

Staff Report 59

APPLICANT:

City of Del Mar

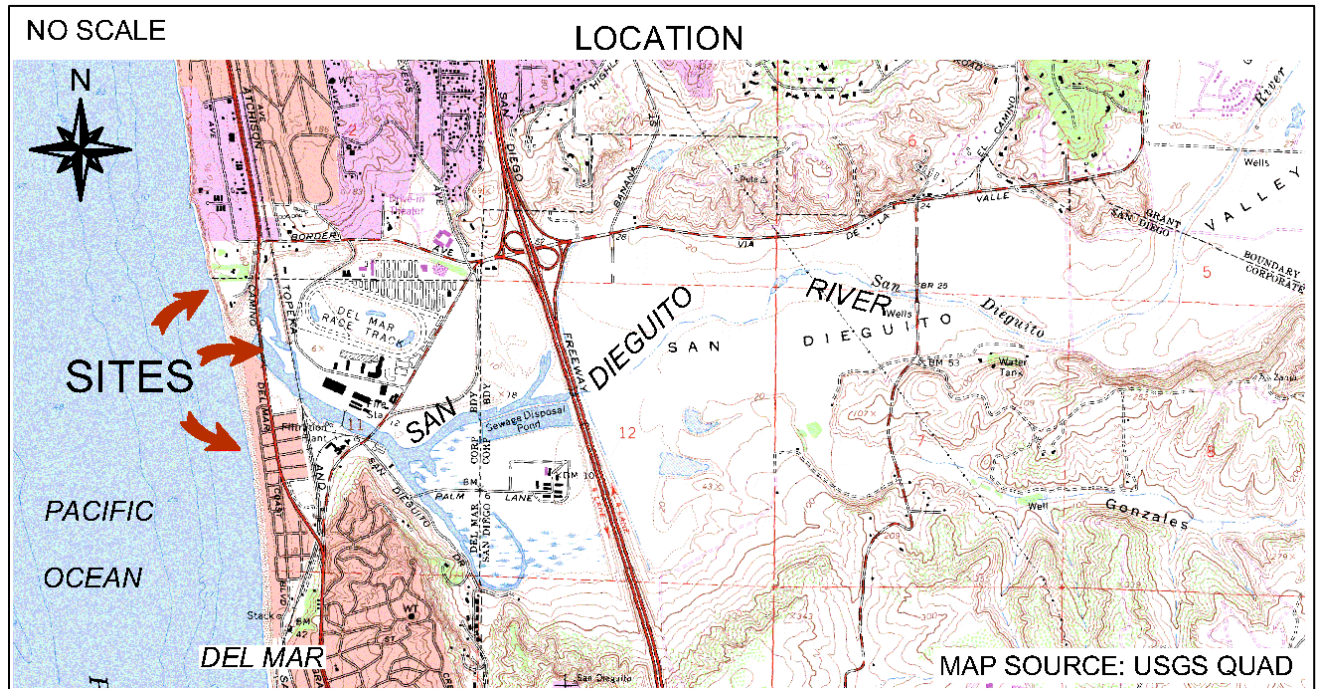
PROPOSED ACTION:

Issuance of General Lease – Public Agency Use and Dredging

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Dieguito River Inlet and the Pacific Ocean, near Del Mar City Beach, Del Mar, San Diego County (as shown in Figure 1).

