

**CALENDAR ITEM
C21**

A 74
S 38

01/29/09
W 26317
K. Foster

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

LAND TYPE AND LOCATION:

Tide and submerged lands in the Pacific Ocean adjacent to Batiquitos Beach and Moonlight State Beach, city of Encinitas, San Diego County.

AUTHORIZED USE:

Deposition of a maximum of 120,000 cubic yards of sand annually at Batiquitos Beach and a maximum of 150,000 cubic yards of sand annually at Moonlight State Beach, under the City of Encinitas Opportunistic Beach Fill Program.

LEASE TERM:

Five years, beginning January 29, 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 or has the right to use the uplands adjoining the lease premises at Batiquitos Beach and has the right to use the uplands adjoining the lease premises at Moonlight State Beach.
2. The city of Encinitas (City) has submitted an application for a General Lease – Public Agency Use to implement the City of Encinitas Opportunistic Beach Fill Program (Program). The 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. The Program proposes to place up to a

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maximum of 120,000 cubic yards of beach quality sand annually at Batiquitos Beach, and up to a maximum of 150,000 cubic yards of beach quality sand annually at Moonlight State Beach.

3. The Program would be implemented according to the guidelines specified in the March 2006 Sand Compatibility and Opportunistic Use Program (SCOUP) plan adopted by the San Diego Association of Governments (SANDAG) and the Coastal Sediment Management Workgroup (CSMW). The SCOUP plan was prepared to assist in streamlining the permitting and regulatory approval process for beach replenishment projects using opportunistic materials in volumes of less than 150,000 cubic yards.
4. Under the Program, the City will identify potential beach fill material, which would then be tested according to current regulatory requirements to confirm its suitability. A Project Notification Report detailing such findings would be submitted to the Commission and each agency with approval authority over the project a minimum of 30 days prior to any placement activity. Written concurrence of suitability would be required from the Commission and each agency or the material would not be allowed to be used for beach replenishment.
5. On April 5, 2004, the Commission authorized the issuance of a General Lease – Public Agency Use, Lease No. PRC 8519.9, to the City for the placement of up to 48,000 cubic yards of beach quality sand, to be generated from a planned future upland development project located within the City, on a stretch of beach extending from South Carlsbad State Beach to Leucadia State Beach. The City is currently placing sand from the upland project on the beach within this area as authorized in the lease. The lease will expire on April 29, 2009. The Batiquitos Beach receiver site proposed in the present lease application lies within the footprint of the existing lease.
6. A Mitigated Negative Declaration was prepared and adopted for this project by the city of Encinitas on September 9, 2008. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of Encinitas on September 9, 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.

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APPROVALS OBTAINED:

City of Encinitas

FURTHER APPROVALS REQUIRED:

California Coastal Commission; Regional Water Quality Control Board; and the U.S. Army Corps of Engineers

EXHIBITS:

- A-1. Location and Site Map (Parcel 1)
- A-2. Location and Site Map (Parcel 2)
- B. Legal Land Description

PERMIT STREAMLINING ACT DEADLINE:

June 10, 2009

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 ENCINITAS ON SEPTEMBER 9, 2008 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 CALIFORNIA STATE LANDS 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:

