**MINUTE ITEM**
This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 3 to 0 at its 6-19-98 meeting.

# CALENDAR ITEM
# C25

A 33

S 18

06/19/98
W 25285
B. Dugal

## DREDGING LEASE

**APPLICANT:**
City of Morro Bay
1275 Embarcadero Center
Morro Bay, California 93442

**AREA, LAND TYPE, AND LOCATION:**
Granted, sovereign lands, minerals reserved, in Morro Bay Harbor, City of Morro Bay, San Luis Obispo County.

**AUTHORIZED USE:**
Dredge a maximum of 300,000 cubic yards of material during each year of the lease from mooring areas A1-1 through A1-5. Dredged materials will be used for beach nourishment on lands granted to the City of Morro Bay in the surf zone north of Morro Bay Harbor, between Morro Creek and Azure Street or offshore south of the Harbor mouth at an approved disposal site. Both disposal sites are U.S. Army Corps of Engineers approved disposal sites.

**LEASE TERM:**
Five years, beginning June 1, 1998.

**CONSIDERATION:**
No royalty will be charged as the project will result in a public benefit; however, $0.25 per cubic yard will be charged for any material used for private benefit or commercial sale purposes.

**OTHER PERTINENT INFORMATION:**

1. Applicant is the Trustee of the legislatively granted tide and submerged lands.

2. This is a maintenance project to dredge the mooring areas to return them to the depths and width of its original design.

3. The proposed dredging project will impact a 0.45 acre area of eelgrass habitat. The proposed project also involves restoring the 0.45 acre area

of eelgrass habitat according to the policy of the National Marine Fisheries Service.

4. A Mitigated Negative Declaration was prepared and adopted for this project by the city of Morro Bay. The California State Lands Commission's staff has reviewed such document.

5. A Mitigation Monitoring Program was adopted by the City of Morro Bay.

6. 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.

**APPROVALS OBTAINED:**

City of Morro Bay
California Coastal Commission

**FURTHER APPROVALS REQUIRED:**

Department of Parks and Recreation
U. S. Army Corps of Engineers

**EXHIBITS:**

A. Dredge Location/Site Map
B. Deposition Sites
C. Notice of Determination
D. Mitigation Monitoring Program

**PERMIT STREAMLINING ACT DEADLINE:**

October 19, 1998

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF MORRO BAY AND THAT THE COMMISSION HAS REVIEWED AND

CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D ATTACHED HERETO.

**SIGNIFICANT LANDS INVENTORY FINDING:**

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

**AUTHORIZATION:**

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO CITY OF MORRO BAY BEGINNING JUNE 1, 1998, FOR A TERM OF FIVE YEARS, FOR DREDGING A MAXIMUM OF 300,000 CUBIC YARDS OF MATERIAL FROM THE LANDS DEPICTED ON THE ATTACHED EXHIBIT A DURING EACH YEAR OF THE LEASE TO MAINTAIN NAVIGATION. DREDGED MATERIALS WILL BE USED FOR BEACH NOURISHMENT AT THE APPROVED DISPOSAL SITES ON THE LANDS SHOWN ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS; NO ROYALTY AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT; HOWEVER, $0.25 PER CUBIC YARD WILL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES.