Figure 1. Location

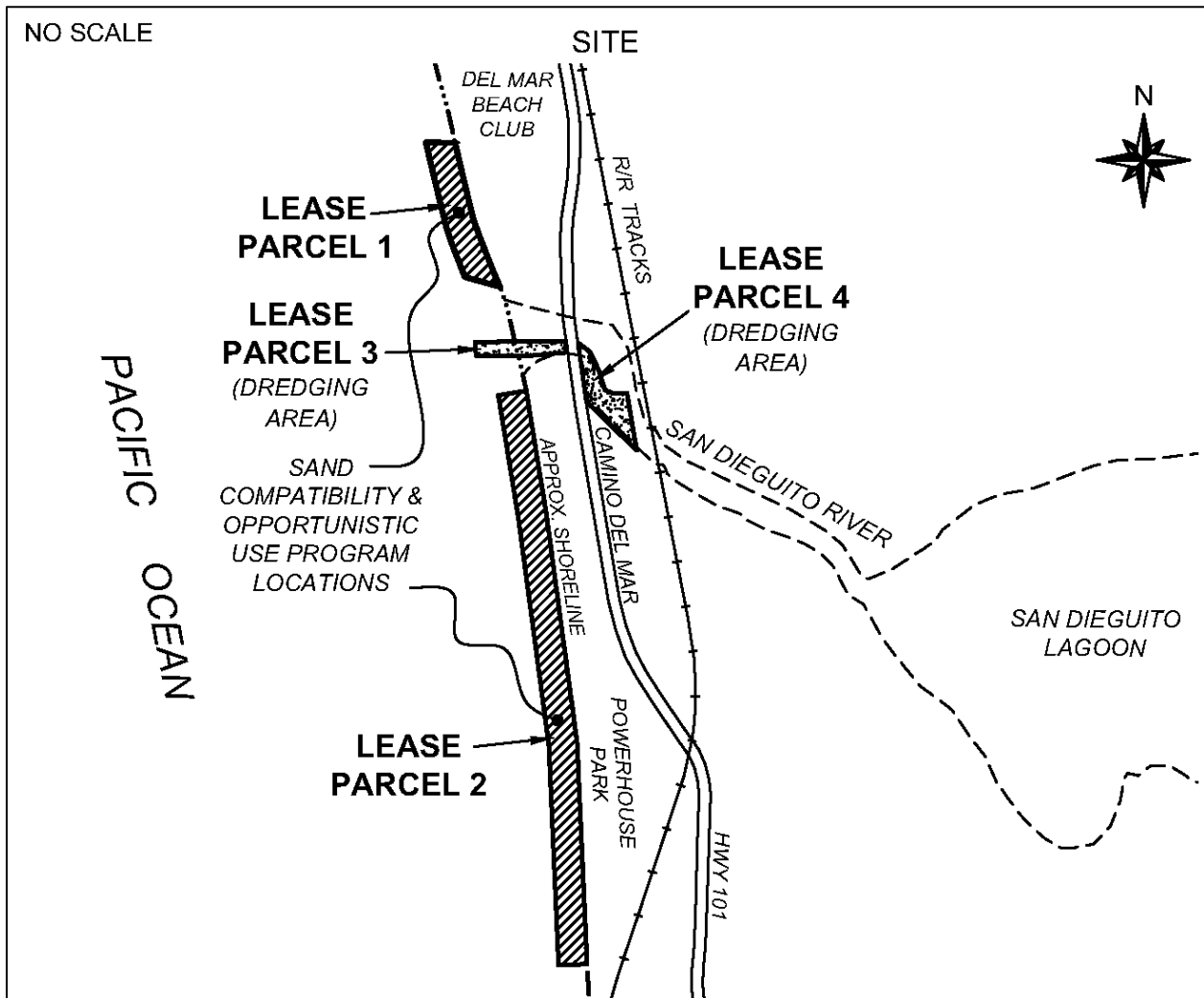


AUTHORIZED USE:

Dredging of the San Dieguito River inlet and deposition of a maximum of 180,000 cubic yards of sand over 5 years (up to 50,000 cubic yards of material annually) at

Del Mar City Beach under the City of Del Mar Sand Compatibility and Opportunistic Use Program (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

5 years, beginning June 5, 2023

CONSIDERATION:

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such an action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Prior to the start of the first beach replenishment event, Lessee shall provide Lessor with a mean high tide line survey of the receiver site for staff review.
- Prior to the start of each beach replenishment event as described within the lease, Lessee shall provide Lessor with the name, address, telephone number, and contractor's license number(s) of the contractor(s) selected to implement the beach replenishment program.
- Liability insurance in an amount no less than \$1,000,000 per occurrence; Lessee may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the lease.
- Lessee shall undertake beach nourishment activities in compliance with the Mitigation Monitoring Program and agrees to be bound by and fully carry out, implement, and comply with all mitigation measures and reporting obligations identified as set forth in the Mitigation Monitoring Program as stated in Exhibit A of this staff report.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Over the past six to eight decades, beaches along the San Diego County coastline have narrowed due to declining natural sand supply attributable to urban development, especially from dams that block the natural flow of sediment from streams and rivers to the ocean. By implementing its Sand Compatibility and Opportunistic Use Program (SCOUP or Program), the City of Del Mar (Applicant) will be attempting to restore the sediment supply to its coast through direct sand placement.