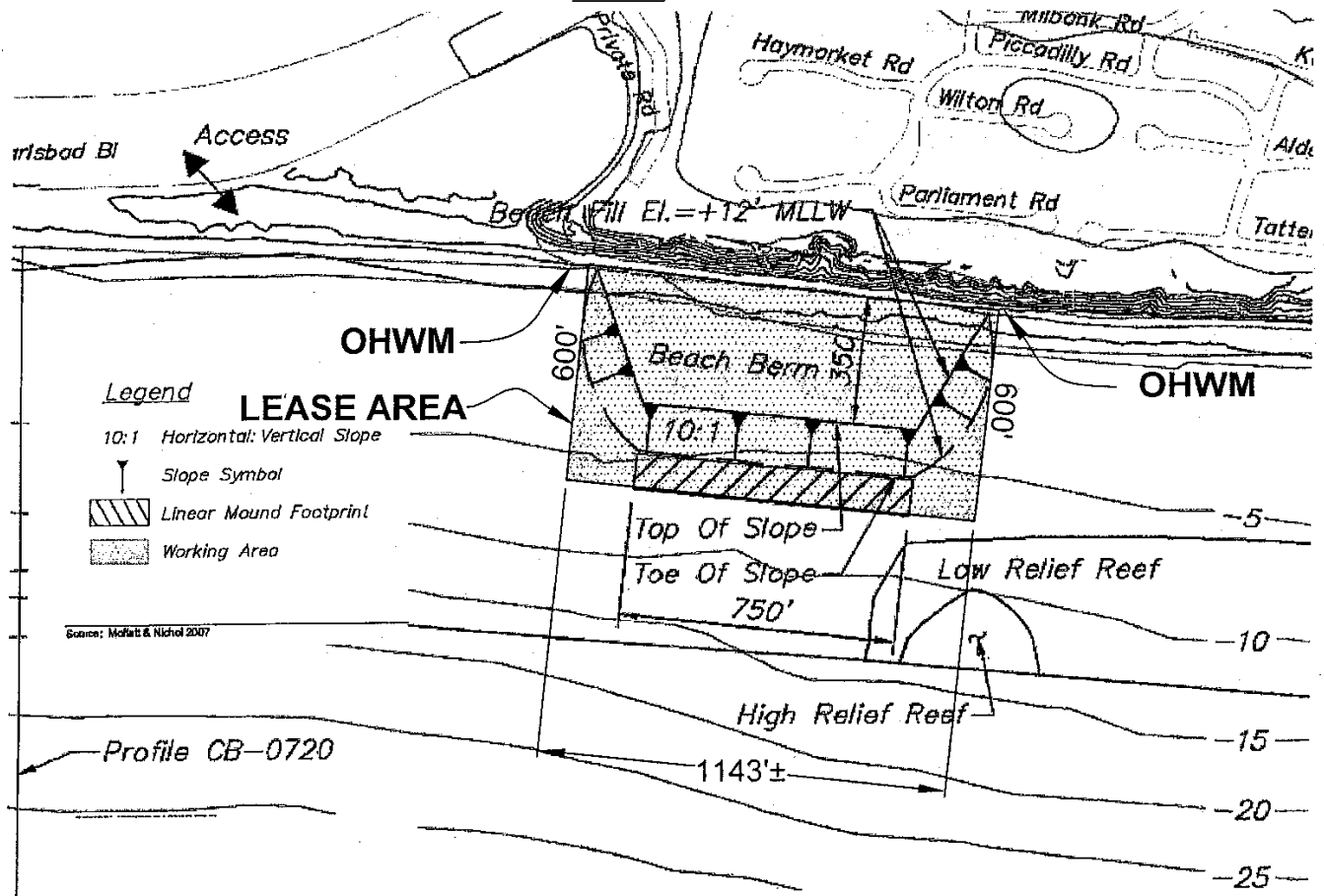
AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE OF LANDS IN THE PACIFIC OCEAN ADJACENT TO BATIQUITOS BEACH AND MOONLIGHT STATE BEACH IN THE CITY OF ENCINITAS, AS SHOWN ON EXHIBIT A-1 AND A-2 (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT B, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, BEGINNING JANUARY 29, 2009, FOR A TERM OF FIVE YEARS, FOR THE

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DEPOSITION OF A MAXIMUM OF 120,000 CUBIC YARDS OF SAND ANNUALLY AT BATIQUITOS BEACH AND FOR THE DEPOSITION OF A MAXIMUM OF 150,000 CUBIC YARDS OF SAND ANNUALLY AT MOONLIGHT STATE BEACH UNDER THE CITY OF ENCINITAS OPPORTUNISTIC BEACH FILL PROGRAM; 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



