

**CALENDAR ITEM  
C44**

A 73  
S 38

09/01/11  
WP 8718.9  
K. Foster

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

**LAND TYPE AND LOCATION:**

Tide and submerged lands in the Pacific Ocean adjacent to South Carlsbad State Beach – Encinas Beach, city of Carlsbad, San Diego County.

**AUTHORIZED USE:**

Deposition of a maximum of 150,000 cubic yards of sand annually at South Carlsbad State Beach - Encinas Beach, under the City of Carlsbad Opportunistic Beach Fill Program.

**LEASE TERM:**

Five years, beginning October 12, 2011.

**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 has the right to use the uplands adjoining the lease premises.
2. On November 21, 2006, the Commission authorized Lease No. PRC 8718.9 to the City of Carlsbad (City) for the placement of a maximum of 150,000 cubic yards of beach-quality sand annually at Encinas Beach, which is located at South Carlsbad State Beach in the city of Carlsbad. Applicant has submitted an application for a new General Lease – Public Agency Use for the continued implementation of the City of Carlsbad Opportunistic Beach Fill Program (Program) under the same terms and conditions as the prior Lease.

CALENDAR ITEM NO. **C44** (CONT'D)

3. The existing 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. Under the Program, the City identifies potential beach fill material, which is tested according to current regulatory requirements to confirm its suitability. A Project Notification Report detailing such findings is then submitted to Commission staff and 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 Commission staff and each agency or the material is not allowed to be used for beach replenishment. No beach fill material has been placed since the start of the program in 2006.
4. A Mitigated Negative Declaration SCH# 2001091126 was prepared by the city of Carlsbad and adopted on May 17, 2006. In addition, amendments were made to the project by way of Addendum and adopted on March 16, 2011, by the city of Carlsbad Planning Commission. The California State Lands Commission's staff has reviewed such documents. A Mitigation Monitoring Program was adopted by the city of Carlsbad, as contained in Exhibit C, attached hereto.
5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

**APPROVALS OBTAINED:**

City of Carlsbad, California Coastal Commission, California Department of Parks and Recreation, and the U.S. Army Corps of Engineers.

**FURTHER APPROVALS REQUIRED:**

California Regional Water Quality Control Board

**EXHIBITS:**

- A. Site and Location Map
- B. Land Description
- C. Mitigation Monitoring Program

CALENDAR ITEM NO. **C44** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that a Mitigated Negative Declaration SCH# 2001091126 and a Mitigation Monitoring Program were prepared by the city of Carlsbad and adopted May 17, 2006, and that an Addendum for this project was adopted March 16, 2011, and that the Commission has reviewed and considered the information contained therein. Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

**AUTHORIZATION:**

Authorize issuance of a General Lease - Public Agency Use to the City of Carlsbad beginning October 12, 2011, for a term of five years, for the deposition of a maximum of 150,000 cubic yards of sand annually at South Carlsbad State Beach – Encinas Beach under the City of Carlsbad Opportunistic Beach Fill Program as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; 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.