The Applicant's Program is consistent with the California State Parks Division of Boating and Waterways statewide [Sand Compatibility and Opportunistic Use Program](#) and the [San Diego Coastal Regional Sediment Management Plan](#) developed by the San Diego Association of Governments (SANDAG). The Applicant's Program was adopted to streamline the permitting and regulatory approval process for beach replenishment projects using opportunistic and dredged materials. Streamlining the approval process can prevent otherwise

suitable beach fill materials from being lost due to the timing and cost associated with obtaining special permits for each project.

Beach nourishment activities are designed to increase and enhance recreational opportunities at beaches for both residents and visitors. The Applicant is seeking Commission authorization for its Program, to place a maximum of 180,000 cubic yards (cy) of sand and dredged material over the five-year lease term (maximum annual deposition to be 50,000 cy) at locations along Dog Beach and Del Mar City Beach.

Under the Program, the Applicant will identify potential beach fill material, typically generated from upland development projects, which is then tested according to regulatory requirements to confirm suitability. As part of the Program, the Applicant also proposes the placement of materials dredged from the mouth of the San Dieguito River for beach nourishment. Dredging of the San Dieguito River inlet channel is currently required of Southern California Edison (SCE) as part of required mitigation for environmental impacts caused by the San Onofre Nuclear Generating Station (SONGS Units 2 and 3. SCE selected the San Dieguito River and lagoon area as the mitigation site to substantially restore 150 acres of tidal wetlands, which includes dredging of the San Dieguito River Inlet. The volumes excavated are based on maintaining an open inlet and tidal flow to the lagoon, but do not necessarily remove all of the shoaled material in the inlet. Volumes typically excavated as part of the SCE inlet maintenance program total approximately 18,000-20,000 cy of material every other year. SCE's inlet maintenance is approved by the California Coastal Commission under a Coastal Development Permit (6-04-088), California Department of Fish and Wildlife (1600-2020-0184-R5), State Lands Commission Lease No. PRC 8553.9, Regional Water Quality Control Board (R9-2005-0213), and U.S. Army Corps of Engineers (200500293-RRS). Greater volumes of sediment continue to accumulate in the area of Camino Del Mar and the railroad crossing, providing opportunities to be utilized further as a beach nourishment source.

Del Mar City Beach is located within the Applicant's jurisdictional boundaries along the coast just south of the San Dieguito River inlet. Del Mar City Beach includes access ramps for easy public access, lifeguard towers, and locations for picnics and other public recreational activities. Sand placement is proposed on the beach and in the surf zone to reduce coastal damage from storms, enhance recreational use, and restore beach habitat for shore birds and grunion. Source materials will come from upland construction, development, and dredging projects.

The timing and rate of sand placement on the beach is proposed to replicate nature as closely as possible. Placement of sediment will result in temporary,

localized increases in turbidity in the immediate vicinity of the site. However, the proposed beach nourishment would not significantly impact any plants or animals and would not affect the movement of any native resident or migratory fish or impede the use of native nursery sites.

Sand would be delivered by truck or pipeline, depending on the material source. For material excavated from construction sites within the city and nearby areas, trucks would be used, and would generally use local roads to access the beach but may also drive along the beach to specific nourishment sites. The Applicant would coordinate proposed haul routes with other projects that may impact identified routes. Beach access points include Dog Beach to the north of the San Dieguito River mouth, a beach inlet route from within the river mouth, and residential roadways that provide lifeguard and emergency vehicle access to the beach.

Sand placement delivered by pipeline would be used during hydraulic dredging of wetland restoration or river channel dredging. Material would typically be placed as a slurry, and sand dikes would be constructed on the beach to help the suspended sediment in the slurry settle. The remaining water from the slurry would then run off into the ocean.

Applications for the required permits and authorizations from the California Coastal Commission and San Diego Regional Water Quality Control Board have been obtained. Applications for the required permits and authorizations from the U.S. Army Corps of Engineers and California Department of Fish and Wildlife have been submitted and are pending approval.

