

**STAFF REPORT
C61**

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10/18/18
PRC 7938.9
K. Connor

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of Solana Beach

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, near Fletcher Cove, in the City of Solana Beach, San Diego County.

AUTHORIZED USE:

Deposition of a maximum of 150,000 cubic yards of sand annually at Fletcher Cove under the City of Solana Beach Opportunistic Beach Fill Program.

LEASE TERM:

5 years, beginning October 16, 2018.

CONSIDERATION:

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6501.1; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On February 12, 1997, the Commission authorized the issuance of Lease No. PRC 7938.9, a General Lease – Public Agency Use to the City of Solana Beach (City) for the deposition of 44,000 cubic yards (cy) of sand at Fletcher Cove ([Item C51, February 12, 1997](#)). That lease was amended on June 27, 2000, to extend the lease term 10 years and allow for the deposition of an additional 11,000 cy of sand at Fletcher Cove; repair of a beach access stairway; construction of a pier support platform; and fill of a seacave/notch fill at Tide Beach Park ([Item C66, June 27, 2000](#)).

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On October 16, 2008, the Commission authorized a second amendment to the Lease to extend the lease term an additional 5 years to allow for the deposition of a maximum of 150,000 cy of sand annually at Fletcher Cove with the implementation of the City's Opportunistic Beach Fill Program (Program) ([Item C15, October 16, 2008](#)). The Commission then authorized a new General Lease – Public Agency Use to the City on December 2, 2013, for the deposition of a maximum of 150,000 cy of sand annually at Fletcher Cove ([Item C78, December 2, 2013](#)). That lease expired on October 15, 2018, and the Applicant is now applying for a new General Lease – Public Agency Use.

As part of the Program, the City is seeking authorization from the Commission to continue to place a maximum of 150,000 cy of sand annually at Fletcher Cove for 5 years under the same parameters as the prior authorizations.

The Program is implemented according to the guidelines specified in the March 2006 Sand Compatibility and Opportunistic Use Program (SCOUP) plan adopted by the San Diego Association of Governments (SANDAG) and the Coastal Sediment Management Workgroup (CSMW). The SCOUP plan was prepared to assist in streamlining the permitting and regulatory approval process for beach replenishment projects using opportunistic materials in volumes of less than 150,000 cy. Streamlining the approval process can prevent otherwise suitable beach fill materials from being lost due to the timing and cost associated with obtaining special permits for each project.

Under the Program, the City identifies potential beach fill material, typically generated from upland development projects, which is then tested according to regulatory requirements to confirm its suitability. A Project Notification Report (Exhibit D) detailing such findings is submitted to each agency with approval authority over the project a minimum of 30 days prior to any placement activity. Written concurrence of suitability is required from each agency or the material is not allowed to be used for beach replenishment.

Fletcher Cove is located approximately 22.5 miles north of downtown San Diego. The Project receiver site is within the City boundaries in the area just south of Fletcher Cove. Fletcher Cove also includes a concrete access ramp, lifeguard towers, and a few staircases for public beach access from the top of the bluffs to help facilitate beach-related recreation.

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Sand placement is proposed on the beach to reduce coastal damage from storms, enhance recreational use, and restore beach habitat for shore birds and grunion. Source materials will come from local upland construction, development, or dredging projects.

The timing and rate of sand placement on the beach is proposed to replicate nature as closely as possible. Sand placement would be restricted during June 1 to September 14 to minimize impacts to invertebrates, grunion, and foraging birds, and avoid impacting the high beach use season, unless the deposition is of only pure sand. Placement of sediment will result in temporary, localized increases in turbidity in the immediate vicinity of the site. However, the proposed beach nourishment would not result in significant impacts to water quality; is not anticipated to significantly impact any plants or animals; and would not affect the movement of any native resident or migratory fish or impede the use of native nursery sites.

Sand would be delivered by truck from local projects throughout the City. The haul routes for the material would generally be I-5 and Coast Highway 101. There is a concrete ramp at Fletcher Cove to allow trucks to access the beach and deposit their load for disbursement by earthmoving equipment. The parking lot across from Fletcher Cove and the Fletcher Cove parking lot would be used as staging areas. Sand hauling and placement would occur between the hours of 9:00 a.m. and 2:00 p.m., Monday through Friday, to avoid morning and peak traffic hours. In addition, there is potential for nighttime construction during the hours of 7:00 p.m. and 5:00 a.m.

Applications for the required permits from the California Coastal Commission and San Diego Regional Water Quality Control Board have been submitted and are pending approval. The amendment for the U.S. Army Corps of Engineers' permit has been completed and approved.

