

**CALENDAR ITEM
C61**

A 64
S 37

10/19/12
W 26529
S. Guerrieri

GENERAL LEASE - DREDGING

APPLICANT:

Orange County Investments LLC, a Nevada Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign land, with minerals reserved to the State, within Newport Bay, adjacent to 43 Linda Isle, near the city of Newport Beach, Orange County.

AUTHORIZED USE:

Dredge a maximum of 3,900 cubic yards of sediment from Newport Bay for navigational purposes. Suitable dredged material will be disposed of at the LA-3 open-ocean dredged material disposal site.

LEASE TERM:

Two years, beginning October 19, 2012.

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 project site is located within legislatively granted sovereign lands to the County of Orange, pursuant to Chapter 526, Statutes of 1919 and as amended, with minerals reserved to the State pursuant to Chapter 415, Statutes of 1975.
2. The Applicant submitted an application to dredge a maximum of 3,900 cubic yards of sediment within Newport Bay, adjacent to 43 Linda Isle for navigation purposes associated with a private boat dock. The material will be mechanically dredged and transported to the LA-3 open-ocean dredged material disposal site. The purpose of the project is to restore the navigable capacity of the existing dock and channel and increase vessel berthing capabilities. Silt curtains will be deployed around the dredging and throughout the

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project to prevent any offsite migration of turbidity. The Applicant proposes to begin dredging activities as early as Fall 2012 and anticipates completion as early as Winter 2012.

3. The Applicant is taking on the cost and responsibility associated with the dredging on granted lands that the trustee, the County of Orange, would otherwise be responsible for. Dredging within the project area will improve navigation and will therefore, result in a public benefit. The dredged material may not be sold. Staff is recommending that no monetary consideration be charged for the project.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

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

5. 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.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
Regional Water Quality Control Board

EXHIBITS:

- A. Legal Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

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CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

AUTHORIZATION:

Authorize the issuance of a General Lease - Dredging to the Orange County Investments LLC, a Nevada Limited Liability Company beginning October 19, 2012, for a two-year term to dredge a maximum of 3,900 cubic yards of sediment from Newport Bay for navigational purposes; with suitable dredged material to be disposed of at LA-3 open-ocean dredged material disposal site as described in Exhibit A and shown on Exhibit B (for reference purposes only) 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.

EXHIBIT A

W 26529

LAND DESCRIPTION

A parcel of submerged lands, granted to the County of Orange, in the bed of Newport Bay, and lying adjacent to Lot 43 of Tract No. 4003 recorded in Book 188, Pages 13 through 19, Miscellaneous Maps filed in the Office of the Recorder of Orange County, California, and more particularly described as follows:

BEGINNING at a point on the "Line of Mean High Tide" as adjudicated per Orange County Superior Court Case No. 20436 and as shown on said map, which bears N 08°14'30" E 125.40 feet from Station No. 10 as shown on said map; thence along the following nine (9) courses:

- 1) S 21°34'15" W 61.00 feet;
- 2) S 67°32'39" W 17.00 feet;
- 3) N 66°38'01" W 65.00 feet;
- 4) N 12°22'49" W 91.00 feet;
- 5) N 06°57'15" E 112.00 feet;
- 6) N 23°04'41" E 61.00 feet;
- 7) S 45°42'00" E 62.00 feet;
- 8) S 63°15'08" E 26.00 feet;
- 9) S 49°42'41" E 42.00 feet to a point on said "Line of Mean High Tide";

thence along said "Line of Mean High Tide" S 08°14'30" W 138.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying below the elevation of negative ten (10) feet MLLW.

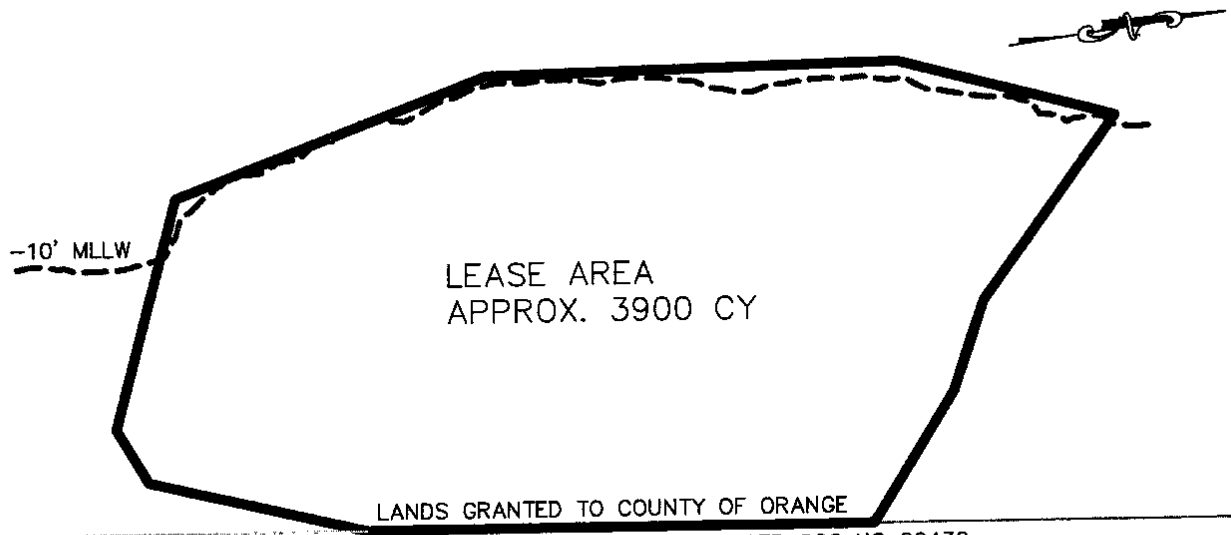
END OF DESCRIPTION

PREPARED 9/20/12 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



LEASE AREA
APPROX. 3900 CY

LANDS GRANTED TO COUNTY OF ORANGE

U.S. BULKHEAD LINE - ADJUDICATED MHTL PER SCC NO 20436

LOT 42

LOT 43
APN 050-461-19

LOT 44

43 Linda Isle, Newport Bay

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

W 26529

ORANGE COUNTY
INVESTMENTS, LLC

APN 050-461-19

GENERAL LEASE -
DREDGING

ORANGE COUNTY



MJF 9/20/12