

MINUTE ITEM
This Calendar Item No. C35 was approved as
Minute Item No. 35 by the California State Lands
Commission by a vote of 3 to 0 at its
10-06-04 meeting.

CALENDAR ITEM

C35

A 73

10/06/04

S 38

PRC 8567

W 25724

J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean, San Clemente, Orange County.

AUTHORIZED USE:

Implementation of the San Clemente Opportunistic Beach Replenishment Program involving the placement of a combined maximum of 300,000 cubic yards of sand annually at four beach sites (North Beach, Linda Lane Beach, T-Street Beach North, and T-Street Beach South).

LEASE TERM:

Five years, beginning November 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 owns the uplands adjoining the lease premises.
2. The city of San Clemente (City) is requesting a five-year lease from the Commission to implement the City's Opportunistic Beach Replenishment Program (Program). The purpose of the Program is to take advantage of

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opportunities to obtain suitable surplus sand from upland construction, development or dredging projects when it becomes available, and place the sand on the City's beaches or near shore areas. The Program involves placing up to a maximum combined total of 300,000 cubic yards of sand annually on four City-owned beaches in San Clemente:

- North Beach, just south of the San Clemente Metrolink train station and the terminus of Avenida Pico, extending a distance of 1,500 feet (a maximum of 125,000 cubic yards per year).
- Linda Lane Beach, south of Mariposa Point and north of the pier, extending a distance of 1,500 feet (a maximum of 75,000 cubic yards per year).
- T-Street Beach North, extending from the pier 1,000 feet south (a maximum of 45,000 cubic yards per year).
- T-Street Beach South, extending south a distance of 1,200 feet (a maximum of 55,000 cubic yards per year).

The beach fill concepts include: (a) placing the material below the mean high tide line, (b) as a layer over the existing beach as a berm, or (c) piling the material at the back of the beach to allow for more gradual disbursement.

The City will stockpile sand at an inland location if the rate of sand supply exceeds the permitted beach placement rates. The Program will start with small-scale projects (10,000 to 50,000 cubic yards) followed by monitoring. Although the sand will be placed on the beaches primarily in the fall/winter season (between September 21 and March 21) to replicate the natural delivery of sediment to the area, approximately one-third of the sand could be placed on the beaches during the spring/summer season (between March 21 and September 21) when natural sediment delivery is lower, and as permitted by the regulatory agencies. The sand will be transported primarily by truck. Transportation by rail is also considered a possible delivery mode.

The City consulted with various federal and State agencies, including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, the NOAA Fisheries, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission and the California State Lands Commission, to determine the appropriate sand quantities and qualities.

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City staff would identify the availability of sand from a certain source. The City has developed a checklist, currently in draft form, which would assist City staff in determining the suitability of sand for placement. The checklist includes:

- identification of potential source material;
- volume of material;
- results of chemistry and grain size testing;
- debris management (kind of debris found, if any, and methods of screening, separating or retrieving debris and disposal methods);
- site location, timing and beach placement method;
- transportation method; and
- pre, during and post-construction monitoring plans.

Once the City has deemed the sand suitable for beach replenishment, the checklist and a Project Notification Report would be submitted to all the agencies listed above a minimum of 30 days prior to each opportunistic replenishment project. The City would not proceed until each of the agencies has provided written concurrence that the material meets the criteria for placement. Should an agency deem the material unsuitable for placement, the sand will not be used for beach replenishment.

3. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by the city of San Clemente. Commission staff has reviewed such document.
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:

Regional Water Quality Control Board

APPROVALS REQUIRED:

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

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EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

February 16, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

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:

