

MINUTE ITEM

This Calendar Item No. 42
was approved as Minute Item
No. 42 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

A 74
S 38

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03/27/90
WP 6986
Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: City of Oceanside
Attn: Ronald Beckman
320 N. Horne Street
Oceanside, California 92054

AREA, TYPE LAND AND LOCATION:
Ungranted sovereign lands and granted, mineral
reserved lands, at Oceanside Harbor, City of
Oceanside, San Diego County.

PROPOSED LAND USE:
Dredge a maximum 280,000 cubic yards of
minerals other than oil, gas and geothermal
from the entrance channel of Oceanside Small
Craft Harbor to maintain a navigable channel
and assure safe navigation. The work is to be
done by the Corps of Engineer.

Testing required by the Regional Water Quality
Control Board has found the material suitable
for replenishment of a severely eroded public
beach located south of the Oceanside Public
Pier on lands granted to the City of Oceanside.

TERMS OF PROPOSED PERMIT:
Initial Period: One year commencing March 27,
1990.

Royalty: No royalty shall be charged
for spoils placed at the
approved disposal site
maintained for public use and
benefit.

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A royalty of \$0.25 per cubic yard will be charged for spoils placed on private property or sold for commercial benefit.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

P.R.C.: Div. 6, Parts 1 and 2; Div. 14.

Cal. Code Regs: Title 2, Div. 3, Title 14, Div. 8.

AB 884: 08/26/90.

OTHER PERTINENT INFORMATION:

1. A Finding of No Significant Impact (FONSI) SCH# 89040025, was prepared and adopted for this project by the United States Army, Corps of Engineers. The document was circulated for public review as required by State and local laws, and notice was 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 a Negative Declaration.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
San Diego County Air Pollution Control
Disturbance Permit, California Coastal
Commission, and California Regional Water
Quality Control Board.

EXHIBITS:

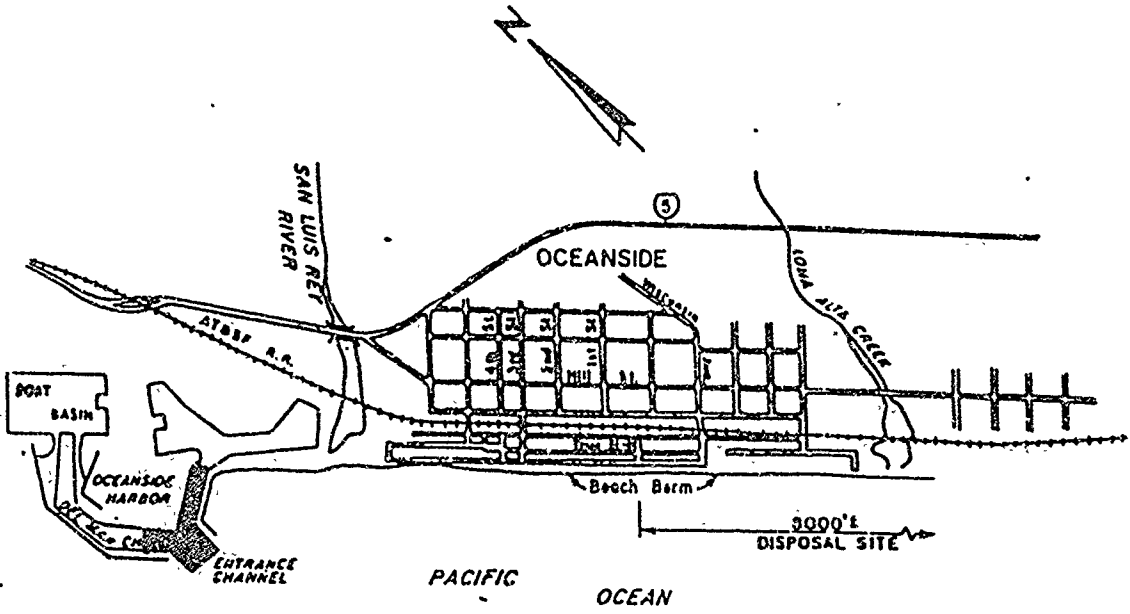
- A. Vicinity and Site Map.
- B. Permit.
- C. FONSI.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THE FINDING OF NO SIGNIFICANT IMPACT (FONSI) PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQA AND THEREFORE, PURSUANT TO 14 CAL. CODE REGS. 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.

