

**CALENDAR ITEM  
C44**

A 73  
S 38

09/01/11  
WP 8718.9  
K. Foster

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

**LAND TYPE AND LOCATION:**

Tide and submerged lands in the Pacific Ocean adjacent to South Carlsbad State Beach – Encinas Beach, city of Carlsbad, San Diego County.

**AUTHORIZED USE:**

Deposition of a maximum of 150,000 cubic yards of sand annually at South Carlsbad State Beach - Encinas Beach, under the City of Carlsbad Opportunistic Beach Fill Program.

**LEASE TERM:**

Five years, beginning October 12, 2011.

**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 has the right to use the uplands adjoining the lease premises.
2. On November 21, 2006, the Commission authorized Lease No. PRC 8718.9 to the City of Carlsbad (City) for the placement of a maximum of 150,000 cubic yards of beach-quality sand annually at Encinas Beach, which is located at South Carlsbad State Beach in the city of Carlsbad. Applicant has submitted an application for a new General Lease – Public Agency Use for the continued implementation of the City of Carlsbad Opportunistic Beach Fill Program (Program) under the same terms and conditions as the prior Lease.

CALENDAR ITEM NO. **C44** (CONT'D)

3. The existing Program is intended to take advantage of opportunities to obtain suitable beach fill material generated from construction, development, or dredging projects occurring periodically within the City. Under the Program, the City identifies potential beach fill material, which is tested according to current regulatory requirements to confirm its suitability. A Project Notification Report detailing such findings is then submitted to Commission staff and 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 Commission staff and each agency or the material is not allowed to be used for beach replenishment. No beach fill material has been placed since the start of the program in 2006.
4. A Mitigated Negative Declaration SCH# 2001091126 was prepared by the city of Carlsbad and adopted on May 17, 2006. In addition, amendments were made to the project by way of Addendum and adopted on March 16, 2011, by the city of Carlsbad Planning Commission. The California State Lands Commission's staff has reviewed such documents. A Mitigation Monitoring Program was adopted by the city of Carlsbad, as contained in Exhibit C, attached hereto.
5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 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 "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 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 Title 2, California Code of Regulations, section 2954 is not applicable.

**APPROVALS OBTAINED:**

City of Carlsbad, California Coastal Commission, California Department of Parks and Recreation, and the U.S. Army Corps of Engineers.

