

MINUTE ITEM

This Calendar Item No. C22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 0 at its 2/16/89
meeting

CALENDAR ITEM

A 28

C22

02/06/89

S 17

PRC 5116

Martinez

DREDGING PERMIT

APPLICANT: Moss Landing Harbor District
P. O. Box 10
Moss Landing, California 95039

AREA, TYPE LAND AND LOCATION:
Granted, minerals reserved, lands in Moss
Landing Harbor, Monterey County.

PROPOSED LAND USE:

Dredge over a period of six years a maximum
14,500 cubic yards of minerals other than oil,
gas and geothermal from the toe of a newly
created slope along 1,360 linear feet of Moss
Landing Harbor to the main channel in order to
provide improved navigable depth for larger
fishing vessels. The dredged material will be
barged for disposal at the Corps of Engineers,
Environmental Protection Agency approved deep
water disposal site SF-14.

TERMS OF THE PROPOSED PERMIT:

Initial Period: Six years commencing
February 1, 1989.

Royalty: No royalty shall be charged
for material disposed at the
approved offshore disposal
site.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

CALENDAR ITEM NO. 22 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 07/19/89.

OTHER PERTINENT INFORMATION:

- 1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et. seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.
- 2. A Negative Declaration was prepared for this project by the Moss Landing Harbor District and adopted by Monterey County. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.
- 3. On August 29, 1985, the Commission issued to the Applicant a ten-year dredging permit, effective August 1, 1985, authorizing the removal of a maximum 10,000 cubic yards of material from an adjacent area of granted, mineral reserve lands in Moss Landing Harbor.
- 4. The County of Monterey has issued a Coastal Development Permit authorizing the proposed project.

APPROVALS OBTAINED: County of Monterey
California Coastal Commission
United State Army Corps of Engineers

EXHIBITS: A. Vicinity and Site Map.
B. Dredging Permit.
C. County of Monterey Resolution No. 88-220

CALENDAR ITEM NO. C 22 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED BY MOSS LANDING HARBOR DISTRICT FOR THIS PROJECT AND ADOPTED BY MONTEREY COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370 ET. SEQ.
4. AUTHORIZE STAFF TO ISSUE TO MOSS LANDING HARBOR DISTRICT THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 14,500 CUBIC YARDS OF MATERIAL IN MOSS LANDING HARBOR OVER SIX YEARS BEGINNING FEBRUARY 1, 1989. THE SPOILS SHALL BE DISPOSED OF AT THE CORPS OF ENGINEERS/EPA APPROVED DEEPWATER DISPOSAL SITE SF-14. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AT THE APPROVED OFFSHORE SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

