

# Staff Report 46

**APPLICANT:**

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City of Encinitas

**PROPOSED ACTION:**

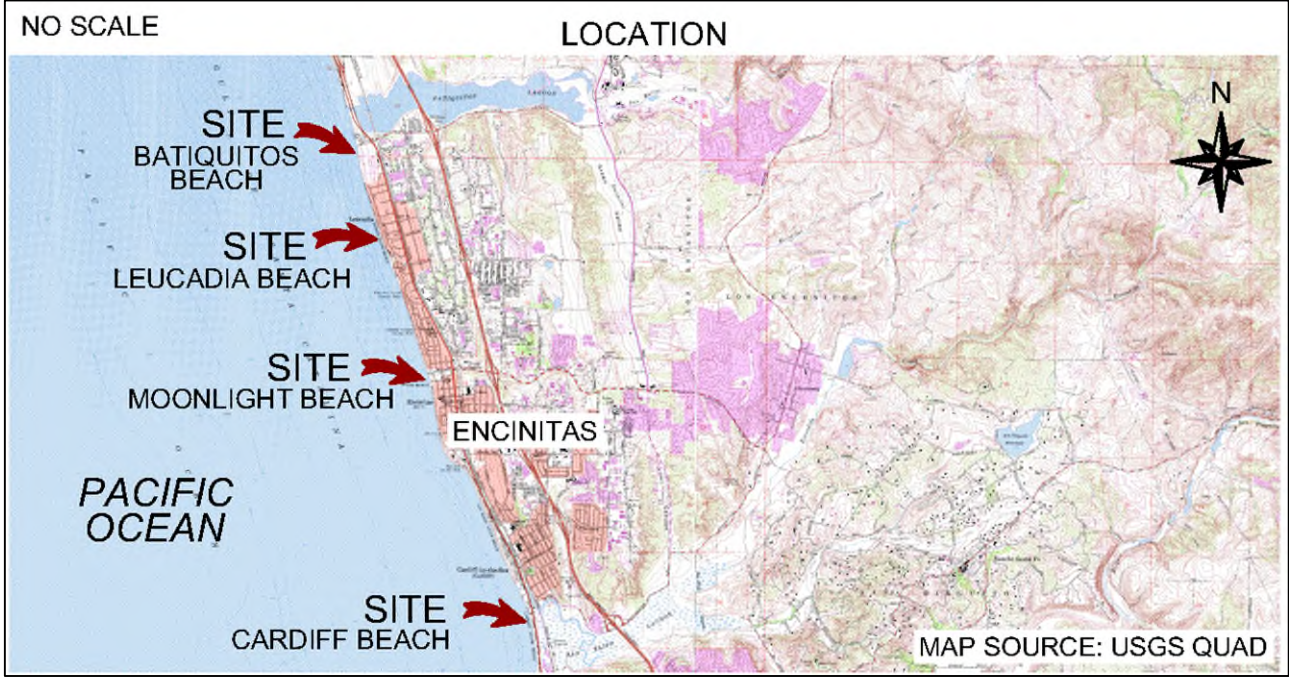
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Issuance of General Lease – Public Agency Use.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Pacific Ocean at Batiquitos Beach, Moonlight State Beach, Leucadia State Beach, and Cardiff State Beach, Encinitas, San Diego County (as shown in Figure 1).

**Figure 1. Location**



**AUTHORIZED USE:**

Deposition of a maximum of 117,000 cubic yards (cy) of material annually at Batiquitos Beach, 101,000 cy of material annually at Cardiff State Beach, 132,000 cy of material annually at Leucadia State Beach, and 105,000 cy of material annually at Moonlight State Beach, under the City of Encinitas Opportunistic Beach Fill Program (Program), as shown in Figures 2 through 5, below.

