

Staff Report 42

APPLICANT:

Santa Barbara County Flood Control District

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough; and sovereign land located in the Pacific Ocean adjacent to Goleta Beach County Park (as shown in Figure 1).

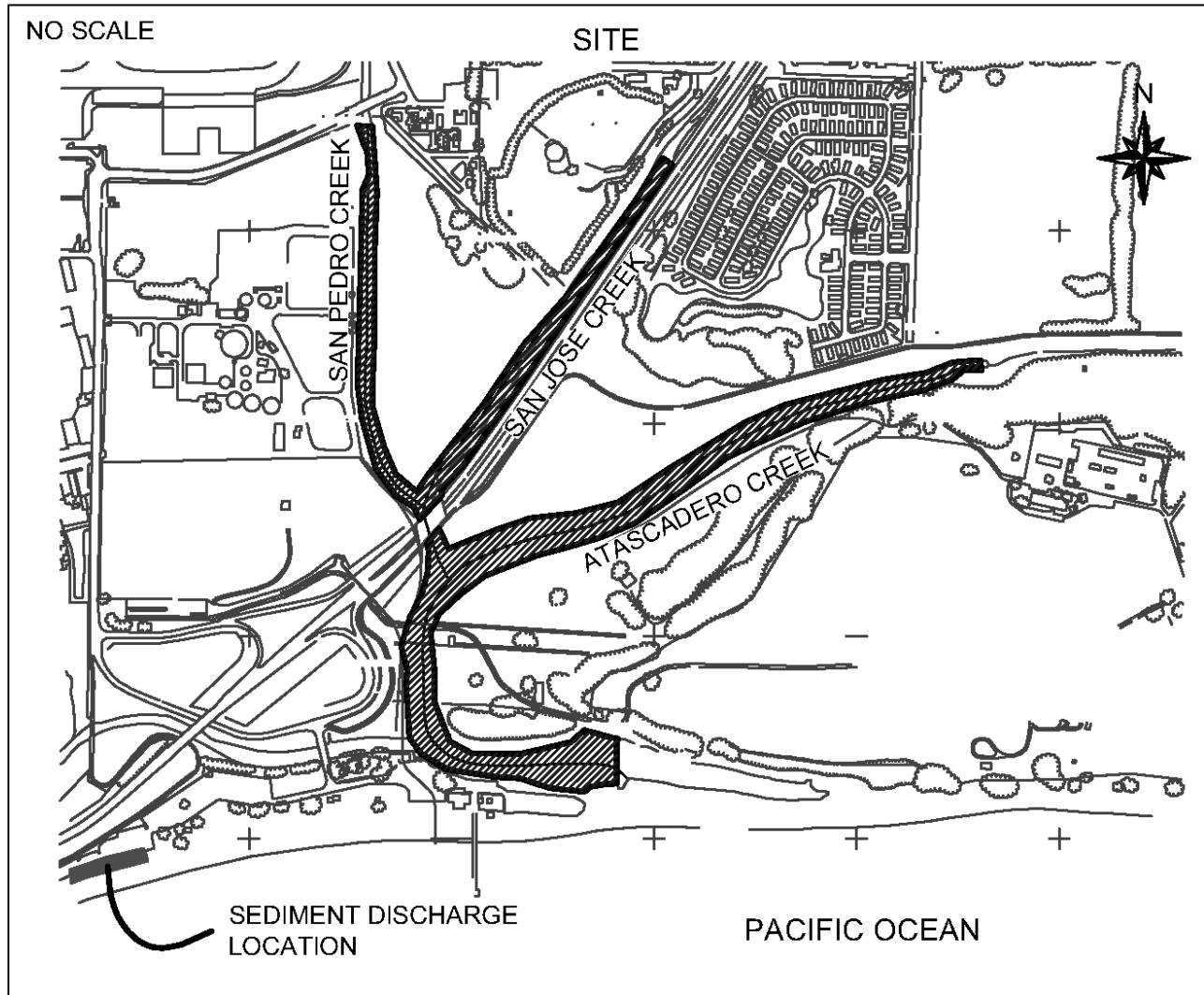
Figure 1. Location



AUTHORIZED USE:

Periodic dredging for flood control purposes, with a combined annual maximum of 200,000 cubic yards of sediment dredged; and placement of up to 200,000 cubic yards of sediment in the surf zone of the Pacific Ocean at the west end of Goleta Beach County Park (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 December 8, 2023.