The proposed lease would require the Lessee to comply with the attached Exhibit C, Mitigation Monitoring Program (MMP), during sand placement to avoid potential impacts to California least terns, Western snowy plovers, and grunion; construction activities will only occur during the time when these species are not on site.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 5-year term, does not grant the lessee exclusive rights to the lease premises, and

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requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located at Solana Beach, which is a tidally influenced site. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council 2012). In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise). Rising sea levels can lead to increased flooding through regular inundation and larger flooding events when combined with tidal events and storm surges. These climate change and sea-level rise impacts can also affect erosion and sedimentation rates through increased wave action and scour, which in turn can lead to decreased shoreline stability and structure.

The Commission has authorized ongoing beach nourishment at Fletcher Cove since February 1997. The Program was developed in 2006 to capitalize on opportunities to obtain beach-quality sand to provide shoreline protection, erosion control, recreational benefits, and habitat enhancement. Fletcher Cove will also be used as part of the ongoing San Elijo Lagoon Restoration Project. Collectively, these nourishment sources will assist to reduce beach erosion, protect upland infrastructure, and increase the longevity of beach habitat and lateral public access to the shoreline.

Fletcher Cove Beach within the lease area will be vulnerable to the impacts from sea-level rise and more frequent and intense storms that are the result of climate change. Unless beach nourishment projects are implemented, beach loss is anticipated to increase over the term of the lease, because of the combined factors of climate change impacts and natural dynamic coastal processes. The Program will serve to maximize the City's opportunities to receive beach-quality sand from a range of different sources to continue beach nourishment as needed.

The 5-year lease term provides both the Commission and the lessee an opportunity to check in at a relatively short-term interval, to consider the

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effects of sea-level rise and evaluate the nourishment activities in order to make incremental adaptation steps as necessary and appropriate.

Conclusion:

For all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. A Mitigated Negative Declaration (MND), State Clearinghouse No. 2008021047, was prepared by the City and adopted on June 11, 2008, for this project. Commission staff has reviewed such document and Mitigation Monitoring Program pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.
3. The Commission considered the MND at its October 16, 2008, meeting ([Item C15, October 16, 2008](#)) for deposition of a maximum of 150,000 cubic yards of sand annually at Fletcher Cove under the Program. As part of the Commission's approval of the lease, the Commission adopted a Mitigation Monitoring Program made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15096), as contained in Exhibit C, which remains in effect.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission considered the MND in 2008, staff concluded that such activity would not affect those significant lands and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

APPROVALS REQUIRED:

California Coastal Commission
San Diego Regional Water Quality Control Board

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APPROVALS OBTAINED:

U.S. Army Corps of Engineers

EXHIBITS:

- A. Legal Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Sample Project Notification Report

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an MND, State Clearinghouse No. 2008021047, and a Mitigation Monitoring Program were prepared by the City and adopted on June 11, 2008, for this Project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

The Commission adopted the Mitigation Monitoring Program as contained in Exhibit C on October 16, 2008, and it remains in effect.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, or for the foreseeable term of the proposed lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease - Public Agency Use to the City of Solana Beach beginning October 16, 2018, for a term of 5 years, for the deposition of a maximum of 150,000 cubic yards of sand annually at Fletcher Cove under the City of Solana Beach Opportunistic Beach Fill Program, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being 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 interests.

EXHIBIT A

PRC 7938.9

LAND DESCRIPTION

A parcel of tide and submerged land in the Pacific Ocean, County of San Diego, State of California, described as follows:

BEGINNING at a point having CCS83, Zone 6 (2004.0) coordinates: Northing (y) = 1942186.00 feet and Easting (x) = 6246960.00 feet, which bears North 77°17'50" West 595.46 feet from a 2.5" Diameter Brass Disk marked "SCRIPPS INST. OF OCN. REF. DATE APRIL 1997 SURVEY MON. NO. SD 0600 LS 5717" as shown on San Diego County Corner Record #13295 filed July 23, 1997, and having CCS83, Zone 6(2004.0) coordinates: Northing (y) = 1942055.06 feet and Easting (x) = 6247540.89 feet; thence from said point of beginning the following four (4) courses:

- (1) North 80°17'50" East 535.00 feet,
- (2) South 09°42'20" East 2828.00 feet,
- (3) South 80°17'50" West 535.00 feet, and
- (4) North 09°42'20" West 2828.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion thereof lying landward of the ordinary high water mark of said Ocean.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 6 (2004.0).

