

MINUTE ITEM

This Calendar Item No. C44 was approved as
Minute Item No. 44 by the California State Lands
Commission by a vote of 3 to 0 at its
11/07/97 meeting.

**CALENDAR ITEM
C44**

A 67
S 35

11/07/97
PRC4076 WP 4076.9
J. Smith

AMENDMENT OF LEASE

LESSEE:

County of Orange
34551 Puerto Place
Dana Point, California 92629

AREA, LAND TYPE, AND LOCATION:

44 acres, more or less, of tide and submerged lands in Sunset Bay, in Seal
Beach, Orange County.

AUTHORIZED USE:

Beaches, marina, bulkheads, piers, dredging and related facilities.

LEASE TERM:

49 years, beginning December 1, 1968.

CONSIDERATION:

The public benefit, with any profit derived from the lease area accruing to the
State at the end of the lease term.

PROPOSED AMENDMENT:

Effective December 1, 1997, lessee is authorized to perform maintenance
dredging of a maximum of 107,000 cubic yards of sediment (Phase II of a two-
phase dredging project) as necessary to maintain navigation within the leased
area as shown on Exhibit A attached; dredged material will be disposed offshore
at LA-2; 1,500 cubic yards of dredged material will be used to construct eelgrass
transplanting beds on Public Trust lands in Sunset Bay.

No royalty will be charged for that portion of the project that involves aquatic
disposal or public benefit; \$0.25 per cubic yard will be charged for any material
used for private benefit or commercial sale purposes.

All other terms and conditions of the lease shall remain in full force and effect.

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CALENDAR ITEM NO. **C44** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On July 6, 1995, the Commission authorized the first phase of maintenance dredging. Lessee was authorized to dredge a maximum of 9,400 cubic yards of sediment. Phase I dredging has been completed and lessee is now seeking authorization for the second phase. Phase II dredging will occur in the entrance channel, main channel, Sunset Marina, Sunset access channel, Bolsa channel and Portofino Cove.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; Title 14, California Code of Regulations, section 15304(g).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers; California Coastal Commission; California State Lands Commission.

EXHIBIT:

- A. Location and Site Map.

PERMIT STREAMLINING ACT DEADLINE:

December 5, 1997.

