MINUTE ITEM
This Calendar Item No. C18 was approved as Minute Item No. 18 by the California State Lands Commission by a vote of 3 to 0 at its 12-16-02 meeting.

CALENDAR ITEM
C18

A 70 | 12/16/02
PRC 8432 | W 25880
S 35 | J. Lucchesi

DREDGING LEASE

APPLICANT:
County of Orange
P.O. Box 4048
Santa Ana, CA 92702-4048

AREA, LAND TYPE, AND LOCATION:
Legislatively granted sovereign lands, with minerals reserved to the State, and ungranted sovereign lands within Newport Bay, Orange County.

AUTHORIZED USE:
Dredge a maximum of 1,000 cubic yards for each project site per year for maintenance dredging purposes. Sediment suitable for beach replenishment, limited to less than 500 cubic yards per individual project site, is to be disposed of at adjacent or nearby beaches on legislatively granted sovereign lands within Newport Bay. Sediment unsuitable for beach replenishment, but no greater than 1,000 cubic yards per individual project site, is to be disposed of at the United States Army Corps of Engineers approved offshore disposal site LA-3 or LA-2.

LEASE TERM:
Beginning December 1, 2002, through July 24, 2005, to coincide with the United State Army Corps of Engineer permit RGP-54.

CONSIDERATION:
No royalty will be charged; $0.25 per cubic yard will be charged for any material used for private benefit or for commercial sale purposes.

OTHER PERTINENT INFORMATION:
1. The dredging activity will be located on: 1) public trust lands legislatively granted to the County of Orange pursuant to Chapter 526, Statutes of 1919, as amended, with minerals reserved to the State; 2) sovereign lands, portions of which are located on ungranted sovereign lands under CSLC jurisdiction leased to the

Department of Fish and Game for Upper Newport Bay Ecological Reserve.

2. Prior to disposal, testing shall be performed on the dredged material consistent with procedures defined in: "Procedures for Handling and Chemical Analysis of Sediment and Water Samples," by Russell H. Plumb (1981) and the United States Army Corps of Engineers Technical Report EPA/CE-81-1. Dredged material equal to or greater than 80% sand or within 10% of the sand content of the receiver beach shall be disposed of on the adjacent or nearby beach using hydraulic pumping of the dredged material, while dredged material less than 80% sand will be disposed of at LA-3 or LA-2 in accordance with the evaluation criteria provided in the 1991 joint EPA/U.S. Army Corps of Engineers Inland Testing Manual and the Ocean Disposal Manual, as amended. Dredged material not suitable for beach replenishment or disposal at LA-3 or LA-2, will be disposed of at an approved inland disposal site.

3. This project is part of a larger dredging project that also includes lands legislatively granted to the city of Newport Beach pursuant to Chapter 74, Statutes of 1978, as amended, minerals not reserved to the State and therefore no lease from the CSLC is required for those areas.

4. The County of Orange, in cooperation with the city of Newport Beach, is working with resources agencies to establish a Regional General Permit for maintenance dredging of not more than 20,000 cubic yards per year of sediment beneath public, private, and commercial dock structures. The United States Army Corps of Engineers (in cooperation with the U.S. Fish and Wildlife Service, National Marine Fisheries, California Department of Fish and Game, U.S. Environmental Protection Agency and the U.S. Coast Guard) has issued Regional General Permit (RGP) 54 for the proposed project. The California Coastal Commission (CCC) has issued California Development Permit 5-99-282, amended by 5-99-282-A1, consistent with RGP 54 and the California Regional Water Quality Control Board – Santa Ana Region has issued a waiver of waste discharge requirements and a water quality certification for the proposed project.

5. This project was developed to provide a streamlining of the permit process for small public and private projects in Newport Bay, allowing for a total package of maintenance dredging in Newport Bay, while reducing the workload on state and federal regulatory agencies by combining many small projects under one umbrella permit.

6. On March 5, 2002, the CCC granted Permit #5-99-282, amended by 5-99-282-A1, for this project under its certified regulatory program (Title 14, California Code of Regulations, Section 15251 (c)). Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, Section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration/EIR equivalent in order to comply with the requirements of the CEQA.

7. 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 person's 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.

8. Authority for maintenance dredging of sovereign lands is pursuant to Public Resources Code Sections 6303, et seq.

APPROVALS OBTAINED:

United States Army Corps of Engineers; Regional Water Quality Control Board; California Coastal Commission; City of Newport Beach.

FURTHER APPROVALS REQUIRED:

None.

EXHIBIT:

A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION PERMIT # 5-99-282, AS AMENDED BY 5-99-282-A1, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO THE COUNTY OF ORANGE BEGINNING DECEMBER 1, 2002, ENDING JULY 24, 2005, FOR DREDGING A MAXIMUM OF 1,000 CUBIC YARDS FOR EACH PROJECT SITE PER YEAR FROM THE LANDS UNDER CSLC JURISDICTION SHOWN ON EXHIBIT A 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; $0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES.