END OF DESCRIPTION

Prepared 9/18/2013 by the California State Lands Commission Boundary Unit



Exhibit C: Mitigation Monitoring Program & Project Design Features

Potential Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Agency Responsible	Timing
BIO-d: Impacts to grunion	<p>MM BIO-d. If grunion are found to occur within the project area, then:</p> <ul style="list-style-type: none"> The location of the grunion would be mapped and number present would be estimated (e.g., by Walker Scale); The monitor would communicate monitoring results to the resource agencies the day following the survey and agree upon action; If the number is substantial, then placement would be modified to either adjust the footprint upshore or downshore, or redirect all sand placement above the spring high tide line; If the number is not substantial, then the activity may proceed 	Sand placement area	City to provide monitoring results and action agreed upon in concert with the resource agencies in a report at the conclusion of sand placement for each breeding season	City of Solana Beach	During Construction (only during breeding season of March 1 to September 15)

Project Design Features

Activity	Timing	Responsible/ Implementing Party	Reporting
Beach Profiles	<ul style="list-style-type: none"> <u>Pre-construction Baseline Monitoring</u>: Between 1 year and 30 days prior to project. <u>Post-construction Monitoring</u>: Immediately after completion. <u>Post-project Monitoring</u>: Over 1 year following construction with surveys at 6 months and after 1 year after construction. 	City of Solana Beach via Consultant	Data collection only for tracking purposes

Exhibit C: Mitigation Monitoring Program & Project Design Features

Activity	Timing	Responsible/ Implementing Party	Reporting
Surfing Conditions	<ul style="list-style-type: none"> • <u>Pre-construction Baseline Monitoring</u>: ½ month prior, 3 times per week over 14 days. • <u>Post-construction Monitoring</u>: 1 month after, 3 times per week over 14 days. 	City of Solana Beach	Data collection only for tracking purposes
Turbidity	<ul style="list-style-type: none"> • <u>Construction Monitoring</u>: Daily during construction from a high vantage point on land. 	City of Solana Beach	As outlined in the Sand Compatibility and Opportunistic Use Program (SCOUP) Plan, if monitoring indicates excessive turbidity (greater than ambient beyond one-half mile offshore at or downcoast of the placement site) for a prolonged period, assumed to be five days, then placement should be halted or modified to reduce turbidity as determined by the project engineer, regulatory staff, and city.
Sediment Gradation	<ul style="list-style-type: none"> • <u>Pre-construction Baseline Monitoring</u>: Establish baseline. • <u>Post-project Monitoring</u>: 2 transects in wave wash zone during low tide approximately 0.5 mile apart between mean low and high tide during Year 3 with pre-construction baseline established for all sites. 	City of Solana Beach	City to confirm implementation by contractor.
Grunion Presence/Absence Surveys	<ul style="list-style-type: none"> • <u>Pre-construction Baseline Monitoring</u>: If habitat is suitable and a project is scheduled between March 1 and September 15, then 2 to 3 weeks prior to construction before and/or during 	City of Solana Beach	If monitoring results are positive, then potential impacts require mitigation.

Exhibit C: Mitigation Monitoring Program & Project Design Features

Activity	Timing	Responsible/ Implementing Party	Reporting
	<p>predicted grunion run closest to project initiation.</p> <ul style="list-style-type: none"> • <u>Construction Monitoring</u>: If construction is scheduled between March 1 and September 15, then every 2 weeks during spawning season. Monitoring is dictated by tides and lunar cycles. 		
Threatened and Endangered Species	<ul style="list-style-type: none"> • <u>California Least Tern Construction Monitoring</u>: If sand placement to occur during California least tern breeding season from April 1 to September 15, then coordinate with USFWS and monitor during construction. 	City of Solana Beach	City—Monitoring may include observations of timing of nesting activity and the extent of turbidity plumes outside the surf zone where water transparency is reduced to less than 3 feet.
Hazards and Hazardous Materials	<ul style="list-style-type: none"> • <u>Pre-construction</u>: Applicable Stormwater Management Plan (SWMP) or Stormwater Pollution and Prevention Plan (SWPPP) or Spill, Prevention, Containment, and Countermeasures Plan (SPCCP) shall be prepared for construction job that is source of the fill material. 	Contractor	Contractor

SOLANA BEACH OPPORTUNISTIC BEACH FILL PROGRAM

PROJECT NOTIFICATION REPORT

1. Introduction

Provide the basic program outline. Specify the permit conditions (USACE, CCC, RWQCB, and SLC). This Project Notification Report will request agency concurrence and a Notice to Proceed from the USACE (See Section 8.1 for further information).