CALENDAR ITEM NO. C44 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

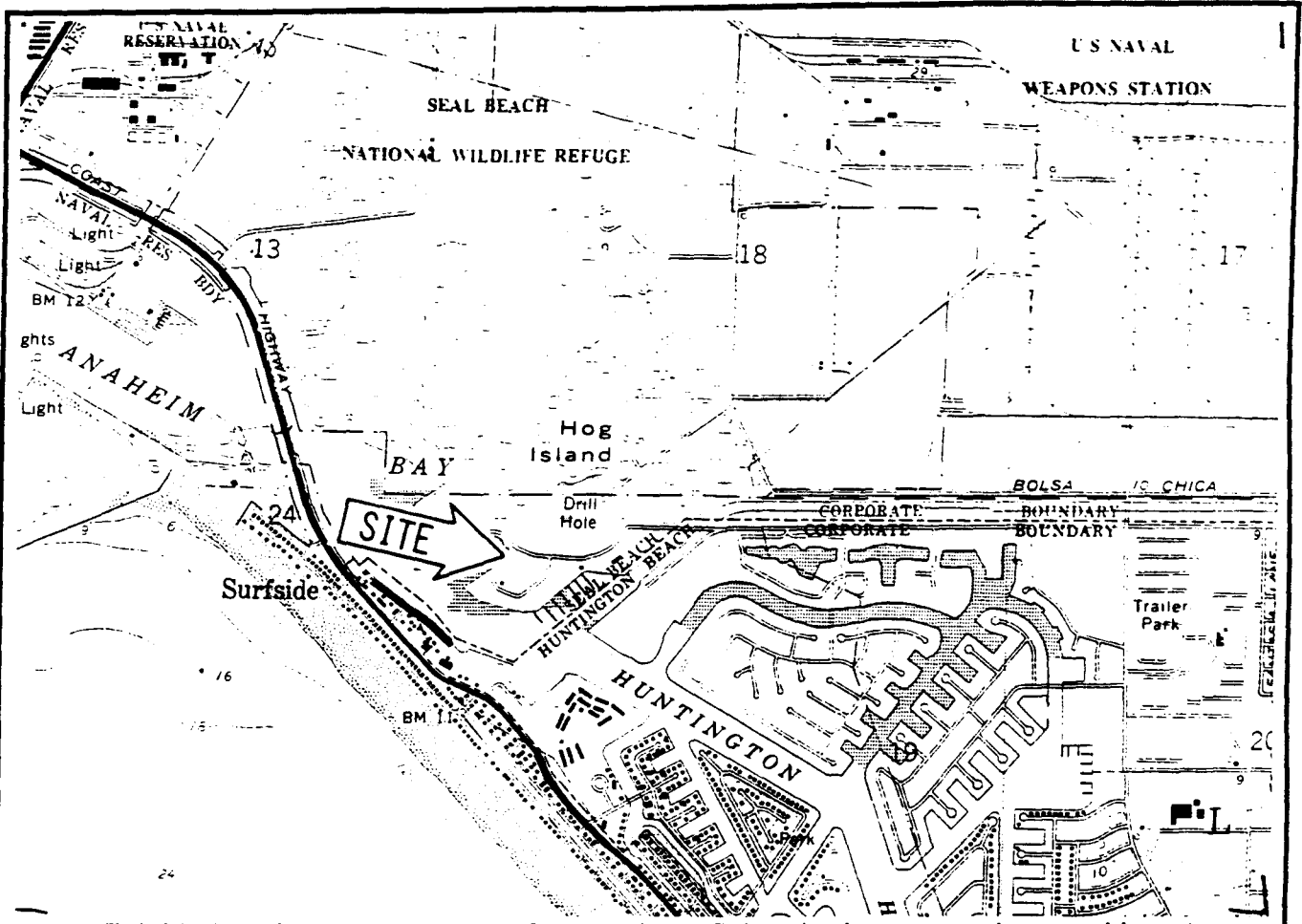
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304 (g).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 4076.9, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE DECEMBER 1, 1997, TO AUTHORIZE MAINTENANCE DREDGING OF A MAXIMUM OF 107,000 CUBIC YARDS OF SEDIMENT; DEPOSITION TO BE OFFSHORE AT LA-2 AND FOR USE IN CONSTRUCTING EELGRASS TRANSPLANTING BED; NO ROYALTY WILL BE CHARGED FOR THAT PORTION OF THE PROJECT WHICH INVOLVES AQUATIC DISPOSAL OR PUBLIC BENEFIT; \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON LESSEE'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



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.

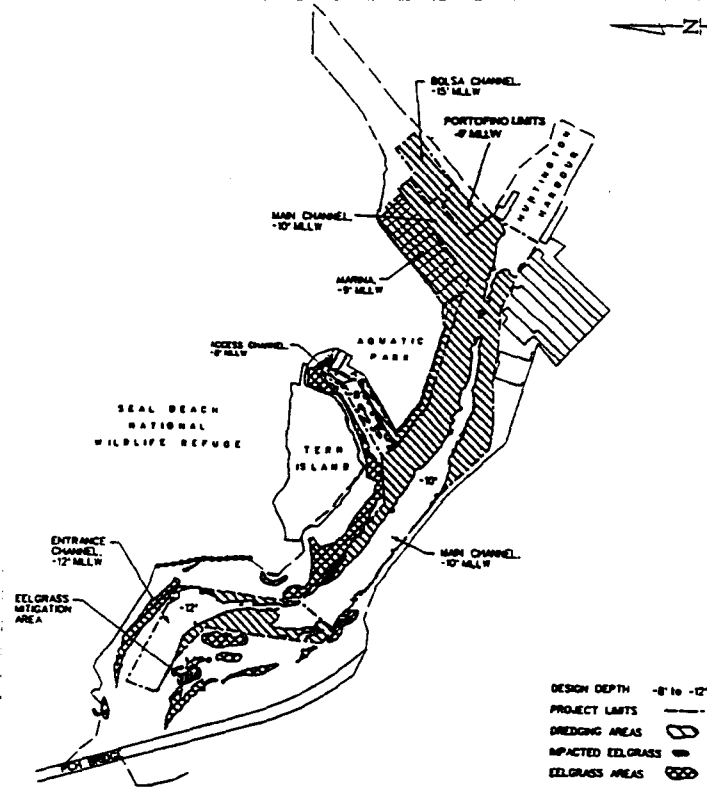


EXHIBIT "A"
 SITE MAP
 WP4076.9
 AMENDMENT OF GEN. LEASE
 SUNSET HARBOR DREDGING
 ORANGE COUNTY, CA.