CALENDAR ITEM NO. 42 (CONT'D)

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE STAFF TO ISSUE TO THE CITY OF OCEANSIDE THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL AUTHORIZE DREDGING A MAXIMUM 280,000 CUBIC YARDS OF MATERIAL AT THE ENTRANCE OF OCEANSIDE HARBOR AND DISPOSAL AT THE APPROVED PUBLIC BEACH SITE. NO ROYALTY SHALL BE CHARGED FOR SPOILS PLACED AT THE APPROVED DISPOSAL SITE AND USED FOR PUBLIC BENEFIT PURPOSES. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR SPOILS PLACED ON PRIVATE PROPERTY OR SOLD FOR COMMERCIAL BENEFIT. SUCH ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATION ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



■ DREDGING AREA

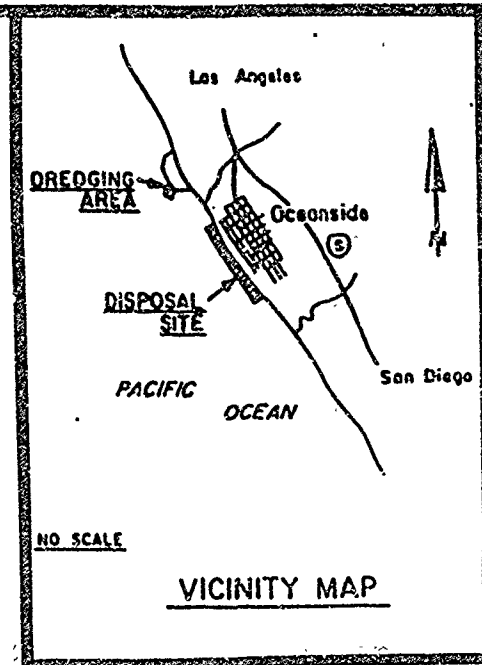
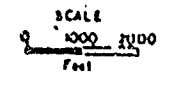


EXHIBIT "A"
APPLICATION FOR
DREDGING
CITY OF OCEANSIDE
(APPLICANT)
W P 6986
SAN DIEGO, COUNTY



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C.G. 100

"B"

STATE OF CALIFORNIA—STATE LANDS COMMISSION

GEORGE DEUKAZIAN, *Comptroller*

STATE LANDS COMMISSION
1207 13TH STREET
SACRAMENTO, CALIFORNIA 95814



March 27, 1990.

File Ref.: WP 6966

City of Oceanside
Attn: Ronald Beckman
320 N. Horne Street
Oceanside CA 92054

Gentlemen:

Pursuant to your application received January 26, 1990 and by the authorization of the State Lands Commission in March, 1990 you are hereby granted permission to dredge, during the term of the permit, a maximum 280,000 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 and granted, mineral reservation, lands at Oceanside Harbor, San Diego 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 dredged material for beach replenishment of a severely eroded public beach south of the Oceanside Public Pier.

No royalty shall be paid for material placed at the approved disposal site and used for public benefit. A royalty of \$0.25 per cubic yard shall be paid for any material used for any private or commercial benefit. 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 March 27, 1990 through March 26, 1991.

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.

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It is hereby agreed that, pursuant to Public Resources 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.

