

**STAFF REPORT
C53**

A 37
S 19

12/03/18
PRC 8786.9
K. Connor

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of San Buenaventura

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, at Pierpont Bay groin field cell #1, Santa Clara River mouth surf zone, and the Santa Clara River mouth near-shore zone, near Ventura, Ventura County.

AUTHORIZED USE:

The deposition of dredge material from Ventura Keys, of up to 100,000 cubic yards (cy) annually, not to exceed 350,000 cy over the term of this Lease.

LEASE TERM:

10 years, beginning June 24, 2018.

CONSIDERATION:

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests; the dredge material may not be sold.

SPECIFIC LEASE PROVISIONS:

- Upon initiation of dredging activities, Applicant shall be required to conduct physical and chemical analysis of a representative sample of sediments to be dredged from within Ventura Keys. The sample must meet current Environmental Protection Agency, California Regional Water Quality Control Board, and U.S. Army Corps of Engineers beach replenishment standards. If any sample does not comply with current standards, dredging operations must cease immediately and may only resume upon written approval of the Executive Director of the California Coastal Commission (CCC). Retesting shall be conducted at a minimum of 3 years from the date of the previous sampling for samples meeting current testing guidelines. For samples exceeding any contaminant thresholds,

STAFF REPORT NO. **C53** (CONT'D)

sampling must commence at least 6 weeks prior to any dredging activity for all subsequent years, and results must be reviewed and approved by the CCC Executive Director prior to dredging.

- Applicant shall be required to submit annual shoreline monitoring reports to the Commission by July 1 of each year, consistent with the requirements of Coastal Development Permit (CDP) 4-18-0390.
- Applicant shall be required to submit notice to the Commission of the volume and quality of dredged material meeting beach replenishment standards, consistent with the requirements of CDP 4-18-0390.
- Applicant shall be prohibited from conducting any deposition activities under the following conditions and time periods, consistent with the requirements of CDP 4-18-0390:
 - a. Within 100 yards of, and on the entire beach seaward of, identified Least Tern nesting areas from March 15 through August 31.
 - b. On the beach and shorefront from the Friday before Memorial Day in May, through Labor Day in September to avoid impacts on public recreational use.
 - c. On any part of the beach from the date of the first predicted California Grunion run through August 31, unless otherwise approved by the CCC Executive Director.
 - d. Within federally designated Snowy Plover habitat, or any other area where Snowy Plover are exhibiting nesting/breeding activity, between March 1 and September 30.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On June 24, 2008, the Commission authorized the issuance of Lease No PRC 8786.9, a General Lease – Public Agency Use to the city of San Buenaventura (City) for the deposition of a maximum of 100,000 cy annually, and up to a maximum of 350,000 cy over the lease term, of dredge materials at Pierpont Bay groin field, Santa Clara River mouth surf zone, and the Santa Clara River mouth near-shore zone ([Item C24, June](#)

STAFF REPORT NO. **C53** (CONT'D)

[24, 2008](#)). The lease expired on June 23, 2018. The Applicant is now applying for a new General Lease – Public Agency Use.

The dredging activities are located within the Ventura Keys, a boating and water-orientated residential community located along three channels that are accessed via Ventura Harbor. The proposed project is needed to maintain channel configurations, and to restore and assure safe navigability within the Ventura Keys waterways. The project provides material for beach replenishment at the deposition sites located at the Pierpont Bay groin field, Santa Clara River mouth surf zone, and Santa Clara River mouth near-shore zone.

The dredged material would be delivered to the Pierpont Bay groin field or Santa Clara River mouth by means of a floating or submerged pipe extending from the Ventura Keys harbor waters, along the beach and seaward. No native vegetation would be disturbed and the pipe would be removed from the least tern and snowy plover nesting areas prior to March 15. If dredged materials were to be delivered for near-shore deposition, the material would be barged to the area just south of the Santa Clara River and deposited. The littoral flow would act as a transport system and would disperse the materials rapidly to become available for the beach replenishment.

