

MINUTE ITEM

This Calendar Item No. 36
was approved as Minute Item
No. 30 by the State Lands
Commission by a vote of 3
0 at its 08/30/89
meeting.

(CONTINUED) 08

CALENDAR ITEM
36

A 70
S 34
08/30/89
WP 4551 PRC 4551A
Martinez

DREDGING PERMIT

APPLICANT: United States Army Corps of Engineers
Attn: David Patterson
300 N. Los Angeles Street
Los Angeles, California 90012-2325

AREA, TYPE LAND AND LOCATION:
Ungranted sovereign lands in San Pedro Bay
offshore of Surfside- Sunset Beach and
Huntington Beach, Orange County.

LAND USE: A maximum three million (3,000,000) cubic yards
of material will be dredged for the purpose of
replenishment of Surfside- Sunset Beach.

TERMS OF PROPOSED PERMIT:
Initial period: One years beginning September
1, 1989.
Royalty: No charge because the project
is for public benefit.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 02/16/90.

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CALENDAR ITEM NO. **36** (CONT'D)

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OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.
2. Testing by the Corps, in compliance with the Regional Water Quality Control Board, has found the material to be suitable for beach replenishment.
3. A Finding Of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Army Corps of Engineers. The document was circulated for public review as broadly as State and local law may require and notice were given meeting the standards in 14 Cal. Code Regs. 15072(a). Therefore, pursuant to 14 Cal. Code Regs. 15225, the staff recommends the use of the federal FONSI in place of the Negative Declaration.
4. The beach area to be replenished is currently covered under lease PRC 4551 which authorizes beach fill and continuing replenishment for a period of 49 years beginning November 19, 1970.

APPROVALS OBTAINED:

Regional Water Quality Control Board, Orange County, and California Coastal Commission.

EXHIBITS:

- A. Vicinity and Site Map.
- B. Dredging Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQA THEREFORE PURSUANT TO 14 CAL. CODE REGS. 15225 ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF THE NEGATIVE DECLARATION.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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3. AUTHORIZE STAFF TO ISSUE TO THE UNITED STATES ARMY CORPS OF ENGINEERS THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". THE PERMIT SHALL ALLOW DREDGING - MAXIMUM THREE MILLION (3,000,000) CUBIC YARDS OF MATERIAL FROM SAN PEDRO BAY OFFSHORE OF SURFSIDE-SUNSET BEACH AND HUNTINGTON BEACH, ORANGE COUNTY, FOR ONE YEAR BEGINNING SEPTEMBER 1, 1989. THE MATERIAL WILL BE USED FOR REPLENISHMENT OF SURFSIDE-SUNSET BEACH. NO ROYALTY SHALL BE CHARGED BECAUSE THE PROJECT IS FOR PUBLIC BENEFIT. THE PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATION, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