**FURTHER APPROVALS REQUIRED:**

California Regional Water Quality Control Board

**EXHIBITS:**

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

CALENDAR ITEM NO. **C44** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

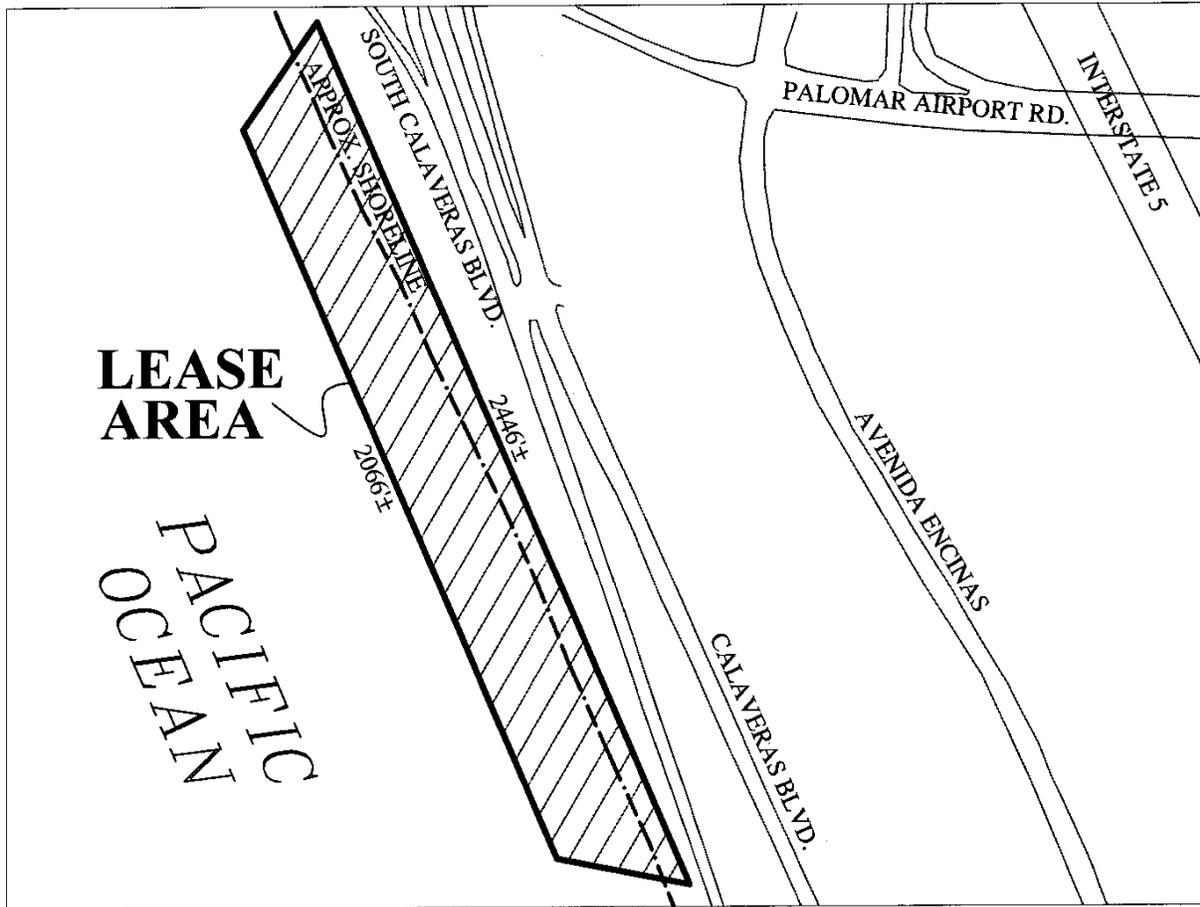
Find that a Mitigated Negative Declaration SCH# 2001091126 and a Mitigation Monitoring Program were prepared by the city of Carlsbad and adopted May 17, 2006, and that an Addendum for this project was adopted March 16, 2011, and that the Commission has reviewed and considered the information contained therein. Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

**AUTHORIZATION:**

Authorize issuance of a General Lease - Public Agency Use to the City of Carlsbad beginning October 12, 2011, for a term of five years, for the deposition of a maximum of 150,000 cubic yards of sand annually at South Carlsbad State Beach – Encinas Beach under the City of Carlsbad Opportunistic Beach Fill Program 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.

NO SCALE

### SITE



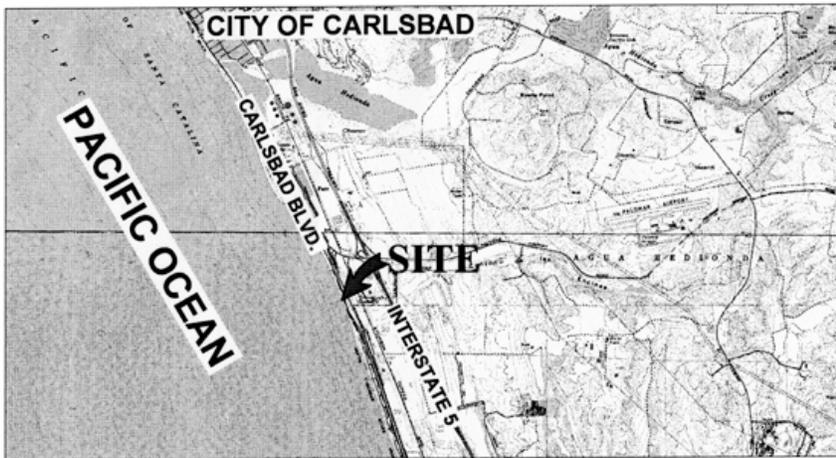
**LEASE  
AREA**

**PACIFIC  
OCEAN**

### CARLSBAD OPPORTUNISTIC BEACH FILL PROGRAM ENCINAS BEACH, SAN DIEGO COUNTY

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### **Exhibit A**

WP 8718.9  
CITY OF CARLSBAD  
GENERAL LEASE  
PUBLIC AGENCY USE  
CARLSBAD STATE BEACH  
SAN DIEGO COUNTY



**SITE**

MDF 7/27/11

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 B**

**PRC 8718.9**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the Pacific Ocean, adjacent to La Costa Beach State Park (now known as South Carlsbad State Beach) as described in Division of Highways Transfer of Control and Possession dated June 2<sup>nd</sup>, 1961, in the City of Carlsbad, San Diego County, more particularly described as follows:

BEGINNING at a point having CCS83 Zone VI coordinates N(y)=1989986 ft, E(x)=6231393 ft; thence clockwise through the following three (3) points:

- 1) N(y)=1987739 ft, E(x)=6232360 ft;
- 2) N(y)=1987807 ft, E(x)=6232015 ft;
- 3) N(y)=1989706 ft, E(x)=6231202 ft;

thence along a course to the POINT OF BEGINNING.

