

**CALENDAR ITEM
C30**

A 33

06/23/11
PRC 8009.9
M. Andersen

S 15

RESCISSION AND ISSUANCE OF A DREDGING LEASE

APPLICANT:

Port San Luis Harbor District
P.O. Box 249
Avila Beach, CA 93424

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign land, with minerals reserved to the State, in San Luis Obispo Bay, near the city of Avila Beach, San Luis Obispo County.

AUTHORIZED USE:

Dredge a maximum of 250,000 cubic yards of material per year from the Port San Luis Harbor to maintain a navigable depth. The dredged material will be used for beach replenishment on lands granted to the Port San Luis Harbor District.

RESCINDING LEASE TERM:

Two years, beginning December 11, 2010. Expires December 10, 2012, to run concurrently with the California Coastal Commission permit.

LEASE TERM:

Three years, beginning December 11, 2010. Expires December 10, 2013, to run concurrently with the California Coastal Commission permit.

CONSIDERATION:

No monetary consideration will be charged as the project will result in a public benefit. Dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. The Applicant is the Trustee of legislatively granted sovereign land, pursuant to Chapter 647, Statutes of 1955 and as amended, with minerals reserved to the State.

CALENDAR ITEM NO. **C30** (CONT'D)

2. On April 6, 2011, the Commission authorized a Dredging Lease to the Port San Luis Harbor District to dredge approximately 250,000 cubic yards of material annually from the harbor to maintain navigable depths with the dredged material to be used for beach replenishment. The term of that lease was intended to run concurrently with the California Coastal Commission (CCC) permit authorized for the project, permitted for an additional three years and expiring on December 10, 2013.
3. Staff is now requesting that the authorization made by the Commission at its April 6, 2011, meeting be rescinded to authorize a new term of three years, to run concurrently with the CCC permit.
4. **Rescind Issuance of a Dredging Lease:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.
5. **Issuance of a Dredging Lease:** On December 16, 2008, the CCC granted Coastal Development Permit 3-08-038 for this project under its certified regulatory program [Title 14, California Code of Regulations, section 15251 (c)]. The permit runs for five years and expires on December 10, 2013. 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 equivalent in order to comply with the requirements of CEQA.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et. seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

- A. Site and Location Map
- B. Disposal Site Map

CALENDAR ITEM NO. **C30** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Rescind Issuance of a Dredging Lease: Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

Issuance of a Dredging Lease: Find that an environmental analysis document, CCC Coastal Development Permit 3-08-038, 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 pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

- 1) Authorize rescission of Lease No. PRC 8009.9, a Dredging Lease to the Port San Luis Harbor District.

- 2) Authorize the Issuance of a Dredging Lease to Port San Luis Harbor District beginning December 11, 2010, for a term of three years to run concurrently with the CCC permit, to dredge a maximum of 250,000 cubic yards of material annually to be used for beach replenishment at preapproved disposal sites shown on Exhibit A and as described 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 monetary consideration will be charged as the project will result in a public benefit; dredged material may not be sold.