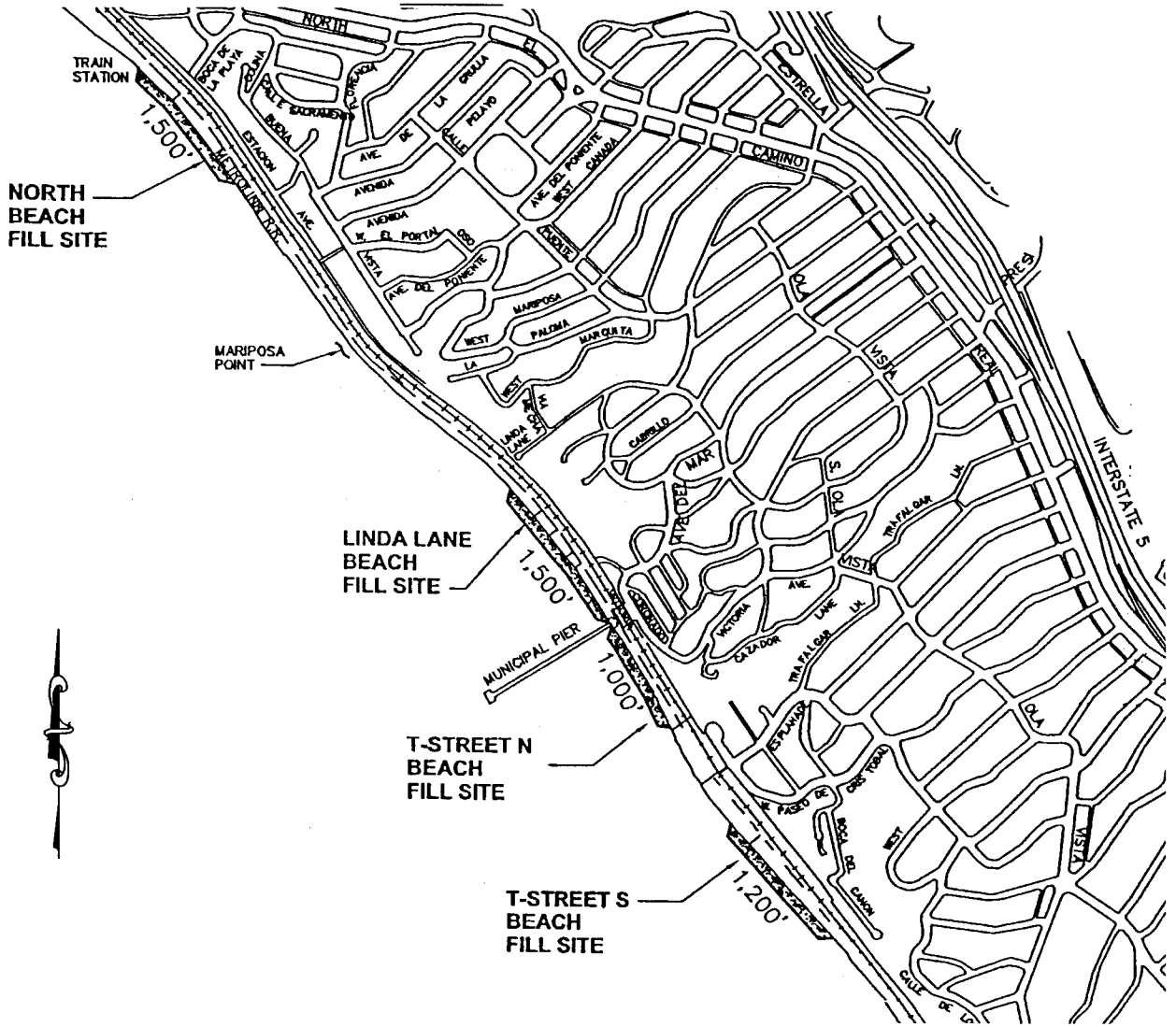
AUTHORIZE ISSUANCE TO THE CITY OF SAN CLEMENTE OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING NOVEMBER 1, 2004, FOR A TERM OF FIVE YEARS, FOR IMPLEMENTATION OF THE SAN CLEMENTE OPPORTUNISTIC BEACH REPLENISHMENT PROGRAM INVOLVING THE PLACEMENT OF A COMBINED MAXIMUM OF 300,000 CUBIC YARDS OF SAND ANNUALLY ON FOUR BEACH SITES (NORTH BEACH, LINDA LANE BEACH, T-STREET BEACH NORTH AND T-STREET BEACH SOUTH); UPON WRITTEN CONCURRENCE OF THE EXECUTIVE OFFICER OR HIS DESIGNEE; ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE

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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



