

MINUTE ITEM

This Calendar Item No. C44 was approved as Minute Item No. 44 by the California State Lands Commission by a vote of 3 to 0 at its 06-26-06 meeting.

CALENDAR ITEM
C44

A 70
S 35

06/26/06
PRC 8432
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, within Newport Bay, Orange County.

AUTHORIZED USE:

Dredge a maximum of 20,000 cubic yards per year for maintenance dredging purposes. Sediment suitable for beach replenishment, limited to not more than 1,000 cubic yards per individual project, is to be disposed of at adjacent or nearby beaches on legislatively granted sovereign lands within Newport Bay. Sediment unsuitable for beach replenishment, and not more than 1,000 cubic yards per individual project, is to be disposed of at the United States Army Corps of Engineers approved offshore disposal site LA-2 or LA-3.

LEASE TERM:

Ten years, beginning June 27, 2006, through June 26, 2016.

CONSIDERATION:

No royalty will be charged, as the project will result in a public benefit. The dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. The dredging activity will be located on 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.

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2. 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 are not reserved to the State in these lands and therefore no lease from the Commission is required.
3. The county of Orange, in cooperation with the city of Newport Beach, is working with the Resources Agencies to renew 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 within Lower Newport Bay. In 2000, 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) issued Regional General Permit (RGP) 54 for the project. The California Coastal Commission (CCC) issued California Development Permit 5-99-282, amended by Permit 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 project. These permits and their time extensions expired on January 24, 2006. The County and the City have applied for renewal of RGP 54 and the corollary permits with the above listed regulatory agencies.
4. 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.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 2905 (d)(4).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905 (d)(4).

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 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.

APPROVALS OBTAINED:

City of Newport Beach

FURTHER APPROVALS REQUIRED:

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

EXHIBIT:

- A. Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(4).

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.

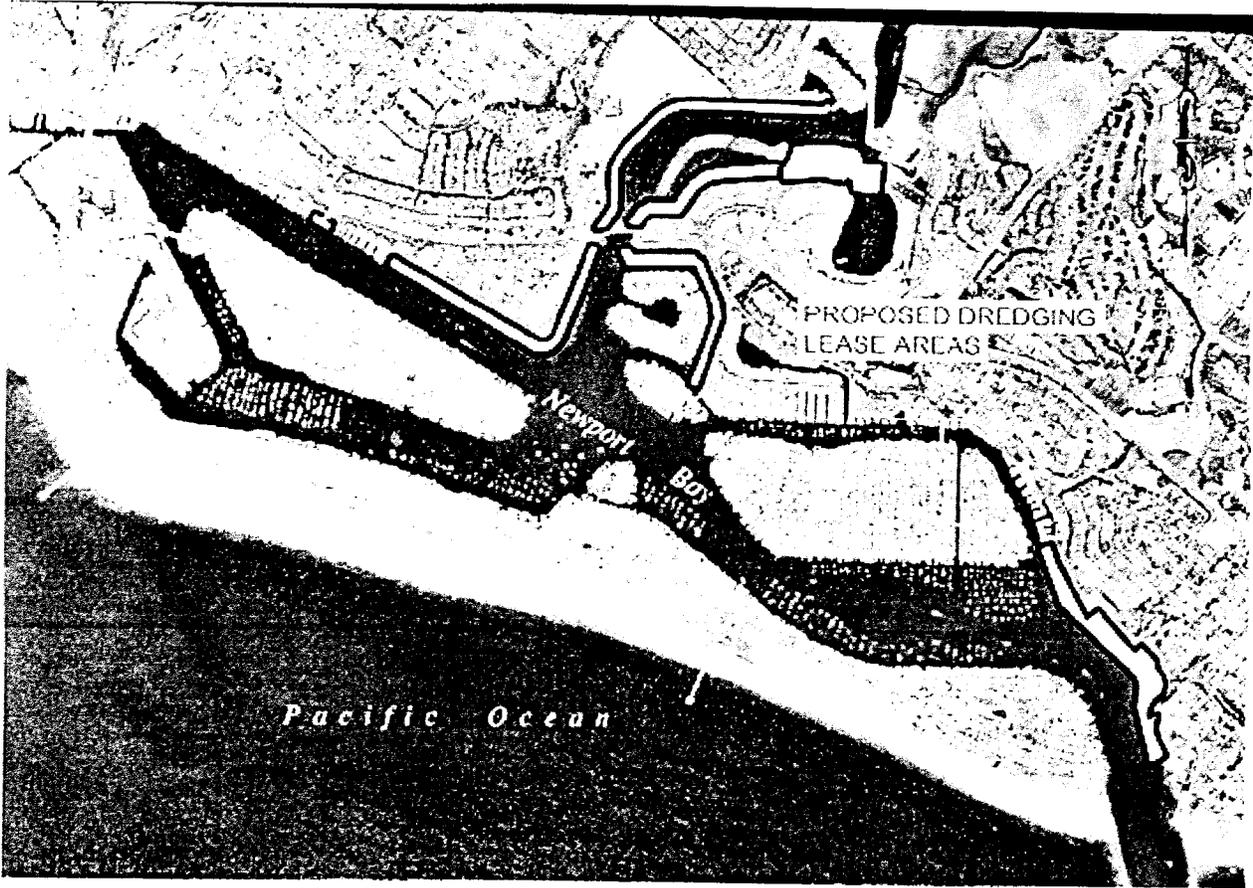
CALENDAR ITEM NO. C44 (CONT'D)