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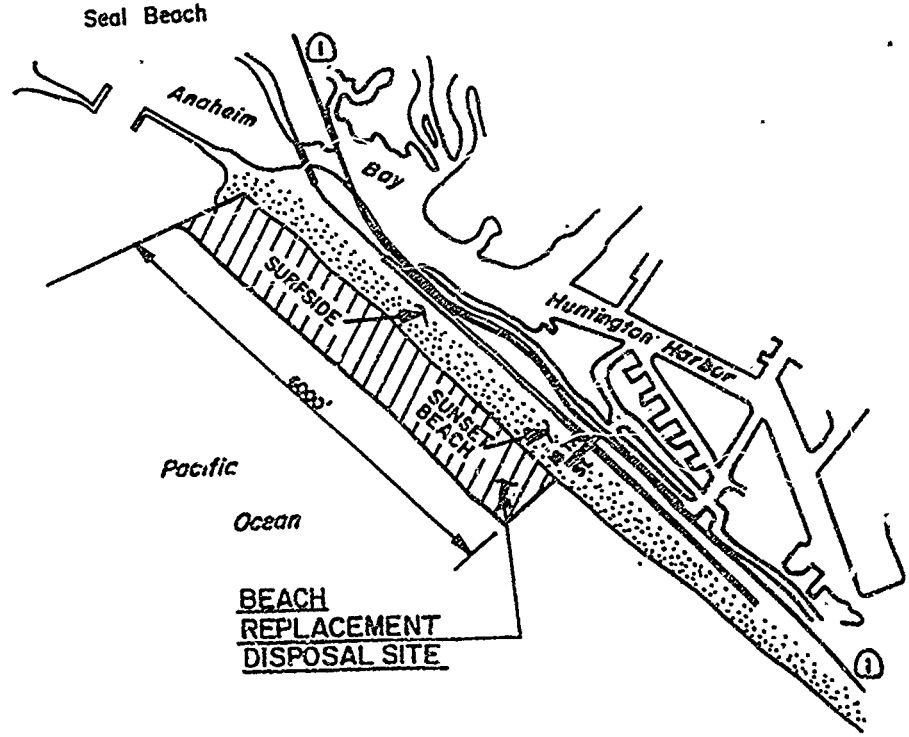
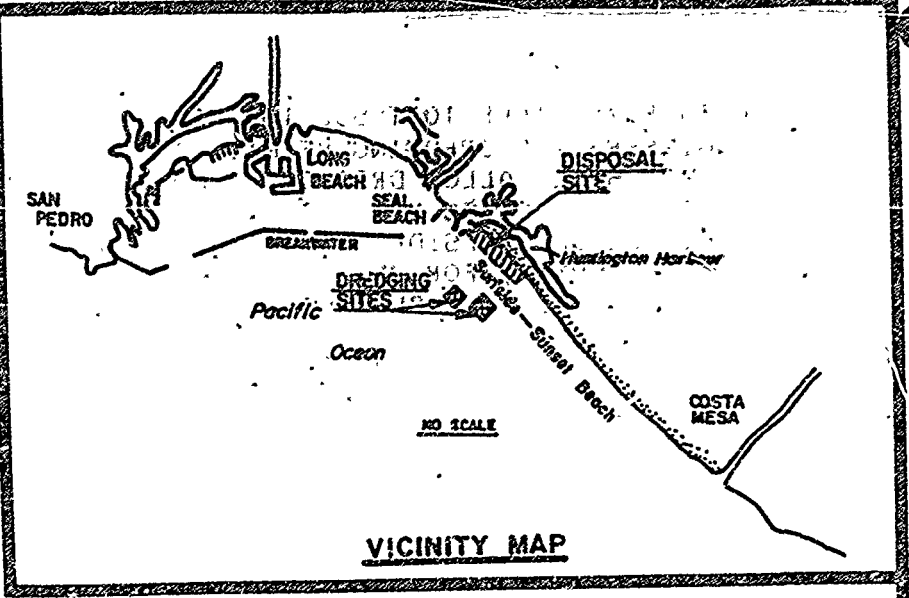
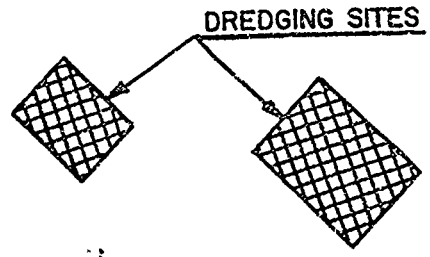
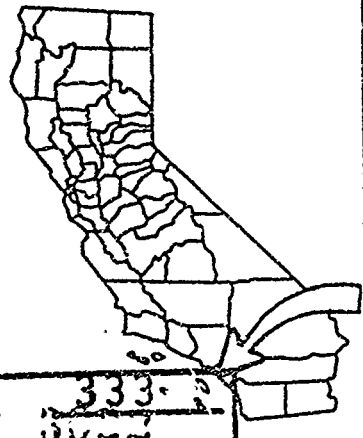


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
U.S. ARMY,
CORPS OF ENGINEER
WP 4551
SAN PEDRO BAY AT
SURFSIDE-SUNSET &
HUNTINGTON BEACH
ORANGE COUNTY



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 3/2/89

STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



September 1, 1989

File Ref.: WP 4551

U. S. Army Corps of Engineers
Attn: David Patterson
300 N. Los Angeles Street
Los Angeles CA 90012-2325

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission on August 30, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum three million cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal from an area of ungranted sovereign lands in San Pedro Bay offshore of Surfside Sunset Beach and Huntington Beach, Orange County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to use the material for replenishing the eroded beach at Surfside-Sunset Beach.

No royalty shall be paid for material disposed of as approved. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State and local government laws, rules, and regulations. Said permission shall be effective from September 1, 1989 through August 31, 1990.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

It is further agreed that you shall submit copies of reports or contracts with the dredging operator substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9NC). It is agreed that you shall submit said forms on or before the fifteenth (15th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed during that quarter. The first permit quarter shall be the first three months following the effective date of this permit and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be subject to a five percent (5%) penalty and shall bear interest at the rate of one and one-half percent (1½%) per month from the date when the same was payable by the terms hereof.

