

MINUTE ITEM
This Calendar item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
0 at its 9/27/89
meeting.

CALENDAR ITEM

A 74
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09/27/89
W 24262 PRC 7347
Townsend

APPROVAL OF GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT: California Department of Fish and Game
Attn: John Grant
330 Golden Shore, #50
Long Beach, California 90802

AREA, TYPE LAND AND LOCATION:
A 93.572-acre parcel of sovereign tide and
submerged land located in the Pacific Ocean
offshore Batiquitos Lagoon, San Diego County.

LAND USE: Installation and maintenance of an artificial
fishing reef.

TERMS OF PROPOSED LEASE:
Initial period: 20 years beginning October 1,
1989.

CONSIDERATION: The public use and benefit; 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.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing and processing costs have been received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 12/10/89.

OTHER PERTINENT INFORMATION:

1. The California Department of Fish and Game (Department) has filed an application with staff of the Commission for a General Permit - Public Agency Use, to build a 10,000 ton quarry rock fishing reef off the coast of Carlsbad. The Department believes the reef will increase the local sportfish catch and allow the Department to further refine its knowledge of the relationships between some sportfish species and artificial reefs. The Department indicates that the Carlsbad area is unique in that it offers an opportunity to investigate the interaction between reef construction and near shore sportfish populations in addition to providing expected fishery benefits.

The artificial reef proposed for Carlsbad will consist of a series of rock piles, or modules, which will form four lines perpendicular to shore. Large rocks will be used to build half of the modules, small rocks will be used on the other. The proposed lease to the Department provides that construction shall begin by October 1, 1989 and be completed by October 1, 1990.

In addition, the proposed lease provides for the following:

- A. Prior to commence of construction of the authorized improvements, the Department of Fish and Game agrees to provide to the staff of the Commission, for its review and approval, an installation plan for the artificial reef which describes the equipment to be used, methods of installation, time required for installation, timing of

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at one end to safe
installation, methodology to be used
to ensure accurate placement,
configuration, and composition of the
proposed reef components.

B. Department of fish and Game shall
submit to the Commission, within six
months of the date of this lease, a
Monitoring Plan that will describe
the following:

- a. the purpose(s) and objective(s)
for the reef;
- b. how the reef is designed to meet
the purposes and objectives
described in (a);
- c. how this reef differs from other
reefs installed by the
Department;
- d. how the Department will monitor
and evaluate the effectiveness
of the reef in meeting the
purposes and objectives
described in (a); and
- e. a time schedule for monitoring,
evaluating, and reporting on the
effectiveness of the reef.

The Department shall submit all
formal reports to the Commission.
The Commission shall be advised of
and have access on demand to all
field notes, survey data, and any
other information collected for the
above Monitoring Plan or during the
administration of the Department's
Artificial Reef Program.

- C. The Department agrees to provide an
"as built" survey of the artificial
reef to the staff of the Commission
upon completion of construction and
shall include the depth from the
highest point of the reef at the
lowest low water.

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2. The annual rental value of the site is estimated to be \$846.
3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Code Regs. 2954 is not applicable.
4. A Negative Declaration was prepared and adopted for this project by the California Department of Fish and Game. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers and
California Coastal Commission.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 20-YEAR GENERAL LEASE - PUBLIC AGENCY USE, ON FILE IN THE SACRAMENTO OFFICE OF THE STATE LANDS COMMISSION, BEGINNING OCTOBER 1, 1989; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, 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, AND WITH CONSTRUCTION TO BEGIN OCTOBER 1, 1989 AND COMPLETED BY OCTOBER 1, 1990; FOR INSTALLATION AND MAINTENANCE OF AN ARTIFICIAL FISHING REEF ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

TO DETERMINE THAT THE ABOVE DESCRIBED PARCEL IS SUBMERGED LAND AND TO DETERMINE THE LOCATION OF THE PARCEL

EXHIBIT "A"

