

15. (CONSIDERATION OF SUBSIDENCE COSTS PROJECTS - L.B. W.O. 10,015.)

After presentation to the Commission by the staff of the attached Calendar Item No. 39, Mr. Kirkwood questioned the following wording in the recommendation: "AND SUBSEQUENT TO THE TIME WHEN LOCATION OF THE ORDINARY HIGH WATER MARK HAS BEEN DETERMINED AS THE SHOREWARD LIMIT OF THE PROJECT;". Deputy Attorney General Jay Shavelson indicated that the use of this wording did not, in his opinion, pose any problem.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COMMISSION APPROVES THE COSTS OF \$3,500 TO BE EXPENDED BY THE CITY OF LONG BEACH, INCLUDING SUBSIDENCE REMEDIAL WORK UNDER PROJECT L.B. W.O. 10,015 SAND-FILL CONSTRUCTION, SUBJECT TO THE CONDITION, HOWEVER, THAT THE AMOUNT, IF ANY, TO BE ALLOWED ULTIMATELY AS SUBSIDENCE COSTS, DEDUCTIBLE UNDER THE PROVISIONS OF SECTION 5(a), CHAPTER 29, STATUTES OF 1956, 1ST E.S., WILL BE DETERMINED BY THE COMMISSION UPON AN ENGINEERING REVIEW AND FINAL AUDIT, SUBSEQUENT TO THE TIME WHEN THE WORK UNDER THIS ITEM IS COMPLETED, AND SUBSEQUENT TO THE TIME WHEN THE LOCATION OF THE ORDINARY HIGH WATER MARK HAS BEEN DETERMINED AS THE SHOREWARD LIMIT OF THE PROJECT; AND THE EXECUTIVE OFFICER OR THE ASSISTANT EXECUTIVE OFFICER OR THE MINERAL RESOURCES ENGINEER ARE AUTHORIZED TO EXECUTE APPROPRIATE WRITTEN INSTRUMENTS REFLECTING THE COMMISSION'S CONDITIONAL APPROVAL.

Attachment

Calendar Item 39 (1 page)

MISCELLANEOUS

39.

(CONSIDERATION OF SUBSIDENCE COSTS PROJECTS - L.B. W. O. 10,015.)

The office of the City Engineer, City of Long Beach, has submitted plans and specifications for a project entitled "Sand Fill Construction along Bay Shore Walk, between 55th Place and 62nd Place". This project is located along the north shore of Alamitos Bay peninsula, and is estimated to lie principally within the tidelands area, although the precise location of the ordinary high water mark has not been determined. The project area is within the limits of the area in which, according to informal opinion of the Office of the Attorney General, "subsidence cost" credit may be given under Chapter 29/1956, 1st E.S. The project as submitted by the City Engineer of Long Beach contemplates the placement of approximately 2,000 cubic yards of sand fill at an estimated cost of \$3,500 to protect an existing storm drain from destruction through erosion which has been made critical through the subsidence of the tide and submerged lands upon which the storm drain is located.

The project has been reviewed by the staff and is considered to include "subsidence costs" as defined in Section 1(f) of Chapter 29, Statutes of 1956, 1st E.S.

IT IS RECOMMENDED THAT THE COMMISSION APPROVE THE COSTS OF \$3,500 TO BE EXPENDED BY THE CITY OF LONG BEACH, INCLUDING SUBSIDENCE REMEDIAL WORK UNDER PROJECT L.B. W. O. 10,015 SAND FILL CONSTRUCTION, SUBJECT TO THE CONDITION, HOWEVER, THAT THE AMOUNT, IF ANY, TO BE ALLOWED ULTIMATELY AS SUBSIDENCE COSTS, DEDUCTIBLE UNDER THE PROVISIONS OF SECTION 5(a), CHAPTER 29, STATUTES OF 1956, 1ST E.S., WILL BE DETERMINED BY THE COMMISSION UPON AN ENGINEERING REVIEW AND FINAL AUDIT, SUBSEQUENT TO THE TIME WHEN THE WORK UNDER THIS ITEM IS COMPLETED, AND SUBSEQUENT TO THE TIME WHEN THE LOCATION OF THE ORDINARY HIGH WATER MARK HAS BEEN DETERMINED AS THE SHOREWARD LIMIT OF THE PROJECT; AND THAT THE EXECUTIVE OFFICER OR THE ASSISTANT EXECUTIVE OFFICER OR THE MINERAL RESOURCES ENGINEER BE AUTHORIZED TO EXECUTE APPROPRIATE WRITTEN INSTRUMENTS REFLECTING THE COMMISSION'S CONDITIONAL APPROVAL.