MINUTE ITEM

This Calendar Item No. C29 was approved as Minute Item No. 29 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

CALENDAR ITEM
C29

A 74

S 38

PRC 8519.9

04/05/04
W 25955
J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Encinitas
505 S. Vulcan Avenue
Encinitas, California 92024-3633

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean adjacent to South Carlsbad and Leucadia State Beaches, cities of Encinitas and Carlsbad, San Diego County.

AUTHORIZED USE:

Beach nourishment involving the placement of approximately 48,000 cubic yards of sand.

LEASE TERM:

Five years, beginning May 1, 2004.

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.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.

2. The city of Encinitas has submitted an application to Commission staff to place approximately 48,000 cubic yards of sand adjacent to South Carlsbad and Leucadia State Beaches in the cities of Encinitas and Carlsbad. The beach fill will encompass an area approximately 50 feet

wide and 1,390 feet long. The sand is being made available by the developer of the upland Encinitas Resort Hotel. A California Coastal Commission condition of approval of the upland development required that any suitable material be placed on the adjacent beach. The material will be trucked from the upland site to the receiver beach through a trucking route on the South Carlsbad State Beach parking lot. A temporary access road will be constructed down the bluff to allow access to the parking lot. The temporary access road area will be restored to its current or improved condition upon completion of the project. Limited public access to the beach will be available during the operation. Safety personnel will be onsite to ensure that public safety is maintained.

The sand will be placed wholly on public property under the jurisdiction of State Parks and the Commission. Within the city of Carlsbad, the adjacent upland is public property owned by State Parks. In the city of Encinitas, the adjacent upland is a 60' bluff that is comprised of private properties. The Applicant will be required to perform a mean high tide line survey of the area prior to the replenishment project.

To avoid impacts to the California least tern, the western snowy plover and California grunion, no activity will occur between February 15 and September 15, without the prior approval of the State Department of Fish and Game and the U.S. Fish and Wildlife Service.

Previous beach replenishment projects that have occurred at the receiver site include the Batiquitos Lagoon Restoration Project in 1997, and the San Diego Association of Governments Regional Sand Replenishment Project in 2001.

3. A Mitigated Negative Declaration and Addendum, and Mitigation Monitoring Program were prepared and adopted for this project by the city of Encinitas. The Commission's staff has reviewed such document. The Addendum addressed minor alterations to the description of the receiver site and to the project timing and maintenance in response to comments received.

4. 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.

APPROVALS OBTAINED:

City of Carlsbad; California Department of Parks and Recreation; Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers; California Coastal Commission; California State Lands Commission

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

July 26, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND ADDENDUM, AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF ENCINITAS AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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

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 TO THE CITY OF ENCINITAS OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING MAY 1, 2004, FOR A

TERM OF FIVE YEARS, FOR BEACH NOURISHMENT INVOLVING THE PLACEMENT OF APPROXIMATELY 48,000 CUBIC YARDS OF SAND ADJACENT TO SOUTH CARLSBAD AND LEUCADIA STATE BEACHES ON THE LAND SHOWN ON EXHIBIT A 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 INTEREST; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $1,000,000.

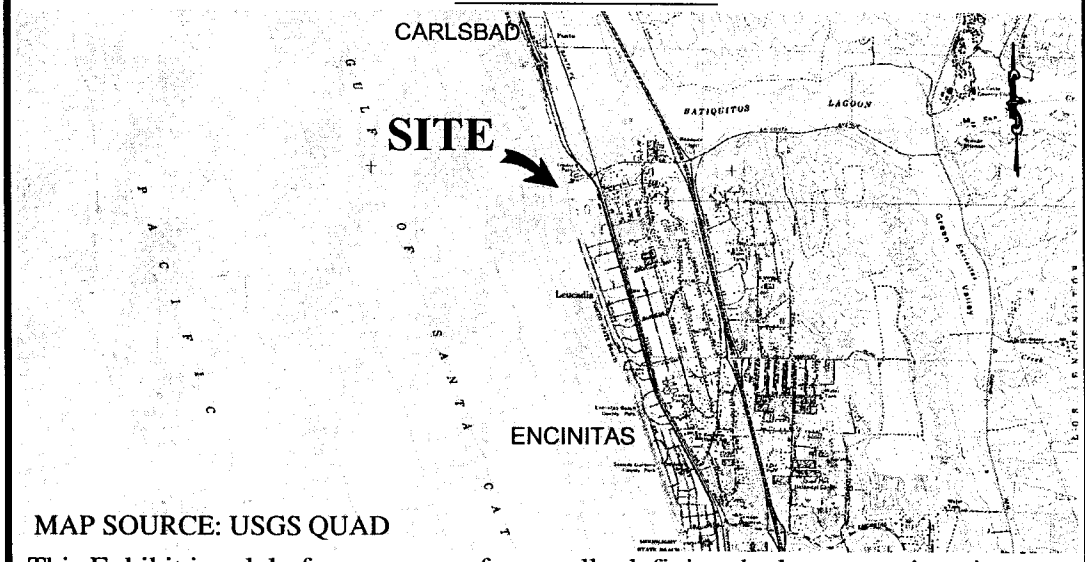
NO SCALE

SITE

CITY OF ENCINITAS & CITY OF CARLSBAD
ADJACENT TO SOUTH CARLSBAD AND LEUCADIA STATE BEACHES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

W 25955
GENERAL LEASE
PUBLIC AGENCY USE
BEACH NOURISHMENT
SAN DIEGO COUNTY

JAK 03/04