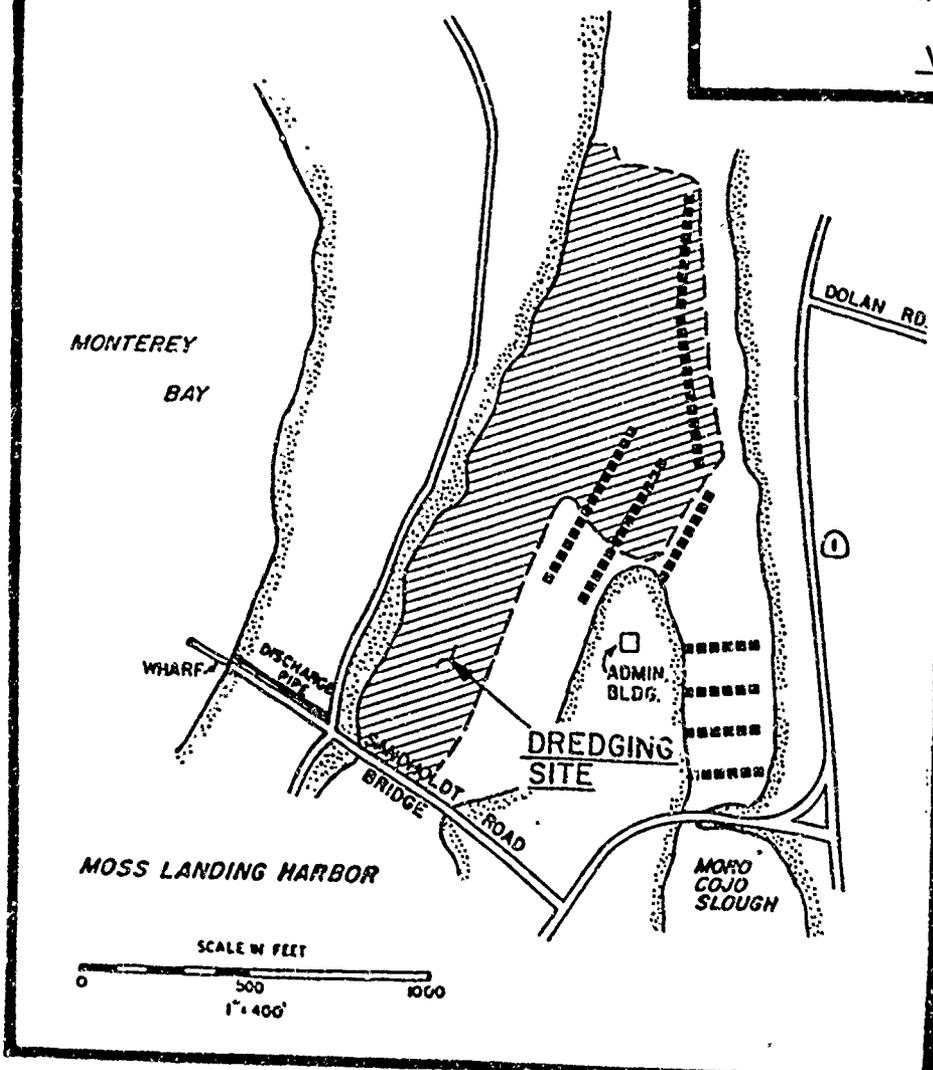
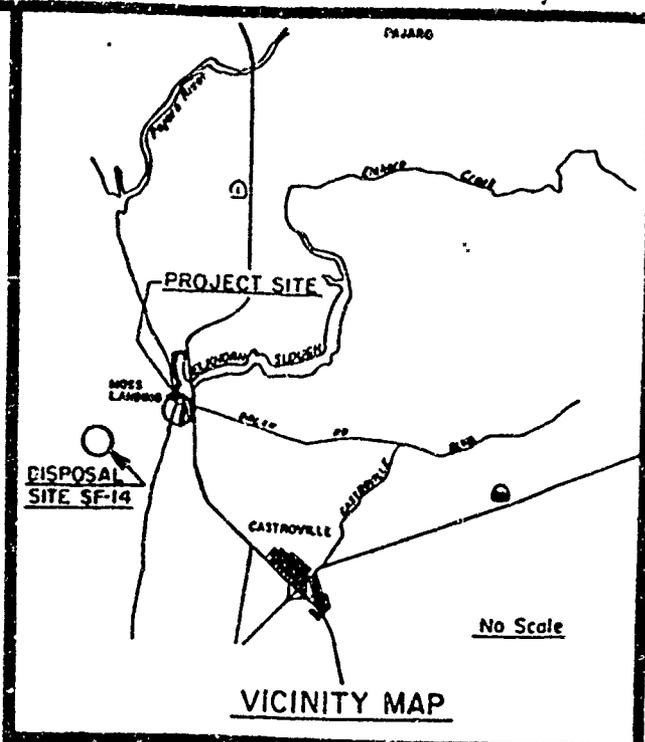


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 MOSS LANDING
 HARBOR DISTRICT
 PRC 5116
 MOSS LANDING HARBOR
 MONTEREY COUNTY



STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



February 1, 1989

File Ref.: PRC 5116

Moss Landing Harbor District
P. O. Box 10
Moss Landing CA 95039

Gentlemen:

Pursuant to your request received December 19, 1988 and by the authorization of the State Lands Commission in February, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 14,500 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal from an area of granted, mineral reserve, lands in Moss Landing Harbor, Monterey County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to dispose of dredge spoils offshore at the Corps of Engineers/EPA approved deep water disposal site SF-14.

