CALENDAR ITEM
C02

MINUTE ITEM
This Calendar Item No. C02 was approved as Minute Item No. 02 by the State Lands Commission by a vote of 2 to 0 at its 12/21/94 meeting.

A 1

S 2

DREDGING LEASE

12/21/94
W 24839
PRC 5202.9
Burks

APPLICANT:
Crescent City Harbor District
101 Citizens Dock Road
Crescent City, California 95531

AREA, TYPE LAND AND LOCATION:
Granted mineral reserve lands in Crescent City Harbor, Del Norte County.

LAND USE:
Dredge a maximum of 75,000 cubic yards per year of accumulated bottom sediments from five locations in the Crescent City Harbor area with dredge material disposal at settling pond (Site No. 1).

TERMS OF PROPOSED LEASE:
Ten years beginning August 11, 1988.

Royalty: No royalty charged because project is for public benefit.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:
Filing fee and processing costs have 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:
N/A

OTHER PERTINENT INFORMATION:
1. On August 11, 1988, the California Coastal Commission granted permit No. 1-88-115 for this project under its certified regulatory program [14 Cal. Code Regs. 15251 (c)].

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MINUTE PAGE	4670

2. Staff has reviewed the document and determined that the conditions, as specified in 14 Cal. Code Regs. 15253 (b), have been met for the Commission to use the environmental analysis document certified by the Coastal Commission as a Negative Declaration substitute in order to comply with the requirements of CEQA.

APPROVALS OBTAINED:
No other approvals required.

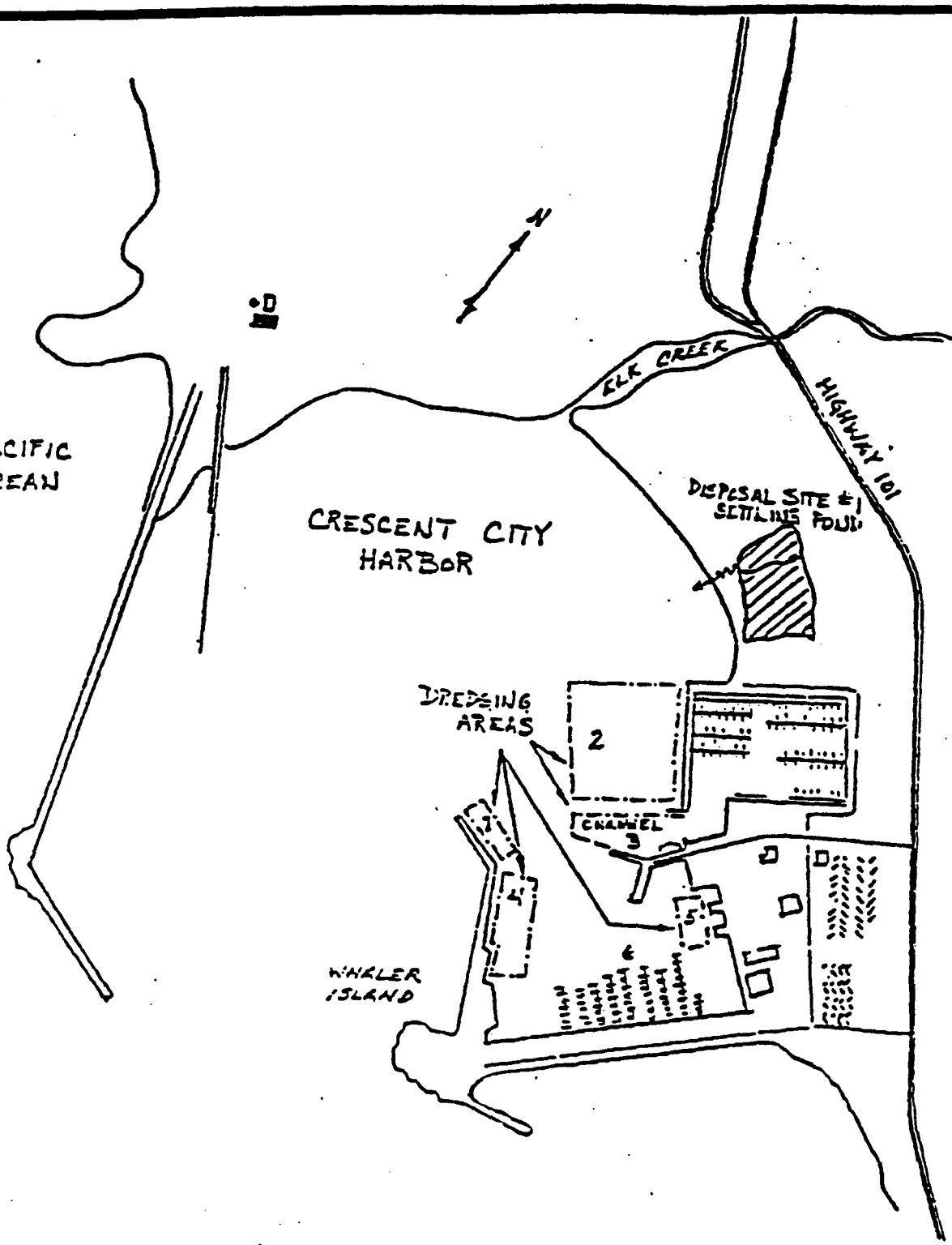
FURTHER APPROVALS REQUIRED:
State Lands Commission.

