

MINUTE ITEM

1/26/72
CRK

4. TERMINATION OF LEASE PRC 932.9, TIDE AND SUBMERGED LAND, SAN DIEGO COUNTY; SAN DIEGO GAS & ELECTRIC COMPANY - PRC 932.9.

After consideration of Calendar Item 8 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION TERMINATES LEASE PRC 932.9, WHICH AUTHORIZED DEPOSIT OF SPOIL ON THE BEACH NEAR CARLSBAD, SAN DIEGO COUNTY, FROM MARCH 2, 1954; TERMINATION TO BE EFFECTIVE APRIL 1, 1972, PURSUANT TO WRITTEN AGREEMENT BY LESSEE, SAN DIEGO GAS & ELECTRIC COMPANY, DATED OCTOBER 8, 1971.

Attachment:

Calendar Item 8 (2 pages)

CALENDAR ITEM

1/72
PRC 932.9
CRK

8.

TERMINATION OF LEASE PRC 932.9

APPLICANT: San Diego Gas & Electric Company.

LOCATION: Approximately 300' x 1600' parcel of tide and submerged land, located seaward of the ordinary high water mark of the Pacific Ocean and contiguous to upland owned by applicant and to Carlsbad Beach State Park in vicinity of Agua Hedionda Lagoon, San Diego County.

LAND USE: The deposit of spoil removed from the lagoon.

TERMS: Effective period as extended: Indefinite, from March 2, 1954.

CONSIDERATION: No charge.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Articles 1 and 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:

1. Lease PRC 932.9, which authorized deposit of spoil as described above, was issued on March 2, 1954, for an initial period to expire on March 15, 1955. On October 10, 1955, the Commission authorized an indefinite extension of the lease to provide for removing material from Agua Hedionda Lagoon and depositing it on the beach "periodically as the need arises and shall be considered as maintenance of the beach artificially created in 1954."
2. On August 30, 1971, the Company informed the Division that it contemplated a dredging program for removal of sand from the intake channel to the Encina Power Plant Complex and for deposit of the spoil on tide and submerged land covered by the prior lease. On September 16, 1971, the Division responded by informing San Diego Gas and Electric Company that the prior authorization appeared no longer valid because it was issued without a time limitation. The Division was additionally prompted in this by the lack of monetary consideration and by current requirements in the environmental field. The Company resisted, and negotiations were undertaken that resulted in the following agreement:
3. In view of the urgent need for dredging and the time (4-5 months) required to process a new lease, the Division agreed to recommend to the Commission that the Company be permitted to proceed with current dredging under prior

CALENDAR ITEM 8. (CONTD.)

authorization, provided that it agree to expiration of Lease PRC 932.9 by April 1, 1972, and apply for a new lease to cover future dredging. A letter confirming such an agreement has been received.

IT IS RECOMMENDED THAT THE COMMISSION TERMINATE LEASE PRC 932.9, WHICH AUTHORIZED DEPOSIT OF SPOIL ON THE BEACH NEAR CARLSBAD, SAN DIEGO COUNTY, FROM MARCH 2, 1954; TERMINATION TO BE EFFECTIVE APRIL 1, 1972, PURSUANT TO WRITTEN AGREEMENT BY LESSEE, SAN DIEGO GAS & ELECTRIC COMPANY, DATED OCTOBER 8, 1971.