

MINUTE ITEM

This Calendar Item No. 31
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 3
to 2 at its 08/30/89
meeting.

CALENDAR ITEM

A 70
S 37

34

08/30/89
W 24318 PRC 7334
Martinez

DREDGING PERMIT

APPLICANTS: Newport Dunes
Attn: David Cherashore
998 West Mission Bay Drive
San Diego, California 92109

County of Orange
Attn: Tom Rossmiller
10852 Douglass Road
Anaheim, California 92806

AREA, TYPE LAND AND LOCATION:
Granted, mineral reservation lands in Upper
Newport Bay, Orange County.

LAND USE: Dredge a maximum 50,000 cubic yards of material
from Upper Newport Bay to improve navigability
at the Newport Dunes Aquatic Park as part of
the Newport Dunes Redevelopment Project.

The dredge spoils will be disposed of on the
adjacent upland where they may eventually be
used in upland aspects of the redevelopment
project as needed and as testing by the
Regional Water Quality Control Board and United
States Army Corps of Engineers provided the
material is suitable for such uses.

(ADDED pgs. 328-328.6)

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CALENDAR ITEM NO. 34 (CONT'D)

MINUTE ITEM
Commissioner of State Lands
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TERMS OF PROPOSED PERMIT:

Initial period: One year beginning
September 1, 1989.

Royalty: No charge because the project
is for public benefit.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

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: 02/18/90.

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 the staff's opinion that the project, as proposed, is consistent with its use classification.
2. The California Coastal Commission, a "functional equivalent agency" under Section 21080.5 of the CEQA has:
 - a. served as the lead agency under CEQA;
 - b. considered the project described herein; and
 - c. found that the project, as proposed, will not have a significant effect on the environment under Section 15252 of the CEQA Guidelines. The State Lands Commission may use the environmental analysis made by the California Coastal Commission in its consideration of this project.

Authority: Sections 21083 and 21087 of
the CEQA.

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CALENDAR ITEM NO. (CONT'D)

APPROVALS OBTAINED:

United States Army Corps of Engineers, Regional Water Quality Control Board, and California Coastal Commission.

EXHIBITS:

- A. Vicinity and Site Map.
- B. Dredging Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CALIFORNIA COASTAL COMMISSION, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED IT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE CALIFORNIA COASTAL COMMISSION AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL CODE REGS., SECTION 15253.
3. AUTHORIZE STAFF TO ISSUE TO NEWPORT DUNES/ORANGE COUNTY THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 50,000 CUBIC YARDS OF MATERIAL FOR ONE YEAR BEGINNING SEPTEMBER 1, 1989, FROM UPPER NEWPORT BAY, ORANGE COUNTY. THE DREDGED SPOILS WILL BE DISPOSED OF ON THE ADJACENT UPLAND WHERE THEY MAY EVENTUALLY BE USED IN OTHER ASPECTS OF THE NEWPORT DUNES REDEVELOPMENT PROJECT. NO ROYALTY SHALL BE CHARGED BECAUSE THE PROJECT IS FOR PUBLIC BENEFIT. SUCH AUTHORIZED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, AND LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