EXHIBITS:
A. Site Map
B. California Coastal Commission Permit #1-88-115
C. Quarterly Report Form
D. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (COASTAL COMMISSION PERMIT NO. 1-88-115), WAS CERTIFIED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS. 15251 (c), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS. 15253 (b) HAVE BEEN MET.

2. AUTHORIZE ISSUANCE TO CRESCENT CITY HARBOR DISTRICT OF A TEN YEAR DREDGING LEASE, BEGINNING AUGUST 11, 1988; SAID LEASE SHALL ALLOW DREDGING A MAXIMUM OF 75,000 CUBIC YARDS PER YEAR OF ACCUMULATED BOTTOM SEDIMENTS FROM FIVE LOCATIONS IN THE CRESCENT CITY HARBOR AREA WITH DREDGE SPOILS DISPOSAL AT THE SETTLING POND (SITE NO. 1); AS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.



ATTACHMENT "A"
CRESCENT CITY HARBOR DISTRICT
INNER HARBOR DREDGING

This exhibit is solely for purposes of generally defining the lease premises, 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 "A"
CALENDAR PAGE 7
WP 5202
MINUTE PAGE 4672

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
631 HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105
(415) 543-8555

GEORGE DEUKMEJIAN, Gover

88-98

FILED July 12, 1988
49th DAY: Aug. 30, 1988
180th DAY: Jan. 10, 1989
Staff: James J. Muth
Staff Report: July 29, 1988
Hearing Date: August 11, 1988
Document No.: 3219P /

STAFF REPORT: CONSENT CALENDAR

Request for 10 No-Fault Clerk -

PROJECT DESCRIPTION

APPLICANT: Crescent City Harbor District

PERMIT NO. 1-88-115

PROJECT LOCATION: Crescent City Harbor, Del Norte County

PROJECT DESCRIPTION: Dredging of up to 75,000 cubic yards per year of accumulated bottom sediments from five location and dredge spoils disposal at three locations

LOT AREA N/A	ZONING Harbor Dependent
BLDG. COVERAGE N/A	(LCP) PLAN DESIGNATION Harbor Dependent
PAVEMENT COVERAGE N/A	PROJECT DENSITY N/A
LANDSCAPE COVERAGE N/A	HEIGHT ABV. FIN. GRADE N/A

APPROVALS RECEIVED: Approval in concept from Crescent City Harbor District; State Lands & Dept. of Boating & Waterways, U.S. Army Corps of Engineers permit applied for.

SUBSTANTIVE FILE DOCUMENTS: Army Corps, Littoral Transport Study for the Crescent Harbor, August 1970; Final Feasibility Report, March 1983 and Crescent City Harbor LCP, Coastal Development Permit NCR-76-C-282

I. STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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MINUTE PAGE 4673

PTT:

II. RECOMMENDED CONDITIONS

A. Standard Conditions. See Attachment.

B. Special Conditions

1. State Lands Commission Approval

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director evidence of State Lands Commission approval for the proposed dredging and spoils disposal activity.

2. Future Changes or Development

Approval of this permit is only for the development described in coastal development permit number 1-88-115. Any future changes in dredging and spoils disposal activity or another development, as defined in Public Resources Code Section 30106, will require either an amendment to permit number 1-88-115 or an additional coastal development permit from the California Coastal Commission or from its successor agency.

