

**CALENDAR ITEM  
C71**

A 76  
S 38

10/14/14  
PRC 8817.9  
K. Foster

**GENERAL LEASE - PUBLIC AGENCY USE**

**APPLICANT:**

City of Encinitas  
505 South Vulcan Avenue  
Encinitas, CA 92024

**LAND TYPE AND LOCATION:**

Sovereign land in the Pacific Ocean, in the city of Encinitas, San Diego County.

**AUTHORIZED USE:**

Deposition of up to a maximum of 117,000 cubic yards (cy) of sand annually at Batiquitos Beach, up to a maximum of 105,000 cy of sand annually at Moonlight State Beach, up to a maximum of 132,000 cy of sand annually at Leucadia State Beach, and up to a maximum of 101,000 cy of sand annually at Cardiff State Beach under the City of Encinitas Opportunistic Beach Fill Program (Program).

**LEASE TERM:**

Five years, beginning October 14, 2014.

**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:**

**Other:**

1. Lessee must at all times during the Lease term maintain the authorization of the upland property owner at each of the State Beach receiver sites, the California Department of Parks and Recreation (DPR). Upon termination of the DPR Operating Agreement for any such site, Lessee's use of that State Beach receiver site shall also terminate.
2. At least 30 days prior to the start of the first beach replenishment event performed under the Program at each receiver site, and for any

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replenishment event that occurs three or more years after the previous event at each receiver site, Lessee shall submit a mean high tide line survey of the receiver site for Lessor's staff review and approval.

**OTHER PERTINENT INFORMATION:**

1. The city of Encinitas (City or Applicant) owns or has the right to use the upland adjoining the lease premises.
2. On January 29, 2009, the Commission authorized the issuance of Lease No. PRC 8817.9, a General Lease – Public Agency Use to the City of Encinitas for the deposition of up to a maximum of 120,000 cy of sand annually at Batiquitos Beach and up to a maximum of 150,000 cy of sand annually at Moonlight State Beach, under the Program. The lease term expired on January 28, 2014, and the Applicant is now applying for a new General Lease – Public Agency Use for continued sand deposition under its Program.
3. On June 18, 2014, the Applicant adopted a revised MND to allow for sand deposition at two additional receiver sites, Leucadia State Beach and Cardiff State Beach.
4. The Program is 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 cy. For volumes under 150,000 cy, otherwise suitable beach fill materials might be lost due to the timing and cost associated with obtaining separate permits for each project.

Under the Program, the City identifies potential beach fill material, typically generated from upland development projects, which is then tested according to current regulatory requirements to confirm its suitability. A Project Notification Report detailing such findings is submitted to 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 each agency or the material is not allowed to be used for beach replenishment.

5. A Mitigated Negative Declaration, State Clearinghouse No. 2013111057 was prepared by the City and adopted on June 18, 2014, for this project.

CALENDAR ITEM NO. **C71** (CONT'D)

The California State Lands Commission staff has reviewed such document.

A Mitigation Monitoring Program was adopted by the City.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (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

**FURTHER APPROVALS REQUIRED:**

San Diego Regional Water Quality Control Board  
U.S. Army Corps of Engineers

**EXHIBITS:**

- A. Land Description
- B-1. Site and Location Map (Parcel 1)
- B-2. Site and Location Map (Parcel 2)
- B-3. Site and Location Map (Parcel 3)
- B-4. Site and Location Map (Parcel 4)
- C. Mitigation Monitoring Program

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2013111057, and a Mitigation Monitoring Program were prepared by the city of Encinitas and adopted on June 18, 2014, for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

CALENDAR ITEM NO. **C71** (CONT'D)

**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 section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease - Public Agency Use to the city of Encinitas beginning October 14, 2014, for a term of five years, for deposition of up to a maximum of up to 117,000 cubic yards (cy) of sand annually at Batiquitos Beach, up to a maximum of 105,000 cy of sand annually at Moonlight State Beach, up to a maximum of 132,000 cy of sand annually at Leucadia State Beach, and up to a maximum of 101,000 cy of sand annually at Cardiff State Beach under the City of Encinitas Opportunistic Beach Fill Program as described in Exhibit A attached and by this reference made a part hereof, and as shown on Exhibits B-1 to B-4 (for reference purposes only).

