

MINUTE ITEM
This Calendar Item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 2
to 0 of its 12/12/1989

CALENDAR ITEM

22

A 70

S 37

12/12/89

W 24421

Martinez

PRC 7361

MAINTENANCE DREDGING PERMIT

APPLICANT: Robert Cohen
American Realcorp
2001 So. Barrington Ave., Suite 102
Los Angeles, CA 90025

AGENT: S.E.A. Contractors
1200 Shellmaker Road
Newport Beach, CA 92660

AREA, TYPE LAND AND LOCATION:
Granted mineral reservation lands in Newport
Bay at Newport Beach, Orange County.

LAND USE: Dredge a maximum 740 cubic yards of material to
maintain a navigable depth at an existing dock.

The material will be disposed of at the
EPA/Corps approved aquatic disposal site LA-3,
if found to be unsuitable for beach
replenishment.

TERMS OF PROPOSED PERMIT:

Initial Period: One year beginning
December 15, 1989.

Royalty: No charge for aquatic
disposal.

PREREQUISITE TERMS, FEES AND EXPENSES:

Filing and processing fees have been received.

CALENDAR ITEM NO. 22 (CONT'D)

NOT RECORDED
NOT RECORDED
NOT RECORDED
NOT RECORDED
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NOT RECORDED

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 5, Parts 1 and 2; Div. 13.
- B. Cal Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 05/06/90.

OTHER PERTINENT INFORMATION:

1. The California Coastal Commission (CCC), a "functional equivalent agency" under Section 21080.5 of the CEQA has:
 - a. served as the lead agency under CEQA;
 - b. considered the project described herein; and
 - c. found that the project, as proposed, will not have a significant effect on the environment.

Under Section 15252 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the CCC in its consideration of this project.

Authority: Sections 21083 and 21087 of the CEQA.

APPROVALS REQUIRED:

United States Army Corps of Engineers, Regional Water Quality Control Board, the California Coastal Commission, and the Department of Fish and Game.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CCC, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE CCC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL. CODE REGS., SECTION 15253.
3. AUTHORIZE STAFF TO ISSUE TO ROBERT COHEN THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 740 CUBIC YARDS OF MATERIAL FROM NEWPORT BAY AT NEWPORT BEACH, ORANGE COUNTY, FOR ONE YEAR BEGINNING DECEMBER 15, 1989. THE SPOILS WILL BE DISPOSED OF AT THE EPA/CORPS OF ENGINEERS APPROVED AQUATIC DISPOSAL SITE LA-3 WHEN NOT SUITABLE FOR BEACH REPLENISHMENT. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AS APPROVED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