SAN CLEMENTE OPPORTUNISTIC BEACH REPLENISHMENT PROGRAM

NO SCALE

LOCATION

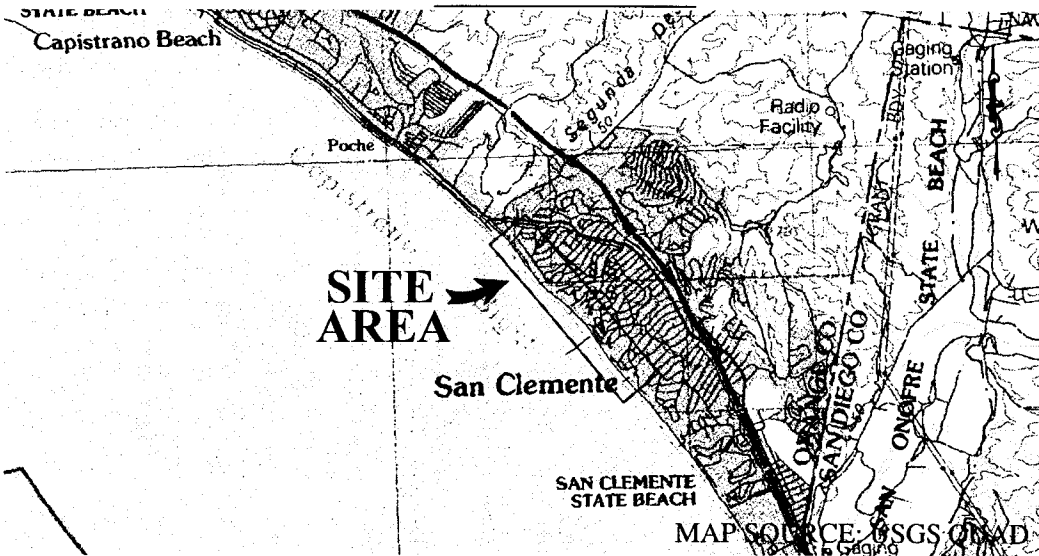


Exhibit A

W25724
 CITY OF SAN CLEMENTE
 GENERAL LEASE- PUBLIC AGENCY
 SAN CLEMENTE BEACH
 ORANGE 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.

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EXHIBIT B LAND DESCRIPTION

Four (4) parcels of land situated in the City of San Clemente, County of Orange, State of California described as follows:

Parcel 1 (North Beach Fill Site)

A 280 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 981 recorded in Book 31 of Miscellaneous Map Page 26 and Tract 793 recorded in Book 24 of Miscellaneous Map Page 1, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark of said ocean; bounded on the Southeast by the prolongation of the most southwesterly line of the northwesterly right of way line of DiJe Court; bounded on the Southwest by a line lying 280 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by the prolongation of the northwesterly line of Lot 17 of said Tract 981.

Parcel 2 (Linda Lane Beach Fill Site)

A 240 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 779 recorded in Book 23 of Miscellaneous Map Page 19, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark of said ocean; bounded on the Southeast by a line 85 feet northwesterly of and parallel with the centerline of the City of San Clemente Public Pier; bounded on the Southwest by a line lying 240 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by a line lying more or less 1500 feet northwesterly of and parallel with above described Southeast line of the herein described parcel.

Parcel 3 (T Street North Beach Fill Site)

A 200 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 779 recorded in Book 23 of Miscellaneous Map Page 19, and Tract 822 recorded in Book 25 of Miscellaneous Map Page 21, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark OF SAID OCEAN; bounded on the Southeast by a line 1085 feet southeasterly of and parallel with the centerline of the City of San Clemente Public Pier; bounded on the Southwest by a line lying 200 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by a line lying 1000 feet more or less northwesterly of and parallel with above described Southeast line of the herein described parcel.

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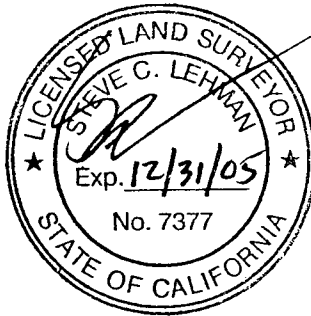
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Parcel 4 (T Street South Beach Fill Site)

A 200 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 1511 recorded in Book 44 of Miscellaneous Map Page 44, and Tract 822 recorded in Book 25 of Miscellaneous Map Page 21, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark of said ocean; bounded on the Southeast by the southwesterly prolongation of the northwesterly line of Lot 40 of Tract 897 recorded in Book 27 of Miscellaneous Map Page 25, Orange County Recorders Office; bounded on the Southwest by a line lying 200 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by a line lying 1200 feet more or less northwesterly of and parallel with above described Southeast line of the herein described parcel.