**Figure 2. Site Map**

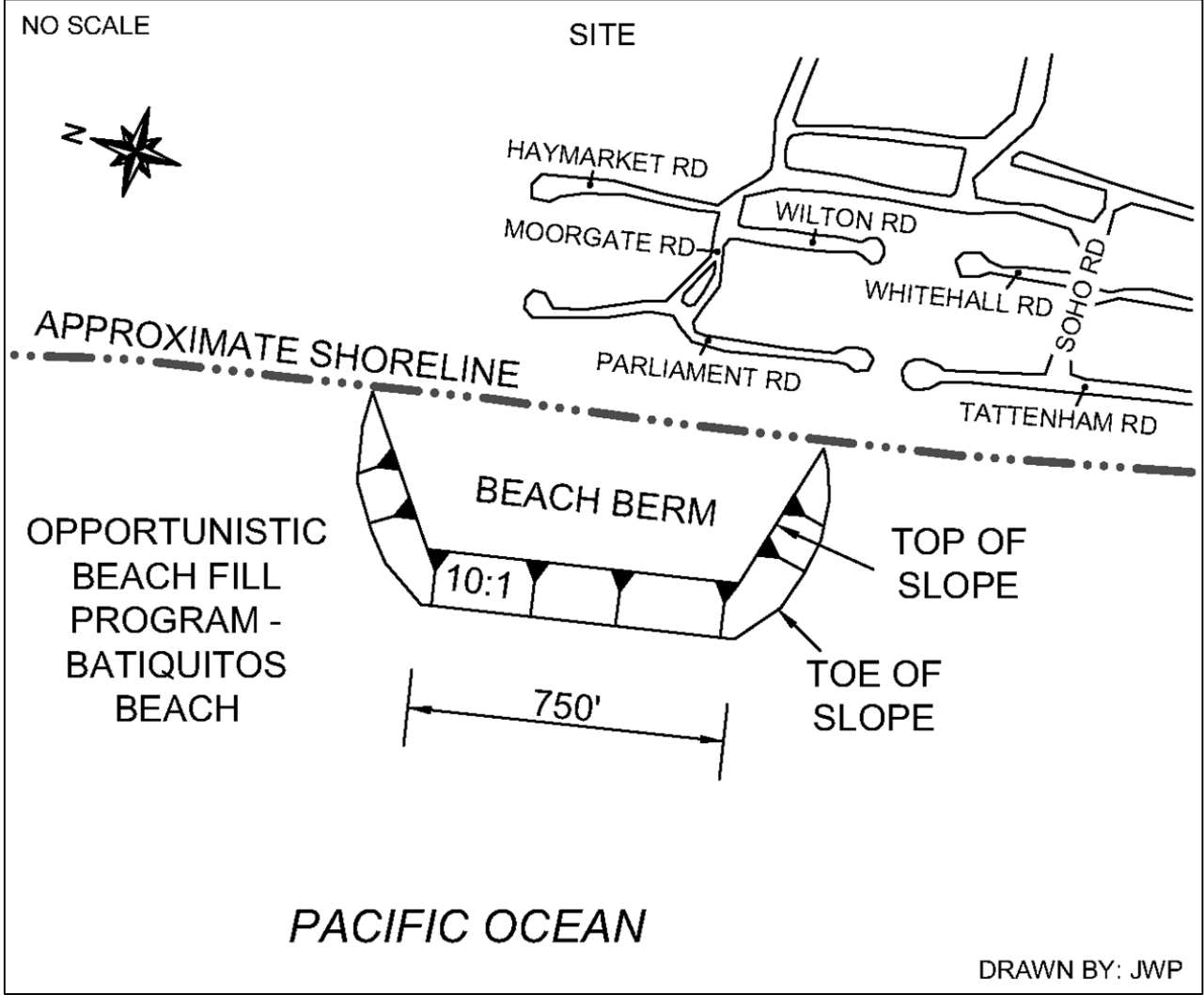