3. Annual Report

At the end of each calendar year, the applicant shall submit to the Executive Director an annual status report as to dredging and spoils disposal activity that occurred that year.

4. Analysis Report of Beach Spoils Disposal Activity After Two Years

At or around August 1990, the applicant shall submit to the Executive Director an analysis as to the impacts beach spoils disposal activity in the surf zone at sites B and C. The purpose of the report is to see if any additional mitigation measures are necessary to avoid/minimize adverse environmental impacts and whether the volume of dredge spoils beach disposal can be increased.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. BACKGROUND

U.S. Army Corps of Engineers data indicates that 75,000 to 80,000 cubic yards of sediment enters the harbor each year as it moves south from the Smith River and beaches north of Point St. George. Since the harbor acts as a large sand trap, sand accretion is the most serious maintenance problem within the harbor. But for the harbor, the sediment within this natural littoral drift would normally be deposited on South Beach, a stable sandy beach adjacent to and south of the harbor. See Exhibit #1 for the regional location of the harbor.

The Crescent City Harbor District has been dredging the inner harbor for the past 20 years, although the Army Corps regularly dredges the harbor entrance channel itself to a depth of -20 MLLW. The Harbor District's last ten years of dredging and spoils disposal activity has primarily been done under coastal development permit NCR-76-C-282, which recently expired.

The proposed project has received approval in concept from the Crescent City Harbor District, and the Dept. of Boating and Waterways. The Harbor District has applied to the Army Corps for another ten year permit. Similar past projects have received State Lands Commission approval. State Lands Commission staff has recommended approval of the project at a tentatively scheduled, August 10, 1988 meeting. However, since this anticipated approval has not yet been granted, special condition #1 is designed to ensure that evidence of State Lands Commission approval will be received prior to the release of the permit to the applicant.

B. PROJECT DESCRIPTION

The proposed project calls for both on-going and expanded dredging and spoils disposal activity for up to 75,000 cubic yards (on average) of accumulated bottom sediments from five locations within the harbor and designated disposal at three spoils disposal sites. See Exhibit #2 for a summary of the dredge and spoils disposal sites and scheduled activity.

The expanded activities call for (1) the designation of spoils disposal sites B and C; (2) an increase in the dredging depth of area #3 from -13 MLLW to -16 MLLW with disposal of 40,000 cubic yards of stoney material at spoils disposal site A and (3) expansion of the sand dikes at spoils disposal site A to the mean high tide line and its northern and easterly property lines. The proposal does not expand the area to be dredged within the harbor.

Pursuant to Coastal Act Section 30610(c), no coastal development permit is required if the proposed project calls for "maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside of the coastal zone, pursuant to a permit from the U.S. Army Corps of Engineers." The proposed dredging activity is all located within existing navigation channels and boat basin turning areas. Therefore, the focus of this permit is technically limited to the three expanded dredging and disposal activities listed above. Moreover, unlike the prior ten year coastal development permit, no specific expiration date need be set on the now combined on-going and expanded dredge and spoils disposal activity under this permit pursuant to Coastal Act Section 30610(c) and the standard condition that development be commenced within two years of date of Commission approval.

With respect to future changes, staff is aware that the Harbor District's primary disposal site, Site A, has only a year or two of storage capacity left (even after it is expanded under this permit) before it will be filled. Although the designation of spoils disposal sites B and C will help in this regard, disposal site A is still earmarked to receive 86% of the proposed volume of spoils material. It is therefore reasonable to conclude that future

changes to the proposed spoils disposal locations and amounts can be expected under this permit. (Staff has begun discussions with staff at applicable local and state agencies to find suitable ways to relocate/reuse the stockpiled material at site A so as to extend the lifespan of this disposal site.)

The Commission therefore finds that special condition #2 is necessary in light of future anticipated changes to this permit. For administrative clarity, the Commission further finds that such future changes include, but are not limited to:

a. an increased dredging area or increased dredging depth;

b. an increase in the amount of dredge spoils from its designated dredging location to its designated spoils disposal site;

c. any material change in the existing physical/chemical/biological condition of the dredge spoils which could render it not suitable for beach nourishment, could cause significant adverse impacts on marine and coastal resources, or could endanger the general public health, safety or welfare;

d. any disposal of dredge spoils elsewhere within the coastal zone which is not at an approved dredge spoils disposal site.*

*All of the harbor waters and the location of the designated dredge spoils disposal sites under this permit are all located within the Coastal Commission's area of original or retained coastal development permitting jurisdictions. Therefore, any proposed change within this area would require Coastal Commission approval. However, dredge spoils disposal elsewhere in the coastal zone could involve coastal development permit review by the local government if it has a certified Local Coastal Programs, as do Del Norte County and Crescent City.