W 24262

LAND DESCRIPTION

A parcel of submerged land in the Pacific Ocean near Bataquitos Lagoon, San Diego County, California, the corners of said parcel having the following geographic positions:

- | | |
|-----------------------------|----------------------------|
| 1. Latitude = N 33° 05' 21" | Longitude = W 117° 19' 00" |
| 2. Latitude = N 33° 05' 00" | Longitude = W 117° 18' 56" |
| 3. Latitude = N 33° 05' 18" | Longitude = W 117° 19' 22" |
| 4. Latitude = N 33° 04' 57" | Longitude = W 117° 19' 18" |

END OF DESCRIPTION

PREPARED JULY 25, 1989 BY BIU 1.

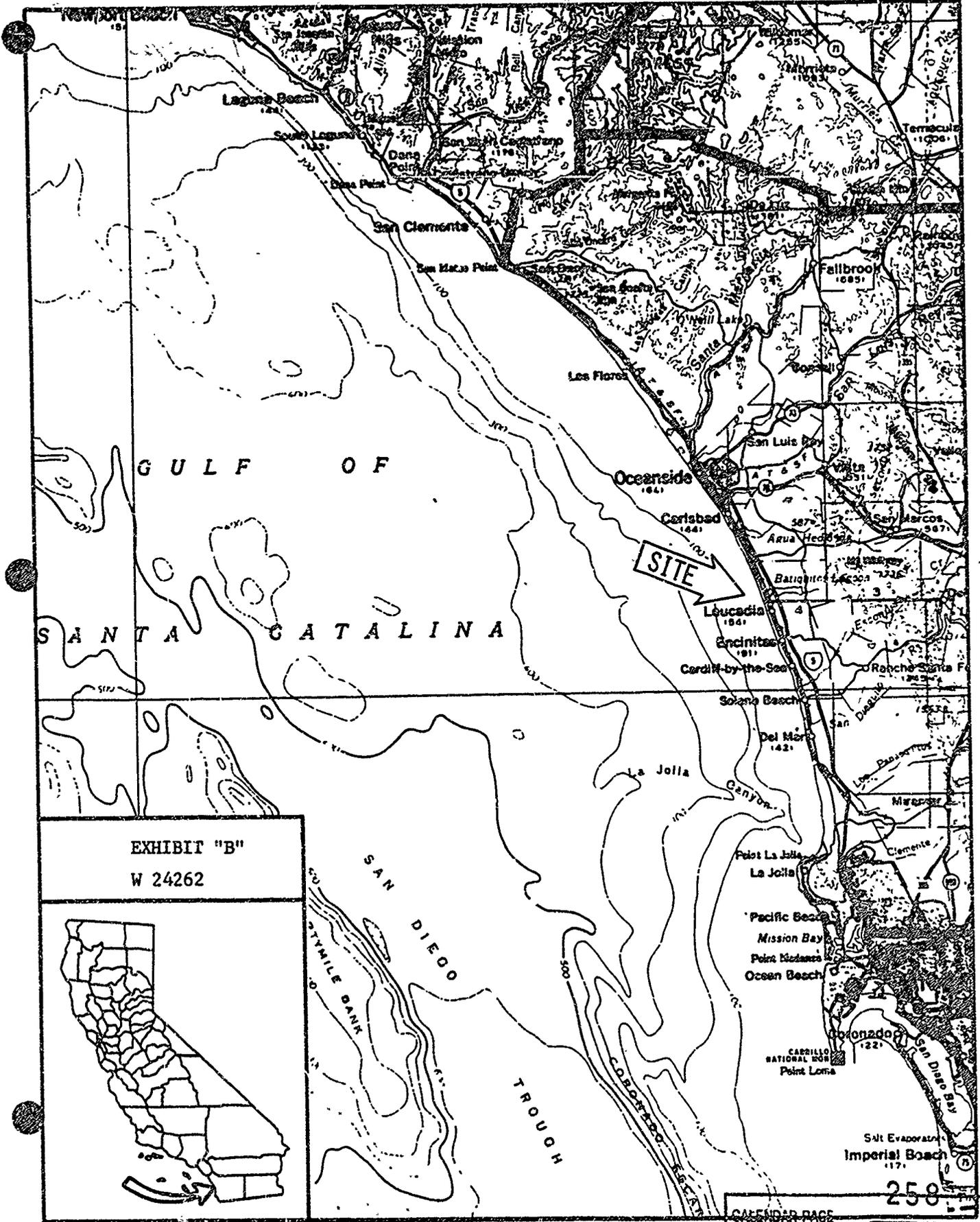


EXHIBIT "B"
W 24262



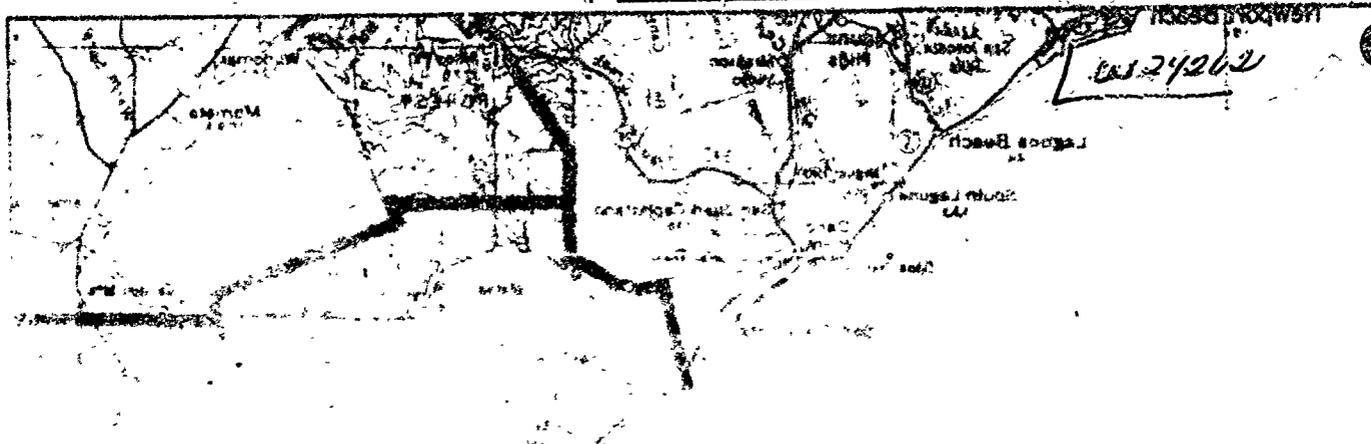
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EXHIBIT "C"



California Department of Fish and Game

Proposed Negative Declaration

for

Carlsbad Artificial Reef

March, 1989



APPENDIX F

NOTICE OF COMPLETION AND ENVIRONMENTAL DOCUMENT TRANSMITTAL FORM

Mail to State Clearinghouse, 1699 South Street, Room 121, Sacramento, CA 95811 - 916/445-4113

NOTICE OF COMPLETION AND ENVIRONMENTAL DOCUMENT TRANSMITTAL FORM

See NOTE below
SEE #

Carlsbad Artificial Reef Construction

1. Project Title: Carlsbad Artificial Reef Construction
2. Lead Agency: Dept. of Fish and Game
3. Contact Person: John T. Grant
3a. Street Address: 330 Golden Shore, Suite 50
3b. City: Long Beach
3c. County: Los Angeles
3d. Zip: 90802
3e. Phone: (213) 590-5180
4. County:
4a. City/Community: offshore of Carlsbad, CA
4b. Assessor's Parcel No.
4c. Section
4d. Day
4e. Range
5a. Cross Street:
5b. For Rural, Nearest Community:

6. Within 2 miles: a. By State b. Air c. Rail d. Water
7. PROJECT TYPE
8. LOCAL AGENCY TYPE
9. DEVELOPMENT TYPE
01. General Plan Update
02. New Element
03. General Plan Amendment
04. Master Plan
05. Amendment
06. Specific Plan
07. Community Plan
08. Redevelopment
09. Annex
10. Land Division (Resubdivision, Parcel Map, Tract Map, etc.)
11. Use Permit
12. Water Right Plan
13. Critical Area Preserve
14. Other
15. Other
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100. Other

12. PROJECT IMPACT ANALYSIS BY CATEGORY
01. Aesthetic/Visual
02. Agricultural Land
03. Air Quality
04. Archaeological/Historical
05. Coastal Zone
06. Cumulative
07. Fire Hazard
08. Fisheries (apprec) Federal
09. Fisheries (apprec) State
10. Fisheries (apprec) Local
11. Wetlands
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15. PROJECT DESCRIPTION: Construction of a 10,000-ton quarry rock fishing reef to increase local sportfish catch and to allow study of the relationships between some sportfish species and artificial reefs.

16. SIGNATURES OF LEAD AGENCY REPRESENTATIVE: [Signature] DATE: 3/7/89

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCE number already exists for a project (e.g. from a Notice of Preparation or previous draft comments) please fill it in.

FORM REVISED 6/84 - REPLACES CALS

PAGE DISTRIBUTION OF PAPERS

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APPENDIX H

APPENDIX B

ENVIRONMENTAL INFORMATION FORM
(To Be Completed By Applicant)

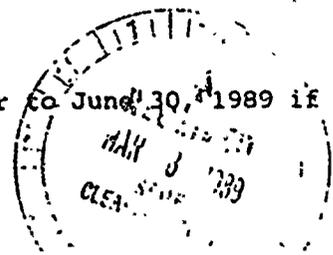
Date Filed 2-27-89

General Information

- Name and address of developer or project sponsor: California Department of Fish and Game
- Address of project: by coordinates: ocean bottom described 33°05'21"N x 117°19'00"W
Assessor's Block and Lot Number: 33°05'00"N x 117°18'56"W
33°05'18"N x 117°19'22"W
33°04'57"N x 117°19'18"W
- Name, address, and telephone number of person to be contacted concerning this project: John J. Grant, 330 Golden Shore, Suite 50, Long Beach, CA 90802
(213) 590-5180
- Indicate number of the permit application for the project to which this form pertains: one
- List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: California Coastal Commission, Corps of Engineers, State Lands Commission, Water Resources Control Board
- Existing zoning district: N/A
- Proposed use of site (Project for which this form is filed): Recreational Fishery Enhancement

Project Description Artificial Reef constructed of 10,000 tons of quarry rock

- Site size.
- Square footage. 30,000 square feet of ocean bottom covered by 12 rock piles, each 50' x 50' square.
- Number of floors of construction. None
- Amount of off-street parking provided. None
- Attach plans. See attached figures
- Proposed scheduling. Project to be built over 12 days prior to June 30, 1989 if permits are received.
- Associated project. None
- Anticipated incremental development. None
- If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.



17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
18. If industrial, indicate type, estimated employment per shift, and loading facilities.
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

	Yes	No
21. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	X	—
22. Change in scenic views or vistas from existing residential areas or public lands or roads.	—	X
23. Change in pattern, scale or character of general area of project.	—	X
24. Significant amounts of solid waste or litter.	—	X
25. Change in dust, ash, smoke, fumes or odors in vicinity.	—	X
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	—	X
27. Substantial change in existing noise or vibration levels in the vicinity.	—	X
28. Site on filled land or on slope of 10 percent or more.	—	X
29. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	—	X
30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	—	X
31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	—	X
32. Relationship to a larger project or series of projects.	—	X

Environmental Setting

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the

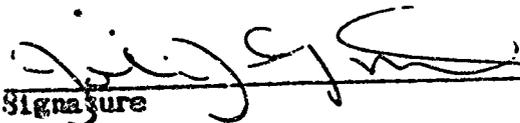
site, and the use of the structures. Attach photographs of the site. No snapshots or polaroid photos will be accepted. (See Attachment I)

34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted. See below.

Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

2-27-89
Date


Signature

For _____

(Note: This is only a suggested form. Public agencies are free to devise their own format for initial studies.)

- #21. The project will result in the covering of 30,000 square feet of subtidal sand/rocks area by placement of 12 rock piles each 50 ft square and 6 ft high.
- #34. The area is currently an open sand/rock table-like ocean bottom area between two kelp beds offshore Batiquitos Lagoon, Carlsbad California. The area currently supports relatively sparse populations of the normal inshore biota. Nearby kelp beds provide food and shelter habitat for numerous diverse species of fish and invertebrates.

APPENDIX I

ENVIRONMENTAL CHECKLIST FORM

(To Be Completed By Lead Agency)

I. Background

- 1. Name of Proponent Department of Fish & Game
- 2. Address and Phone Number of Proponent 330 Golden Shore, Suite 50,
Long Beach, CA 90802 (213) 590-5180
- 3. Date of Checklist Submitted _____
- 4. Agency Requiring Checklist California Department of Fish and Game
- 5. Name of Proposal, if applicable Carlsbad Artificial Reef

II. Environmental Impacts

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	_____	_____	X
b. Disruptions, displacements, compaction or overcovering of the soil?	_____	_____	X
c. Change in topography or ground surface relief features?	_____	_____	X ← ?
d. The destruction, covering or modification of any unique geologic or physical features?	_____	_____	X
e. Any increase in wind or water erosion of soils, either on or off the site?	_____	_____	X
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	_____	_____	X ?
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	_____	X

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	_____	_____	<u>X</u>
b. The creation of objectionable odors?	_____	_____	<u>X</u>
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	_____	_____	<u>X</u>
3. Water. Will the proposal result in:			
a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?	<u>X</u>	_____	_____
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	_____	_____	<u>X</u>
c. Alterations to the course or low of flood waters?	_____	_____	<u>X</u>
d. Change in the amount of surface water in any water body?	_____	_____	<u>X</u>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	_____	_____	<u>X</u>
f. Alteration of the direction or rate of flow of ground waters?	_____	_____	<u>X</u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	<u>X</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	<u>X</u>
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	<u>X</u>	_____	_____

	Yes	Maybe	No
b. Reduction of the numbers of any unique, rare or endangered species of plants?			X
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?			X
d. Reduction in acreage of any agricultural crop?			X
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	X		
b. Reduction of the numbers of any unique, rare or endangered species of animals?			X
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?			X
d. Deterioration to existing fish or wildlife habitat?	X		
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?			X
b. Exposure of people to severe noise levels?			X
7. Light and Glare. Will the proposal produce new light or glare?			
			X
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?			
			X
9. Natural Resources. Will the proposal result in:			
a. Increase in the rate of use of any natural resources?		X	
10. Risk of Upset. Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?			X

	Yes	Maybe	No
b. Possible interference with an emergency response plan or an emergency evacuation plan?			X
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?			X
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?			X
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?			X
b. Effects on existing parking facilities, or demand for new parking?			X
c. Substantial impact upon existing transportation systems?			X
d. Alterations to present patterns of circulation or movement of people and/or goods?			X
e. Alterations to waterborne, rail or air traffic?		X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?			X
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?			X
b. Police protection?			X
c. Schools?			X
d. Parks or other recreational facilities?			X
e. Maintenance of public facilities, including roads?			X
f. Other governmental services?			X
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?			X

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy?	_____	_____	X
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:	_____	_____	X
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	_____	X
b. Exposure of people to potential health hazards?	_____	_____	X
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	_____	_____	X
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	X	_____	_____
20. Cultural Resources:			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	_____	_____	X
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	_____	_____	X
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	_____	_____	X
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	_____	_____	X
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate	_____	_____	X