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.

SPECIFIC LEASE PROVISIONS:

- No refueling or maintenance of vehicles, equipment, or watercraft shall take place within the Lease Premises.
- Any vehicles, equipment, or machinery used on the Lease Premises are limited to those directly required to perform the authorized use.
- Lessee shall safely conduct all dredging and disposal operations in accordance with accepted dredging and disposal methods and practices and with due regard for the protection of life, property, and preservation of the environment.
- All personal property, tools, equipment, or any other materials brought onto State lands shall remain the property of the Lessee and/or its contractors.
- Sediment dredged from the Lease Premises will be deposited in the surf zone at Goleta Beach County Park or will be disposed of at an approved upland disposal facility.
- Lessee acknowledges that material dredged from the Lease Premises is the property of the State of California and shall not be sold, and that Lessee is not authorized to dredge for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.
- Lessee agrees that all waste material and debris created by Lessee, or its contractors, shall be entirely removed from the Lease Premises and any other lands subject to Lessor's jurisdiction.
- Lessee agrees that printed material, such as handouts, signs, or other types of printed notices installed to provide notification of the public use and benefit of the authorized activities shall contain, and reasonably display, a statement acknowledging the California State Lands Commission as having contributed lands for such activities.
- Lessee agrees to be bound by and fully carry out, implement, and comply with all mitigation measures and reporting obligations identified as being the responsibility of Lessee or Responsible Parties as set forth in the Mitigation Monitoring Program.

- Lessee agrees and acknowledges that the hazards associated with climate change may require additional maintenance or protection strategies regarding the improvements on the lease premises.

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:

On December 2, 2013, the Commission authorized issuance of a General Lease – Public Agency Use to the Santa Barbara County Flood Control District for periodic dredging of San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough for flood control purposes, with a combined annual maximum of 200,000 cubic yards of sediment dredged; and placement of up to 200,000 cubic yards of sediment in the surf zone of the Pacific Ocean at the west end of Goleta Beach County Park ([Item C81, December 2, 2013](#)).

On August 23, 2018, the Commission authorized issuance of a General Lease – Public Agency Use to the Applicant for ongoing activities under the same project ([Item C92, August 23, 2018](#)). This lease will expire on December 7, 2023.

Now, the Applicant is applying for a General Lease – Public Agency Use for periodic dredging of San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough for flood control purposes, with a combined annual maximum of 200,000 cubic yards of sediment dredged; and deposition of up to 200,000 cubic yards of sediment in the surf zone of the Pacific Ocean at the west end of Goleta Beach County Park, Goleta, Santa Barbara County. Staff recommends issuance of a General Lease – Public Agency Use to the Applicant, effective December 8, 2023.

The dredging activities that would be authorized by the proposed lease serve to protect public and private land interests and to increase biological function within the Goleta Slough ecosystem and are collectively known as the Goleta Slough Routine Maintenance Project. Pursuant to this project, the Applicant routinely assesses conditions within San Pedro Creek, San Jose Creek, Atascadero Creek, and the main channel of Goleta Slough to determine if dredging is necessary. When dredging is required, either hydraulic or dragline methods of dredging are implemented, with the specific method utilized based on the total volume of sediment present. In particular, hydraulic dredging is typically used if the total

sediment volume in the creek basins exceeds 50,000 cubic yards, whereas the dragline method is used if the sediment volume is less than that amount. The overall volume of sediment dredged through the activities of this project is limited to no more than 200,000 cubic yards per year.

The proposed lease would also authorize the Applicant to engage in beach nourishment activities that are included in the Goleta Slough Routine Maintenance Project. This beach nourishment would utilize sediment removed during both hydraulic and dragline dredging activities but with deposition transpiring via different methods depending on which type of dredging has occurred. During hydraulic dredging activities, beach nourishment is accomplished by directly discharging removed sediment into the surf zone of Goleta Beach. However, when dragline dredging is utilized, the removed sediment must first be stockpiled and properly dewatered prior to being transported and deposited into the surf zone at Goleta Beach for beach nourishment. Alternatively, if not being used for beach nourishment, sediment removed during dragline dredging can be disposed of at an appropriate upland disposal site after it has been properly dewatered. As with the dredging activities authorized by the proposed lease, beach nourishment is limited to 200,000 cubic yards of deposited material per year.