Finally, the Commission finds that special condition #3, calling for an annual status report of the year's dredging and disposal activity is necessary, in part, to ensure that the Harbor District has complied with its submitted project description as summarized in Exhibit #2.

C. ACCESS

Coastal Act Section 30211 and 30212 requires, as the case here, that public access issues be addressed where the project area lies between the first public road (Highway 101) and the sea. Extensive public access is already available along South Beach from Highway 101, throughout the recreational vehicle parking and restaurant areas adjacent to Highway 101, around the greenery area and periphery of the inner boat basin, along the entire length of the filled sand causeway adjacent to the outer or sport's basin, all of Whaler Island, and all Citizen's Dock (when not in conflict with public safety when servicing boats).

Some disruption to public access along the causeway can be expected when disposal sites B and C are used. However, it should be noted that these disposal sites together will receive only 14% of the total amount of proposed dredge spoils and that the bulk of this work is timed to occur during the winter and spring months when user demand is low, rather than the summer and fall months when user demand is high. The Commission therefore finds that the proposed project will cause only temporary, and not permanent, interference with the public's right of access to the sea under Coastal act Section 30211 and that additional public access is not required under Coastal Act Section 30212(a)(2) since adequate access exists nearby.

D. DREDGE AND FILL ACTIVITY

Coastal Act Section 30233 sets forth the conditions under which open coastal waters may be dredged and filled. It states in applicable part, that:

> "(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
>
> (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps."

Section 30233(b) also states:

> "(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems."

1. Permissible use

Presently, the larger commercial fishing vessels and the Coast Guard cutter "Blackhauw" do not have access to Citizen's Dock for ice or fuel when the tide is low due to insufficient dredging depth. The proposal to increase the depth in dredging area #3 from -13 MLLW to -16 MLLW will remedy this problem.

The Commission finds that this increased dredging depth is a permissible use under Coastal Act Section 30233(a)(1) in that it will allow for "expanded port and coastal-dependent facilities, including commercial fishing facilities." The Commission further finds that the balance of the proposed dredging activity is a permissible use under Coastal Act Section 30233(a)(2) in that it will be maintaining existing or previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps."

2. No feasible less environmentally damaging alternative

The amount and extent of the proposed dredging activity is limited to only those amounts and areas necessary to maintain existing navigational and coastal dependent commerce. This is based on the limited reach of the Harbor District's hydraulic dredging equipment and the expense of not dredging any more than necessary. Moreover, it appears that the Harbor District has no other option but to continue this dredging and disposal activity in order to maintain the viability of the harbor for navigational and coastal dependent commerce. The only feasible less environmentally damaging alternative would be for the Harbor District to simply dredge less sand. This is possible only if an environmentally sound measure could be found to reduce the amount of sand entering the harbor. The Army Corps, which has the best available data on the subject, has not yet identified any such measure, although Commission staff believes that the issue is worthy of further study. In light of these circumstances, the Commission finds that "there is no feasible less environmentally damaging alternative" to the proposed project at this time.

3. Dredge spoils suitability for beach replenishment/avoidance of adverse impacts

As mentioned at the beginning, but for the harbor, the sediment in the littoral drift system would normally be deposited on South Beach. As proposed, 14% of the total volume of dredged sediments will be placed in the

surf zone at sites B an C where it will re-enter the littoral drift system for South Beach. Both disposal sites received a one-time, disposal of dredging spoils a few years ago under separate coastal development permits without any significant adverse environmental impacts on coastal resources.

The 40,000 cubic yards of dredged material from dredging area #3 is not suitable for beach replenishment because it consists of rocky cobbles and will be appropriately be deposited at the upland disposal site, site A. However, the Water Quality Control Board has found that the other dredging materials does have a sediment size compatible for beach replenishment, that is not too high in organic content and has no significant levels of hazardous materials after testing for heavy metals, organic contaminants and pesticides. As with past similar activities, the Board will monitor the water turbidity during the operations.