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 impounded 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 agent hereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

W. M. THOMPSON, Chief
Recreative Development Program

Date: _____

ACCEPTED: By: _____ Title: _____

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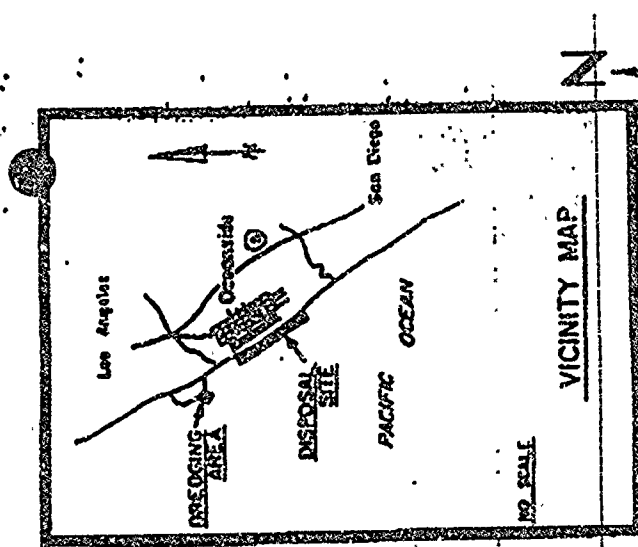
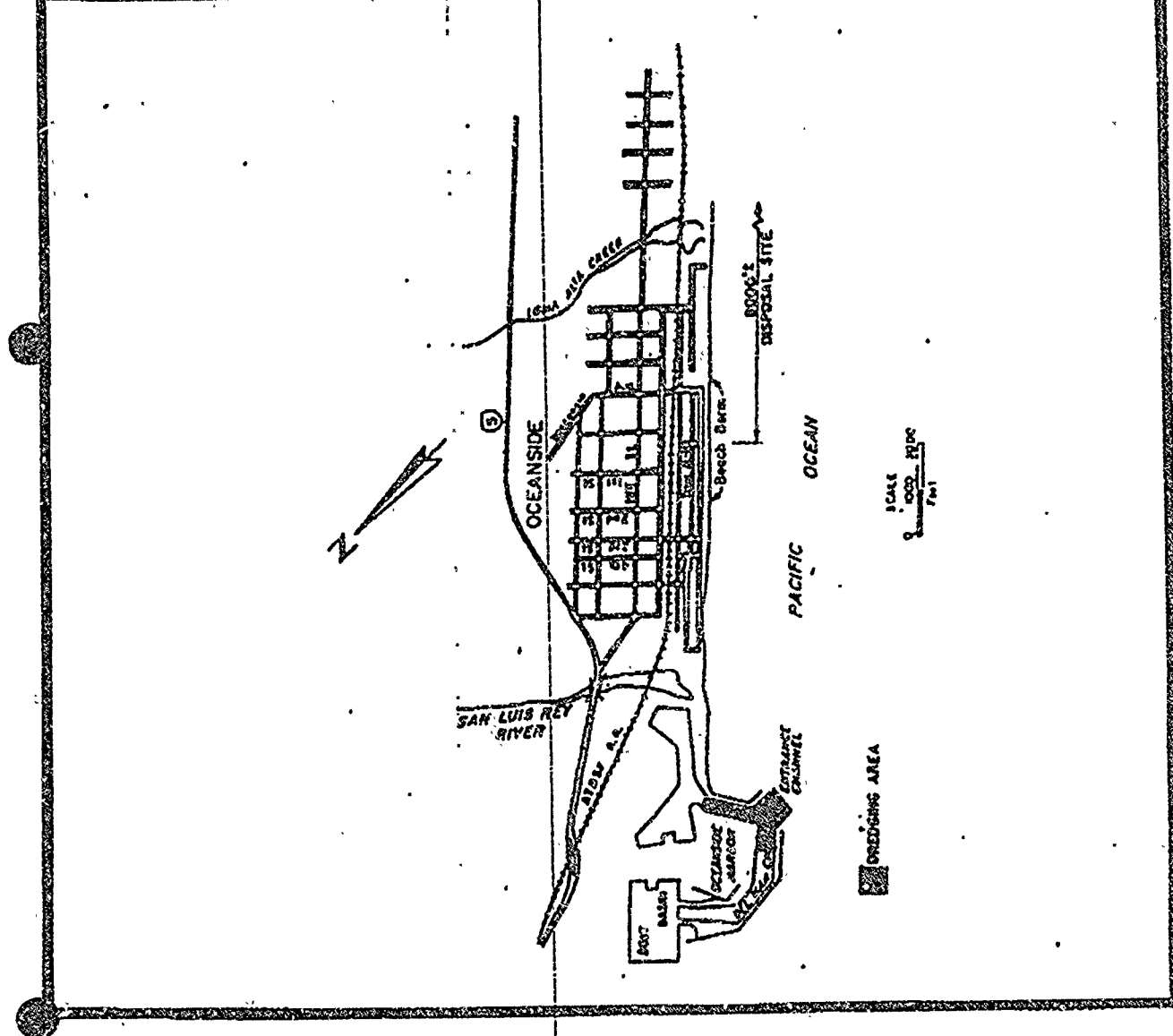
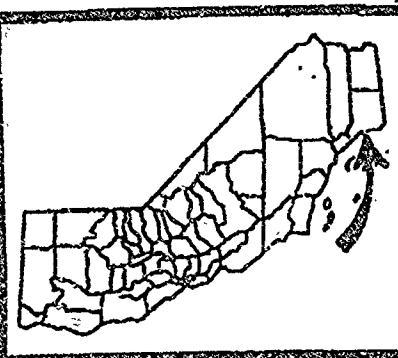