## EXHIBIT A

PRC 8817.9

### LAND DESCRIPTION

Four (4) parcels of tide and submerged land situate in the bed of the Pacific Ocean, City of Encinitas, County of San Diego, State of California and more particularly described as follows:

#### **Parcel 1 (Batiquitos Beach)**

All those tide and submerged lands in said bed of the Pacific Ocean, lying adjacent to Government Lot 10, Section 33, Township 12 South, Range 4 West, San Bernardino Meridian, as shown on the official U.S. Government Township Plat approved October 25, 1875 and Government Lot 1, Section 5, Township 13 South, Range 4 West, San Bernardino Meridian, as shown on the official U.S. Government Township Plat approved April 19, 1881; bounded on the east by the Ordinary High Water Mark of said Pacific Ocean; bounded on the west by a line parallel with said Ordinary High Water Mark and lying 600 feet westerly measured at right angles therefrom; bounded on the north by a line running westerly and easterly from a point on said line have NAD83 geodetic coordinates of 33°04'56.81" North, 117°18'42.00" West, said line also being perpendicular to said Ordinary High Water Mark; bound on the south by a line running westerly and easterly from a point on said line having NAD83 geodetic coordinates of 33°04'45.66" North, 117°18'39.74" West, said line also being perpendicular to said Ordinary High Water Mark.

BASIS OF BEARINGS for the above parcel is CCS83 Zone 6 (Epoch 1991.35) as determined by a line between said point on the north line and National Geodetic Survey (NGS) monument "Bush" (PID DX3978), bearing and distance being South 16°01'21" East 4921.86 feet as derived from geodetic values published by the NGS.

#### **Parcel 2 (Cardiff Beach)**

All those tide and submerged lands in said bed of the Pacific Ocean, lying adjacent to Fractional Section 27, Township 13 South, Range 4 West, San Bernardino Meridian, as shown on the official U.S. Government Township Plat approved April 19, 1881; bounded on the east by the Ordinary High Water Mark of said Pacific Ocean; bounded on the west by a line parallel with said Ordinary High Water Mark and lying 500 feet westerly measured at right angles therefrom; bounded on the north by a line running westerly and easterly from a point on said line have NAD83 geodetic coordinates of 33°00'45.64" North, 117°16'48.85" West, said line also being perpendicular to said Ordinary High Water Mark; bound on the south by a line running westerly and easterly from a point on said

line having NAD83 geodetic coordinates of 33°00'34.44" North, 117°16'45.14" West, said line also being perpendicular to said Ordinary High Water Mark.

BASIS OF BEARINGS for the above parcel is CCS83 Zone 6 (Epoch 1991.35) as determined by a line between said point on the north line and National Geodetic Survey (NGS) monument "Bush" (PID DX3978), bearing and distance being North 21°07'36" West 22,245.95 feet as derived from geodetic values published by the NGS.

**Parcel 3 (Leucadia Beach)**

All those tide and submerged lands in said bed of the Pacific Ocean, lying adjacent to Fractional Section 4, Township 13 South, Range 4 West, San Bernardino Meridian, as shown on the official U.S. Government Township Plat approved April 19, 1881; bounded on the east by the Ordinary High Water Mark of said Pacific Ocean; bounded on the west by a line parallel with said Ordinary High Water Mark and lying 300 feet westerly measured at right angles therefrom; bounded on the north by a line running westerly and easterly from a point on said line have NAD83 geodetic coordinates of 33°04'23.00" North, 117°18'31.87" West, said line also being perpendicular to said Ordinary High Water Mark; bound on the south by a line running westerly and easterly from a point on said line having NAD83 geodetic coordinates of 33°03'57.47" North, 117°18'21.22" West, said line also being perpendicular to said Ordinary High Water Mark.

BASIS OF BEARINGS for the above parcel is CCS83 Zone 6 (Epoch 1991.35) as determined by a line between said point on the north line and National Geodetic Survey (NGS) monument "Bush" (PID DX3978), bearing and distance being South 22°08'23" East 1408.52 feet as derived from geodetic values published by the NGS.

**Parcel 4 (Moonlight Beach)**

All those tide and submerged lands in said bed of the Pacific Ocean, lying adjacent to Government Lot 1 and Lot 2, Section 16, Township 13 South, Range 4 West, San Bernardino Meridian, as shown on the official U.S. Government Township Plat approved April 19, 1881; bounded on the east by the Ordinary High Water Mark of said Pacific Ocean; bounded on the west by a line parallel with said Ordinary High Water Mark and lying 500 feet westerly measured at right angles therefrom; bounded on the north by a line running westerly and easterly from a point on said line have NAD83 geodetic coordinates of 33°02'57.97" North, 117°17'57.52" West, said line also being perpendicular to said Ordinary High Water Mark; bound on the south by a line running westerly and easterly from a point on said line having NAD83 geodetic coordinates of 33°02'43.80"

North, 117°17'52.56" West, said line also being perpendicular to said Ordinary High Water Mark.