The Dept. of Fish and Game have indicated that the disposal of dredge spoils at sites B and C in the surf zone will have only a minimal and temporary impact on the benthic organisms within the inter-tidal habitat since the existing sandy bottom has a relatively low biological productivity and species diversity and any organisms, such as clams and worms, should be able to quickly re-establish themselves.

In addition, most of the spoils deposition at sites B and C has been timed to occur during the winter and spring months when it will have the least adverse impact on user access to the causeway and when wave energy is at its highest where it will serve to more evenly distribute the sediment at a time when beaches normally lose sand and recede. The manner of deposition is in the surf zone where it will wash in gradually via a continuous slurry rather than the dumping of a single mass deposit all at one time.

The Commission therefore finds that the proposal is consistent with Coastal Act Section 30233(b) in that "dredging and spoils disposal... will be carried out to avoid significant disruption to marine and wildlife habitats and water circulation... and are suitable for beach replenishment."

4. Provision of feasible mitigation measures to minimize adverse environmental effects

As proposed, the project is designed to minimize disruption to public access and normal harbor operations, return some of the sediment to the littoral system, and limit the size of the upland disposal area which will be needed in the future for more intensive coastal dependent uses. Since the existing area of the proposed dredging operations will not be expanded in size, no additional impacts will occur. Staff does not anticipate any adverse environmental effects from this proposal in the short term. In fact, long term disposal of dredge spoils at site B and C could increase the size of the beach for public use and serve to protect the causeway from winter storm damage by absorbing wave energy. However, in the absence of hard data on the long term impacts of dredge spoils disposal at site B and C, the Commission finds it prudent to study the long term impacts of disposal in this area before advocating an indefinite period of use or increased amounts of spoils disposal in this area.

The Commission therefore finds that special condition #3 is necessary, in part, for data collection and monitoring purposes. The Commission further finds that only with special condition #4, calling for an analysis study after two years of spoils disposal activity in this area, can the project be found to provide "feasible mitigation measures to minimize adverse environmental effects." It is expected that the Harbor District will work in consent with Coastal Commission and Dept. of Fish and Game staff to see if any additional mitigation measures are necessary and if the volume of dredge spoils disposal can be increased. Based on the above sub-findings and special conditions, the Commission finds the proposed project consistent with Coastal Act Section 30233.

E. LCP/C.E.Q.A.

The proposed project falls within the Commission's area of original permitting jurisdiction, thus making the Coastal Act the legal standard of review for the project. Notwithstanding, the proposed project is also consistent with the applicable portions of the certified LCP segment for the harbor. Lastly, the project as conditioned will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

JJM/mae

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If construction has commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