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

**END OF DESCRIPTION**

Prepared by the California State Lands Commission Boundary Unit 7/29/2011



**XVIII. LIST OF MITIGATING MEASURES**

The following environmental mitigation measures will be incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a level of insignificance for biological resources (grunion), water quality (turbidity), and traffic (truck hauling operations). Section 8 of this MND provides a description of the monitoring program that incorporates these mitigation measures. The monitoring program also requires monitoring of beach profiles and surf conditions, which are not listed below because they are not associated with any identified potentially significant environmental impact.

**Table 6  
List of Mitigation Measures**

Mitigation Measure	Monitoring Type	Monitoring Department
<p><b>(Biological Resources)</b></p> <p><b>Grunion monitoring</b> will occur before construction, and if grunion are present, during construction. No post-construction monitoring is required for grunion. The presence of grunion should not result in a halt to construction, due to the availability of a larger sandy area for spawning immediately up- and down-coast. The project shall be allowed to proceed with modifications as needed to accommodate spawning.</p> <p>A grunion monitor must be present to observe grunion runs two to three weeks prior to construction during a predicted grunion run (according to the grunion calendar produced by the California Department of Fish and Game), and immediately prior to construction. If grunion are not present during their predicted runs, no further monitoring is required. If grunion are present during predicted runs, beach nourishment will only occur above the spring high tide line/kelp line or in the nearshore until the spawning season is over. As an alternative, grunion monitoring could continue throughout the sand placement period, and if they do not spawn during a predicted run then sand could be placed below the spring high tide line.</p>	<p>Project (conducted for each beach fill project)</p>	<p>City of Carlsbad Engineering Department</p>
<p><b>(Hydrology/Water Quality)</b></p> <p><b>Turbidity</b> will be monitored throughout construction to qualify the effect on ocean water clarity from the project. Turbidity will be monitored by an observer from a vantage point (such as a bluff top landward of the placement site) noting the extent of turbid conditions. The observer will map the area of turbidity each day on a base map and photograph the turbidity in the ocean. A map will be created by the observer, and they will document all other pertinent environmental conditions such as waves, wind, and weather. If monitoring indicates excessive turbidity (greater than ambient beyond one-half mile offshore at or down-coast of the placement site) for a prolonged period, assumed to be 5 days, then placement should be halted or modified to reduce turbidity. This judgment should be made by the project engineer in consultation with the City and regulatory staff assigned to the project.</p>	<p>Project (conducted for each beach fill project)</p>	<p>City of Carlsbad Engineering Department</p>

**Table 6 (continued)**  
**List of Mitigation Measures**

Mitigation Measure	Monitoring Type	Monitoring Department
<p><u>(Transportation/Traffic)</u></p> <p><u>Truck/hauling operations</u> will be subject to the following:</p> <ol style="list-style-type: none"> <li>A traffic control plan will be prepared for each beach fill project;</li> <li>Truck operations shall be limited to the hours of 8:00 a.m. to 4:00 p.m., Monday through Saturday (fall/winter) and Monday through Friday (spring/summer) with no activity during holidays;</li> <li>A flagman shall keep pedestrians a safe distance from the truck, notify beach users of the presence of the truck, and ensure that a clear and safe path is maintained. This system will be codified in the traffic control plan prepared for each beach fill project.</li> <li>Public streets used for hauling the beach fill material to the project site shall be cleaned via street-sweeper every third day of truck delivery to the project site.</li> <li>Trucks shall only use haul routes approved by the city, and shall be specified in the traffic control plan prepared for each beach fill project.</li> </ol>	<p>Project (conducted for each beach fill project)</p>	<p>City of Carlsbad Engineering Department</p>

**Applicant Concurrence With Mitigation Measures**

THIS IS TO CERTIFY THAT I HAVE REVIEWED THE ABOVE REFERENCED MITIGATING MEASURES AND CONCUR WITH THE ADDITION OF THESE MEASURES TO THE PROJECT.

3/6/06  
Date

  
Signature