END OF DESCRIPTION



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6. Summary of Mitigation Measures

Mitigation Measure	Responsible Party	Timing
<p>Air Quality - Construction equipment mitigation including:</p> <ul style="list-style-type: none"> • Maintaining equipment in tune, as per manufacturer's specifications; • Utilizing catalytic converters on any gasoline-powered equipment; • Retarding engine timing by 2 degrees; • Installing high-pressure fuel injectors; • Using reformulated, low-emissions diesel fuel; • Substituting gasoline-powered for diesel-powered equipment where feasible; • Minimizing equipment idling times to below two minutes by restricting truck deliveries per the project description to reduce truck queues; • Curtailing construction during periods of high ambient pollutant concentrations (e.g., Stage I smog alerts); and • Watering roads and trucks during earthmoving to reduce fugitive dust. 	<p>Contractor</p>	<p>Prior to and During Construction</p>
<p>Water Quality – Impacts to water quality will be mitigated by daily monitoring of turbidity during sand placement to ensure turbidity levels do not exceed ambient levels beyond the length of the pier for more than three days. If the turbidity monitoring shows an increase in turbidity, the construction will be altered to decrease turbidity to ambient levels (e.g., reduced placement rate). <u>The length of the turbidity plume will be estimated and recorded on a map along with documentation of project information such as replenishment site, placement method (below the mean high tide line, over existing sand, as sand dike), timing of the operation (start date, stop date, hours of operation), quantity of material, physical and chemical characteristics, and the source of the material.</u></p> <p>The City proposes to test all potential sand sources for bulk chemistry to verify that the sand is free of contaminants prior to placement on any beach fill site. They will also perform background research of the potential for the material to possess contaminants based on Tier I testing protocol as specified by the USACE and USEPA (1988).</p>	<p>Contractor and City of San Clemente</p> <p>City of San Clemente</p>	<p>During Construction</p> <p>Prior to Construction</p>
<p>Biological Resources – Impacts to Least Terns will be mitigated by minimizing construction during the least tern nesting season. <u>Impacts to the western snowy plover will be minimized by examining the beach area prior to any fill activities and if present, halting fills until the birds have moved away from the fill area.</u> Impacts to offshore and nearshore reefs are reduced significantly by maintaining a 1,000-foot buffer between the fill at the North Beach site and Mariposa Point. Also, a 500-foot buffer will be maintained on either side of the walkover between the T-Street Beach Fill Sites. Monitoring will occur before and after projects with restrictions added to the program as needed to reduce impacts. <u>Mitigation for impacts to grunion will be provided by surveying for grunion at designated placement site(s) throughout the spawning season immediately prior to construction and placing material above mean high tide if they are present, or at a different location where they are not present.</u></p>	<p>City</p>	<p>Prior to and During Construction</p>

EXHIBIT C

San Clemente Beach Replenishment Program– Mitigated Negative Declaration

Mitigation Measure	Responsible Party	Timing
<p>Noise – Noise impacts will be mitigated by limiting construction activities to days and hours outlined in the City’s Noise Guidelines Manual and other actions including:</p> <ul style="list-style-type: none"> • Construction will occur between 7:00 AM and 6:00 PM, Monday through Saturday. No construction is proposed on Sundays, or local, State, or Federal holidays; • All project-related equipment shall utilize properly working mufflers and the engines shall be equipped with shrouds and operate only during the above hours; and <p>Parking, fueling, and servicing operations for all heavy equipment and on-site vehicles shall be a minimum of 250 feet from existing homes.</p>	<p align="center">Contractor</p>	<p align="center">During Construction</p>
<p>Recreation – Surfing conditions will be visually monitored and restrictions imposed on the program if determined necessary by the City from monitoring.</p>	<p align="center">City</p>	<p align="center">During and after construction</p>
<p>Transportation/Traffic –The contractor shall implement a traffic control plan with a system of signs and flagmen to maintain traffic safety while construction vehicles access and egress from public streets.</p>	<p align="center">Contractor And the City of San Clemente</p>	<p align="center">During Construction</p>

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