Batiquitos Beach Project Footprint
 PARCEL 1
 BATIQUITOS BEACH

NO SCALE

LOCATION

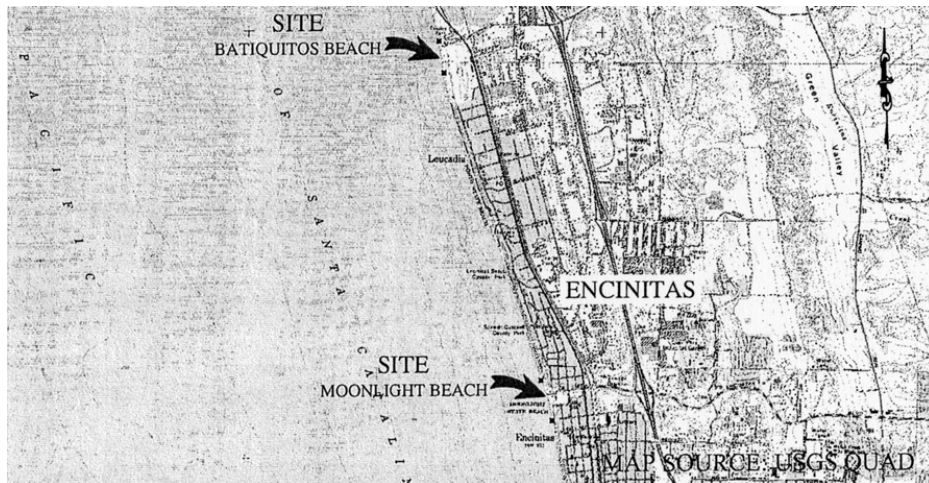


Exhibit A-1

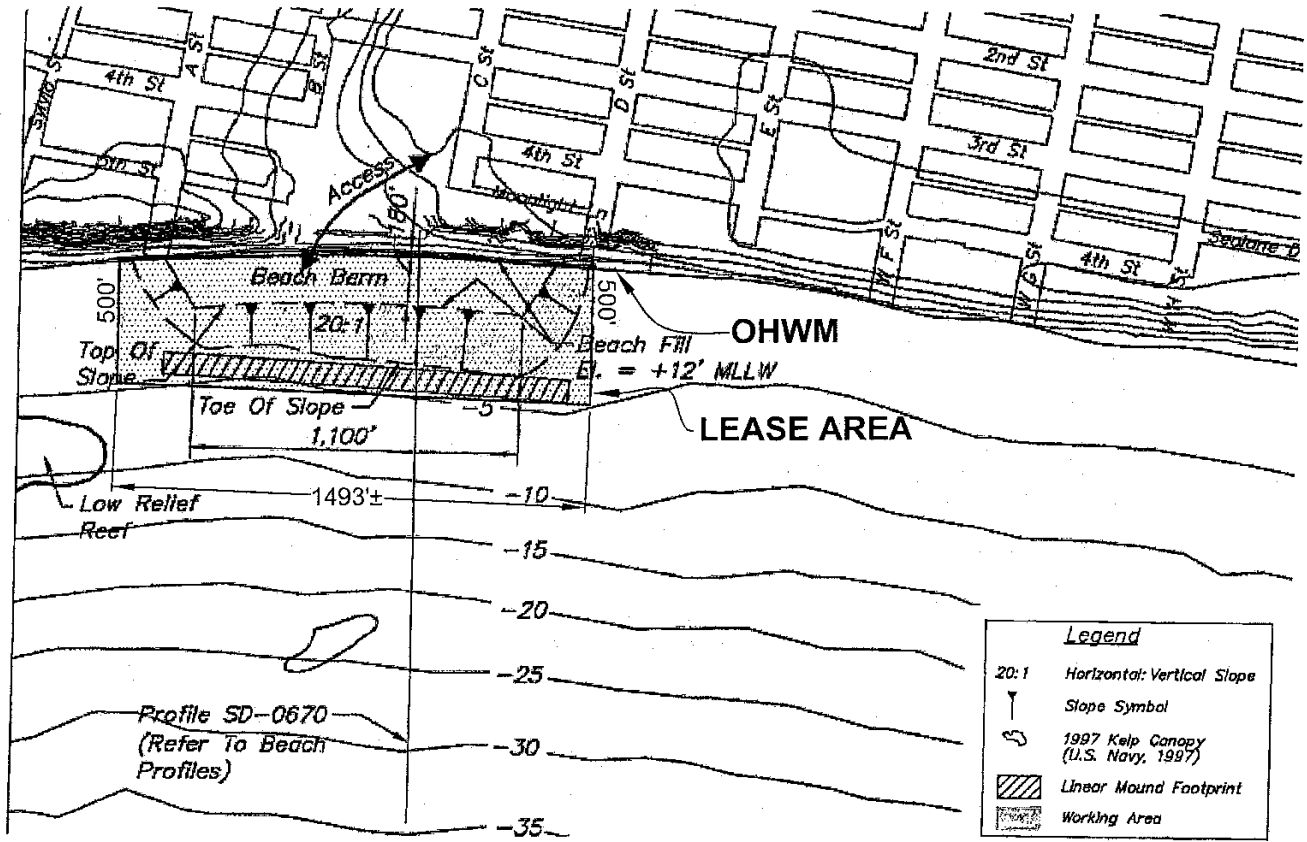
W 26317
 CITY OF ENCINITAS
 OPPORTUNISTIC
 BEACH FILL
 SAN DIEGO COUNTY



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.

NO SCALE

SITE



Source: McMillan & Nicol 2005

Moonlight Beach Project Footprint PARCEL 2 MOONLIGHT BEACH

NO SCALE

LOCATION

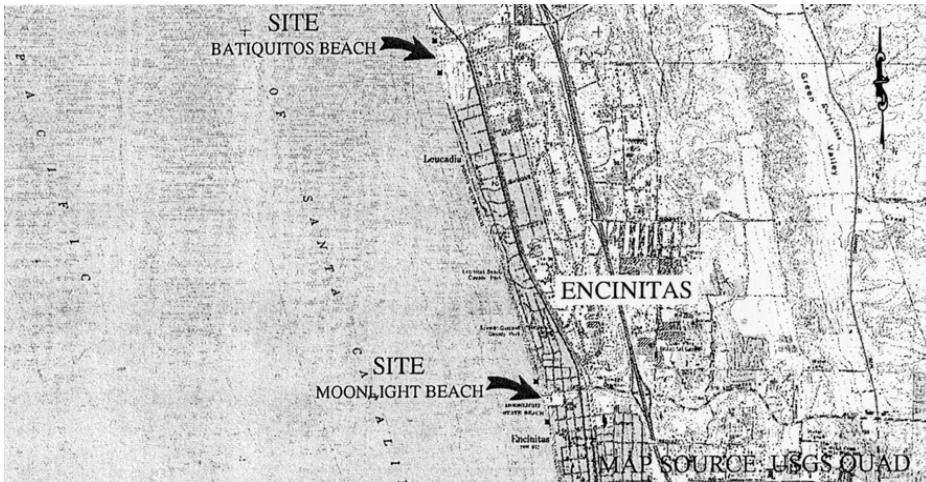


Exhibit A-2

W 26317
CITY OF ENCINITAS
OPPORTUNISTIC
BEACH FILL
SAN DIEGO COUNTY



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