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STATE LANDS COMMISSION
1307 13TH STREET
SACRAMENTO, CALIF. 95833



It is agreed that you shall furnish the Commission with copies of final surveys or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above-described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against or imposed upon the State of California or any of its officers, agents or employees, arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third persons or entity. It is agreed that you shall, at the option of the Commission, procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified or terminated, whenever the State Lands Commission deems such action to be in the best interests of the State and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

W. M. THOMPSON, Chief
Extractive Development Program

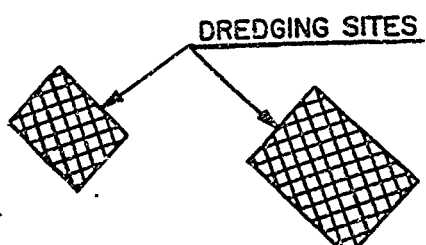
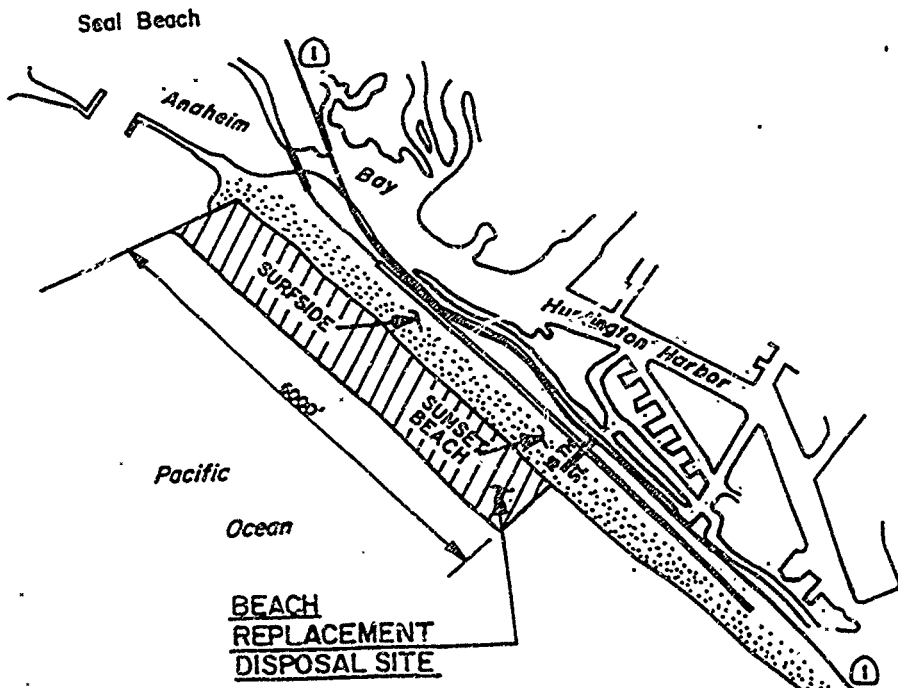
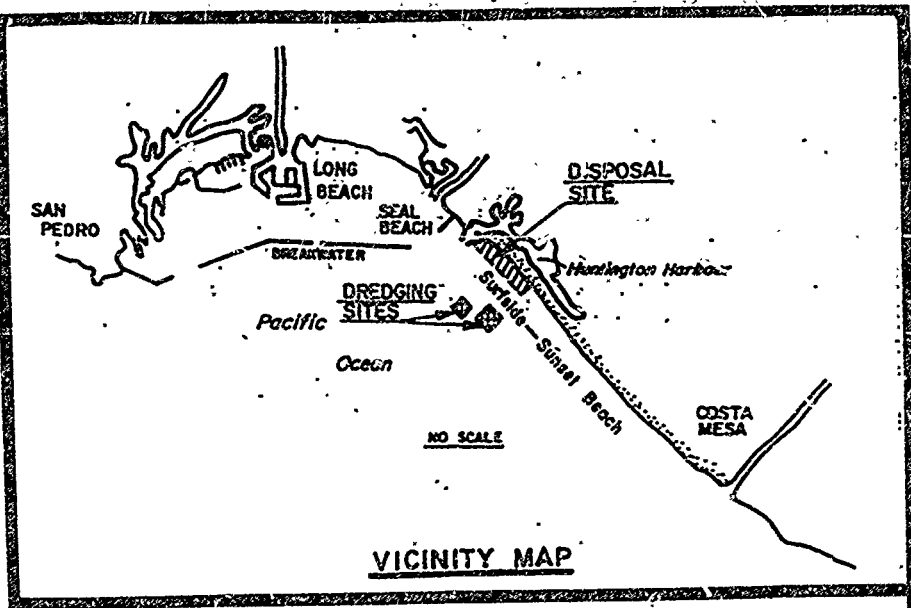
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ACCEPTED:

By: _____, Date: _____

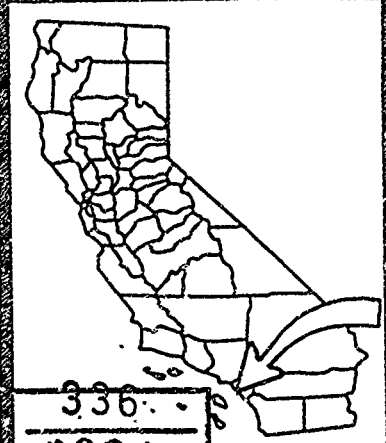
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