BASIS OF BEARINGS for the above parcel is CCS83 Zone 6 (Epoch 1991.35) as determined by a line between said point on the north line and National Geodetic Survey (NGS) monument "Bush" (PID DX3978), bearing and distance being North 17°28'58" West 7672.45 feet as derived from geodetic values published by the NGS.

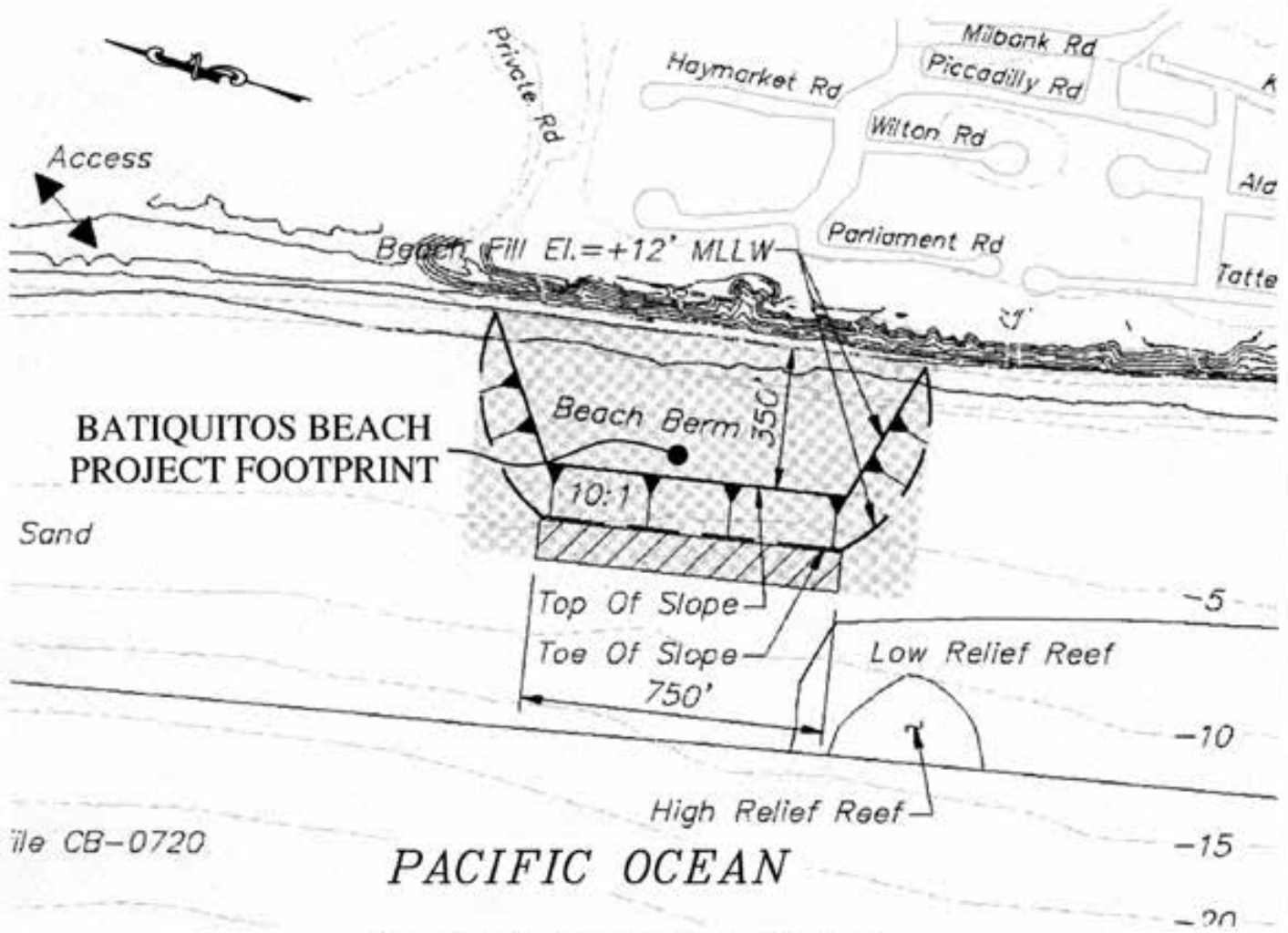
**END OF DESCRIPTION**

Prepared 08/27/2014 by the California State Lands Commission Boundary Unit.



