'58" East, 39.43 feet; thence South 36°22'51" East, 65.58 feet; thence South 36°16'03" East, 55.48 feet; thence South 21°38'27" East, 27.51 feet; thence South 40°54'10" East, 15.16 feet; thence South 45°37'51" East, 27.62 feet; thence South 49°04'07" East, 44.31 feet; thence South 41°54'44" East, 38.69 feet; thence South 47°38'04" East, 17.49 feet; thence South 60°37'00" East, 6.22 feet; thence South 77°28'39" East, 32.61 feet; thence South 33°11'32" East, 18.08 feet; thence South 78°30'49" East, 16.47 feet; thence South 45°00'54" East, 40.37 feet; thence South 13°53'53" East, 45.91 feet; thence South 07°07'44" West, 30.54 feet; thence South 01°03'07" East, 20.23 feet; thence South 05°41'49" East, 17.37 feet; thence South 16°09'43" East, 34.18 feet; thence South 09°20'23" East, 39.31 feet; thence South 06°27'17" East, 87.55 feet; thence South 02°50'37" West, 46.19 feet; thence South 22°30'11" West, 36.44 feet; thence South 10°57'20" West, 48.31 feet; thence South 18°52'22" West, 21.75 feet; thence South 07°35'55" East, 21.97 feet; thence South 03°54'10" West, 32.39 feet; thence South 05°14'26" East, 24.20 feet; thence South 17°49'39" East, 16.47 feet; thence South 00°27'05" West, 64.81 feet; thence South 07°24'38" East, 25.46 feet; thence South 03°59'49" West, 49.96 feet; thence South 10°18'37" East, 13.72 feet; thence South 05°04'11" West, 58.66 feet; thence South 13°19'23" West, 39.68 feet; thence South 01°51'04" West, 28.50 feet; thence South 10°08'14" West, 64.41 feet; thence South 04°21'33" West, 36.67 feet; thence South 08°18'14" West, 103.67 feet; thence South 17°14'46" East, 37.19 feet; thence South 14°35'16" East, 29.58 feet; thence

South 45°45'31" East, 10.85 feet; thence South 19°00'35" East, 45.10 feet; thence North 78°53'54" East, 2.90 feet; thence South 08°34'54" East, 15.88 feet; thence South 19°00'35" East, 2.68 feet; thence South 18°26'38" West, 1.07 feet; thence South 08°34'54" East, 77.84 feet; thence South 21°33'02" East, 9.42 feet; thence South 25°22'09" East, 57.66 feet; thence South 33°03'18" East, 36.16 feet; thence South 44°03'17" East, 23.89 feet; thence North 87°19'53" East, 41.56 feet; thence South 24°21'22" East, 89.51 feet; thence South 45°47'16" West, 23.75 feet; thence South 23°12'33" East, 26.18 feet; thence South 22°35'05" East, 30.14 feet; thence South 14°02'36" East, 30.89 feet; thence South 05°36'17" East, 8.88 feet; thence North 77°18'08" East, 15.63 feet; thence South 09°15'13" East, 117.02 feet; thence South 77°37'46" West, 17.89 feet; thence South 01°10'15" West, 31.76 feet; thence South 07°14'53" West, 37.17 feet; thence South 12°26'45" West, 19.35 feet; thence South 03°29'41" West, 13.77 feet; thence South 76°21'00" West, 127.77 feet to the POINT OF BEGINNING.

