MINUTE ITEM
This Calendar Item No. C50 was approved as Minute Item No. 50 by the California State Lands Commission by a vote of 2 to 0 at its 5/9/96 meeting.

CALENDAR ITEM
C50

A 70

S 35

05/09/96
PRC 7624 WP 7624.9
J. Smith

DREDGING LEASE

APPLICANT:

Swales Anchorage
2888 Bayshore Drive
Newport Beach, California 92663

AREA, TYPE LAND AND LOCATION:

Granted sovereign lands, with minerals reserved by the State, Swales Anchorage Marina, Newport Bay, Orange County.

LAND USE:

Dredge a maximum 500 cubic yards of sediment annually to restore navigation. Deposition of sediment to be at the Corps/EPA approved offshore disposal site LA-3.

PROPOSED LEASE TERMS:

Lease Period:

May 1, 1996 through August 29, 1999

Royalty:

No royalty shall be charged for dredged material as the project is a public benefit. A minimum of $0.25 per cubic yard shall be charged for material used for private benefit or commercial sale purposes.

APPLICANT STATUS:

Applicant is lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

C. Chapter 526, Statutes of 1919, and as amended by Chapter 415, Statutes of 1975.

AB 884:

Application Incomplete

OTHER PERTINENT INFORMATION:

1. On September 14, 1989, the California Coastal Commission granted permit #5-89-259 for this project under its certified regulatory program (14 Cal. Code Regs. 15251 (c)).

2 Staff has reviewed the document and determined that the conditions, as specified in 14 Cal. Code Regs. 15253 (b) have been met for the Commission to use the environmental analysis document certified by the Coastal Commission as a Negative Declaration substitute in order to comply with the requirements of CEQA.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Sections 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.

4. The applicant seeks authorization to maintenance dredge a maximum of 500 cubic yards of sediment annually from Swales Anchorage Marina in Newport Bay with deposition at the Corps/EPA approved offshore disposal site LA-3. The dredging will be located on sovereign lands which were legislatively granted to the County of Orange pursuant to Chapter 526, Statutes of 1919, and as amended, with minerals reserved by the State. Most of the adjacent sovereign lands were legislatively granted to the City of Newport Beach.

In 1989, the City of Newport Beach received permits from the Corps (Permit 89-211-GS) and the Coastal Commission (5-89-259) to allow annual maintenance dredging of 20,000 cubic yards in and around existing permitted public, private and commercial piers and floats at various locations throughout Upper and Lower Newport Bay. The City of Newport Beach acted as Lead Agency for purposes of permit compliance. In its review, the City has notified the applicant that prior to authorizing the dredging, a lease from the State Lands Commission is required. The term of the lease will coincide with the term of the existing Corps and Coastal Commission permits.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers; Regional Water Quality Control Board; California Coastal Commission.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

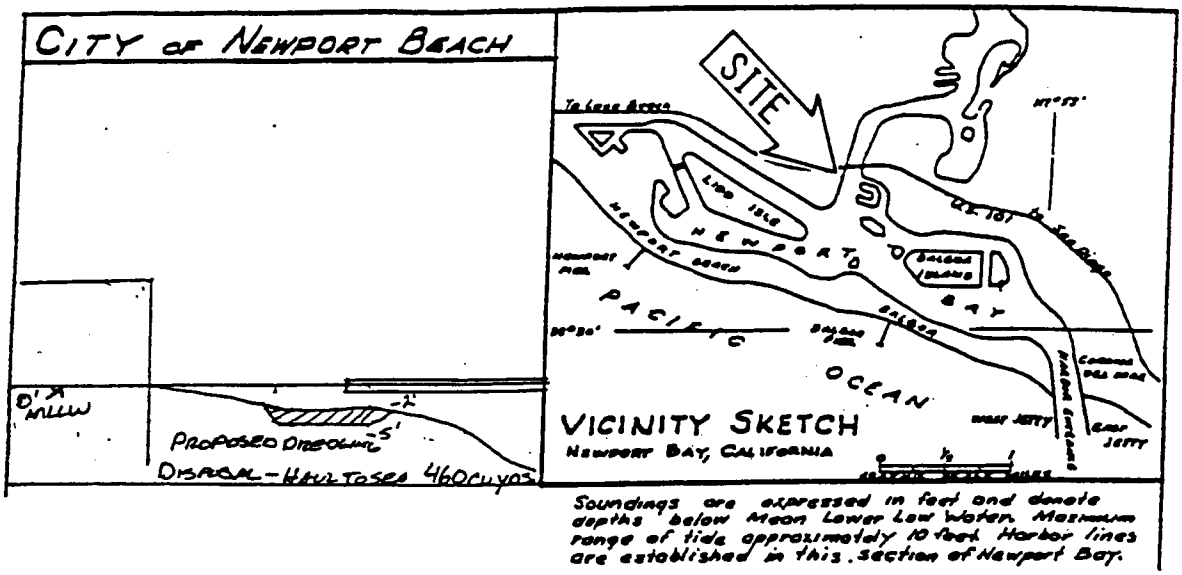
A. Location and Site Map
B. Coastal Commission Permit #5-89-259

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (COASTAL COMMISSION PERMIT #5-89-259) WAS CERTIFIED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS. 15251 (c)), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS. 15253 (b) HAVE BEEN MET.