NO SCALE

# SITE



## BATIQUITOS BEACH - PARCEL 1

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

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-1

PRC 8817.9  
CITY OF ENCINITAS  
GENERAL LEASE -  
BEACH  
NOURISHMENT USE  
SAN DIEGO COUNTY

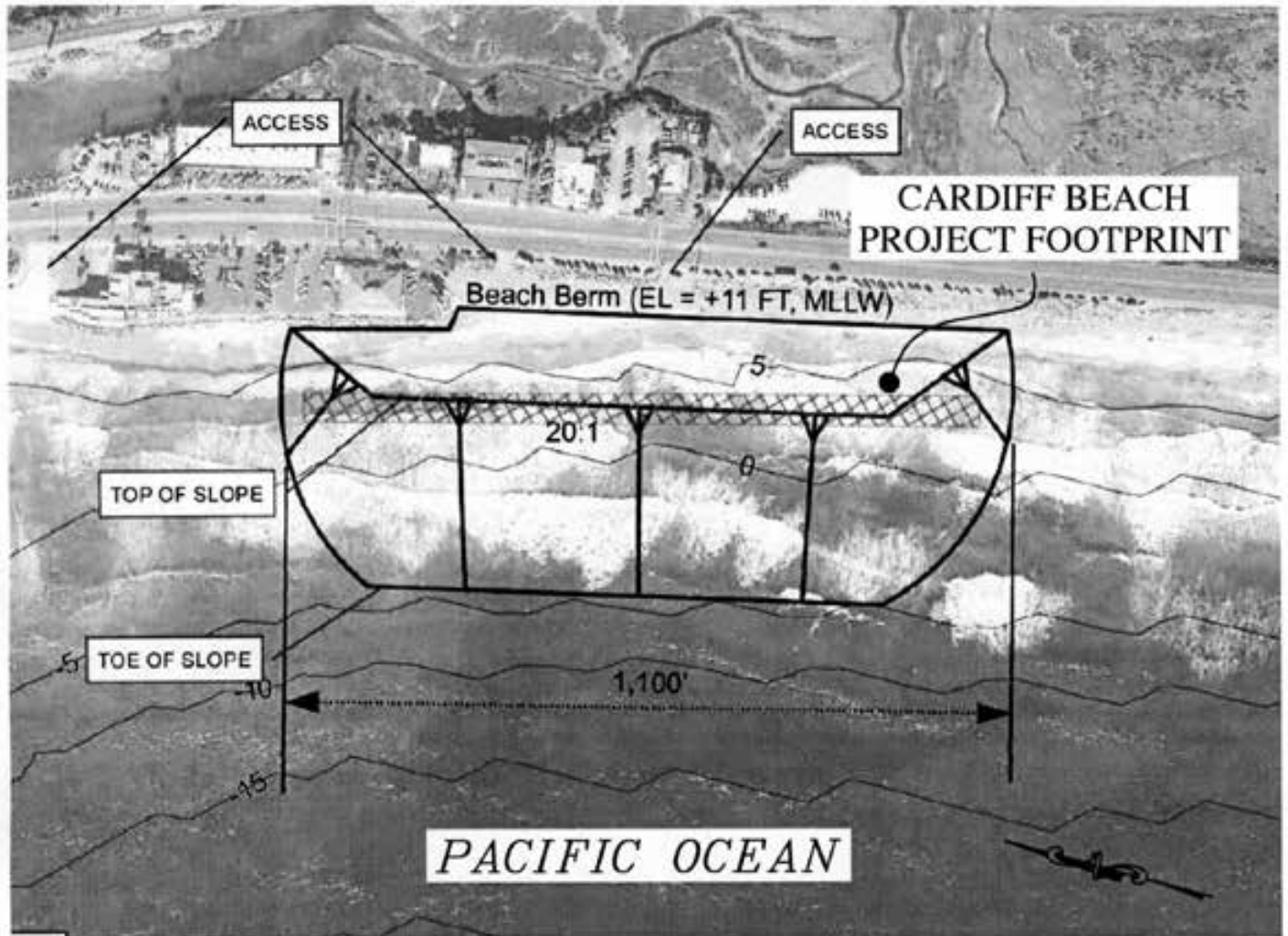


