MINUTE ITEM
This Calendar Item No. C38
was approved as Minute Item
No. 38 by the State Land
Commission by a vote of 3
to Ø at its 10/28/96
meeting.

CALENDAR ITEM
C38

A 70 | 10/28/96
PRC7921 W 25335
S 35 | J. Smith

DREDGING LEASE

APPLICANT:

Channel Reef Community Association
2525 Ocean Boulevard
Newport Beach, California 92663

AREA, TYPE LAND AND LOCATION:

Sovereign lands, granted to the County of Orange, with minerals reserved by the State, Newport Bay at Corona Del Mar, Orange County.

LAND USE:

Dredge a maximum 250 cubic yards of sediment annually to restore navigation. Dredged material to be used for nearby beach replenishment.

PROPOSED LEASE TERMS:

Lease Period:

November 29, 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 owner of upland and has an existing tidelands lease with Orange County.

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 2, Div. 3; Title 14, Div. 6.

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

AB 884:

Application incomplete at time of print.

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 the 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 250 cubic yards of sediment annually from the area of the rock groin that separates the Channel Reef Community Association docks from the adjacent beach to maintain navigation. The dredging will be located on sovereign lands which were legislatively granted to the County of Orange pursuant to Chapter 526, Statutes of 1919, as amended, with minerals reserved by the State. The applicant has an existing tidelands lease with the County of

Orange. Because most of the adjacent sovereign lands were legislatively granted to the City of Newport Beach, the City acted as lead agency for permit compliance.

In 1989, the City of Newport Beach received permits from the U.S. Army Corps of Engineers (Corps) (Permit 89-211-GS) and the California Coastal Commission (Permit 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 term of this lease will coincide with the terms of the existing Corps and Coastal Commission permits.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers; Regional Water Quality Control Board; California Coastal Commission; County of Orange; City of Newport Beach.

FURTHER APPROVALS REQUIRED:

California State Lands Commission.

EXHIBITS:

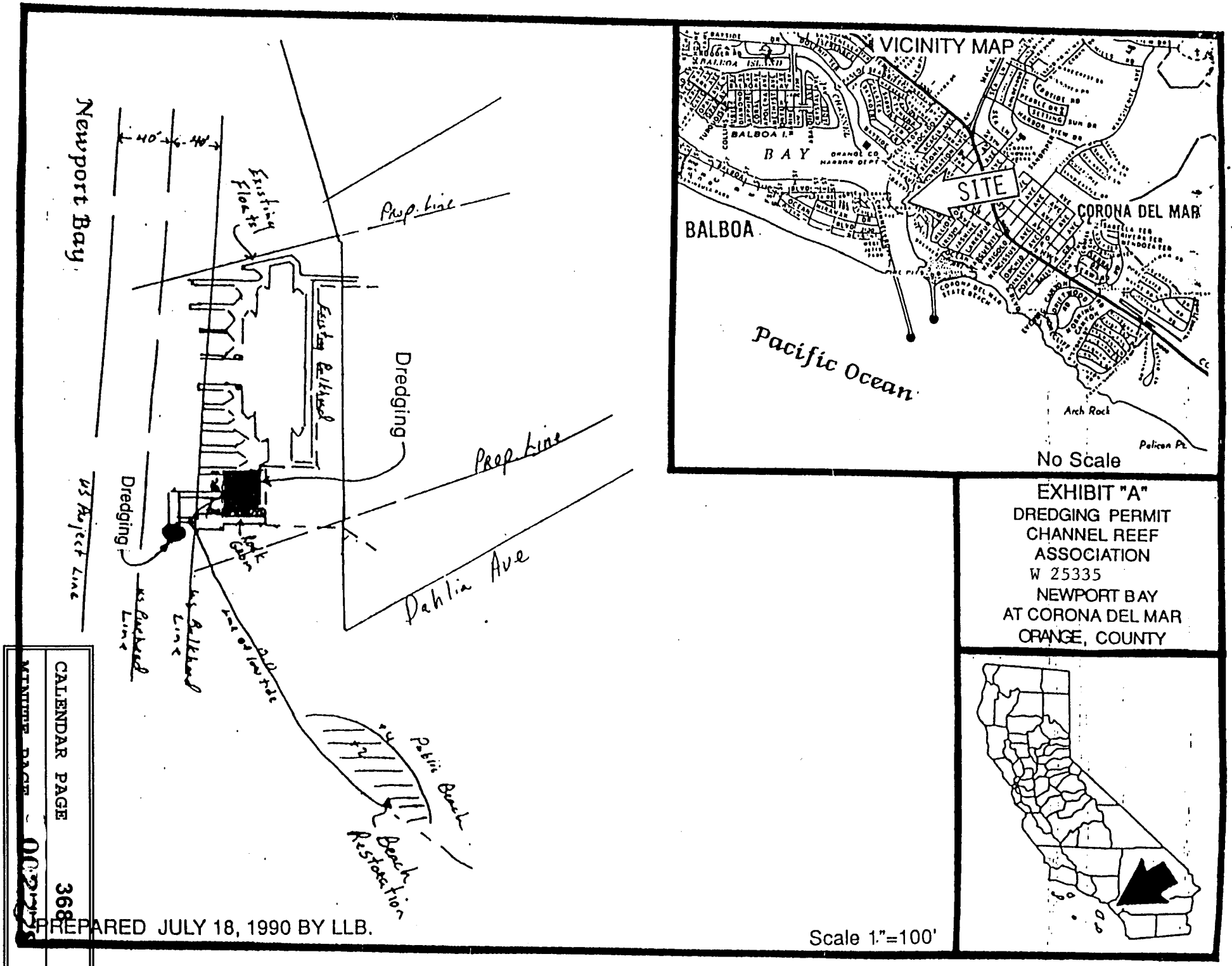
A. Location and Site Map
B. Coastal Commission Permit #5-89-259

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 CHANNEL REEF COMMUNITY ASSOCIATION OF A TWO-YEAR, NINE MONTH DREDGING LEASE BEGINNING NOVEMBER 29, 1996 AND ENDING AUGUST 29, 1999. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 250 CUBIC YARDS OF MATERIAL ANNUALLY FROM SOVEREIGN LANDS GRANTED TO THE COUNTY OF ORANGE, WITH MINERALS RESERVED BY THE STATE, TO MAINTAIN NAVIGATION AT THE CHANNEL REEF COMMUNITY ASSOCIATION DOCKS, NEWPORT BAY, CORONA DEL MAR, ORANGE COUNTY, AS SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF. MATERIAL WILL BE USED FOR NEARBY BEACH REPLENISHMENT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.


VICINITY MAP
BALBOA
BAY
SITE
CORONA DEL MAR
Pacific Ocean
Arch Rock
Pelican Pt.
No Scale
Newport Bay
40'
40'
Existing Floats
Prop. Line
Existing Bulkhead
Dredging
Prop. Line
Dahlia Ave
US Project Line
Dredging
US Bulkhead Line
US Bulkhead Line
Public Beach
Beach Restoration
Scale 1"=100'
EXHIBIT "A"
DREDGING PERMIT
CHANNEL REEF
ASSOCIATION
W 25335
NEWPORT BAY
AT CORONA DEL MAR
ORANGE, COUNTY
PREPARED JULY 18, 1990 BY LLB.
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City Coastal Permit

EXHIBIT B

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 Kosmo
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 Nelson
Signature of Permit

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A6: 4/88

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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