Temporary impacts to public access within the Lease Premises will occur during the activities authorized by the proposed lease; however, the Applicant is required to implement certain measures designed to minimize such impacts. These measures include restricting the authorized activities to periods of the year in which there is less public use of the beach, using on-site staff to detour traffic when public paths or bikeways must be closed during operations, minimizing use of public parking for staging and storing equipment, and posting signage to provide notice of expected operational dates and beach closures. Additionally, all impacts to public access are restricted to discrete operational areas; all other areas of the beach, park, and other Public Trust lands will remain open during the authorized activities.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 5-year term, does not grant the lessee exclusive rights to the lease premises, and will have no significant impact on Public Trust-consistent uses or resources in the area. Upon termination of the lease, the lessee may be required to remove any improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to 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 open coastal areas in California. Rising sea levels can lead to increased flooding and larger tidal events and can affect erosion and sedimentation rates.

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 current emission trajectories. The Santa Barbara tide gauge was used for the projected sea level rise scenario for the region as listed in Table 1.

Table 1. Projected Sea-Level Rise for Santa Barbara

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

The lease premises include sovereign land located in the Goleta Slough watershed and Pacific Ocean, and are therefore vulnerable to the above impacts related to climate change. The project is located in an area of the Coastal Zone identified as subject to potential hazards from flooding. Developed areas adjacent to the subject waterways, such as the Santa Barbara Municipal Airport and nearby residential development, can be subject to seasonal flood events during the winter storm season.

Goleta Beach has been subject to an ongoing beach nourishment program for many years due to historic beach erosion and the need to protect shoreline and county park facilities. Periodic placement of dredged material in the surf zone of Goleta Beach will continue to aid in the nourishment of the beach and downcoast littoral cell, provide soft protection for shoreline structures and land uses adjacent to the beach, and enhance public recreation and beach access. The periodic dredging of the subject creeks and sloughs will temporarily increase channel volume for conveyance of flood water during high flow events. Collectively, these activities will help provide temporary relief against climate change related impacts for these waterways and shoreline resources.

Regular maintenance dredging and beach nourishment, as referenced in the lease, may reduce climate-change induced impacts to the lease area. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are in an area that may be subject to the effects of climate change, including sea level rise.

CONCLUSION:

For all the reasons above, staff believe approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the 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. If the Commission denies the application, the Applicant will be unable to engage in dredging and beach nourishment activities on the subject State-owned lands. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. A Subsequent Environmental Impact Report (EIR), State Clearinghouse No. 2000031092, was prepared by the Santa Barbara County Flood Control District and certified on November 9, 2010, for this project. Commission staff reviewed the Subsequent EIR and Mitigation Monitoring Program pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

The Commission considered the Subsequent EIR at its December 2, 2013, meeting ([Item C81, December 2, 2013](#)) for continued periodic dredging for flood control purposes from San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough; and placement of sediment into the surf zone at Goleta Beach County Park. As part of the Commission's approval of the lease, the Commission adopted an independent Mitigation Monitoring Program, Findings, and Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15093, and 15096), as contained on file in the Sacramento office of the California State

Lands Commission and incorporated by reference hereto. The Commission's previously adopted Mitigation Monitoring Program remains in full force and effect.

The proposed lease will allow the Applicant to continue its project. No substantial changes to the project, to the circumstances in which the project occurs, or other new information requires an additional subsequent or supplemental EIR for the project to continue. The Applicant will be required by the terms of the proposed lease to continue to implement the Commission's previously imposed Mitigation Monitoring Program.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Subsequent Environmental Impact Report, State Clearinghouse No. 2000031092, and a Mitigation Monitoring Program were prepared by the Santa Barbara County Flood Control District and certified on November 9, 2010, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have 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.

Find that the Commission's previously adopted Mitigation Monitoring Program remains in full force and effect.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

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

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning December 8, 2023, for a term of 5 years, for periodic dredging of San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough for flood control purposes, with a combined annual maximum of 200,000 cubic yards of

sediment dredged; and placement of up to 200,000 cubic yards of sediment in the surf zone of the Pacific Ocean at the west end of Goleta Beach County Park; consideration being 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.