An application for the required permit from the San Diego Regional Water Quality Control Board has been submitted and is pending approval. The Amendment for the U.S. Army Corps of Engineers permit has been completed and approved, as has the CCC CDP.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises and requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The deposition sites subject to lease are located offshore of Ventura Harbor.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best

STAFF REPORT NO. **C53** (CONT'D)

available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location. The Santa Barbara tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea-Level Rise for Santa Barbara¹

Year	Projection (feet)
2030	0.7
2040	1.1
2050	1.8
2100	6.6

Source: Table 22, State of California Sea-Level Rise Guidance: 2018 Update

Note: ¹ Projections are with respect to a 1991 to 2009 baseline.

Rising sea levels can lead to increased flooding through regular inundation and larger flooding events when combined with tidal events and storm surges. These climate change and sea-level rise impacts can also affect erosion and sedimentation rates through increased wave action and scour, which in turn can lead to decreased shoreline stability and structure.

The Commission has previously authorized deposition of material dredged from the Ventura Keys in the surf zone at Cell 1 of the Pierpont Bay groin field, and the surf zone at the mouth of the Santa Clara River, and/or the near-shore waters at the mouth of the Santa Clara River. The city of Ventura has been conducting sediment sampling for this project since 1994 to ensure the opening of the Ventura Keys and Harbor are maintained to safe depths. The dredging and beach sediment placement will not occur until after Labor Day to ensure the habitat enhancement and recreational opportunities within the area are not obstructed during the maintenance dredging and placement. Collectively, the sediment placement will assist to armor the shoreline, protect upland infrastructure, and increase the longevity of beach habitat and lateral public access to the shoreline.

The Ventura Keys dredging will occur on an as-needed basis to ensure the safety and passage of vessels in and out of the Ventura Keys and Harbor. The dredge site and lease area will be vulnerable to the impacts from sea-level rise and more frequent and intense storms that are the result of climate change. Therefore, the Ventura Keys area and Ventura

STAFF REPORT NO. **C53** (CONT'D)

Harbor may require more frequent dredging and the area offshore Ventura Harbor may require more frequent nourishment. The 10-year lease term provides the Commission and the lessee an opportunity to check in at a relatively short-term interval, to consider the effects of sea-level rise, and to evaluate the requirements of dredging and nourishment activity frequency in order to make incremental adaptation steps as necessary and appropriate.

Conclusion:

For all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction; and Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

APPROVALS REQUIRED:

Los Angeles Regional Water Quality Control Board

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
California Coastal Commission

EXHIBITS:

- A. Legal Description
- B. Site and Location Map

STAFF REPORT NO. **C53** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease - Public Agency Use to the City of Buenaventura beginning June 24, 2018, for a term of 10 years, for the deposition of up to 100,000 cy of sand annually, not to exceed 350,000 cy over the term of this lease, in the Pacific Ocean, near the city of Ventura, as described in Exhibit A and shown on Exhibit B (for reference purposes only) 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 interests.

EXHIBIT A

PRC 8786.9

LAND DESCRIPTION

Three parcels of tide and or submerged land situate in the bed of Pierpont Bay, in the Pacific Ocean, Ventura County, California, more particularly described as follows:

PARCEL 1

A parcel, bounded on the north by the centerline of Pierpont Groin No. 2; bounded on east by the ordinary high water mark of said bay; bounded on the south by the centerline of Pierpont Groin No. 1; and bounded on the west by a line between the waterward terminus of said centerline of Pierpont Groin No. 1 and the waterward terminus of said centerline of Pierpont Groin No. 2.

PARCEL 2

A 600 feet wide parcel, being bounded on the north by a line 900 feet North of the mouth of the Santa Clara River and perpendicular to the ordinary high water mark of said bay; bounded on east by said ordinary high water mark of said bay; bounded on the south by a line parallel to and 600 feet from said north line; and bounded on the west by a line 200 feet westerly of and running parallel to said ordinary high water mark.

PARCEL 3

A 4000 feet wide parcel, being bounded on the north by a line 500 feet South of the mouth of the Santa Clara River and perpendicular to the ordinary high water mark of said bay; bounded on east by the a line of elevation 15 feet below mean lower low water; bounded on the south by a line parallel to and 4000 feet from said north line; and bounded on the west by a line of elevation 30 feet below mean lower low water.

EXCEPTING THEREFROM any portion located landward of said ordinary high water mark of said bay.