JWP 08/27/14



NO SCALE

# SITE



CARDIFF BEACH - PARCEL 2

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

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# Exhibit B-2

PRC 8817.9  
CITY OF ENCINITAS  
GENERAL LEASE -  
BEACH  
NOURISHMENT USE  
SAN DIEGO COUNTY

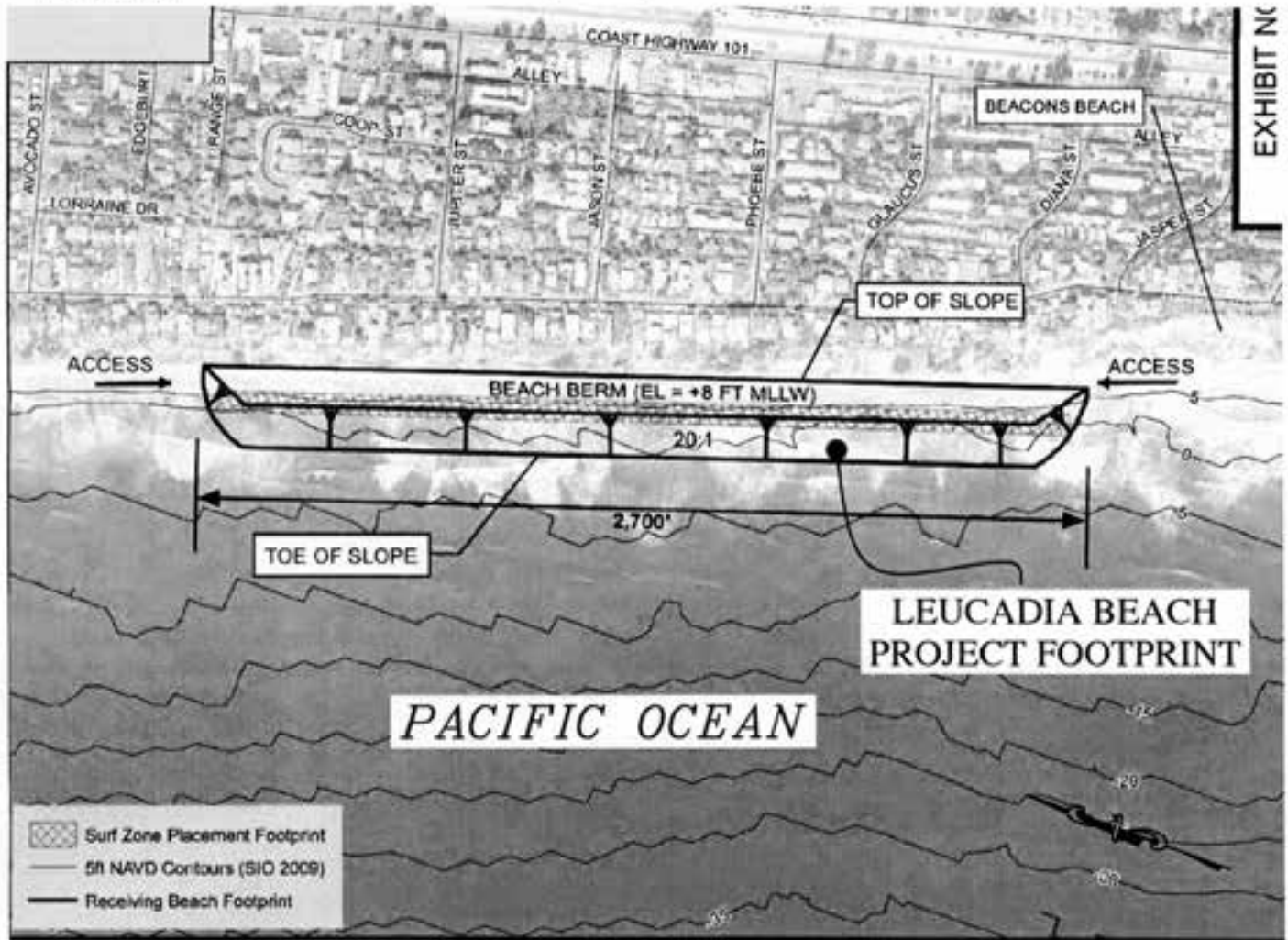


