

MINUTE ITEM

This Calendar Item No. C84
was approved as Minute Item
No. 84 by the State Land Commission by a vote of 5
to 0 at its 11/15/94
meeting.

C84

A 73, 94

S 38

11/15/94
WP 932
J. Smith
PRC 932

GENERAL LEASE - INDUSTRIAL USE

APPLICANT:

San Diego Gas and Electric Company
P.O. Box 1831
San Diego, California 92112

AREA, TYPE LAND AND LOCATION:

A 102 acre parcel of tide and submerged land in the Pacific Ocean at Carlsbad, San Diego County.

LAND USE:

Deposition of dredge spoils from Agua Hedionda Lagoon.

TERMS OF ORIGINAL LEASE:

Initial period:

Ten years beginning September 1, 1984.

Public liability insurance:

\$500,000 Combined single limit coverage.

Consideration:

\$300 per annum; plus the public benefit, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

TERMS OF PROPOSED LEASE:

Initial period:

Ten years beginning September 1, 1994.

Public liability insurance:

\$1,000,000 Combined single limit coverage.

CONSIDERATION:

\$300 per annum; plus the public benefit, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner or permittee of upland.

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PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees have been received.

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:

02/27/95

OTHER PERTINENT INFORMATION:

1. This is a continuation of an ongoing activity under an existing State lease. San Diego Gas and Electric Company has been depositing spoils at the subject site since 1954. Only nominal annual rent is charged for the use of this parcel, but the public is benefitted by the enhancement of the adjacent Carlsbad State Beach and other downcoast beach areas by sand distribution and replenishment through the littoral process.
2. The Department of Parks and Recreation does not object to the spoils deposit fronting their upland provided the Lessee does not deposit the spoils in the period between Memorial Day and Labor Day.

The lease will be terminated if the State finds that the dredged material is unsuitable for a public beach.
3. To avoid potential impacts to the California Least Tern breeding period and grunion spawning period, dredging of the lagoon can only occur between October 1 and April 15.
4. On February 17, 1994, the California Coastal Commission granted permit amendment 6-93-193-A for this project under its certified regulatory program (14 Cal. Code Regs. 15251(c)).
5. Staff has reviewed the document and determined that the conditions, as specified in 14 Cal. Code Regs. 15253 (b) have been met for the State Lands Commission to use the environmental analysis document certified by the Coastal Commission as a substitute for a Negative Declaration in order to comply with the requirements of CEQA.

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6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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:

United States Army Corps of Engineers; California Regional Water Quality Control Board; California Coastal Commission; State Department of Parks and Recreation.

FURTHER APPROVALS REQUIRED:

State Lands Commission

EXHIBIT:

- A. Location and Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (COASTAL DEVELOPMENT PERMIT AMENDMENT 6-93-193-A), WAS CERTIFIED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS. 15251 (C)), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS. 15253 (B) HAVE BEEN MET.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO SAN DIEGO GAS AND ELECTRIC COMPANY OF A TEN YEAR GENERAL LEASE - INDUSTRIAL USE BEGINNING SEPTEMBER 1, 1994; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$300 PLUS THE PUBLIC BENEFIT, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR THE DEPOSITION OF SPOILS FROM AGUA HEDIONDA LAGOON ON THE LAND SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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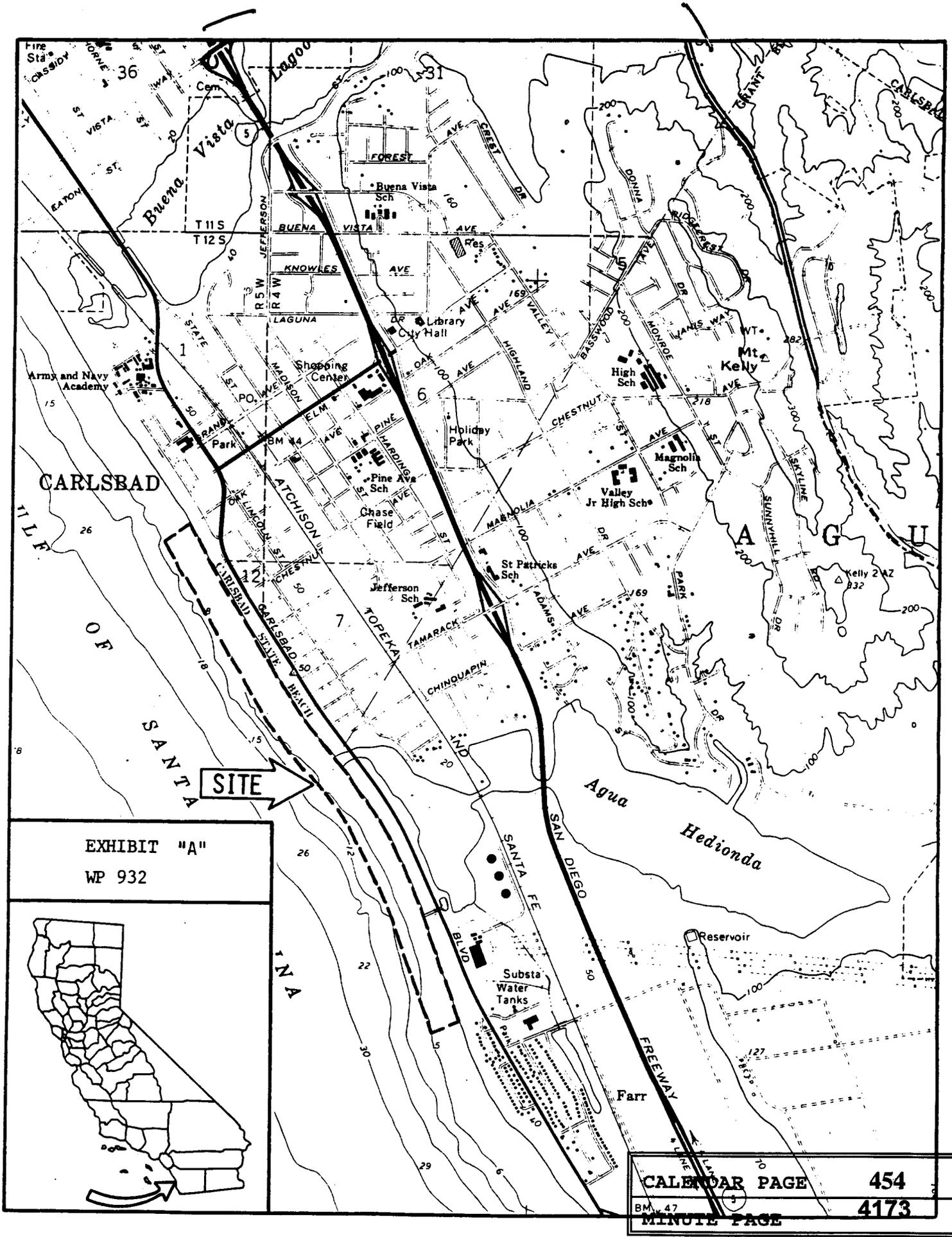


EXHIBIT "A"
WP 932



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