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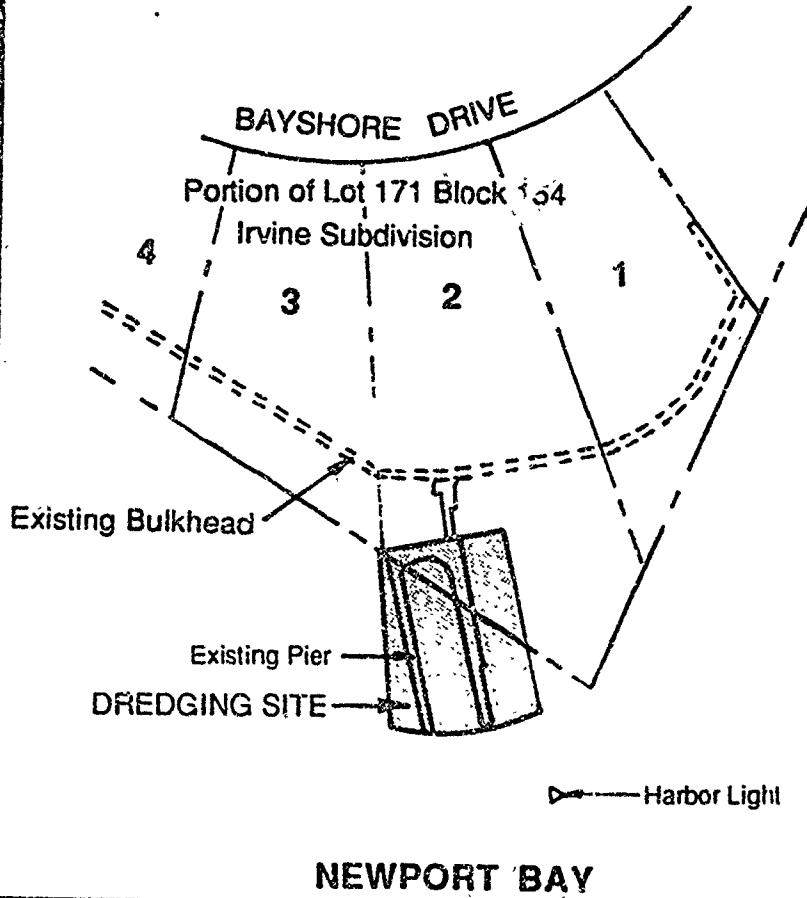
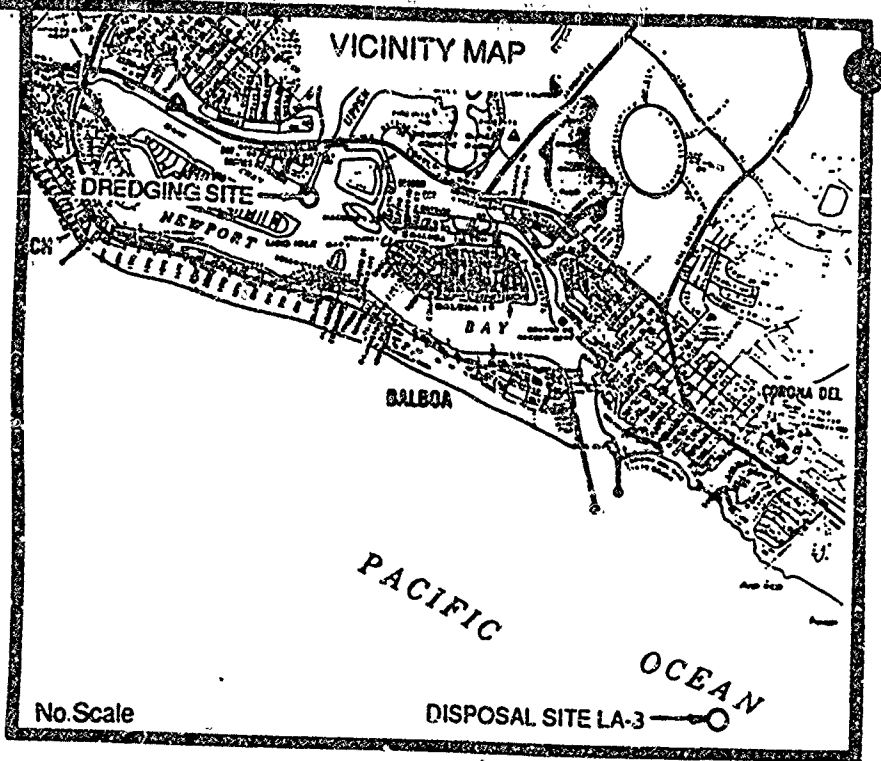


EXHIBIT "A"

APPLICATION FOR
DREDGING PERMIT
ROBERT COHEN
W 24421
NEWPORT BAY
ORANGE, COUNTY



EXHIBIT "B"

STATE OF CALIFORNIA--STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION
807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



December 15, 1989

File Ref.: W 24421

Robert Cohen
American Realcorp
2001 So. Barrington Ave, Suite 107
Los Angeles CA 90025

Dear Mr. Cohen:

Pursuant to your request and by the authorization of the State Lands Commission in December, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 740 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 granted, mineral reservation, lands in Newport Bay at Newport Beach, Orange County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof.

The permit shall include the right to deposit dredge spoils at the EPA Corps approved aquatic disposal site 12-3.

No royalty shall be paid for material placed at the approved disposal site. 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 December 15, 1989 through December 14, 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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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, conditions 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, demands, 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 claims of any third persons or entity. It is agreed that you shall, at the time of the completion of this permit, obtain liability insurance for the benefit of the State of California 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 agent thereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

W. M. THOMPSON, Chief
Extractive Development Program

Date: _____

ACCEPTED:

By: _____, Title: _____

Date: _____

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