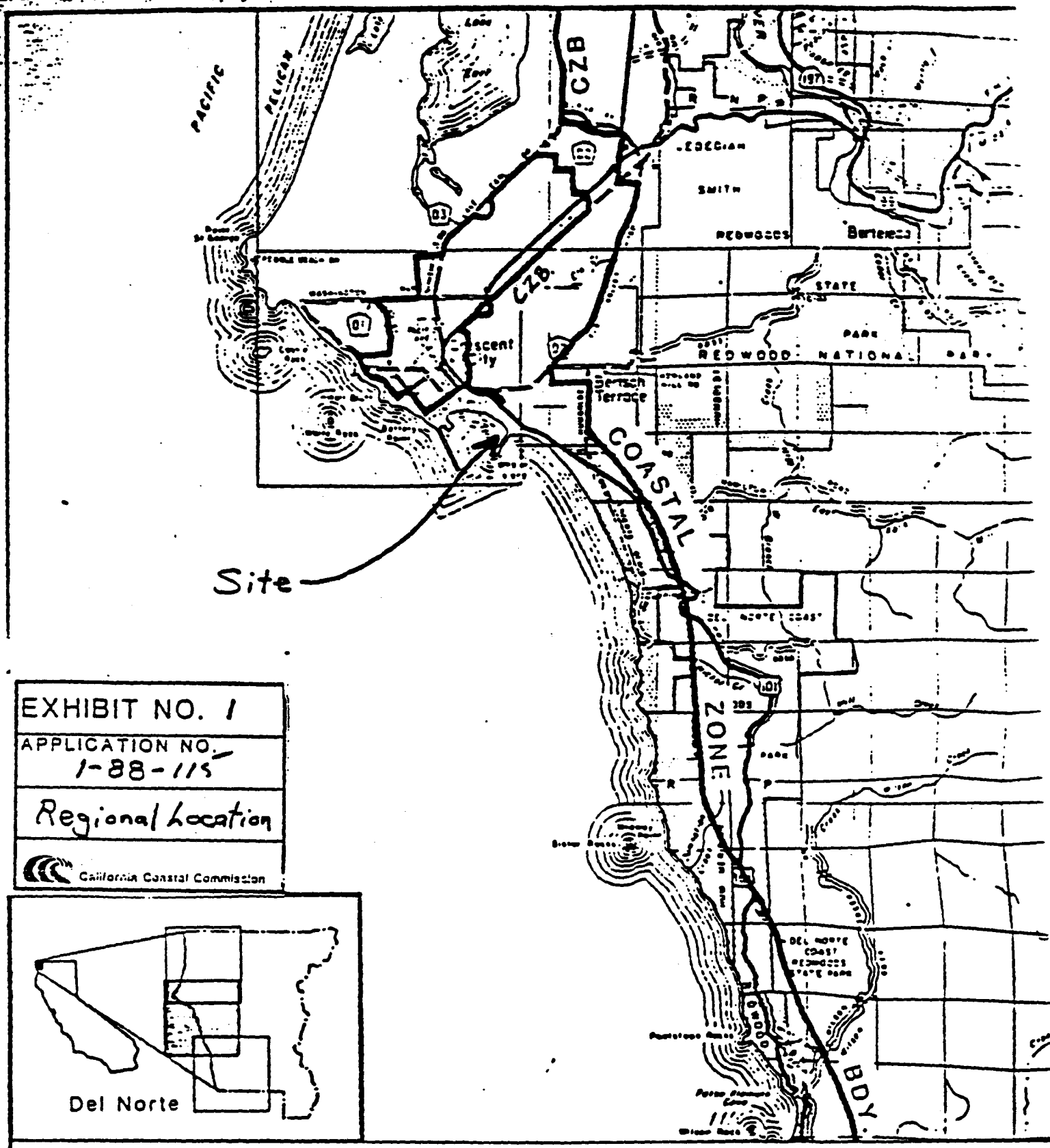


EXHIBIT NO. 1

APPLICATION NO. 1-88-115

Regional Location

California Coastal Commission

LOCATION MAP

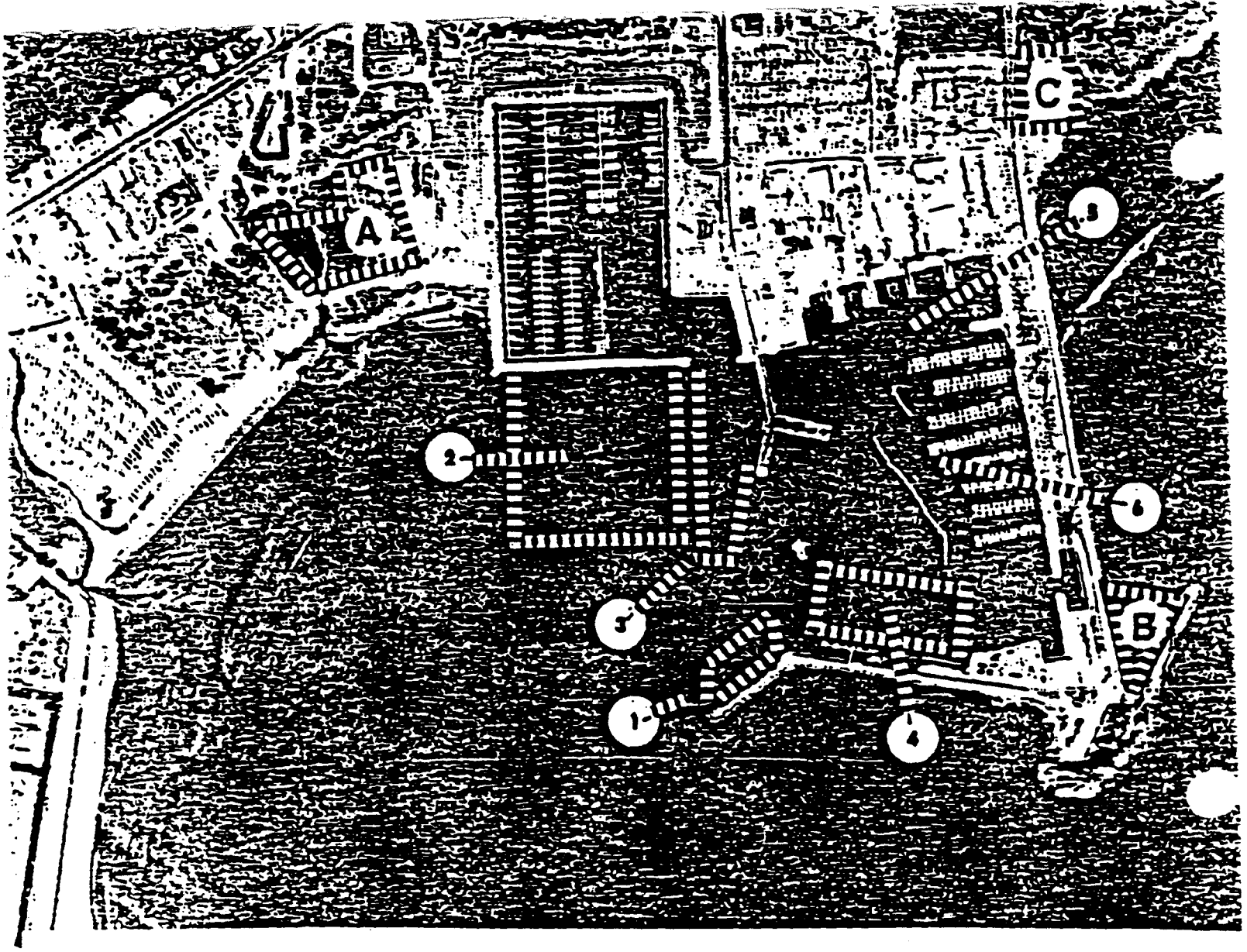
0 1 2 miles

CALENDAR PAGE

MINUTE PAGE 4082

County of Del Norte

Sheet 2 of 3



MAINTENANCE-DREDGING PLAN
CRESCENT CITY HARBOR DISTRICT
1988 - 1998

DREDGING AREA	DATE OF LAST DREDGING	CYCLE	DATE OF NEXT DREDGING	SEASON	DISPOSAL AREA	APPROXIMATE YARDAGE PER EPISODE	CUMULATIVE/10 YR
No. 1	Fall 1986	Two Years	1988	Summer/Fall	No. D	2,500	12,500
No. 2	Summer 1987	Two Years	1988	Summer/Fall	No. A	80,000	400,000
No. 3	Spring 1986	Not Known	Not Known	Summer/Fall	No. A	Not Known	Not Known
No. 4	Spring 1987	Two Years	1989	Winter/Spring	No. B	7,500	37,500
No. 5	Winter 1982	Three Years	1988	Winter	No. C	7,500	22,500
OTHER AREAS							
Inner Basin	————	When Needed	——	Winter	No. A	1,000	5,000
Launching Ramp	————	When Needed	——	Winter	No. B	750	5,000

EXHIBIT NO. 2
APPLICATION NO. 1-88-11
CALENDAR PAGE 4683
MINUTE PAGE Dredging & Disposal Plan
California Coastal Commission

Permittee's Quarterly Report of Operations - Non Commercial

Instructions: Complete and submit the white copy BEFORE the 25th of the month following the end of the Permit Quarter with Check (when appropriate) to STATE LANDS COMMISSION/1807 13th Street/Sacramento, California/95814 Attention: Accounting Unit The yellow copy is for your records.

CALENDAR PAGE 19
MINUTE PAGE 4684

Permittee _____ Address _____ Permit Qtr. Ending _____, 19__

Total Extractions For Period Above

Dates	Dredging/Excavation Site - Specific	Operator	Disposal Site	Type Of Material	Tons/Cubic Yards
				Total	

Royalty Calculation

Calculation by Permittee:

_____ tons or cubic yards times
(quantity extracted)

_____ ¢ per ton or cubic yard equals
(royalty rate)

$_____, due and paid herewith.
(royalty)

Verification by State:

_____ tons/c.y. times

_____ ¢ equals $_____

Difference:

$_____

Additional royalty due (overpaid)

Summary

Month	Tons/Cubic Yards Extracted
Totals	

Brief Description of Work Done During The Quarter

Tools, Machinery And Other Equipment In Serviceable Condition And On The Area Described In The Permit

Item	Days

Certification

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that it is complete to the best of my knowledge and belief.