JWP 08/27/14

NO SCALE

# SITE

EXHIBIT NC



### LEUCADIA BEACH - PARCEL 3

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

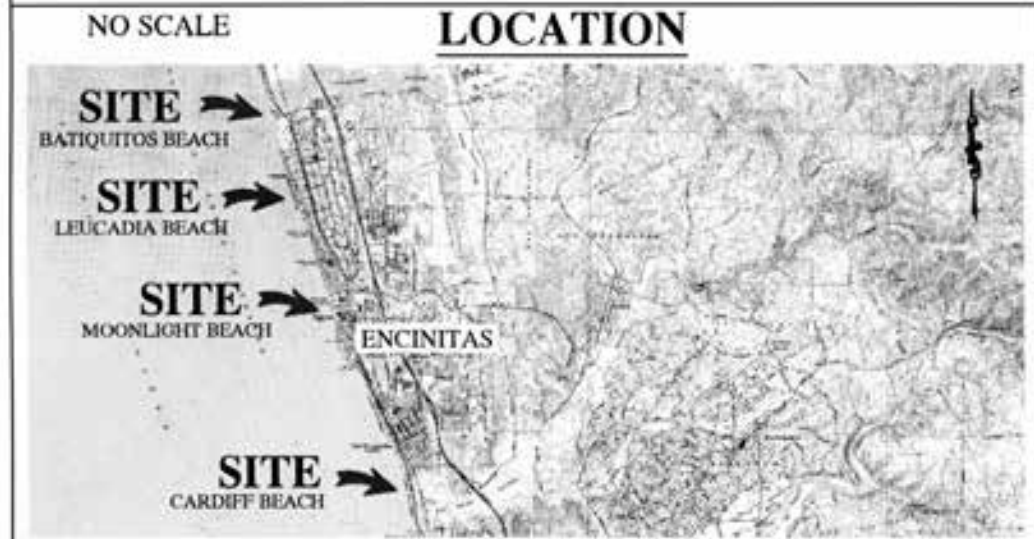
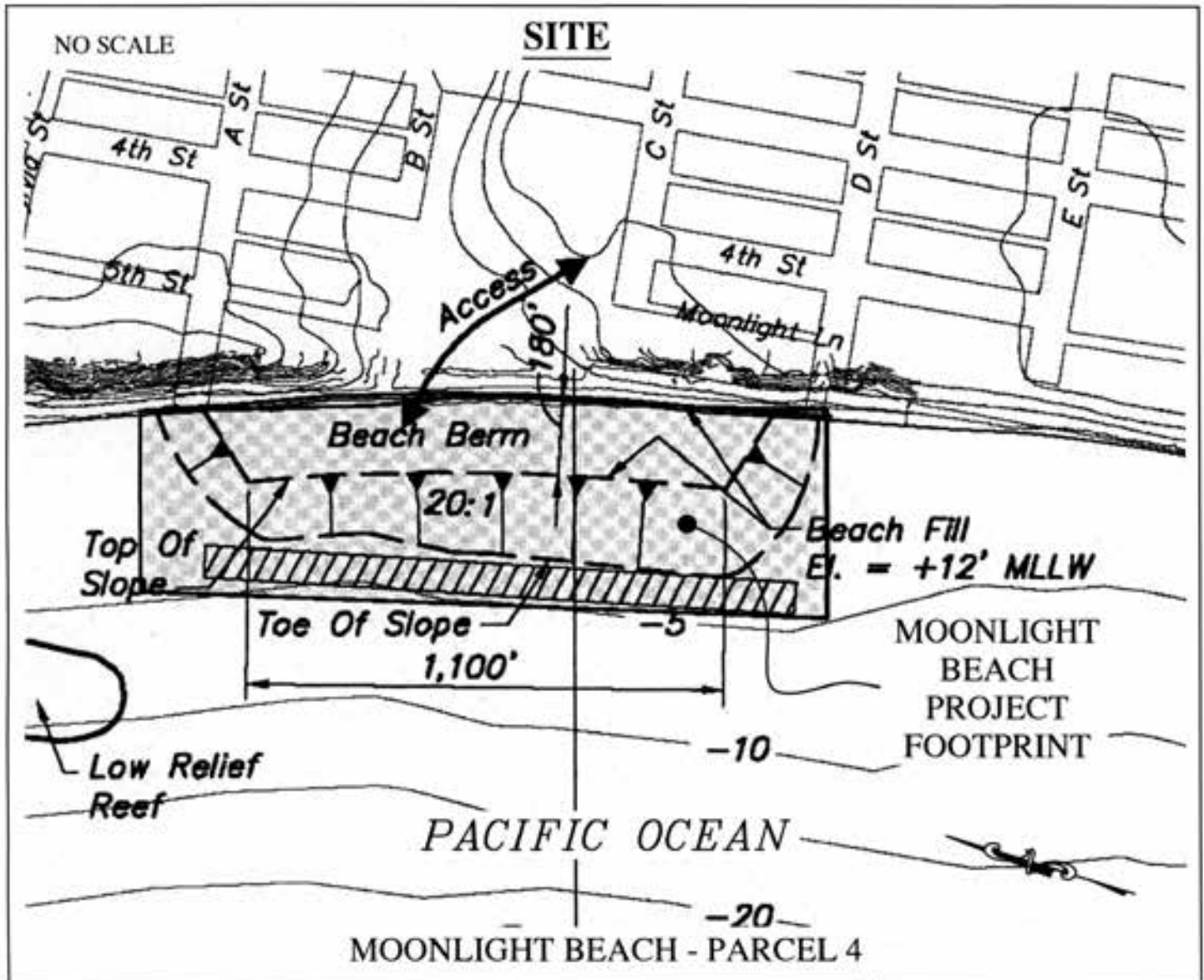
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## Exhibit B-3