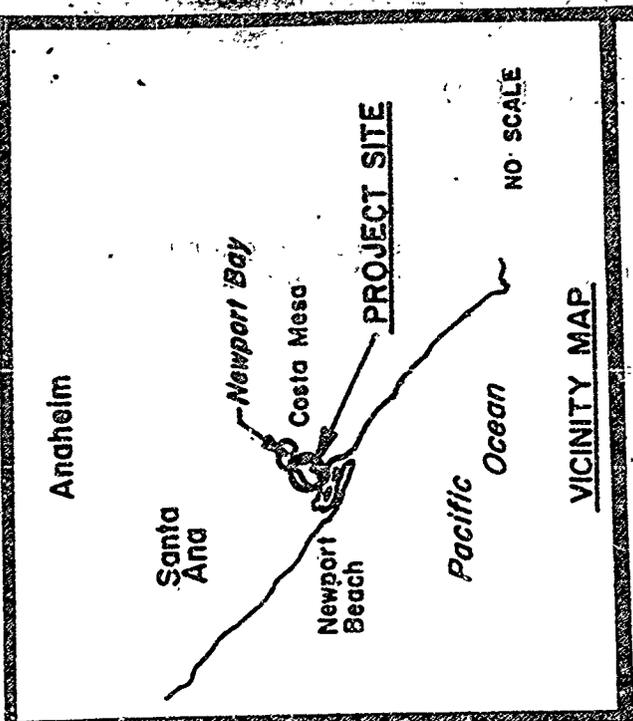
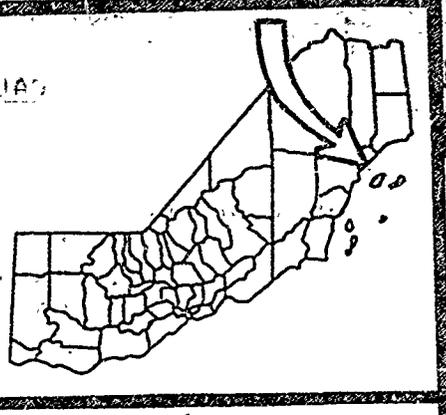
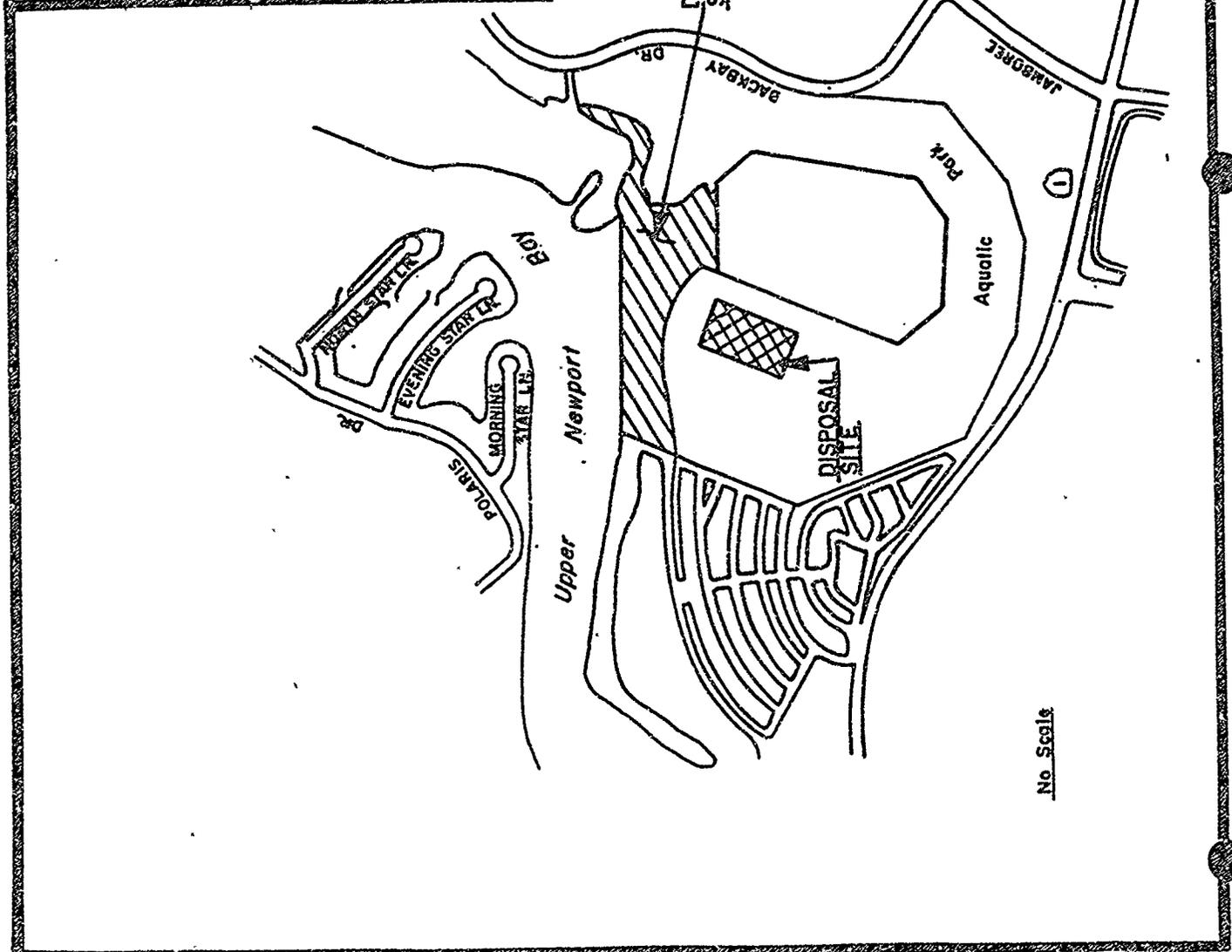


