

**CALENDAR ITEM  
C09**

A 74

12/03/08

W 26305/PRC 8804.9

S 39

J. Brown

**RESCISSION AND ISSUANCE OF A  
GENERAL LEASE - PUBLIC AGENCY USE**

**APPLICANT:**

22<sup>nd</sup> District Agricultural Association  
2260 Jimmy Durante Boulevard  
Del Mar, CA 92014

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

Sovereign lands in the San Dieguito River, city of Del Mar, San Diego County.

**AUTHORIZED USE:**

Construction, use and maintenance of a eight-inch diameter sewer forcemain pipeline encased within a 16-inch diameter high density polyethylene pipeline and the abandonment in place of an existing eight-inch diameter sewer forcemain pipeline.

**LEASE TERM:**

20 years, beginning December 3, 2008.

**CONSIDERATION:**

The public health and safety 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:**

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

**BACKGROUND:**

On October 16, 2008, the Commission approved a General Lease – Public Agency Use to the 22<sup>nd</sup> Agricultural Association (Applicant). Shortly thereafter, the Applicant advised Commission staff that a change to the size of the casing surrounding the eight-inch sewer forcemain pipeline was necessary to allow for a safer construction design under the San Dieguito River. The Applicant has

CALENDAR ITEM NO. **C09** (CONT'D)

requested Commission reconsideration of its Lease application to provide for this modification.

The Applicant has applied to the Commission to replace an existing eight-inch sewer forcemain pipeline with a new eight-inch sewer forcemain pipeline crossing under the San Dieguito River.

The proposed eight-inch forcemain pipeline will: 1) be encased within a larger 16-inch diameter high density polyethylene (HDPE) pipeline; 2) be installed using Horizontal Directional Drilling (HDD); 3) extend approximately 500 feet from the existing pump station at the Del Mar Fairgrounds, underneath the San Dieguito River; and 4) connect to an existing 15-inch gravity sewer line within the city of Del Mar's Public Works yard.

The proposed 16-inch outer pipeline will not carry any wastewater and would be provided as a precautionary measure to reduce the likelihood of wastewater discharge to the San Dieguito River. The outer pipeline will connect to a new monitoring manhole equipped with a monitoring sensor that can detect the presence of fluid. Additional sensors will be placed at the receiving manhole located within the Del Mar Public Works yard to alert operators in the event the pumps are engaged, but effluent would not be received. If conditions warrant, wastewater flow could be stopped without accidental discharge of wastewater into the San Dieguito River. The existing sewer forcemain pipeline will be flushed with clean water, capped and abandoned in place. The Applicant will remain responsible for the existing pipeline on sovereign lands pursuant to provisions that will be included in the lease.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns and has a right to use the uplands adjoining the lease premises.
2. Southern California Edison (SCE) is in the process of completing the San Dieguito Wetland Restoration Project. A component of that Project is the permanent opening of the San Dieguito Rivermouth to the Pacific Ocean. The Applicant needs to complete the sewer forcemain project prior to January 2009, in order to avoid potential conflicts with SCE's planned dredging of the riverbed in the project area.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060 (c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

CALENDAR ITEM NO. **C09** (CONT'D)

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

4. A Mitigated Negative Declaration was prepared and adopted for this project by the 22<sup>nd</sup> District Agricultural Association on September 4<sup>th</sup>, 2008. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the 22<sup>nd</sup> District Agricultural Association on September 4<sup>th</sup>, 2008.
5. The 22<sup>nd</sup> District Agricultural Association has prepared a subsequent CEQA evaluation (refer to Exhibit "D") of the 2" diameter increase in casing size and has determined that the approved Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program previously authorized by the 22<sup>nd</sup> District Agricultural Association remains germane to the proposed project and that re-circulation of the approved Initial Study/Mitigated Negative Declaration is not required.
6. 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:**

22<sup>nd</sup> District Agricultural Association, California Coastal Commission

**FURTHER APPROVALS REQUIRED:**

U.S. Army Corps of Engineers, California Department of Fish and Game, San Diego Regional Water Quality Control Board, and the City of Del Mar

**EXHIBITS:**

- A. Location and Site Map
- B. Mitigation Monitoring Program
- C. Notice of Determination
- D. CEQA Evaluation Memo

**PERMIT STREAMLINING ACT DEADLINE:**

January 20, 2009

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. **C09** (CONT'D)

**CEQA FINDING:**

**RESCISSION OF LEASE:** FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFONRIA CODE OF REGULATIONS, SECTION 15060(C)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**ISSUANCE OF LEASE:** FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT ON SEPTEMBER 4, 2008, BY THE 22<sup>ND</sup> DISTRICT AGRICULTURAL ASSOCIATION AND THAT ON OCTOBER 27, 2008, THE 22<sup>ND</sup> DISTRICT AGRICULTURAL ASSOCIATION STAFF DETERMINED THAT THE PREVIOUSLY AUTHORIZED MND AND MMP WERE GERMANE TO THE REVISED PROJECT DESCRIPTION WITHOUT RECIRCULATION. THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN THE ENVIRONMENTAL DOCUMENT, 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 SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE RESCISSION OF LEASE NO. PRC 8804.9, A GENERAL LEASE – PUBLIC AGENCY USE, AND ISSUANCE OF A GENERAL LEASE - PUBLIC AGENCY USE TO THE 22<sup>ND</sup> DISTRICT AGRICULTURAL ASSOCIATION BEGINNING DECEMBER 3, 2008, FOR A TERM OF 20 YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF AN EIGHT-INCH DIAMETER SEWER FORCEMAIN PIPELINE ENCASED WITHIN A 16-INCH DIAMETER HIGH DENSITY POLYETHYLENE PIPELINE, AND THE ABANDONMENT IN PLACE OF AN EXISTING EIGHT-INCH DIAMETER SEWER FORCEMAIN PIPELINE; AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT DURING THE

CALENDAR ITEM NO. **C09** (CONT'D)

TERM OF THIS LEASE; LIABILITY INSURANCE OF NOT LESS THAN  
\$1,000,000.