Figure 3. Site Map

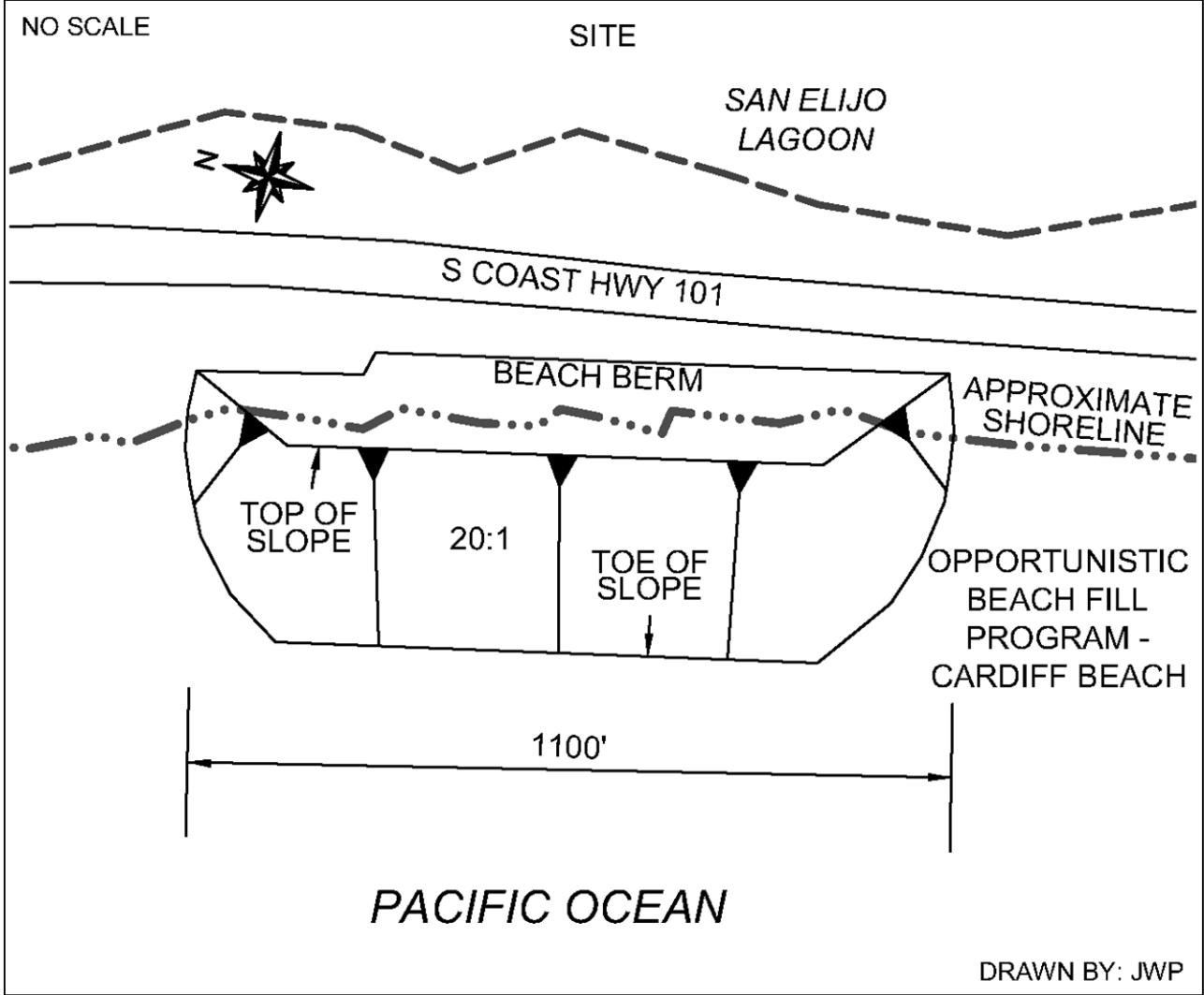