PRC 8817.9  
CITY OF ENCINITAS  
GENERAL LEASE -  
BEACH  
NOURISHMENT USE  
SAN DIEGO COUNTY



JWP 08/27/14



MAP SOURCE: USGS QUAD

**Exhibit B-4**  
 PRC 8817.9  
 CITY OF ENCINITAS  
 GENERAL LEASE -  
 BEACH  
 NOURISHMENT USE  
 SAN DIEGO COUNTY



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**EXHIBIT C**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**  
**AMENDMENT TO CITY OF ENCINITAS**  
**OPPORTUNISTIC BEACH FILL PROGRAM**  
(State Clearinghouse No. 2013111057)

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The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Amendment to the City of Encinitas Opportunistic Beach Fill Program (Project). The CEQA lead agency for the Project is the City of Encinitas.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. State CEQA Guidelines section 15097, subdivision (a), states in part:<sup>1</sup>

*In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency has adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. All of the mitigation measures described in Attachment C-1 are applicable to the Commission's action and authority as a responsible agency, and are incorporated herein by reference, as though set forth in full.

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<sup>1</sup> The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.

## **ATTACHMENT C-1**

### **Mitigation Monitoring and Reporting Program adopted by the City of Encinitas**

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

The proposed amendment to the City’s Opportunistic Beach Fill Program evaluated in this document identifies a monitoring program that would be implemented for tracking purposes and to prevent potentially adverse impacts to biological resources and water quality. The monitoring program also requires beach profiles to track sand movement before and after new beach nourishment events. Those overall monitoring requirements are summarized in the table below and described in detail in Section I. Monitoring measures will be implemented as opportunistic projects are performed.

Project design features are also defined to address truck operations and other operational procedures to avoid impacts (e.g., specific haul routes, traffic control plan). These design features are identified in the below table and are discussed in more detail in Section I.

**Summary of Project Design Features and Monitoring Actions**

<b>Monitoring Activity</b>	<b>Leucadia Beach</b>	<b>Cardiff Beach</b>	<b>Responsible / Implementing Party</b>	<b>Reporting</b>
Beach Profiles	<p><u>Pre-construction Baseline Monitoring:</u> Collection of beach profiles at two established monuments between 1 year and 30 days prior to project. Routine, biannual monitoring program could fulfill this requirement.</p> <p><u>Post-construction Monitoring:</u> Collection of wading depth surveys (i.e., to a depth of -10 feet MLLW) at established locations immediately after completion if placement volume is greater than 50,000 cy.</p>		City via consultant	Data included in Post-construction Monitoring report to be submitted to resource agencies within 60 days following construction.
Surfing Conditions	<p><u>Pre-construction Baseline Monitoring:</u> ½ month prior, 3 times per week over 14 days.</p> <p><u>Construction Monitoring:</u> Daily qualitative monitoring during placement activities.</p> <p><u>Post-construction Monitoring:</u> ½ month post-construction, 3 times per week over 14 days.</p>		City or consultant	Data included in Post-construction Monitoring report to be submitted to resource agencies within 60 days following construction.

Monitoring Activity	Leucadia Beach	Cardiff Beach	Responsible / Implementing Party	Reporting
Turbidity	<p><u>Pre-construction Baseline Monitoring:</u> Water clarity testing shall be conducted at the receiving beaches to establish ambient conditions. Testing shall consist of measuring transmission of light through the water using a transmissometer or other turbidity measuring device. Testing should occur 3 or more times within one year during different oceanographic conditions to quantify a range of values.</p> <p><u>Construction Monitoring:</u> Daily during construction from a high vantage point on land. If visual monitoring (qualitative monitoring) indicates significant turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) for two consecutive days, then the monitor shall:</p> <ol style="list-style-type: none"> <li>i. Evaluate littoral conditions (wind, tide, wave climate, and littoral drift) to determine if the plume distribution is likely of a short-term nature;</li> <li>ii. Evaluate the effectiveness of discharge site BMPs and opportunities to modify shore placement methods to further reduce sediment discharge during periods of strong long shore movement;</li> <li>iii. Record and implement the necessary modifications to the BMPs;</li> <li>iv. Notify the San Diego Water Board and USACE by telephone or email; and;</li> <li>v. comply with any measures identified by the RWQCB, in consultation with other responsible agencies, as appropriate, to mitigate project-related turbidity, including modifying or halting discharge.</li> </ol> <p>If significant turbidity persists on the third day, the monitor shall commence daily water clarity testing and reporting to the RWQCB and the USACE (i.e., quantitative monitoring). Testing shall consist of measuring transmission of light through the water using a transmissometer or other turbidity measuring device. Daily testing shall continue until no project-related turbidity is detectable (i.e., until offshore and downcoast reading return to ambient). Testing shall be designed to document the aerial extent and concentration of the turbidity plume at the time of day it is most developed, and shall include at least: samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile downcoast of the discharge site (minimum four samples). Sampling shall be done throughout the water column. These sampling protocols may be modified with the San Diego Water Board's written approval. The applicant shall document logistical</p>		City or consultant	If turbidity exceedance, frequent coordination with the Regional Water Quality Control Board. If no exceedance, monitoring data will be included in the Post-construction Monitoring Report.