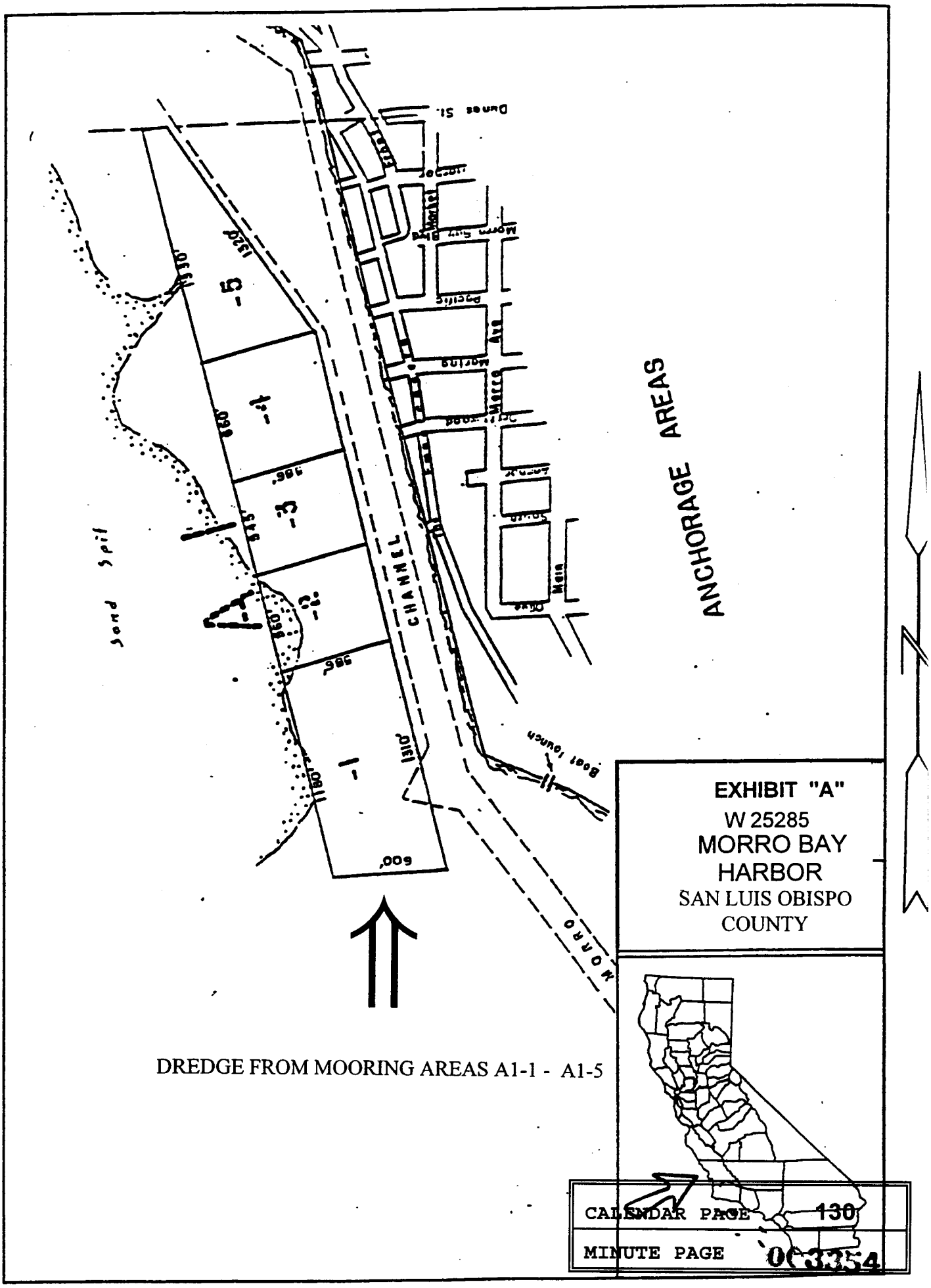


EXHIBIT "A"
W 25285
MORRO BAY HARBOR
SAN LUIS OBISPO COUNTY

DREDGE FROM MOORING AREAS A1-1 - A1-5

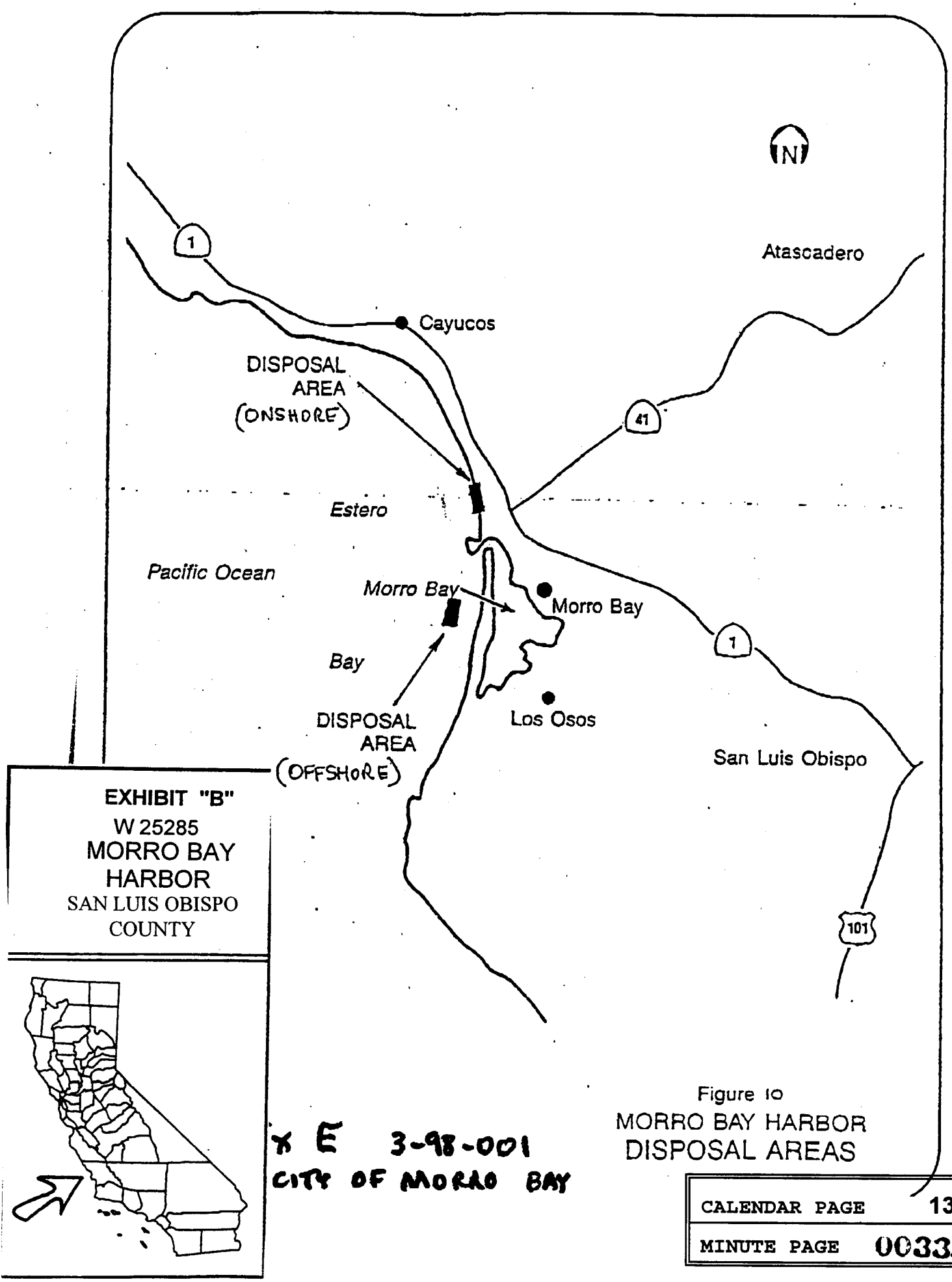


Figure 10
MORRO BAY HARBOR
DISPOSAL AREAS

X E 3-98-001
CITY OF MORRO BAY

| | |
|---|---|
| CALENDAR PAGE | 131 |
| MINUTE PAGE | 003355 |

EXHIBIT C

# CITY OF MORRO BAY

# NOTICE OF DETERMINATION

TO: X Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

X San Luis Obispo Co. Clerk
County Government Center
San Luis Obispo CA 93401

FROM: City of Morro Bay
Plannning & Building Department
595 Harbor Street
Morro Bay, CA 03442

Project Title: N/A - Repair and Maintenance -

Project Location - Specific: Directly west of federally designated navigational channel