END OF DESCRIPTION

PREPARED 5/28/08 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

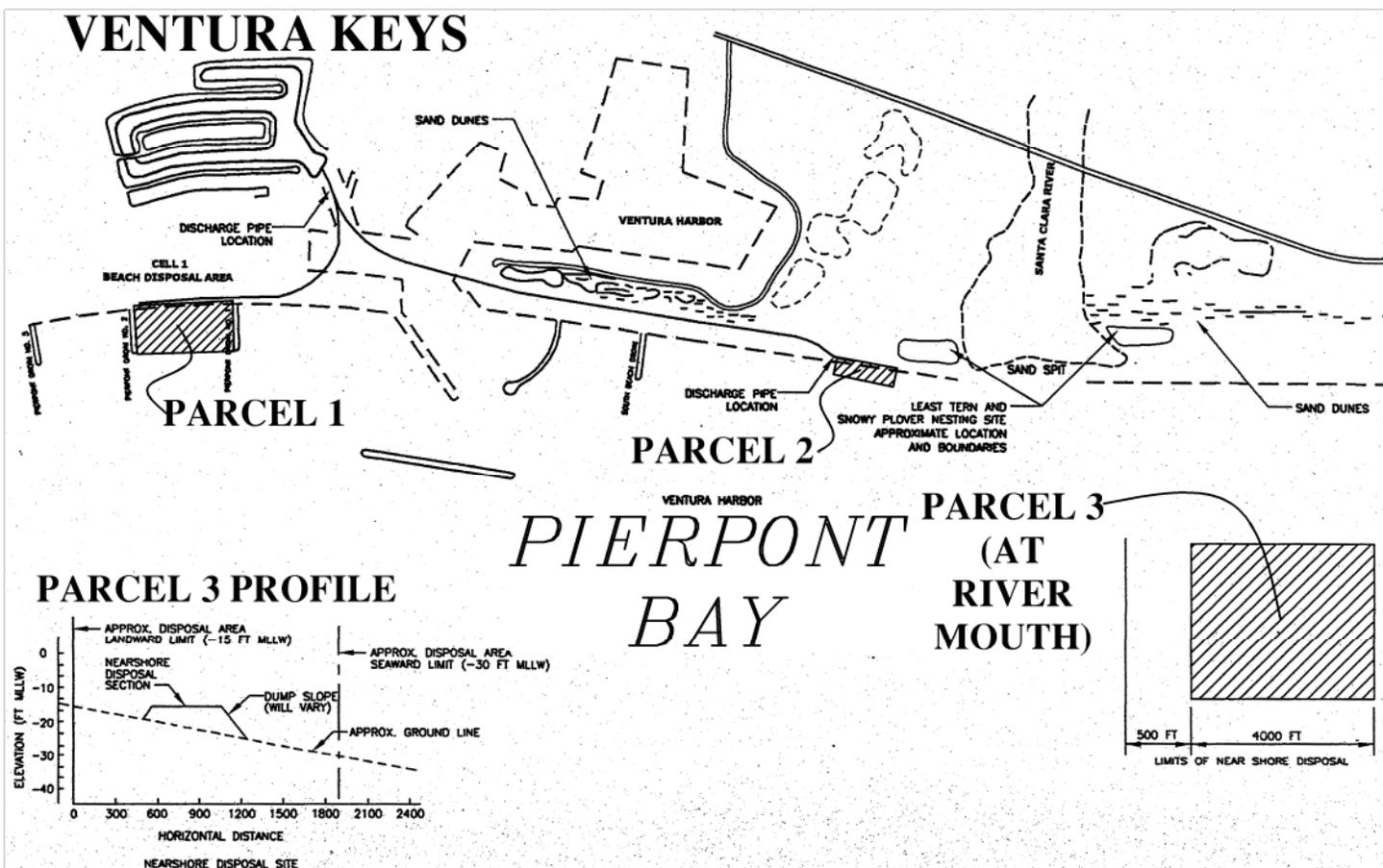


SITE



NOT TO SCALE

VENTURA KEYS



Deposition Sites of Excavated Material
Ventura Keys, Pierpont Bay

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8786.9
CITY OF VENTURA
GENERAL LEASE -
PUBLIC AGENCY USE
VENTURA COUNTY



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.