Monitoring Activity	Leucadia Beach	Cardiff Beach	Responsible / Implementing Party	Reporting
	<p>arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the projects monitoring plan.</p> <p>If significant turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.</p> <p><u>Post-construction Monitoring:</u> Qualitative or quantitative monitoring shall persist until conditions return to ambient.</p>			
Sediment Gradation	<p><u>Pre-construction Baseline Monitoring:</u> Establish sediment gradation baseline (i.e. composite grain size envelope) from two shore-perpendicular transects for each receiving beach.</p> <p><u>Construction Monitoring:</u> Confirmation testing may be conducted daily at the receiving beach to verify the sediment quality being deposited. This monitoring requirement may not be required for high-quality sand sources of a consistent geologic nature.</p> <p><u>Post-project Monitoring:</u> Sediment gradation baseline should be evaluated every three years to determine if the prior baseline represents existing conditions. If conditions have substantially changed, a new grain size envelope should be developed for the receiving beach.</p>		City or consultant	Coordination with resource agencies if significant (greater than 50%) sediment gradation deviation during construction. Data included in Post-construction Monitoring report to be submitted to resource agencies within 60 days following construction.
Grunion	<p><u>Pre-construction Monitoring:</u> If project construction is scheduled between March 1<sup>st</sup> and May 31<sup>st</sup>, pre-project surveys would be conducted to identify beach suitability for grunion activity.</p> <p>If suitable habitat is present, a grunion monitor will 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 Wildlife), and immediately prior to construction. If grunion are not present during the predicted run, no further monitoring is required until the next predicted run. 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.</p> <p><u>Construction Monitoring:</u> If suitable habitat is present and grunion are identified during a predicted run, beach nourishment will only occur above the spring high tide line/kelp line or in the nearshore until the spawning season is over. Grunion monitoring will continue throughout construction, and if they do not spawn during a predicted run then sand could be</p>		Qualified grunion monitor (City or consultant)	If suitable habitat is found during construction, coordination with and reporting to the California Department of Fish and Wildlife.



Monitoring Activity	Leucadia Beach	Cardiff Beach	Responsible / Implementing Party	Reporting
	placed below the spring high tide line.			
Threatened and Endangered Species	<u>Construction Monitoring:</u> If sand placement to occur during California least tern breeding season (April 1 <sup>st</sup> to September 15 <sup>th</sup> ) or the Western Snowy Plover breeding Season (March 1 <sup>st</sup> to September 15 <sup>th</sup> ); then coordinate with USFWS to determine monitoring requirements during construction.	<u>Construction Monitoring:</u> Although the placement site is located over 500 yards from western snowy plover and 1,000 yards from California least tern breeding colonies; coordination with the USFWS will be conducted if construction is proposed to occur during these breeding seasons to determine if monitoring is required during construction.	Qualified biological monitor (Consultant) or City. City monitoring may include the extent of turbidity plumes outside the surf zone where water transparency is reduced to less than 3 feet.	City - Monitoring may include observations of timing of nesting activity and the extent of turbidity plumes outside the surf zone where water transparency is reduced to less than 3 feet.
Traffic	During construction: <ul style="list-style-type: none"> <li>• Implement a traffic control plan;</li> <li>• A flag man 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 would be codified in the traffic control plan required to be prepared for each project site;</li> <li>• Public streets used as the haul route shall be cleaned via street sweeper as necessary; and</li> <li>• Trucks shall only use haul routes approved by the city and shall be specified in the traffic control plan required to be prepared for each receiver site.</li> </ul>		Contractor	City to confirm implementation by Contractor
Trash and Debris	<u>Construction Monitoring:</u> Full-time monitoring of the source site to verify trash and debris is not loaded into trucks delivering sand to the beach (for upland source projects). Daily monitoring of the beach for presence of trash and debris is also required to maintain high quality sand deliveries.		Consultant or contractor	City to confirm implementation by Contractor