The proposed lease would require the Applicant to comply with the attached Exhibit A, Mitigation Monitoring Program (MMP), during sand placement to avoid potential impacts to grunion and public recreation; construction activities will only occur during the time when this species is not on site.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 5-year term, does not grant the Applicant exclusive rights to the lease premises, and requires the Applicant to insure the lease premises and indemnify the State for any liability incurred as a result of the Applicant's activities thereon.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, more frequent and intense storm events, increased flooding, and erosion affect both open coastal areas and inland waterways in California. The project area includes the Pacific coastline and mouth

of the San Dieguito River, which are vulnerable to the effects of sea level rise and climate change.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to provide a synthesis of the best 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. Projected sea level rise scenarios for the lease area (San Diego tide gauge) are listed in Table 1.

Table 1. Projected Sea Level Rise for San Diego

Year	Projection (feet)
2030	0.9
2040	1.3
2050	2.0
2100	7.0

Source: Table 34, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a baseline of the year 2000.

Sand placement will increase the width and quality of the public beaches. This in turn will reduce coastal damage from storms and provide a temporary additional buffer as soft protection against sea level rise for adjacent urban areas and helps nourish downdrift shorelines within the littoral cell.

The Program provides a streamlined process for the Applicant to opportunistically utilize sediment from construction and dredging projects to nourish beaches within the city. The range of different sediment sources allows the Applicant to maximize opportunities to maintain beaches and offset the impacts of sea level rise and beach erosion; however, the gains will be temporary as rising sea levels will erode the beach over time. The lease includes an acknowledgement that the lease premises may be subject to the effects of sea level rise and may require additional maintenance or protection as a result, for which the lessee agrees to be solely responsible.

CONCLUSION:

For the reasons stated above, staff believes the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. This action is consistent with the "Leading Climate Activism", "Committing to Collaborative Leadership", and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. A Mitigated Negative Declaration, State Clearinghouse No. 2020040181, and a Mitigation Monitoring and Reporting Program (MMRP) was prepared by the City of Del Mar and adopted on August 3, 2020, for this project. Commission staff reviewed these documents and prepared an independent Mitigation Monitoring Program (attached, Exhibit A) incorporating the City of Del Mar's MMRP document and recommends its adoption by the Commission.
4. The deposition amount is limited to 180,000 cubic yards of sand over 5 years (up to 50,000 cubic yards annually). For example, if the Lessee performed beach nourishment activities amounting to 50,000 cubic yards each year in the first 3 years of the lease term, then the Lessee would be limited to depositing 30,000 cubic yards for the final two years of the lease term. If the Lessee deposited 180,000 cubic yards before the conclusion of the lease term, the Lessee would be required to submit an application to amend the lease or apply for a new lease. This is not anticipated to occur because typical SCOUP projects result in approximately one or two nourishment events over 5 years.
5. 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 staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission
San Diego Regional Water Quality Control Board

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Fish and Wildlife

EXHIBIT:

A. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2020040181, and a Mitigation Monitoring and Reporting Program were prepared by the City of Del Mar and adopted on August 3, 2020, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization has been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program prepared by staff and incorporate the City of Del Mar's Mitigation Monitoring and Reporting Program document, as contained in the attached Exhibit A.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that issuance of the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

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 and Dredging to the Applicant beginning June 5, 2023, for a term of 5 years, for the dredging of the San Dieguito Lagoon inlet and the deposition of a maximum of 180,000 cubic yards of sand over 5 years (up to 50,000 cubic yards of material annually) at Del Mar City Beach under the City of Del Mar Sand Compatibility and Opportunistic Use 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; liability insurance in an amount no less than \$1,000,000 per occurrence; Applicant may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the lease.

EXHIBIT A
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
CITY OF DEL MAR SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM
(A3435, State Clearinghouse No. 2020040181)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the City of Del Mar Sand Compatibility and Opportunistic Use Program (Program). The CEQA lead agency for the Program is the City of Del Mar.

In conjunction with approval of this Program, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Program located on State lands. The purpose of a MMP is to impose 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 (MND). State CEQA Guidelines¹ section 15097, subdivision (a), states in part:

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 adopted an MND, State Clearinghouse No. 2020040181, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the whole of the Program (see Exhibit A, Attachment A-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table A-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and provided in Attachment A-1, is incorporated by reference in this Exhibit A.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table A-1. Program Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM)²
BIO-1	MM BIO-1
HYDRO-1	MM HYDRO-1
REC-1	MM REC-1 MM REC-2

² See Attachment A-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

ATTACHMENT A-1

**MITIGATION MONITORING AND REPORTING PROGRAM
ADOPTED BY THE CITY OF DEL MAR**

SECTION 9: MITIGATION MONITORING AND REPORTING PROGRAM

CEQA Section 21081.6 requires that an MMRP be adopted along with an MND to ensure that proposed mitigation measures are implemented. The MMRP must specify what the mitigation measure requires, the entity responsible for monitoring the program, and when in the process it should be implemented. Table 9-1 lists the mitigation measures identified in the analysis of this MND that would be required as part of the proposed project.