Project Location - City: Morro Bay County: San Luis Obispo

Description of Project: 5-year maintenance dredging of Harbor to restore design depth, up to 12' MLLW

Name of Public Agency Approving the Project: State of California Coastal Commission
Name of Public Agency Approving the Negative Declaration: Planning Commission

Person or Agency Carrying Out Project: CITY OF MORRO BAY HARBOR DEPARTMENT /RICK ALGERT, DIRECTOR

| SCH # 95111002 | Shauna Nauman,Interim Director | 805 772-6210 |
|---|---|---|
| State Clearinghouse Number (If Submitted) | Lead Agency Contact Person | Telephone No. Area |

This is to advise that the City of Morro Bay has approved the Negative Declaration for the above described project on December 4, 1995 and has made the following determinations regarding the above described project:

1. The project [ ] will [X] will not have a significant effect on the environment.
2. [ ] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. [X] A Negative Declaration was filed for this project pursuant to the provisions of CEQA.
4. Mitigation measures [X] were [ ] were not made a condition of the approval of the project.
5. A statement of Overriding Considerations was [ ] was not [X] adopted for this project.
6. Findings [X] were [ ] were not made pursuant to the provisions of CEQA.

This is to certify that the record of project approval and final EIR (if applicable) with comments and responses is available to the General Public at: Planning and Building Department, 535 Harbor, Morro Bay CA 93442

1/23/96

Signature (Public Agency) Date Title: Environmental Coordinator

C:\MSOFFICE\WINWORD\POSTMEET\DREDG95.DRM

| CALENDAR PAGE | 132 |
|---|---|
| MINUTE PAGE | 003356 |

## REQUIRED MITIGATION MEASURES:

1. Eelgrass Mitigation Plan: The city shall complete a survey of eelgrass beds in the area proposed to be dredged and shall develop an eelgrass mitigation plan in accordance with the *Southern California Eelgrass Mitigation Policy* (1992) as adopted by the National Marine Fisheries Service and as approved by the U.S. Army Corps of Engineers (ACOE). At minimum, the plan shall include:

   a. Replacement in-kind at a 1.2 to 1 ratio.

   b. Additional mitigation efforts may be required if the primary transplant does not meet success criteria as described in the National Marine Fisheries Service *Southern California Eelgrass Mitigation Policy* (1992).

2. Other Agency Approvals: Prior to any dredging activities, the following permits shall be obtained by the City:

   a. A Section 404 permit (or its equivalent successor) from the U.S. Army Corps of Engineers;
   b. A letter from the California State Department of Fish and Game stating compliance with Sections 1601 and 1603 (or their equivalent successors) of the State Fish and Game Code;
   c. A Coastal Development Permit from the California Coastal Commission.

3. Dredging Survey Map: The city will provide to the ACOE a pre-dredge hydrographic survey map of the proposed dredging sites prior to commencement of any work.

4. Testing of Dredged Material: The City shall test and monitor dredged material discharged onto the beach north of Morro Rock. Material must be compatible with beach sand (i.e. same sand grain size and color). Coliform levels in the dredged material must be within acceptable standards required by the Regional Water Quality Control Board.

5. Disposal of Dredged Material: Disposal of the dredged material shall be in compliance with the ACOE maintenance dredging methods and project criteria as contained in the Department of the Army, Los Angeles District Corps of Engineers, Final Environmental Assessment for the Morro Bay Harbor Maintenance Dredging, San Luis Obispo County, California, May 1995, including the approved disposal site along the beach north of Morro Bay, between Morro Creek and Azure Street. To have the least impact to beach users, the disposal operations will begin at the northern limit and work south.

6. Air Quality: Dredging equipment shall be properly maintained to reduce emissions. All dredging activities shall comply with the air quality standards enforced by the San Luis Obispo County Air Quality Control District.

7. Water Quality: During dredging activities, Best Management Practices (BMPs) shall be used to prevent the accidental release of pollutants, such as fuels, lubricants, chemicals or other harmful substances that may be generated.



CALENDAR PAGE 133
MINUTE PAGE 003357