No royalty shall be paid for material placed at the approved offshore disposal site. A royalty of \$0.25 per cubic yard shall be paid for any material used for any private or commercial benefit. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State, and local government laws, rules, and regulations. Said permission shall be effective from February 1, 1989 through January 31, 1995.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

It is further agreed that you shall submit copies of reports or contracts with the dredging operator substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9NC). It is agreed that you shall submit said forms on or before the fifteenth (15th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed during that quarter. The first permit quarter shall be the first three months following the effective date of this permit, and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be

subject to a five percent (5%) penalty and shall bear interest at the rate of one and one-half percent (1½%) per month from the date when the same was payable by the terms hereof.

It is agreed that you shall furnish the Commission with copies of final surveys or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above-described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against or impounded upon the State of California or any of its officers, agents or employees, arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third persons or entity. It is agreed that you shall, at the option of the Commission, procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified or terminated, whenever the State Lands Commission deems such action to be in the best interests of the State, and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

W. M. THOMPSON, Chief
Extractive Development Program

Date: _____

ACCEPTED:

BY: _____, TITLE: _____

DATE: _____

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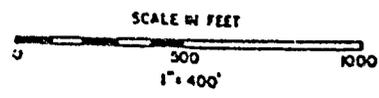
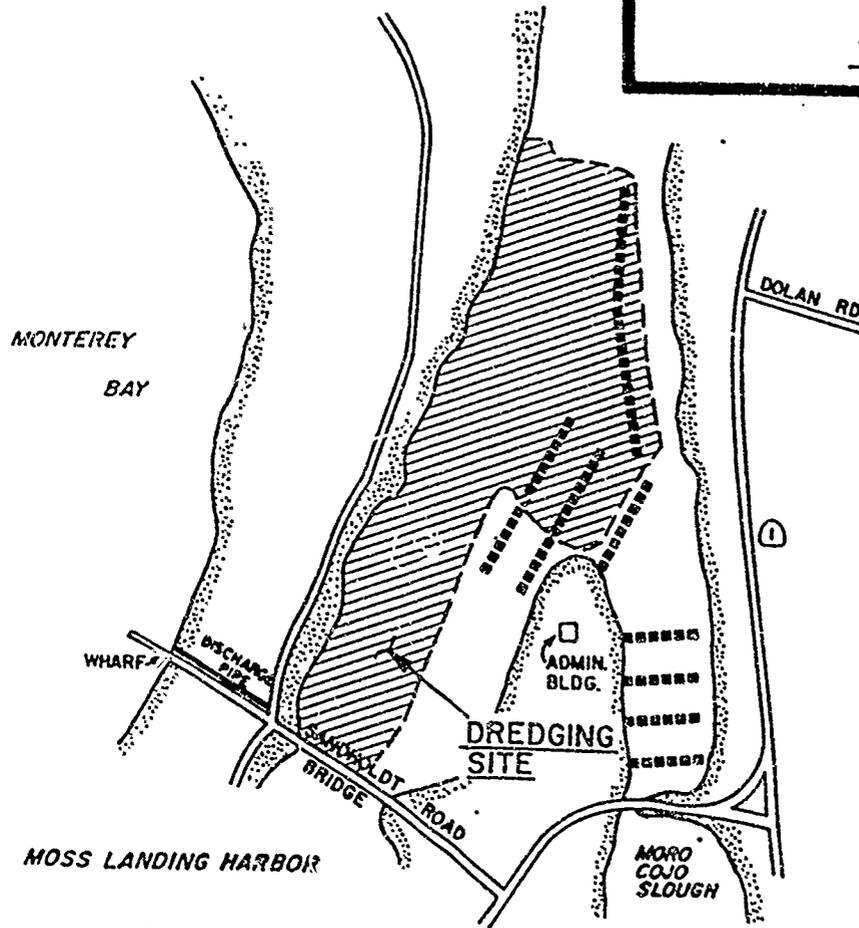
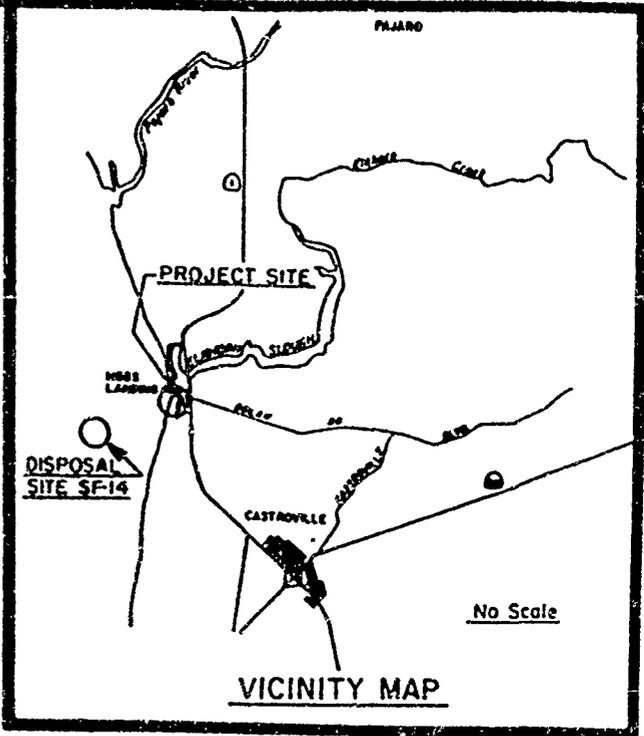