EXHIBIT "A"
APPLICATION FOR
MAINTENANCE DREDGING
PERMIT
NEWPORT DUNES &
COUNTY OF ORANGE
W24318
UPPER NEWPORT BAY
ORANGE COUNTY



R 5/89



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"B"

STATE OF CALIFORNIA—STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION

1807 13TH STREET

CRAMENTO, CALIFORNIA 95814

OFFICE OF THE GOVERNOR



September 1, 1989

File Ref.: W 24318

Newport Dunes/
County of Orange
Attn: Tom Rossmiller
10852 Douglass Road
Anaheim CA 92806

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission in August, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 50,000 cubic yards annually 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 reservation lands in Upper Newport Bay, Orange 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 the dredged material on the adjacent upland.

No royalty shall be paid for material disposed of as approved. 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 September 1, 1989 through August 31, 1990.

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 6324, 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.

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County of Orange

September 1, 1989

STATE LANDS COMMISSION

1805 15TH STREET

CREATED BY: [illegible]

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: _____, Date: _____

Title: _____

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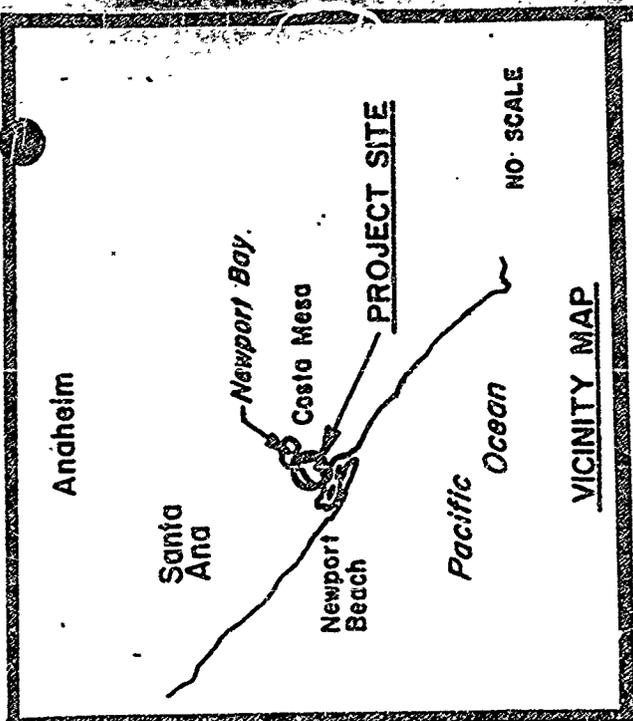
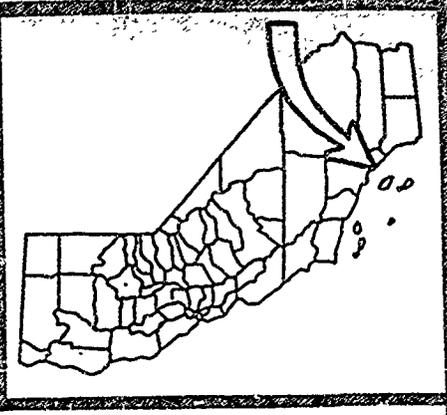
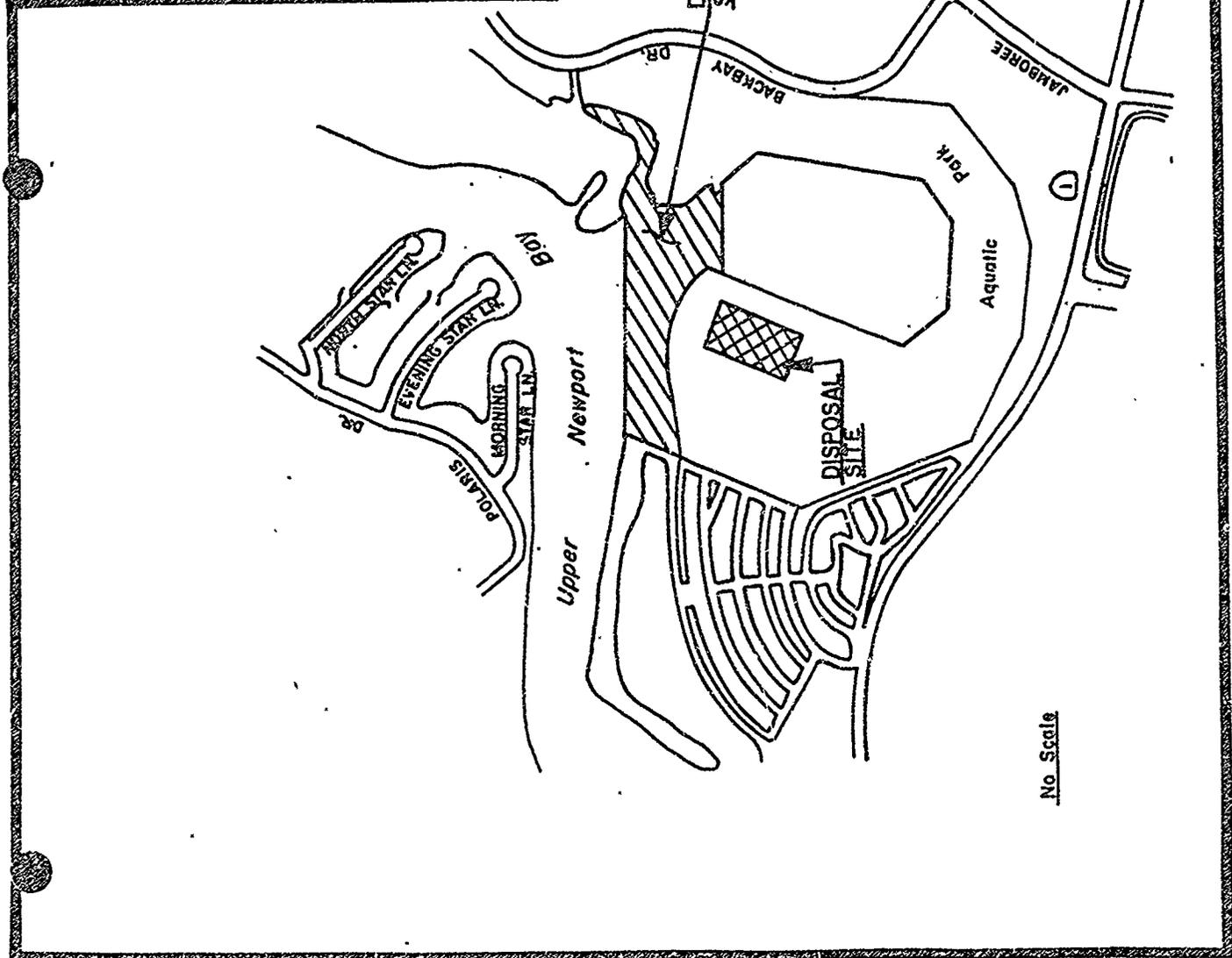


EXHIBIT 'A'
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 MAINTENANCE DREDGING
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 ORANGE COUNTY



R.O. 8/69



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