

**CALIFORNIA STATE LANDS COMMISSION**

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*Established in 1938*

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June 3, 2022

City of Del Mar  
Attn: Adriana Jaramishian  
050 Camino Del Mar  
Del Mar, CA 92014

**Governor's Office of Planning & Research**

**June 03 2022**

**STATE CLEARINGHOUSE**

File Ref: SCH #2022050089

VIA ELECTRONIC MAIL ONLY ([ajaramishian@delmar.ca.us](mailto:ajaramishian@delmar.ca.us))

**Subject: Initial Study Mitigated Negative Declaration for Camino Del Mar Bridge Replacement Project, San Diego County**

Dear Adriana Jaramishian:

The California State Lands Commission (Commission) staff has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Camino Del Mar Bridge Replacement Project (Project), which is being prepared by the City of Del Mar (City). The City, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency.

### **Commission Jurisdiction and Public Trust Lands**

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court.

After review of the information contained in the IS/MND, the existing bridge crossing the San Dieguito River is located on State sovereign tide and submerged land under the jurisdiction of the Commission. In June 2000, the Commission authorized the issuance of Lease No. PRC 8181.9 with the City of Del Mar for the bridge right-of-way. Based upon the information provided and a review of our in-house records, it appears the project will expand the bridge beyond the existing lease area. Therefore, the proposed project will require an application for a new lease or an amendment of the existing lease. An application may be submitted to the Commission through the online application portal ([OSCAR.slc.ca.gov](https://oscar.slc.ca.gov)). If you have questions specific to jurisdiction, lease provisions, or the application process, please contact Public Land Management Specialist Kelly Connor (contact information below).

### **Project Description**

The City is proposing to replace the existing Camino Del Mar bridge (Bridge No. 57C-0209) to provide continued vehicle, pedestrian, and bicycle movement along Camino Del Mar as it crosses the San Dieguito Lagoon. The Project would maintain critical north-south access along the same horizontal roadway alignment with an improved design for access and public safety, and improved reliability of future access in consideration of projected coastal hazards. The replacement bridge design consists of a five-span, cast-in-place, prestressed concrete box girder bridge that would be slightly longer, wider, and higher than the existing bridge. The number of piers (footers) in the lagoon would be reduced from 10 to 4. The roadway approach zones within Camino Del Mar would also require modifications to accommodate the raised elevation of the bridge.

The City proposes to implement the Project to meet the following objectives and needs:

- Reduce the number of piers in the lagoon
- Accommodate two-way pedestrian and bicycle movement across the bridge

- Accommodate a sea level rise scenario of 38 inches during a 100-year flood event

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- Temporary access for Installation of a cofferdam system and work trestles
- Pier removal
- Installation of new piers

### **Environmental Review**

Commission staff requests that the City consider the following comments on the Project's IS/MND to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the IS/MND when considering a future lease application for the Project.

### **General Comments**

1. Project Description: A thorough and complete Project Description should be included in the Construction Methods and Phasing section in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that would be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. In particular, illustrate on figures and engineering plans and provide written description of activities occurring below the mean high tide line for Project area waterways.

The IS/MND states, on page 3, that "Temporary construction easements would be obtained from the California State Lands Commission for the temporary work trestle that would temporarily encroach into state tidelands..." To clarify, all construction activities occurring on lands under the Commission's jurisdiction will require a lease or lease amendment from the Commission, which the Commission may issue in its sole discretion. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

Commission staff request that more detail be provided in the Construction Methods and Phasing section regarding the following:

- What type of cofferdam will be used to dewater the construction area? What equipment will be used for installation and removal?
- What equipment will be used for installation and removal of the trestle?
- How will the pier footers be removed and the new pier footers installed? What equipment will be used and where will it be placed?
- How will the Project prevent debris from falling into the San Dieguito River lagoon during construction?

### Biological Resources

2. Page 33 of the IS/MND states that “Relative to potential interference with the movement of native resident or migratory fish, construction of the replacement bridge would temporarily disturb benthic and aquatic habitats within the lagoon,” however, fish and other aquatic species (other than eelgrass) are not discussed in the Biological Resources section. Commission staff requests that the IS/MND include additional information on the benthic and aquatic species affected by Project construction (including the use of a vibratory pile driver as mentioned in the “Noise” section).

### Cultural Resources

3. Title to Resources Within Commission Jurisdiction: The IS/MND should state that the title to all cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the City consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project.

Staff requests that the following statement be included in the IS/MND’s Mitigation Monitoring Program: “The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission.”

### Climate Change

4. The Project is designed to accommodate 38 inches of sea level rise during a 100-year flood scenario because, based on preliminary design studies, “[i]n scenarios where the projected sea level rise exceeds an increased water surface elevation of 38 inches, the bridge would cease to be connected to a functional roadway system due to flooding of the connecting roadway to the south.” While the IS/MND describes this as “a mid-range sea level rise scenario,” that is based on an outdated 2012 National Research Council Report. More recent reports, such as the 2018 Ocean Protection Council

State Guidance, predict more severe sea level rise. As part of the Commission's lease application process, the applicant should be prepared to discuss the preliminary design studies, including how anticipated flooding may affect the integrity of the bridge, and if there are any approaches that may increase the surrounding community's resiliency to sea level rise.

Thank you for the opportunity to comment on the IS/MND for the Project. As a responsible and trustee agency, the Commission will rely on the IS/MND for issuing a lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). We request that you consider our comments before adopting the IS/MND.

Please send electronic copies of the adopted IS/MND, Mitigation Monitoring Program, and Notice of Determination when they become available. Please note that federal and state laws require all government entities to improve accessibility of information technology and content by complying with established accessibility requirements. (29 U.S.C. § 794d; 36 C.F.R. § 1194.1 et seq.; Gov. Code, § 7405.) California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) Therefore, any documents submitted to Commission staff during the processing of a lease or permit, including all CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at [cynthia.herzog@slc.ca.gov](mailto:cynthia.herzog@slc.ca.gov) or (916) 574-1310. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at [Jamie.Garrett@slc.ca.gov](mailto:Jamie.Garrett@slc.ca.gov) or (916) 574-0398. For questions concerning Commission leasing jurisdiction, please contact Kelly Connor, Public Land Management Specialist, at [kelly.connor@slc.ca.gov](mailto:kelly.connor@slc.ca.gov) or (916) 574-0343.

Sincerely,



Nicole Dobroski, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
J. Garrett, Commission  
K. Connor, Commission  
C. Herzog, Commission