NO SCALE

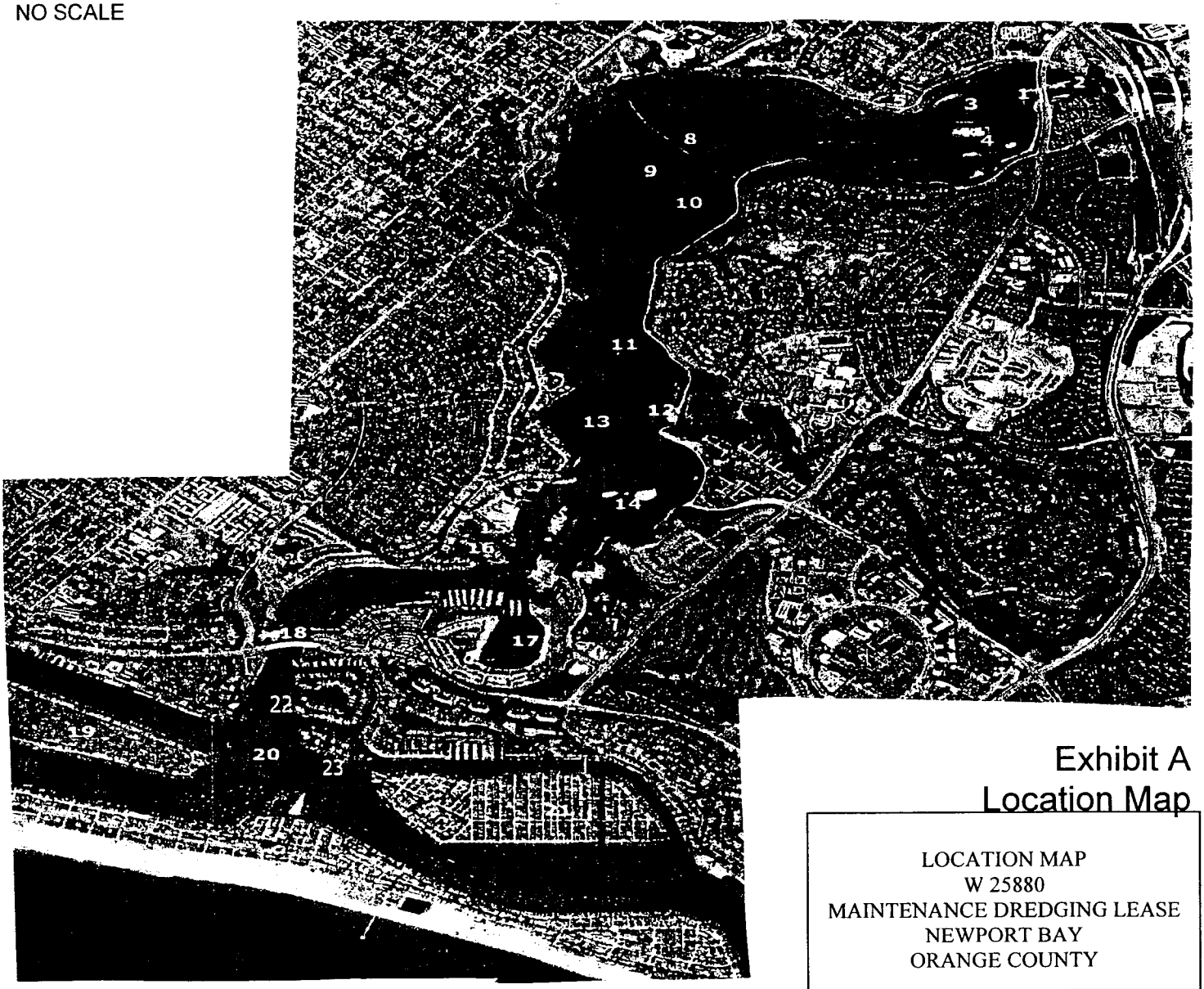

Exhibit A
Location Map

LOCATION MAP
W 25880
MAINTENANCE DREDGING LEASE
NEWPORT BAY
ORANGE COUNTY

1 Jamboree Road Bridge
2 San Diego Creek
3 Unit I/III Basin
4 Tern Islands
5 Bullnose
6 Interpretive center
7 Santa Ana Delhi Channel
8 Main Dike
9 Unit II Basin
10 New Island
11 Upper Island
12 Big Canyon
13 Middle Island
14 Shellmaker Island
15 Northstar Beach
16 Dover Shores Marina
17 Newport Dunes Marina
18 Pacific Coast Highway Bridge
19 Lido Isle
20 Lower Newport Bay
21 Balboa Island
22 Linda Isle
23 Harbor Island

N

This Exhibit is solely for purpose of generally defining the lease premise, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.

J.L. 12/2002