

**CALENDAR ITEM
C24**

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S 19

06/24/08
W 26280
K. Foster

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of San Buenaventura
501 Poli Street
Ventura, CA 93002

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean as shown on Exhibit A, near Ventura Harbor, Ventura County.

AUTHORIZED USE:

Deposition of a maximum of 100,000 cubic yards annually, and up to a maximum of 350,000 cubic yards over the lease term, of materials dredged from Ventura Keys.

LEASE TERM:

Ten years, beginning June 24, 2008.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

1. Upon initiation of dredging activities, Applicant shall be required to conduct physical and chemical analysis of a representative sample of sediments to be dredged from within Ventura Keys. The sample must meet current Environmental Protection Agency, California Regional Water Quality Control Board, and US Army Corps of Engineers beach replenishment standards. If any sample does not comply with current standards, dredging operations must cease immediately and may only resume upon written approval of the Executive Director of the California Coastal Commission (CCC). Re-testing shall be conducted at a minimum of three years from the date of the previous sampling for samples meeting current

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testing guidelines. For samples exceeding any contaminant thresholds, sampling must commence at least six weeks prior to any dredging activity for all subsequent years, and results must be reviewed and approved by the CCC Executive Director prior to dredging.

2. Applicant shall be required to submit annual shoreline monitoring reports to the Commission by July 1 of each year, consistent with the requirements of CDP 4-07-118.
3. Applicant shall be required to submit notice to the Commission of the volume and quality of dredged material meeting beach replenishment standards, consistent with the requirements of CDP 4-07-118.
4. Applicant shall be prohibited from conducting any deposition activities under the following conditions and time periods, consistent with the requirements of CDP 4-07-118:
 - a. Within 100 yards of, and on the entire beach seaward of, identified Least Tern nesting areas from March 15 through August 31.
 - b. On the beach and shorefront from the Friday before Memorial Day in May, through Labor Day in September to avoid impacts on public recreational use.
 - c. On any part of the beach from the date of the first predicted California Grunion run through August 31, unless otherwise approved by the CCC Executive Director.
 - d. Within federally designated Snowy Plover habitat, or any other area Snowy Plover are exhibiting nesting/breeding activity, between March 1 and September 30.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On November 7, 1997, the Commission approved an amendment to Lease No. PRC 5930.9 to the City of San Buenaventura (aka City of Ventura), to allow for the deposition, within three beach and near shore receiver sites, of dredge spoils from Ventura Keys. Ventura Keys is a boating and water-oriented residential community located along three channels that are accessed via Ventura Harbor. The amendment term expired November 30, 2007.
3. Applicant is requesting a new Lease to allow for the deposition, within three receiver sites shown on Exhibit A, of materials removed during maintenance dredging of the channels within Ventura Keys. The three receiver sites are: Parcel 1, the Pierpont Bay Groin Field Cell No. 1 Surf

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Zone; Parcel 2, the Santa Clara River Mouth Surf Zone; and Parcel 3, the Santa Clara River Mouth Near Shore Zone. The proposed project would involve depositing a maximum volume of 350,000 cubic yards of dredged materials over a ten-year period. The average annual volume would be approximately 35,000 cubic yards, with a maximum yearly volume not to exceed 100,000 cubic yards. As the dredging will take place on lands not under the Commission's jurisdiction, no lease is required for the dredging.

4. A Final Mitigated Negative Declaration (FMND) was prepared and adopted for this project by the City of Ventura on September 8, 1997. On August 31, 2007, the City prepared "Addendum No. 1 to Final Mitigated Negative Declaration, Keys Water Channel Dredging – EIR Case No. 2171 [Addendum]." The Addendum stated that "[s]ince the circulation of the FMND in 1997, there have been no new or substantially more severe environmental impacts related to the project, no significant changes in the project or the surrounding circumstances, nor significant 'new information' that has since come to light that would require a revision of the conclusions in the FMND or recirculation of the document." The Addendum re-evaluated the mitigation measures contained in the Mitigation Monitoring Program that was adopted by the City of Ventura in 1997 and found they remained adequate.
5. 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:

California Department of Parks and Recreation, and the Ventura Port District

FURTHER APPROVALS REQUIRED:

California Coastal Commission, Los Angeles Regional Water Quality Control Board, and the US Army Corps of Engineers

EXHIBITS:

- A. Location and Site Map
- B. Legal Land Description
- C. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

November 25, 2008

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION, A MITIGATION MONITORING PROGRAM, AND A SUBSEQUENT ADDENDUM NO. 1 WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF VENTURA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN THE ENVIRONMENTAL DOCUMENT, ATTACHED HERETO AS EXHIBIT C.

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 ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE CITY OF SAN BUENAVENTURA BEGINNING JUNE 24, 2008, FOR A TERM OF TEN YEARS, TO ALLOW FOR THE DEPOSITION OF MATERIAL DREDGED FROM WITHIN VENTURA KEYS INTO THE PIERPONT BAY GROIN FIELD CELL NO. 1 SURF ZONE, THE SANTA CLARA RIVER MOUTH SURF ZONE, AND THE SANTA CLARA RIVER NEAR SHORE ZONE AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.