Figure 4. Site Map

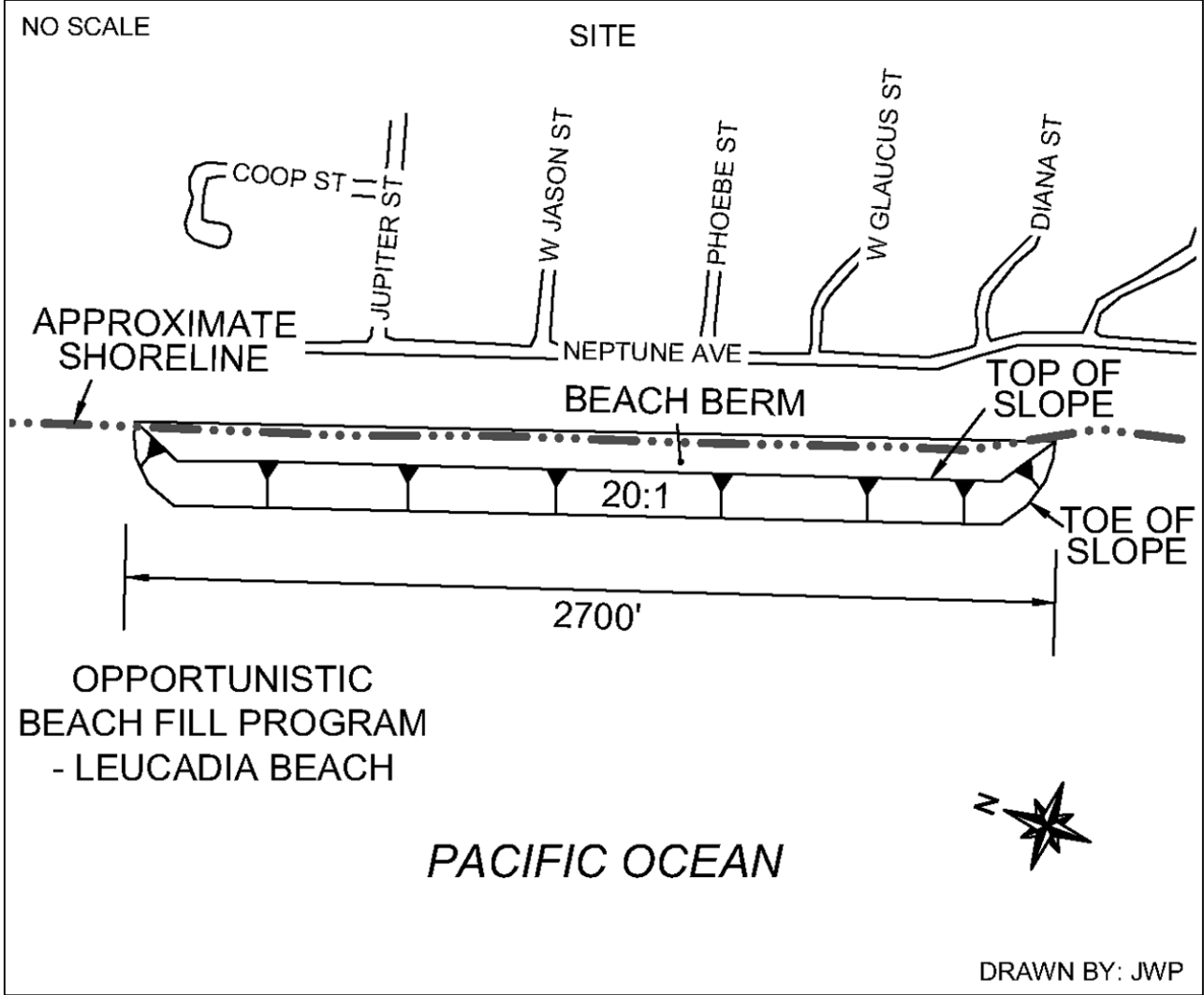