EXHIBIT "A"
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HARBOR DISTRICT
PRC 5116
MOSS LANDING HARBOR
MONTEREY COUNTY



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"C"

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 88-220

A.P. # Various

FINDINGS AND DECISION

In the matter of the application of Moss Landing Harbor District (PC-6524) for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow rip rap bulkhead, public access, loading docks, and utility extensions, located on portion of Subs 8, 10 and 15, Lots 1 and 2 of Sub 13, Lot 1 of Sub 17, Lot 8 of Sub 18, Lots 16-19, Block 1, Assessor's Map A, Monterey City Lands, Tract 3 Parcel IV, Moss Landing area, fronting on Sandholt Road, Coastal Zone, came on regularly for hearing before the Planning Commission on July 13, 1988.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The proposed project consists of dredging ± 14,500 cubic yards of wetlands and shoreline and backfill with 1050 foot long rock rip-rap bulkhead, public access, loading docks and utility extensions.
EVIDENCE: Planning Commission File PC-6524. Field notes of an on-site inspection by Planning and Building Inspection Department staff contained herein.
2. **FINDING:** Adequate continued access as required by the Moss Landing Community Plan portion of the North County Local Coastal Plan and Coastal Implementation Plan is provided.
EVIDENCE: Approved plot plans and as conditioned, on File in PC-6524. Access is located in public lands administered by the Moss Landing Harbor District.
3. **FINDING:** The site is physically suitable for the layout, type and density of development proposed.
EVIDENCE: The plot plan shows adequate spacing, slope, and area for all structures proposed.
4. **FINDING:** There will be an adverse impact on the environment resulting from the approval of this development. The Commission finds that the restoration and enhancement of a wetland area at a ratio of three to one (3:1) is sufficient mitigation to the loss of 0.3 acre of wetlands resulting from this project. The precise location of wetland restoration will be identified in the agreement between the Harbor District and the County of Monterey as per Condition #8. The Commission also finds the Expanded Initial Study (March 1, 1988) and the expanded Initial Study Addendum (April 8, 1988) adequately assess impacts and mitigations resulting from this project. The Commission finds the Negative Declaration approved by the Moss Landing Harbor District proposed for this project is adequate.
EVIDENCE: The Negative Declaration was approved on April 14, 1988 for this project, the documents are on file in PC-6524 in the Monterey County Planning and Building Inspection Department.