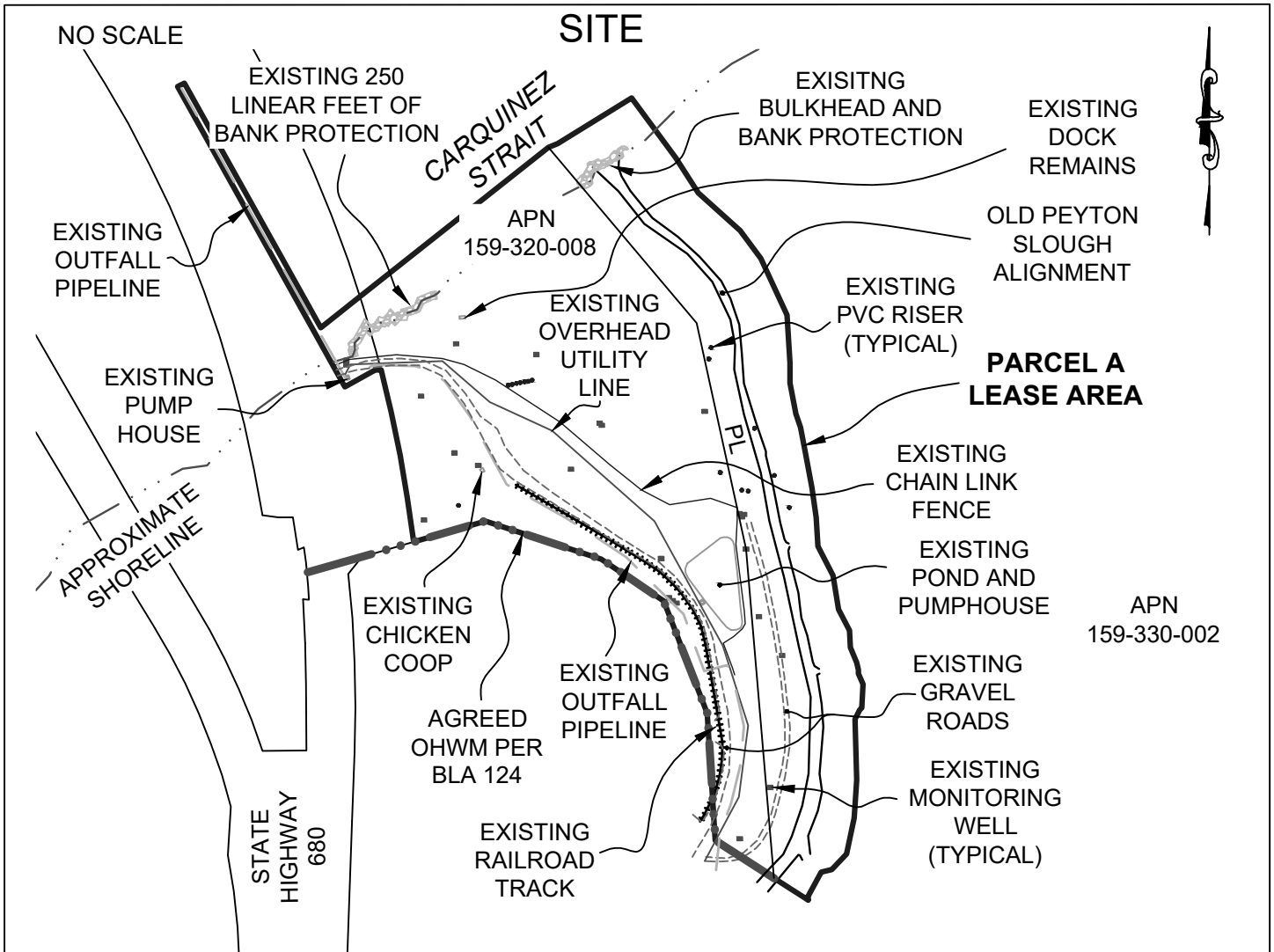
The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 3(epoch 2007.00). All distances in this description are ground distances, multiply by 0.9999386 to obtain grid distances.

Containing 1,452,662 square feet, or 33.3485 acres, more or less.

END OF DESCRIPTION



March 16, 2017



LEASE PARCEL A - VICINITY OF 100 MOCOCO ROAD, MARTINEZ

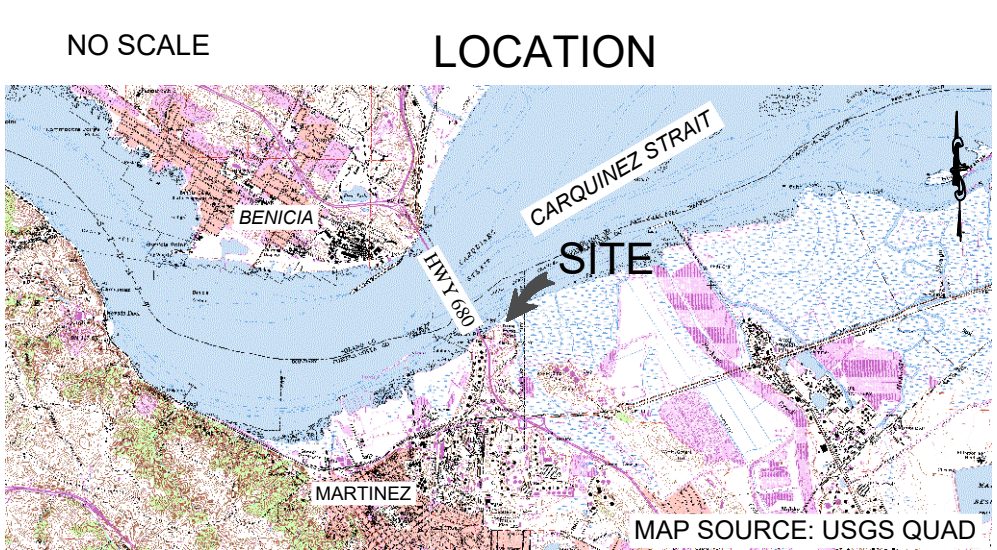


EXHIBIT B-1
 PRC 7660
 ECO SERVICES
 OPERATIONS CORP
 APNs 159-320-008 & 159-330-002
 GENERAL LEASE - INDUSTRIAL &
 PROTECTIVE STRUCTURE USE
 CONTRA COSTA COUNTY



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.