EXHIBIT "A"
 APPLICATION FOR
 DREDGING
 CITY OF OCEANSIDE
 (APPLICANT)
 W P 6366
 SAN DIEGO, COUNTY



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EXHIBIT "C"

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
FINDING OF NO SIGNIFICANT IMPACT
OCEANSIDE HARBOR MAINTENANCE DREDGING
SIX-YEAR PROGRAM

I have reviewed the attached Environmental Assessment prepared for the proposed maintenance dredging of Oceanside Harbor, San Diego County, California. This six year assessment would allow biennial dredging in the fall and winter months (September 1-March 15), beginning in the fall of 1989-90, and contains a contingency plan, allowing for dredging after March 15 if conditions preclude cessation of dredging activities by March 15. However, this year due to funding and other constraints project operation will occur approximately between March 15, 1990 and July 31, 1990. The proposed project includes the biennial dredging of a maximum of 500,000 cubic yards of littoral drift material from the entrance and navigation channels in order to maintain channel configurations, assure continued safe navigability within the harbor, and provide materials for beach replenishment.

Dredged material will be discharged on Oceanside Beach, south of the Oceanside public pier. The length of the disposal area is approximately 3,400 feet, beginning below Tyson Street. The disposal site is severely eroded, and the dredged material will replenish sand eroded by littoral transport. In the event that conditions prevent completion of dredging by March 15 of any cycle, diked disposal will be used to minimize impacts to the California grunion. If dredging is not terminated by March 15, the Corps will also conduct a surface-water turbidity monitoring program to assure that the disposal action does not affect least-tern foraging.

A Negative Determination has been submitted to the California Coastal Commission (CCC) for the first dredging cycle only; a Coastal Consistency Determination (CCD) for the six-year dredging period, including supplemental information on other Corps existing or proposed projects at Oceanside Harbor, is included in the EA. The CCD and additional data has been submitted to the CCC for concurrence with Corps determination that the project is consistent with the California Coastal Act to the maximum extent practicable.

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Significant resources potentially affected by the proposed project include marine and land biological and recreational resources and water quality. These impacts will be minimized due to environmental special conditions outlined in Section 6 of the Environmental Assessment. I have considered the available information contained in the assessment, and it is my determination that the impacts resulting from the proposed project will not have a significant effect on the existing environment or the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

24 Feb 80

Date



Charles S. Thomas
Colonel, Corps of Engineers
District Engineer

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