

**CALENDAR ITEM
C31**

A 17
S 11,15

06/01/09
WP 7934.9
K. Foster

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

County of Santa Cruz
Department of Public Works

LAND TYPE AND LOCATION:

Sovereign lands in the Pajaro River, at Monterey Bay near the city of Watsonville, Santa Cruz and Monterey counties.

AUTHORIZED USE:

The continued periodic breaching, for flood control purposes, of a sandbar at the mouth of the Pajaro River.

LEASE TERM:

Seven years, beginning December 15, 2007.

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:

1. Should the issuance of any subsequent updated or amended regulatory permits stipulate that a new project review be conducted pursuant to the requirements of the California Environmental Quality Act and/or the National Environmental Policy Act, Lessee shall submit such reviews in conjunction with a new Lease application to Lessor for review and approval.

2. Within 30 days of the completion of any breaching activity, Lessee shall submit to Lessor for review a copy of the Breaching Report. Such report shall include a written narrative of all breaching activities, including the dates and times for such activities, an illustration showing the approximate location, length, and depth of the breach, descriptive photographs of pre-

CALENDAR ITEM NO. **C31** (CONT'D)

and post-breach site conditions and work in progress, a copy of the Watsonville Slough water level gauge monitoring log detailing pre- and post-breach site conditions, and the name and contact information of Lessee's representative supervising the project.

OTHER PERTINENT INFORMATION:

1. Applicant is a permittee of the uplands adjoining the lease premises.
2. On April 7, 2003, the Commission approved the issuance of Lease No. PRC 7934.9, a General Lease – Public Agency Use, to the county of Santa Cruz (County) for the breaching of a sandbar at the mouth of the Pajaro River at Monterey Bay near the city of Watsonville. The lease expired on December 14, 2007. The County has submitted an application to replace the expired lease.
3. The Pajaro River forms a seasonal lagoon when the River mouth is closed off by the natural formation of a sandbar. The sandbar typically forms in the early summer months when River outflows are low and remains until late fall or early winter when ocean waves erode the sandbar and the River's outflow is high enough to overtop the barrier. When the river fails to overtop the barrier, rising water in the lagoon can create flooding, health, and safety issues on adjacent agricultural and residential lands, roads, and drainage systems.

Mobilization for breaching of the sandbar is determined by the season and the water level in the Lagoon. During the rainy season, the Lagoon water level rises much more quickly than during the dry season. Mobilization for the rainy season is initiated when the lagoon water level at Watsonville Slough reaches +3.5 feet mean sea level (MSL). Breaching will occur when the level reaches +4.5 MSL and River flows are predicted that would cause flooding. Dry season mobilization will be initiated when the gauge level reaches +4.5 MSL and breaching will occur at +5.5 MSL.

Breaching of the Lagoon is accomplished by digging a trench with an excavator from three to eight feet deep, 10 to 15 feet wide, and 100 to 600 feet long from the deepest part of the lagoon to the beach. Trench measurements vary depending on the sandbar's topography.

The County is required to provide temporary fencing or flagging as necessary to protect public safety and maintain the public's ability to gain access to and along the shoreline outside of the construction area. All breaching will take place during day light hours.

CALENDAR ITEM NO. **C31** (CONT'D)

On January 22, 2009, the County of Santa Cruz breached the mouth of the Pajaro River in response to the staff gauge levels in Watsonville slough exceeding the maximum threshold of +5.5 feet MSL. The breach was completed according to the conditions as set forth in the United States Army Corps breaching permit, file number 22367S.

4. A Mitigated Negative Declaration, SCH #2002122066, was prepared and adopted for this project by the county of Santa Cruz on January 22, 2003. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the county of Santa Cruz.
5. 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.

EXHIBITS:

- A. Location and Site Map
- B. Land Description

APPROVALS OBTAINED:

County of Santa Cruz; United States Army Corps of Engineers; United States Fish and Wildlife Service; National Marine Fisheries Service

FURTHER APPROVALS REQUIRED:

County of Monterey; California Coastal Commission; California Department of Fish and Game; California Regional Water Quality Control Board

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION (SCH # 2002122066) AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT JANUARY 22, 2003 BY THE COUNTY OF SANTA CRUZ AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, ON FILE AT THE SACRAMENTO OFFICE OF THE COMMISSION.

CALENDAR ITEM NO. **C31** (CONT'D)

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 OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE COUNTY OF SANTA CRUZ, PUBLIC WORKS DEPARTMENT, BEGINNING DECEMBER 15, 2007, FOR A TERM OF SEVEN YEARS, FOR THE PERIODIC BREACHING FOR FLOOD CONTROL PURPOSES OF A SANDBAR BARRIER AT THE MOUTH OF THE PAJARO RIVER, AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS THE PUBLIC HEALTH AND SAFETY WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.