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

3. AUTHORIZE ISSUANCE TO SWALES ANCHORAGE OF A THREE-YEAR, THREE-MONTH DREDGING LEASE BEGINNING MAY 1, 1996, THROUGH AUGUST 29, 1999. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 500 CUBIC YARDS OF MATERIAL ANNUALLY FROM GRANTED SOVEREIGN LANDS, WITH MINERALS RESERVED BY THE STATE, AT SWALES ANCHORAGE MARINA IN NEWPORT BAY, ORANGE COUNTY. MATERIAL WILL BE DEPOSITED AT THE CORPS/EPA APPROVED OFFSHORE DISPOSAL SITE LA-3. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



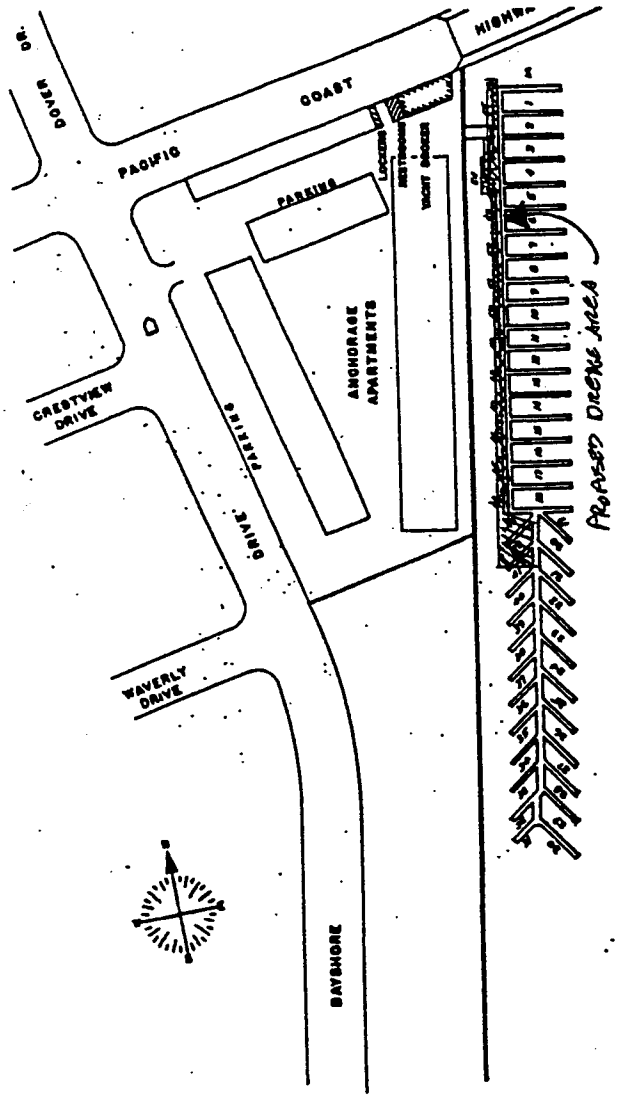


EXHIBIT "A"
LOCATION MAP
WP 7624.9
SWALES ANCHORAGE
ORANGE COUNTY

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CNP 96

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

Date: October 23, 1989:VK/do
Permit No. 5-89-259

COASTAL DEVELOPMENT PERMIT

On September 14, 1989, the California Coastal Commission granted to:

the Marine Department, City of Newport Beach

this permit subject to the attached Standard and Special conditions, for development consisting of:

The maintenance dredging of approximately 20,000 cubic yards annually in and around existing public, private and commercial piers and floats from between the mean high tide line and the U.S. Pierhead Line; and deposition of the dredged materials on public beaches or to buttress individual bulkheads in Newport Bay with the disposal of unsuitable dredged material at LA-3, an Environmental Protection Agency offshore disposal site or an inland disposal site out of the Coastal Zone;

more specifically described in the application file in the Commission offices.

The development is within the Coastal Zone in Orange County:

between the mean high tide line and the U. S. Pierhead Line, Lower Newport Bay and Dover Shores in Upper Newport Bay, Newport Beach.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: Vicky Kosnik
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

10/25/89
Date

Tony McLean
Signature of Permittee

A6: 4/88

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STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Prior to issuance of Coastal Development Permit the applicant shall agree in writing the following:

   A. The City shall notify the California Department of Fish and Game by written notice, at least two weeks in advance of each individual dredging/deposition project and the Department of Fish and Game shall be given the opportunity to review all proposed dredging/deposition projects and, if necessary, shall be allowed to conduct site visits of the proposed project areas. Any permit

issued by the City of Newport Beach for dredging/deposition in Newport Bay (within the area of this permit) will be subject to any conditions and/or recommendations imposed by the California Department of Fish and Game.

B. Representative dredge sites shall be tested for materials suitability per Corps of Engineers requirements for beach replenishment. Those materials found suitable by the City shall be used in the following priority:

(1) to replenish public beaches in the City at street ends in close proximity to the dredge site. The fill should be extended out to a point even with the fill bayward of the existing bulkheads on both sides of the street ends, then;

(2) to buttress bulkheads in close proximity to the dredge site where additional lateral support is necessary to prevent failure, then;

(3) other public beaches in the City.

2. This permit, 5-89-259, shall expire in concert with Army Corps permit 89-211-GS tentatively set as August 25, 1999.

3. Prior to issuance of Coastal Development Permit, applicant shall agree in writing that if any change in conditions arise, the Executive Director shall be notified, and a determination into whether an amendment is required shall be made.

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