

**CALENDAR ITEM
C25**

A 79
S 40

10/22/09
WP 8791.9
K. Foster

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

California Department of Parks and Recreation
301 Caspian Way
Imperial Beach, CA 91932

LAND TYPE AND LOCATION:

Sovereign lands in the Pacific Ocean, adjacent to Border Field State Park in the city of Imperial Beach, San Diego County.

AUTHORIZED USE:

Deposit a maximum of 35,000 cubic yards of sediment in the Pacific Ocean, in a single phase beginning September 15, 2009.

LEASE TERM:

Two years, beginning September 15, 2009.

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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. The California Department of Parks and Recreation (Parks) manages the Tijuana River National Estuarine Research Reserve (TRNERR), which includes Border Field State Park (BFSP) and the Tijuana Slough National Wildlife Refuge. Recently constructed catch basins in Goat Canyon trap high volumes of sediment generated from the Goat Canyon Creek watershed south of the international border and help prevent the sediment from silting up and changing the character of environmentally sensitive marsh areas within BFSP. Previously, material removed from the catch basins has been disposed of at upland disposal sites, depriving local

CALENDAR ITEM NO. **C25** (CONT'D)

beaches of a natural source of sediment which is needed to prevent a possible future breach of the barrier beach and dune system separating the TRNERR from the Pacific Ocean.

The Tijuana River Sediment Fate and Transport Study (Study) was designed to investigate the feasibility of utilizing sorted sediments generated at the Goat Canyon catch basins for beach replenishment. Analysis of the current sediment stockpile indicates the material would have a grain size distribution of approximately 50 percent sand and 50 percent fines (silt/clay). However, the U.S. Environmental Protection Agency (U.S. EPA) guidelines for beach replenishment projects limits suitable beach replenishment material to no more than 20 percent fines unless additional information can show that placement of material exceeding the guideline will not result in environmental degradation. The Goat Canyon sediment, along with numerous other sources of coastal sediment that exceed the U.S. EPA guideline, would ordinarily be excluded for beach replenishment use and would be disposed of at upland disposal sites.

The Study initially proposed to place approximately 60,000 cubic yards of sediment, sorted and tested under existing permits for grain size and contaminants, in the intertidal zone south of the Tijuana River mouth along a 2,600 foot long stretch of beach adjacent to BFSP. Placement was to have taken place in three phases between October 1, 2008 and February 15, 2009. Once placed, sediment dispersion would be monitored by the U.S. Geological Survey as discussed in the Construction Monitoring Plan, in order to assess the extent and duration of turbidity and sedimentation and to identify any adverse affects such fine grained sediment might pose to the coastal and marine environment. The resulting data would then ultimately be used to help determine if material with a higher percentage of fines than currently allowed could be successfully used for future beach nourishment projects at the Tijuana River estuary and elsewhere.

3. On August 22, 2008, the Commission approved the issuance to Parks of Lease No. PRC 8791.9 for the Study, with a six-month term ending March 31, 2009. The first phase was completed with the placement of approximately 10,000 cubic yards of sediment, but heavy rains delayed the project before phase two and three could be implemented. The project was halted on December 19, 2008, when it lost its primary funding source from the California Coastal Conservancy, which has now been restored.

CALENDAR ITEM NO. **C25** (CONT'D)

4. Parks has applied to the Commission for a new two-year lease to complete the Study in substantially the same form as originally proposed, with the exception that a maximum of 35,000 cubic yards of sediment will be placed in a single phase beginning September 15, 2009. Placement is expected to be completed by December 31, 2009, but should site limitations or expected material quantities vary from expectations, applicant has indicated that placement could occur at any point up to March 31, 2010.
5. Parks has requested that a letter of non-objection be issued to allow the Study to commence prior to Commission review. Parks has indicated that the Study has a limited window of opportunity beginning September 15, 2009, and that the Study may be in jeopardy if it is delayed. Commission staff issued a letter of non-objection for the Study to commence on September 16, 2009, with the stipulations that Parks may be required to remove any improvements if the Commission does not approve the new lease, and if approved, that Parks will comply with any and all conditions that may ultimately be adopted by the Commission.
6. A Mitigated Negative Declaration (SCH #2008011128) was prepared and adopted for this project by the California Department of Parks and Recreation on April 29, 2008. The project remains the same, but the dates have been revised because the project was stopped prior to finishing deposition of sediment. The MND and Mitigation Monitoring Program apply to the project with the revised dates. The U.S. Fish and Wildlife Service approved a start date of September 15, 2009, based on recent biological surveys indicating all avian resource species have completed all breeding activities for 2009 in the vicinity of the project area. California State Lands Commission staff reviewed such document. A Mitigation Monitoring Program was adopted by the California Department of Parks and Recreation on April 29, 2008.
7. 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:

California Coastal Commission, California Department of Parks and Recreation, California Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service

CALENDAR ITEM NO. **C25** (CONT'D)

EXHIBITS:

- A. Site and Location Map
- B. Land Description
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION (SCH #2008011128) AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION ON APRIL 29, 2008, AND THAT THE COMMISSION REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

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 OF A NEW GENERAL LEASE – PUBLIC AGENCY USE TO THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION BEGINNING SEPTEMBER 15, 2009, FOR A TERM OF TWO YEARS, TO ALLOW FOR THE DEPOSITION OF GOAT CANYON CATCH BASIN SEDIMENTS ON THE BEACH IN THE PACIFIC OCEAN ADJACENT TO BORDER FIELD STATE PARK 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.