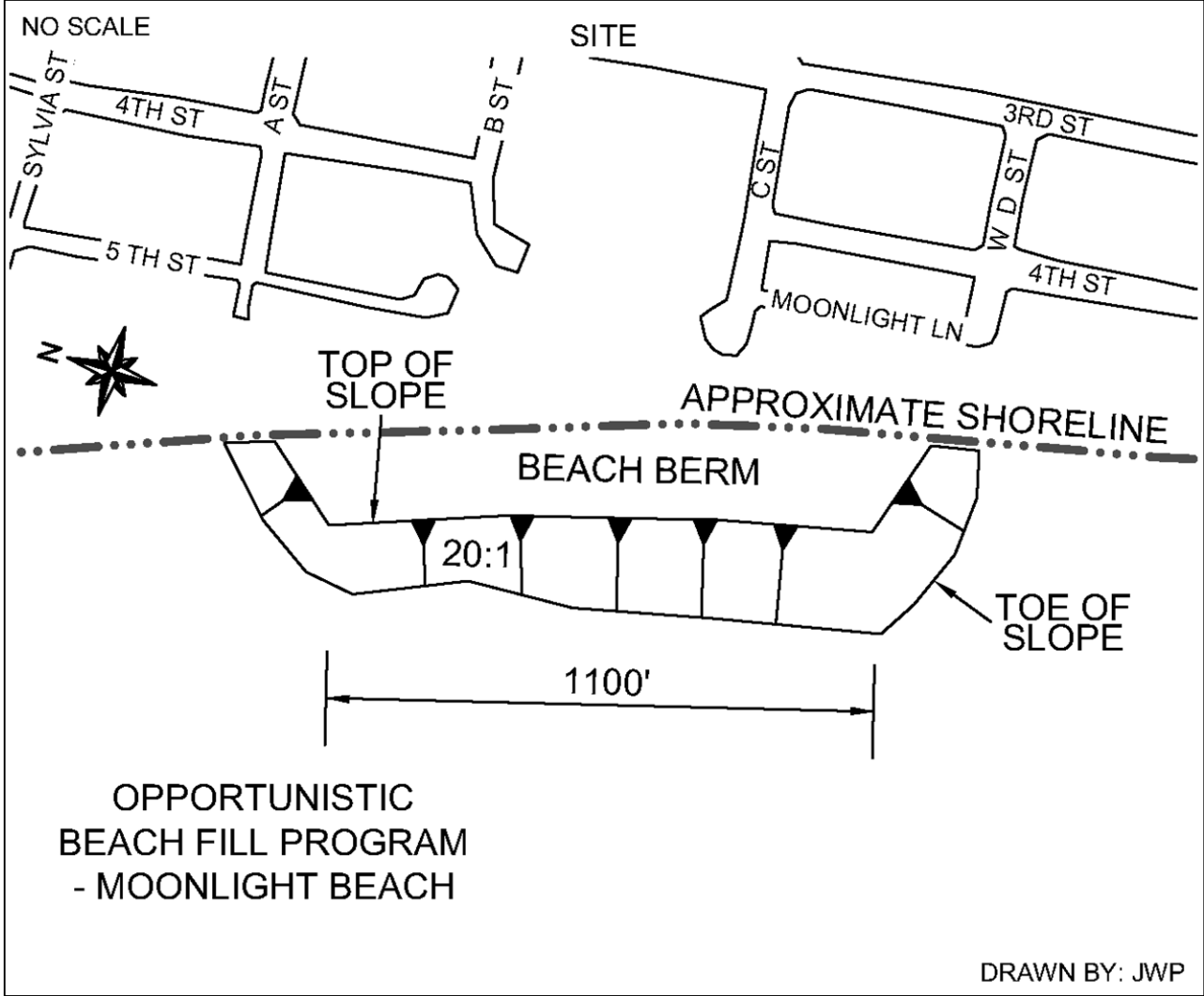