Proposed Project Limits

Placement Site	Maximum Annual Quantity (CY)	Maximum Project Length (ft)	Placement Scenarios (1)	Season (2)	Max. Percent Fines Allowed	Proposed Maximum Annual Volume (CY) ⁽³⁾
Fletcher Cove (4)	150,000	1,800	a) Beach-berm b) MHT	Sept 15 th – Feb 28 th	25%	150,000
				Mar 1 st – May 31 st	10%	75,000
				Jun 1 st – Sept 14 th	10%	5,000

- (1) (a) Beach-berm on upper beach; (b) MHT-placement below the high tide line
 (2) The cumulative maximum quantity of all sand in a calendar year, regardless of season, is 150,000 cy
 (3) Hauling and sand placement would occur between 9:00 a.m. – 2:00 p.m or from 7:00 PM and 5:00 AM
 (4) No work can occur on holiday weekends of Memorial Day and Labor Day, and weekends adjacent to Independence Day, when Independence Day falls on a Friday or Monday.

2. Source Material

2.1. General Site Location

Include maps, figures, and text description of site location and surrounding areas.

2.2. Specific Location of Source Material at Site

Describe where on the site the source material is found.

2.3. Volume of Material (Total volume and volume proposed for beach placement)

Describe the total volume of material available at the site and the volume that is being proposed for beach nourishment. The disposal method of excess material will be described in this section.

2.4. Material Testing

Present the Sampling and Analysis Plan that was prepared for and approved by the USACE as part of their permit conditions. The results will be provided, which will include any chemistry and grain size testing. Figures and tables will be provided.

2.5. Debris Management

Describe general content of material with regard to debris. This will include a description of the kinds of debris found in the source material, methods for screening, separating, and/or retrieving the debris, and disposal methods.

An on-site debris monitor will be present during beach replenishment to monitor for the presence of debris in the sandy material. If any debris or non-sandy material is detected, the specific beach replenishment project(s) that was/were using that sand material shall be halted at that site(s). The project(s) shall not continue until a new Project Notification Report with updated information on the composition of the material is submitted and approved by the resource agencies.

3. Transportation and Placement

3.1. Site Location and Timing

Describe the existing conditions of the beach site and the timing of project. Include projected schedule.

3.2. Transportation Method

Describe how the material will get to the beach site. Outline trucking routes and provide figures, if needed. Indicate how many trucks and frequency. Specify a traffic control plan from the contractor.

3.3. Beach Placement Method

Describe the placement method, including any equipment that may be needed to construct the project. Outline specific public access closures or restrictions. Outline project BMPs, such as flagmen, perimeter fencing, etc. that are proposed. Specify how the access ramp will be constructed and how it will be removed or maintained following the project.

Construction materials or waste will not be stored where it could potentially be subjected to wave erosion and dispersion. In addition, no machinery will be placed, stored, or otherwise located in the Intertidal zone at any time, except for the minimum necessary to implement the project.

Construction equipment shall not be washed on the beach or in the beach parking lots. Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking. Construction debris and sediment shall be removed from the construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction. Debris shall be disposed of at a debris disposal site outside the coastal zone.

Plans for the staging and storage of the construction equipment shall be provided by the contractor. Where possible, public parking areas shall not be used for staging or storage of equipment and materials. Where this is unavoidable, the minimum number of parking spaces that are required shall be used.

Access corridors and staging areas shall be located in a manner that has the least impact of public access via the maintenance of existing public parking areas and traffic flow on coastal access routes.

3.4. Contractor Information

Include Contractor name, address, contact information, etc.

4. Public Notification Process

This section will outline how the public is being notified of the overall program and this specific project. Most upland projects will be approved by the Solana Beach Planning Commission or City Council through a public hearing. This section of the report will include a listing of the local hearing dates and copies of all the local hearing notices. All written correspondence received by the City regarding the project and minutes of the Planning Commission/City Council meetings will be included.

Other proposed public noticing methods may include City Council Meetings, Chamber of Commerce/Downtown Business Association articles, City Publications, Newspaper Articles, Signage, Public Television, or Water Billing notices.

Also, a posting will be placed at each construction site with a notice indicating the project scope, expected dates of construction, and/or beach closure.

5. Project Monitoring

This section will outline the pre-, during, and post-construction monitoring plan for the project. This section will also include the reporting protocols for the monitoring efforts as outlined in the CCC, RWQCB, USACE, and SLC permit requirements.