_____
(Signature of Permittee or Agent)

Title: _____

Dated: _____

At: _____
(City and State)

Do Not Write Below This Line

Received by _____

for Mineral Leasing Unit on _____

_____

Calculations verified by _____

_____

on _____

Amount Received	Date Received	C/R Reference

SLC Routing:
1. ☐ Accounting - Sacramento
2. ☐ Dredging Coordinator
3. ☐ Mineral Extraction Unit, Long Beach
4. ☐ File

Form 30 (3-80)

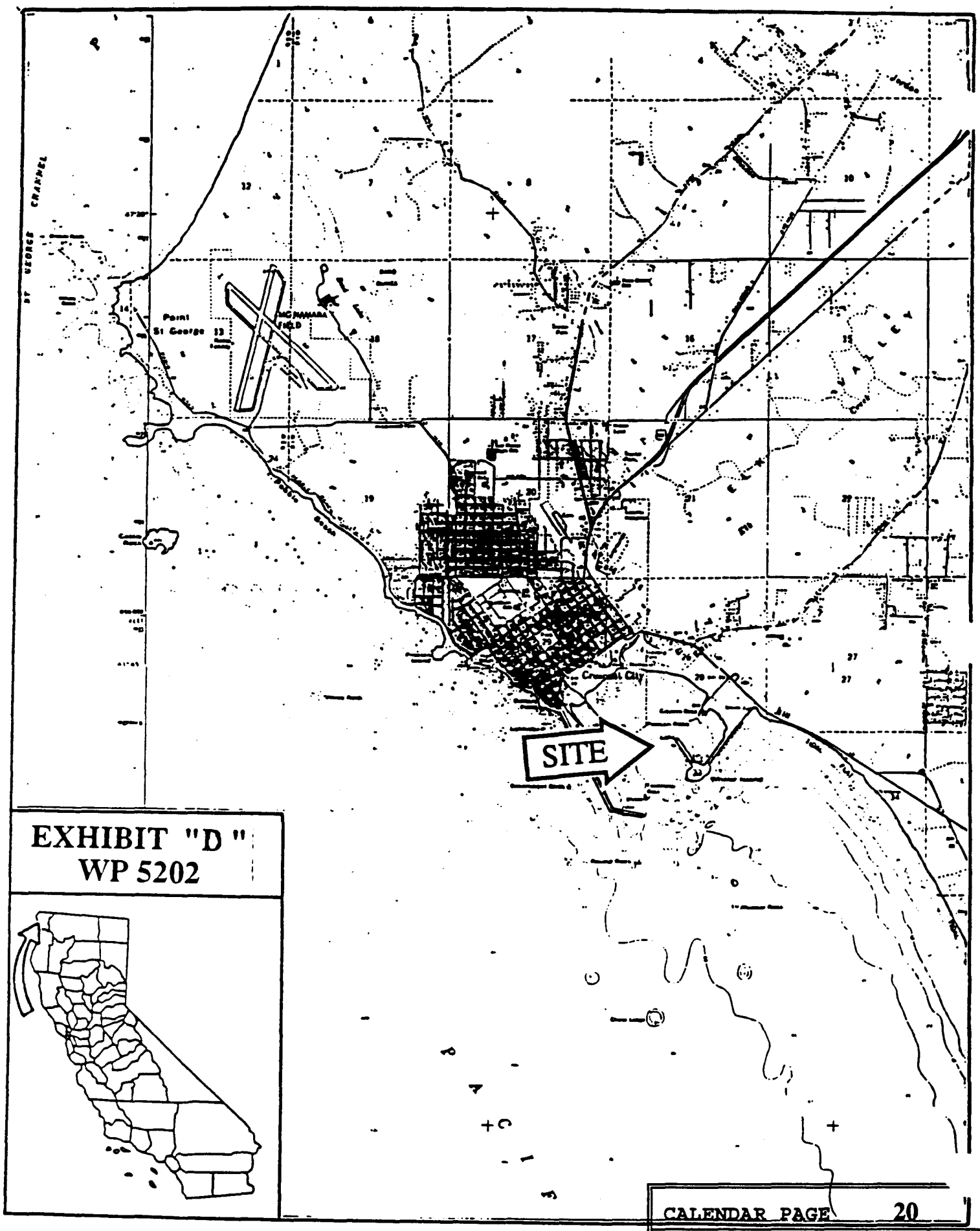


EXHIBIT "D"
WP 5202