Figure 5. Site Map



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:**

15 years, beginning October 14, 2024.

**CONSIDERATION:**

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 interests.

**SPECIFIC LEASE PROVISIONS:**

- Prior to each 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.
- 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 (Parks). Upon termination of the Parks Operating Agreement for any such site, Lessee's use of that State Beach receiver site shall also terminate.
- Lessee agrees to be bound by and fully carry out, implement, and comply with all mitigation measures and reporting obligations identified as Lessee's, or Responsible Party's responsibility as set forth in the Mitigation Monitoring Program.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**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 January 29, 2009, the Commission authorized the issuance of Lease No. PRC 8817, a General Lease – Public Agency Use to the City of Encinitas (City) for the deposition of a maximum of 120,000 cy of sand annually at Batiquitos Beach and a maximum of 150,000 cy of sand annually at Moonlight State Beach, under the Program ([Item 21, January 29, 2009](#)). That lease expired on January 28, 2014. On October 14, 2014, the Commission authorized a new 5-year General Lease – Public Agency Use to the City, for the deposition of a maximum of 117,000 cy of material annually at Batiquitos Beach, 105,000 cy of material annually at Moonlight State Beach, 132,000 cy of material annually at Leucadia State Beach, and 101,000 cy of material annually at Cardiff State Beach ([Item 71, October 14, 2014](#)). The Commission then authorized a new 5-year General Lease – Public Agency Use to

the City, on December 6, 2019, for the deposition of a maximum of 117,000 cy of material annually at Batiquitos Beach, 105,000 cy of material annually at Moonlight State Beach, 132,000 cy of material annually at Leucadia State Beach, and 101,000 cy of material annually at Cardiff State Beach ([Item 26, December 6, 2019](#)). That lease expired on October 13, 2024, and the Applicant is now applying for a new General Lease – Public Agency Use to continue the Program with no change to the locations or quantities of material to be placed.

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 was prepared to assist in streamlining the permitting and regulatory approval process for beach replenishment projects using opportunistic materials in volumes less than 150,000 cy. Streamlining the approval process can prevent otherwise suitable beach fill materials from being lost due to the timing and cost associated with obtaining individual permits for each project.

As part of the Program, the City is seeking Commission authorization to place a maximum of 117,000 cy of material annually at Batiquitos Beach, 101,000 cy of material annually at Cardiff State Beach, 132,000 cy of material annually at Leucadia State Beach, and 105,000 cy of material annually at Moonlight State Beach. However, the City is now requesting a longer lease term than the previously authorized leases. Since the Program was initiated in 2009, the City has conducted a total of four beach nourishment events, with the most recent event being the only one completed during the last lease term: the I-5 Bridge Replacement Project in February 2022 provided 68,000 cy of material between Moonlight State Beach and Cardiff State Beach. Because of the infrequent nature of projects generating beach quality materials, the City is now requesting a new 15-year lease term for the ongoing Program. This longer term will allow the City to focus more on, and better respond to, the growing need for public beach restoration and prevent lost opportunities of suitable beach fill that might occur with shorter lease term intervals.

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 this Program, the City will be attempting to restore the sediment supply to its coast through direct sand placement. Sand placement is proposed on the beach to reduce impacts from storms, enhance recreational use for both residents and tourists, and restore beach

habitat for shore birds and grunion. Source materials come from local upland construction, development, or dredging projects.

The timing of beach nourishment activities is intended to replicate natural sediment delivery, which occurs during the wet seasons (fall through early spring). As such, beach nourishment activities typically occur between September and May. This is also during the low beach-use season when there is significantly less human usage compared to the summer months. Placement of sand would not be permitted to occur at the receiver sites during the summer months—June through August—to prevent impacts on public use of the beaches.

Under the Program, the Applicant identifies potential beach fill material, which is then tested according to regulatory requirements to confirm suitability. A Project Notification Report detailing findings such as percentage of fines, grain size, possible toxicities, and confirmation that the material conforms to the receiver site specifications, 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.