5. FINDING: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
EVIDENCE: This is evidenced by the above findings and supporting evidence.
6. FINDING: The project, as described in the application and accompanying materials, and as conditioned, conforms with the plans, policies, requirements, and standards of the Monterey County Local Coastal Program.
EVIDENCE: The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with (1) the certified North County Coastal Land Use Plan, and (2) the certified Monterey County Coastal Implementation Plan. Staff determined that the project is fully in conformity with (1) Chapter 20.114 of the Monterey County Coastal Implementation Plan - Regulations for Low Density Residential or LDR (CZ) Districts in the Coastal Zone, and (2) Chapter 20.144 of the Monterey County Coastal Implementation Plan - Regulations for Development in the North County Land Use Plan Area.
7. FINDING: The establishment, maintenance, or operation of either the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons who reside or work in the neighborhood, or to the general welfare of the County.
EVIDENCE: The Coastal Development Permit allows the development, as described in the application and accompanying materials, and as conditioned subject to the adoption of the aforementioned findings and conditions.
8. FINDING: The Coastal Development Permit shall be valid for two years from the date of approval unless the approved use of the property has begun within the two year period.
EVIDENCE: Section 20.140.110.A of the Monterey County Coastal Implementation Plan.
9. FINDING: The project, as approved by the Coastal Development Permit, is appealable to the California Coastal Commission.
EVIDENCE: Section 20.140.080.J of the Monterey County Coastal Implementation Plan.

Decision

THEREFORE, it is the decision of said Planning Commission that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. That all necessary grading and building permits be applied for and obtained from the Monterey County Planning and Building Inspection Department.

*Done
11-24-81*

Submit plans indicating the installation of a sidewalk and access control consistent with Department of Public Works standards for the community of Moss Landing along the entire frontage of Sandholdt Road subject to the approval of the Director of Public Works.

*Done
11-24-81
3.
4.*

Structures to be placed in flood hazard areas, if any, shall be flood-proofed in accordance with County Ordinance #3272, subject to the approval of the General Manager of the Monterey County Flood Control and Water Conservation.

Applicant shall record a notice stating that said property is partially within a floodplain and may be subject to building and or land use restrictions. Notice shall be reviewed by the Monterey County Flood Control and Water Conservation District and be approved as to form and content prior to recordation. After recordation, a copy of said notice shall be provided to said District.

5. Applicant shall submit a soil foundation study by a registered civil engineer which addresses the foundation requirements for the proposed structures and the sub-base required for paved areas. Said study shall be submitted to the Planning and Building Inspection Department during plan-checking procedures prior to issuance of building or grading permit.

6. The Moss Landing Harbor District and the property owners agrees as a condition of the approval of this Coastal Development Permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. Said agreement shall be recorded prior to the issuance of building permits or use of the property.

*Done
11-24-81
7.*

Prior to August 15, 1988, the applicant shall enter into an agreement with the County of Monterey for the preparation of a wetland enhancement and restoration plan at a ratio of three to one. The agreement shall include a bond in the amount of \$50,000.00 payable to Monterey County for the estimated cost of the restoration of wetlands.

8. That the wetland restoration plan scope of work be approved by the Director of Planning and Building Inspection prior to January 15, 1989.

*Done
11-24-81*

That the applicant submit final plans reflecting the project as described herein for review and approval by the Director of Planning and Building Inspection.

10. That this permit shall expire on July 13, 1990, unless construction or use as specified in this permit has begun within this time period.

PASSED AND ADOPTED this 13th day of July, 1988, by the following vote:

AYES: Calcagno, Evans, Glau, Jimenez, Moore, Orrett, Riddle,
Stallard

NOES: None

ABSENT: Reaves

Nicholas Chinos, for
ROBERT SLIMMON, JR.
SECRETARY OF THE PLANNING COMMISSION

Copy of this decision mailed to applicant on July 29, 1988.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE AUGUST 3, 1988.

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MOSS LANDING HARBOR DISTRICT
RESOLUTION NO. 88-3A

ADOPTING A NEGATIVE DECLARATION FOR THE
BULKHEAD PROJECT AND RESEARCH DOCK

WHEREAS, the Board of Commissioners of the Moss Landing Harbor District is contemplating a bulkhead and research dock project; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act, an initial study has been prepared relating to said project; and

WHEREAS, it has been determined that the project will not have a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Moss Landing Harbor District hereby adopts a Negative Declaration, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Moss Landing Harbor District hereby authorizes the Harbor Manager to take any and all steps necessary to implement this Resolution.

PASSED AND ADOPTED this 14th day of April, 1988 at a regularly scheduled meeting by the following vote:

AYES: Commissioners Armann, Green, Humphries, Shook and Wilkerson
NOES: None
ABSENT: None
ABSTAIN: None

BY:

H. Humphries
PRESIDENT

ATTEST:

Ernie J. Armann
SECRETARY

APR 15 1988

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