**Table 9-1
Mitigation Monitoring and Reporting Program**

Significant Impact	Mitigation Measure	Timing	Responsible Entity
Biological Resources			
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	BIO-1: Grunion monitoring shall be conducted by a biological monitor if berm or surf zone placement is scheduled between March and August. Monitoring shall include a pre-construction survey to determine potential suitability for grunion spawning. Suitable spawning habitat includes a sandy beach with a minimum sand depth of 5 inches above cobble or other hard substrate cover, and sufficient beach width to remain partially dry until eggs have hatched approximately 10 days after spawning. The habitat suitability survey shall be scheduled 2 to 3 weeks prior to the scheduled placement activity. If the habitat is judged unsuitable for grunion spawning, construction could proceed without the need for additional monitoring. If construction would span more than one predicted grunion run period, habitat suitability surveys may be required prior to each predicted grunion run since suitability may vary seasonally (e.g., habitat may become more suitable between spring and summer due to natural sand accretion). Predicted	Prior to and during construction between March and August	City of Del Mar

Significant Impact	Mitigation Measure	Timing	Responsible Entity
	<p>grunion run periods will be based on the grunion calendar produced by the CDFW.</p> <p>Should the construction dates overlap an anticipated grunion run at a placement site with suitable habitat, grunion monitoring within the specific proposed placement footprint shall be conducted by a qualified monitor during the predicted grunion run prior to construction and/or for each predicted grunion run spanned by the construction period. If no grunion are observed, no further action shall be necessary and sand placement could occur according to plan. If grunion occur within the project area, their location will be mapped and number present will be estimated (e.g., by Walker Scale). An appropriate protective measure (e.g., avoid mapped grunion area, redirect sand placement above the spring high tide line) shall be implemented and the monitor shall communicate monitoring results and action taken to the resource agencies in accordance with pre-coordination decisions.</p>		
Hydrology and Water Quality			
<p>a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?</p> <p>and</p>	<p>HYDRO-1: Should material be placed as a slurry, training dikes shall be constructed along the beach as needed to facilitate sediment deposition.</p>	<p>During construction</p>	<p>Construction Contractor</p>

Significant Impact	Mitigation Measure	Timing	Responsible Entity
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			
Public Services			
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<p>PUBLIC SERVICES-1: To avoid interference with lifeguard services, the following actions shall be implemented during construction activities:</p> <ul style="list-style-type: none"> • Place sand to avoid blocking line-of-sight at lifeguard towers. Sight lines from the viewing platforms of the lifeguard towers will be maintained and there will be no interference with views for the lifeguards. • Temporarily relocate mobile lifeguard towers, if necessary. 	During construction	Construction contractor in coordination with City of Del Mar Community Services Department

Significant Impact	Mitigation Measure	Timing	Responsible Entity
e) Other public services			
Recreation			
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<p>RECREATION-1: To avoid substantial loss of beach recreation opportunities and to maintain safe public access to the beach surrounding the active construction area, the following shall be implemented during construction activities:</p> <ul style="list-style-type: none"> • Should a pipeline be used for sand placement, bury the pipeline as needed at intervals to facilitate public beach and water access. • Maintain access to beaches adjacent to placement sites not under active construction. • Maintain horizontal and vertical access on either side of the active sand placement area as long as public safety is not compromised. <p>RECREATION-2: To avoid recreational safety issues at the material placement locations along the beach, the following will be implemented during construction activities:</p> <ul style="list-style-type: none"> • Post signs advising the public of the presence of steep sand slopes (e.g., scarps) should they develop on beaches where sand is being placed. • Knock down/modify dangerous scarps that may form after material placement as part of ongoing regular 	During construction	Construction contractor

Significant Impact	Mitigation Measure	Timing	Responsible Entity
	beach maintenance performed by the City.		