Some potential environmental Project impacts exist, consisting of minor short-term impacts to fish and wildlife during placement activities and temporary increases in ambient noise levels and turbidity during sand placement. Grunion, least tern, and western snowy plover may be present at the receiver sites, especially during their respective spawning or breeding seasons between February 28 and May 28. The proposed lease requires the lessee to comply with the Commission's Mitigation Monitoring Program (MMP). In addition, the lessee must comply with the Grunion and Avian Monitoring and Avoidance Plan, unless directed otherwise by U.S. Fish and Wildlife Service through consultation as required by the MMP. For any sediment placement between February 28 and May 28, the Grunion and Avian Monitoring and Avoidance Plan requires a qualified biologist familiar with these species to be present on-site before and, if necessary, during beach nourishment activities. The biologist will halt activities if any grunion, least tern, or western snowy plover are present. All personnel associated with the proposed nourishment activity will be required to attend a worker education training program covering sensitive marine and avian species before the initiation of any in-water activities.

Material would be delivered by truck from local projects throughout the City. The haul routes for the material would generally be I-5 and Coast Highway 101. A typical project from an opportunistic source might be on the order of 50,000 cy and



could require approximately 3,571 total truck trips over about 5 weeks, with approximately 160 trips per day (about 16 trucks per hour). Sand hauling and placement would occur between the hours of 7:30 a.m. and 7:30 p.m., Monday through Friday.

The proposed lease does not alienate the State’s fee simple interest or permanently impair public rights. The proposed lease 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, increased wave activity, storm events, and flooding may impact the receiver site beaches for the Program, which are located in tidally influenced areas vulnerable to wave action at the current sea level of the Pacific Ocean.

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 and structures. The La Jolla tide gauge was used for the projected sea level rise scenario for the lease area as listed in Table 1.

**Table 1. Projected Sea Level Rise for La Jolla**

Year	Projection (feet)
2030	0.9
2040	1.3
2050	2.0
2100	5.8

Source: Table 31, [State of California Sea-Level Rise Guidance: 2018 Update](#)

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

As stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms

can result in increased flooding conditions and damage from storm-created debris. Climate change and sea level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

The City's Program includes the placement of sand at Batiquitos Beach, Moonlight State Beach, Leucadia State Beach, and Cardiff State Beach, under the authorized requirements of the Program. The Program is intended to streamline the City's ability to opportunistically use available sand sources to nourish these beaches for protection of upland infrastructure and enhance beach width, public access, and beach habitat. These activities will provide periodic and temporary soft protection to offset the impacts of climate change-induced beach erosion and sea level rise.

The lease includes an acknowledgment 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 term of the lease; and is in the best interests of the State.

#### **OTHER PERTINENT INFORMATION:**

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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 (MND), State Clearinghouse No. 2013111057, was prepared by the City of Encinitas (City) and adopted on June 18, 2014, for this project. Commission staff reviewed the MND and Mitigation Monitoring and Reporting Program prepared 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 MND at its October 14, 2014 meeting ([Item 71 October 14, 2014](#)). As part of the Commission's approval of the lease, the Commission adopted an independent MMP, as contained on file in the Sacramento office of the Commission and incorporated by reference hereto. The Commission's previously adopted MMP remains in full force and effect.

There are no substantial changes to the project, to the circumstances in which the project occurs, or other new information that would require an additional subsequent or supplemental CEQA document 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 MMP.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission considered the MND in 2014, staff concluded that such activity would not affect those significant lands and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

## **APPROVALS OBTAINED:**

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- United States Army Corps of Engineers
- California Coastal Commission
- California Department of Parks and Recreation
- San Diego Regional Water Quality Control Board

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2013111057, was 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; 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.

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 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 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 to the Applicant beginning October 14, 2024, for a term of 15 years, for the deposition of a maximum of 117,000 cubic yards (cy) of material annually at Batiquitos Beach, 105,000 cy of material annually at Moonlight State Beach, 132,000 cy of material annually at Leucadia State Beach, and 101,000 cy of material annually at Cardiff 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.