5.1. Pre-Construction Monitoring

Describe all pre-construction monitoring and that will be conducted. This will include biological monitoring and physical monitoring (pre-fill profiles and surfing conditions). The description will include what will be monitored, procedures for the monitoring, frequency, who will conduct the monitoring and their qualifications. Figures representing areas, transects, etc., will be included in the pre-construction monitoring.

If pre-construction monitoring identifies potential adverse impacts to coastal resources from the proposed project not identified and addressed in the Mitigated Negative Declaration or within the Resource Agency permits, the specific replenishment project for which the pre-construction monitoring was being conducted shall be suspended. The monitoring results will be presented to the above mentioned agencies for their review and files.

5.2. Construction Monitoring

Describe what monitoring will be conducted during construction, including biological and physical monitoring. This will include monitoring protocol and contingency operations for monitoring of turbidity, sedimentation, surfing effects, and biology at the proposed discharge site and adjacent nearshore and offshore areas. Monitoring personnel will be identified and their qualifications will be provided.

5.3. Post-Construction Monitoring

Describe what monitoring will be conducted after construction, including biological and physical monitoring. This will include monitoring protocol and contingency operations for monitoring of sedimentation, biology and effects to surfing at the proposed discharge site and adjacent nearshore and offshore areas. Monitoring personnel will be identified and their qualifications will be provided.

Biological Mitigation: Any inadvertent impacts to sensitive habitat areas by the proposed development shall be reported to the Executive Director of the California Coastal Commission (CCC) within 2 weeks of occurrence and shall be mitigated. Such mitigation shall require an amendment to the CCC Coastal Development Permit or a new permit unless the CCC Executive Director determines that no amendment or new permit is legally required. Other approvals may also be required from the other permitting agencies (USACE, RWQCB, SLC, and California State Parks and Recreation) and any inadvertent impacts will be reported to these agencies concurrently.

6. Previous Projects in Solana Beach

This section will provide a table outlining each placement site and any beach fills that have occurred within the City as part of the Opportunistic Beach Fill Program or otherwise.

Site	Dates of Placement	Volume (CY)	Total Volume to Date (CY)	Placement Method	Fill Length	Width (if applicable)	%fines
Fletcher Cove	Spring 2001	140,000	194,000	Dredge	1,800	100	10-15%
Fletcher Cove	1999	51,000	54,000	Truck	Unknown	Unknown	Unknown
Tide Beach Park	1999	3,000	3,000	Truck	Unknown	Unknown	Unknown

7. Submittals

This section will outline what submittals are required and when the resource agencies can expect them. This will include notification of any violations to the resource agencies.

7.1. Post Discharge Report

Post-Discharge Report will be compiled and submitted to the resource agencies which will include all of the information collected by the City for an individual project, including all preparation testing, volume of material placed at the site, transportation and construction details, finalized project schedule, and monitoring results. An assessment of the project effects, both beneficial and adverse will be presented at the end of every year. This analysis will serve as the basis for any modifications that can be made to optimize the program.

Remedies or modifications must be submitted to the CCC Executive Director and the CCC Executive Director will determine whether the proposed remediation may be authorized under the City's CDP or whether the work shall require an amendment the permit or a new permit. The remedies or modifications will also be presented to the other permitting agencies (USACE, RWQCB, SLC, and California State Parks and Recreation) for their review and approval.

8. Special Requirements

8.1. Timing of Submittal and Approval from the Resource Agencies

This section will include description of any special permit conditions for the program with regards to timing of submittals and approvals.

8.1.1. California Coastal Commission (CCC)

8.1.2. Regional Water Quality Control Board (RWQCB)

8.1.3. California State Lands Commission (SLC)

8.1.4. U.S. Army Corps of Engineers (USACE)

8.2. Other Permits

Copies of permits from the Coastal Commission, State Lands Commission, Regional Water Quality Control Board, and U.S. Army Corps of Engineers will be attached to this notification report.

The City of Solana Beach will notify the CCC Executive Director and the other permitting agencies of any changes to the development required by such permits. Such changes shall not be incorporated into any beach replenishment project until the applicant obtains a CCC amendment to this CDP (and other permitting agencies approvals/amendments); unless the CCC Executive Director, and other permitting agencies, determines that no amendment is required.

8.3. Copies of Approvals

Copies of approvals, including the Letter of Permission from the U.S. Army Corps of Engineers will be provided to all agencies once they are received. The project will not commence until approvals from all permitting agencies has been obtained.

8.4. Assumption of Risk, Waiver of Liability and Indemnity

The City of Solana Beach acknowledges and agrees (i) that the site may be subject to hazards such as erosion and landslides; (ii) to assume the risks to the City and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Coastal Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.