

**CALENDAR ITEM
C43**

A 73, 74, 76, 79

09/01/11
WP 8228.9
K. Foster

S 38, 39, 40

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

San Diego Association of Governments (SANDAG)
401 B Street, Suite 800
San Diego, CA 92101

LAND TYPE AND LOCATION:

Granted and ungranted sovereign land in the Pacific Ocean, in or near the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, San Diego, and Imperial Beach, San Diego County.

AUTHORIZED USE:

Implementation of the SANDAG Regional Beach Sand Project II (RBSP II) for dredging of up to a maximum of 1,635,000 cubic yards (cy) of beach quality sand from two offshore borrow sites identified in Exhibit A as SO-5 and SO-6, for placement at the following beach receiver sites up to the quantities indicated:

- Oceanside- 420,000 (cy);
- North Carlsbad- 225,000 cy;
- South Carlsbad North- 158,000 cy;
- Batiquitos- 118,000 cy;
- Leucadia- 117,000 cy;
- Moonlight- 105,000 cy;
- Cardiff- 101,000 cy;
- Solana Beach- 146,000 cy;
- Torrey Pines- 245,000 cy.

LEASE TERM:

Five years, beginning September 1, 2011.

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.

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SPECIFIC LEASE PROVISIONS:

SANDAG will conduct mean high tide line surveys a minimum of 30 days prior to sand placement at all receiver sites located within the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On November 27, 2000, the Commission authorized Lease No. PRC 8228.9 to SANDAG for its initial Regional Beach Sand Project (RBSP). RBSP was designed to provide regional beach replenishment for the south coast of California by dredging approximately 2,000,000 cy of sand from six offshore borrow sites for placement on 11 beach receiver sites located between the city of Oceanside in the north and the city of Imperial Beach in the south. Of the 17 total borrow and receiver sites, one borrow site and three receiver sites were located within legislatively granted sovereign lands and were not subject to Lease No. PRC 8228.9. That lease was for three years and expired on February 28, 2004.
3. The Applicant's proposed RBSP II will essentially repeat the efforts of RBSP by dredging approximately 2.285 million cubic yards (mcy) of beach quality sand from three offshore borrow sites for placement on 10 receiver sites. One of the offshore borrow sites, identified in Exhibit A as 'MB-1', is located within lands legislatively granted to the city of San Diego pursuant to Chapter 688, Statutes of 1933 and as amended with no mineral rights reserved and is not included in the proposed lease premises. Also, three of the receiver sites, identified in Exhibit A as 'Oceanside', 'Torrey Pines', and 'Imperial Beach' are located within lands legislatively granted to the city of Oceanside pursuant to Chapter 846, Statutes of 1979 with minerals rights reserved; within lands legislatively granted to the city of San Diego pursuant to Chapter 688, Statutes of 1933 and as amended with no mineral rights reserved; and within lands originally granted to the city of Imperial Beach pursuant to Chapter 330, Statutes of 1961 with mineral rights reserved, and subsequently transferred to the San Diego Unified Port District pursuant to Chapter 168, Statutes of 1990 with mineral rights reserved, and are not included in the lease premises.
4. Of the project's maximum 2.285 mcy to be dredged, up to approximately 1.635 mcy will be obtained from borrow sites OS-5 and OS-6 located within ungranted sovereign lands. The material dredged from these two sites will be used to replenish the nine receiver sites shown above under 'AUTHORIZED USE.' Of these nine sites, the Oceanside and Torrey Pines

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sites are located within legislatively granted sovereign lands and, as discussed previously, are not included in the lease premises.

5. Several of the borrow and receiver sites may potentially overlap existing lease areas, as follows: the North Carlsbad receiver site may involve lands subject to Lease No. PRC 6363.9, issued to the city of Carlsbad for a shoreline protective structure; the South Carlsbad receiver site may include lands subject to Lease No. PRC 8718.9, issued to the city of Carlsbad for an opportunistic beach replenishment program; the Batiquitos and Moonlight Beach receiver sites may include lands subject to Lease No. PRC 8817.9, issued to the city of Encinitas for an opportunistic beach replenishment program; the SO-6 borrow site and the Cardiff receiver site may involve lands subject to Lease No. PRC 7365.9, issued to the California Department of Parks and Recreation for an underwater park; and the Solana Beach receiver site may include lands subject to Lease No. PRC 7938.9, issued to the city of Solana Beach for an opportunistic beach replenishment program. SANDAG will obtain authorizations from each Lessee as appropriate prior to any dredging or sand placement activities.
6. A Joint Document Environmental Assessment/Environmental Impact Report (EA/EIR) SCH# 2010051063 was prepared for this project by SANDAG and the U.S. Army Corps of Engineers and certified on May 27, 2011. The California State Lands Commission staff has reviewed such document prepared in conformance with the provisions of CEQA (Public Resources Code section 21081.6) and adopted by the lead agency. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento office of the California State Lands Commission. A Mitigation Monitoring Program was not adopted for this project by the lead agency.
7. CSLC staff had raised several concerns on the EA/EIR in a letter dated March 4, 2011, including the effects on marine mammal and sea turtle interactions, and greenhouse gas (GHG) emissions during the project's construction period (a period of up to 9 months). SANDAG responded and has incorporated into the EA/EIR a new impact discussion on marine mammal and sea turtle interactions, and GHG emissions during project construction. Impacts that may occur with marine mammal and sea turtle interactions include vessel strikes or impeding swimming routes and feeding habits. Protections afforded by the project include education of workers with a focus on avoidance measures, and vessel speed and course restrictions to minimize project vessel encounters with protected marine species. A thorough and complete GHG evaluation was completed

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using several South Coast Air Quality Management District modeling tools to determine the project's total amount of GHG emissions. The results of the alternative evaluations showed no significant impacts to the region as a result of the project. SANDAG has concluded that the impact of future impacts from the project would be less than significant.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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 REQUIRED:

City of Oceanside, city of Carlsbad, city of Encinitas, city of Solana Beach, city of San Diego, city of Imperial Beach, San Diego Unified Port District, San Diego Air Pollution Control District, California Coastal Commission, California Regional Water Quality Control Board, California Department of Parks and Recreation, California Department of Fish and Game, State Mining and Geology Board, and the U.S. Army Corps of Engineers.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Joint Document EA/ EIR SCH# 2010051063 was prepared for this project by the San Diego Association of Governments and the US Army Corps of Engineers and certified on May 27, 2011 and that the Commission has reviewed and considered the information contained therein. Adopt the findings made in conformance with Title 14, California Code of Regulations, sections 15091 and 15096 (h), as contained on file in the Sacramento office of the California State Lands Commission.

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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 section 6370, et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease – Public Agency Use to the San Diego Association of Governments beginning September 1, 2011, for a term of five years, for implementation of the Regional Beach Sand Project II for the dredging from two borrow sites of up to a maximum of 1,635,000 cubic yards of beach quality sand for placement on multiple receiver sites 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 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.