

MINUTE ITEM

This Calendar Item No. C15 was approved as
Minute Item No. 15 by the California State Lands
Commission by a vote of 3 to 0 at its
11-21-06 meeting.

**CALENDAR ITEM
C15**

A 73
S 38

11/21/06
PRC 8718 W 25214
J. Brown

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Carlsbad
1635 Faraday Avenue
San Diego, CA 92008

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean, city of Carlsbad, San Diego County.

AUTHORIZED USE:

Implementation of the Carlsbad Opportunistic Beach Fill Program involving the placement of a maximum of 150,000 cubic yards of sand annually on Encinas Beach.

LEASE TERM:

Five years, beginning October 12, 2006.

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.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. The city of Carlsbad (City) is requesting a five-year lease from the Commission to implement the Carlsbad Opportunistic Beach Fill Program (Program). The purpose of the Program is to take advantage of opportunities to obtain suitable surplus sand from construction,

CALENDAR ITEM NO. C15 (CONT'D)

development or dredging projects when it becomes available, and place the sand on the City's beach or near shore area. The Program involves placing up to a maximum of 150,000 cubic yards of sand annually on the Encinas Beach portion of South Carlsbad State Beach in the city of Carlsbad.

3. The beach fill concepts include: (a) placing the material below the mean high tide line, (b) as a layer over the existing beach as a berm, or (c) piling the material at the back of the beach to allow for a more gradual disbursement. The Program will start with small-scale projects (10,000 to 40,000 cubic yards) followed by monitoring. Although the sand will be placed on the beach primarily in the fall/winter season (between September 15 – March 15) to replicate the natural delivery of sediment to the area, approximately one-third of the sand could be placed on the beach during the spring/summer season (between March 15 – Labor Day) when natural sediment delivery is lower, and as permitted by the regulatory agencies.
4. The City consulted with various federal and State agencies, including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, the NOAA Fisheries, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, and the California State Lands Commission to determine the appropriate sand quantities and qualities.
5. City staff would identify the availability of sand from a certain source. The City has developed a checklist, currently in draft form, which would assist City staff in determining the suitability of sand for placement. The checklist includes:
 - Identification of potential source material;
 - Volume of material;
 - Results of chemistry and grain size testing;
 - Debris management (kind of debris found, if any, and methods of screening, separating or retrieving debris and disposal methods);
 - Site location, timing and beach placement method;
 - Transportation method; and
 - Pre-construction, construction, and post-construction monitoring plans.

CALENDAR ITEM NO. C15 (CONT'D)

6. Once the City has deemed the sand suitable for beach replenishment, the checklist and a Project Notification Report would be submitted to all the agencies listed above a minimum of 30 days prior to each opportunistic replenishment project. The City would not proceed until each of the agencies has provided written concurrence that the material meets the criteria, as outlined in the city's adopted Mitigated Negative Declaration for placement. Should an agency deem the material unsuitable for placement, the sand will not be used for beach replenishment.
7. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by the city of Carlsbad. Commission staff has reviewed such document.
8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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:

City of Carlsbad

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers; Regional Water Quality Control Board; and the California Coastal Commission

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

February 1, 2007

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF CARLSBAD AND

CALENDAR ITEM NO. C15 (CONT'D)

THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

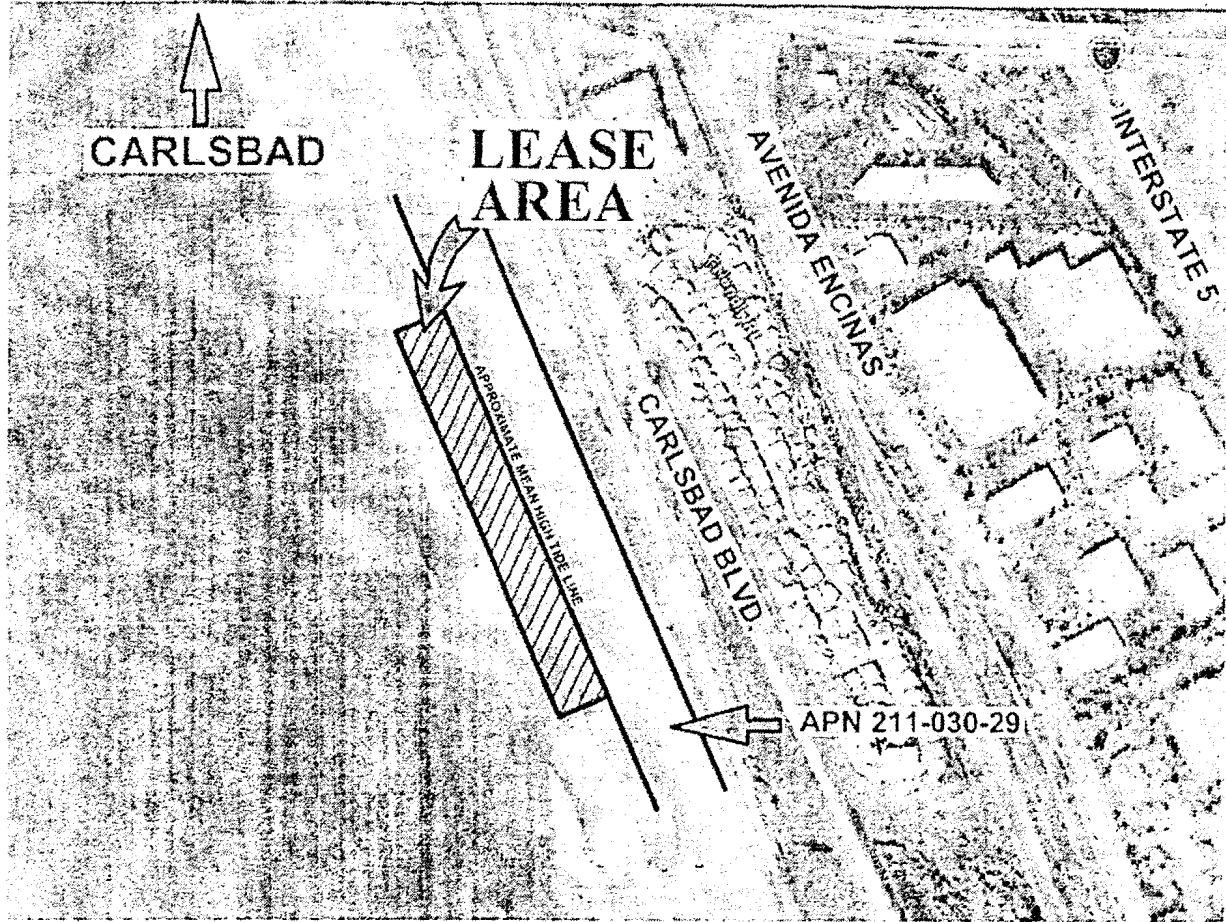
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF CARLSBAD OF A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING OCTOBER 12, 2006, FOR A TERM OF FIVE YEARS, FOR IMPLEMENTATION OF THE CARLSBAD OPPORTUNISTIC BEACH FILL PROGRAM INVOLVING THE PLACEMENT OF A MAXIMUM OF 150,000 CUBIC YARDS OF SAND ANNUALLY ON THE ENCINAS BEACH PORTION OF SOUTH CARLSBAD STATE BEACH, UPON WRITTEN CONCURRENCE OF THE EXECUTIVE OFFICER OR HIS DESIGNEE, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS 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; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

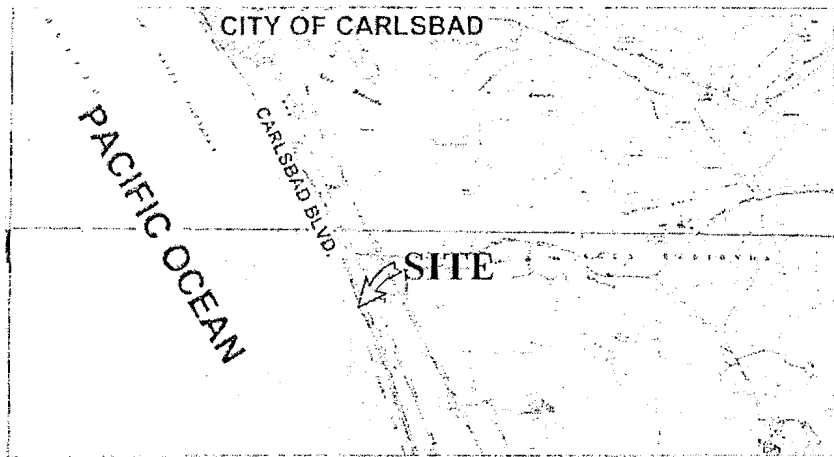
SITE



CARLSBAD OPPORTUNISTIC BEACH FILL PROGRAM
ENCINAS BEACH, SAN DIEGO COUNTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W25214
CITY OF CARLSBAD
GENERAL LEASE
PUBLIC AGENCY USE
CARLSBAD STATE BEACH
SAN DIEGO COUNTY



SITE

11. ST. 03. 12. 2008

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.