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO THE COUNTY OF ORANGE BEGINNING JUNE 27, 2006, ENDING JUNE 26, 2016, FOR MAINTENANCE DREDGING A MAXIMUM OF 20,000 CUBIC YARDS PER YEAR FROM THE LANDS UNDER JURISDICTION OF THE COMMISSION AS 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; NO ROYALTY WILL BE CHARGED, AS THE DREDGED MATERIAL WILL NOT BE SOLD AND THE DREDGING OF NEWPORT BAY AND THE USE OF PORTION OF THE DREDGED MATERIAL FOR BEACH REPLENISHMENT IS A PUBLIC PROJECT DESIGNED FOR AND RESULTING IN A BENEFIT TO THE PUBLIC. THE DREDGED MATERIAL MAY NOT BE SOLD.

NO SCALE

SITE



NEWPORT BAY

NO SCALE

LOCATION

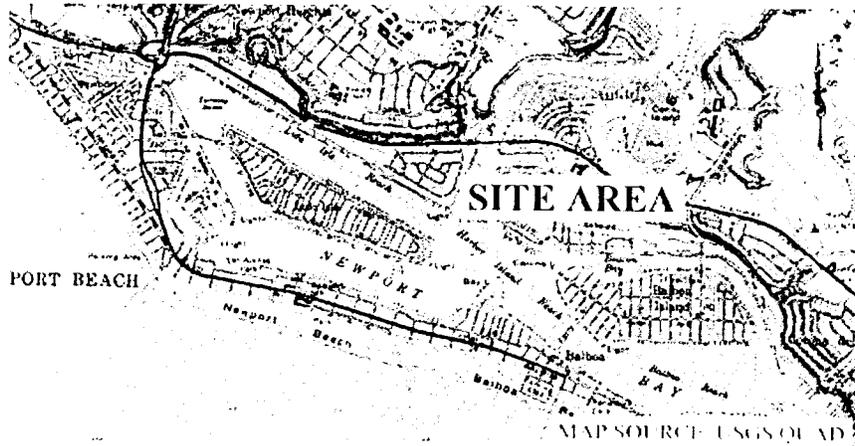


Exhibit A

PRC 8432
 COUNTY OF ORANGE
 GENERAL LEASE
 DREDGING LEASE
 NEWPORT BAY
 ORANGE COUNTY



MT 06/06

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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.

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