

MINUTE ITEM

This Calendar Item No. ~~C25~~ was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 3 to 0 at its 6-19-98 meeting.

**CALENDAR ITEM
C25**

A 33
S 18

06/19/98
W 25285
B. Dugal

DREDGING LEASE

APPLICANT:

City of Morro Bay
1275 Embarcadero Center
Morro Bay, California 93442

AREA, LAND TYPE, AND LOCATION:

Granted, sovereign lands, minerals reserved, in Morro Bay Harbor, City of Morro Bay, San Luis Obispo County.

AUTHORIZED USE:

Dredge a maximum of 300,000 cubic yards of material during each year of the lease from mooring areas A1-1 through A1-5. Dredged materials will be used for beach nourishment on lands granted to the City of Morro Bay in the surf zone north of Morro Bay Harbor, between Morro Creek and Azure Street or offshore south of the Harbor mouth at an approved disposal site. Both disposal sites are U.S. Army Corps of Engineers approved disposal sites.

LEASE TERM:

Five years, beginning June 1, 1998.

CONSIDERATION:

No royalty will be charged as the project will result in a public benefit; however, \$0.25 per cubic yard will be charged for any material used for private benefit or commercial sale purposes.

OTHER PERTINENT INFORMATION:

1. Applicant is the Trustee of the legislatively granted tide and submerged lands.
2. This is a maintenance project to dredge the mooring areas to return them to the depths and width of its original design.
3. The proposed dredging project will impact a 0.45 acre area of eelgrass habitat. The proposed project also involves restoring the 0.45 acre area

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of eelgrass habitat according to the policy of the National Marine Fisheries Service.

4. A Mitigated Negative Declaration was prepared and adopted for this project by the city of Morro Bay. The California State Lands Commission's staff has reviewed such document.
5. A Mitigation Monitoring Program was adopted by the City of Morro Bay.
6. 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:

City of Morro Bay
California Coastal Commission

FURTHER APPROVALS REQUIRED:

Department of Parks and Recreation
U. S. Army Corps of Engineers

EXHIBITS:

- A. Dredge Location/Site Map
- B. Deposition Sites
- C. Notice of Determination
- D. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

October 19, 1998

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF MORRO BAY AND THAT THE COMMISSION HAS REVIEWED AND

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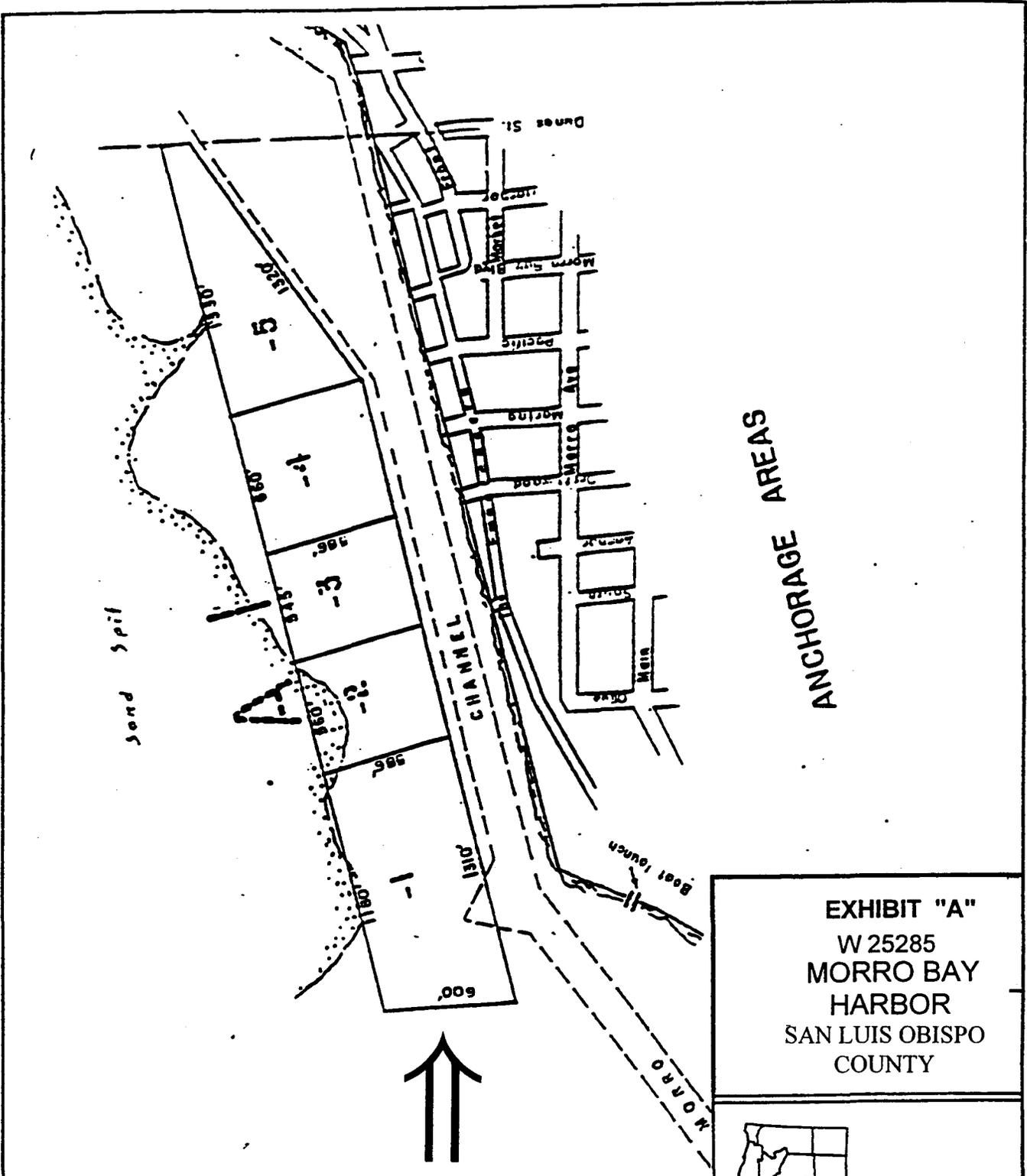
CONSIDERED THE INFORMATION CONTAINED THEREIN.
ADOPT THE MITIGATION MONITORING PROGRAM, AS
CONTAINED IN EXHIBIT D ATTACHED HERETO.

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 ISSUANCE OF A DREDGING LEASE TO CITY OF
MORRO BAY BEGINNING JUNE 1, 1998, FOR A TERM OF FIVE
YEARS, FOR DREDGING A MAXIMUM OF 300,000 CUBIC YARDS OF
MATERIAL FROM THE LANDS DEPICTED ON THE ATTACHED
EXHIBIT A DURING EACH YEAR OF THE LEASE TO MAINTAIN
NAVIGATION. DREDGED MATERIALS WILL BE USED FOR BEACH
NOURISHMENT AT THE APPROVED DISPOSAL SITES ON THE
LANDS SHOWN ON EXHIBIT B ATTACHED AND BY THIS
REFERENCE MADE A PART HEREOF; SUCH PERMITTED ACTIVITY
IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH
APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS
ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS; NO
ROYALTY AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT;
HOWEVER, \$0.25 PER CUBIC YARD WILL BE CHARGED FOR ANY
MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE
PURPOSES.



DREDGE FROM MOORING AREAS A1-1 - A1-5

ANCHORAGE AREAS

EXHIBIT "A"
 W 25285
 MORRO BAY
 HARBOR
 SAN LUIS OBISPO
 COUNTY



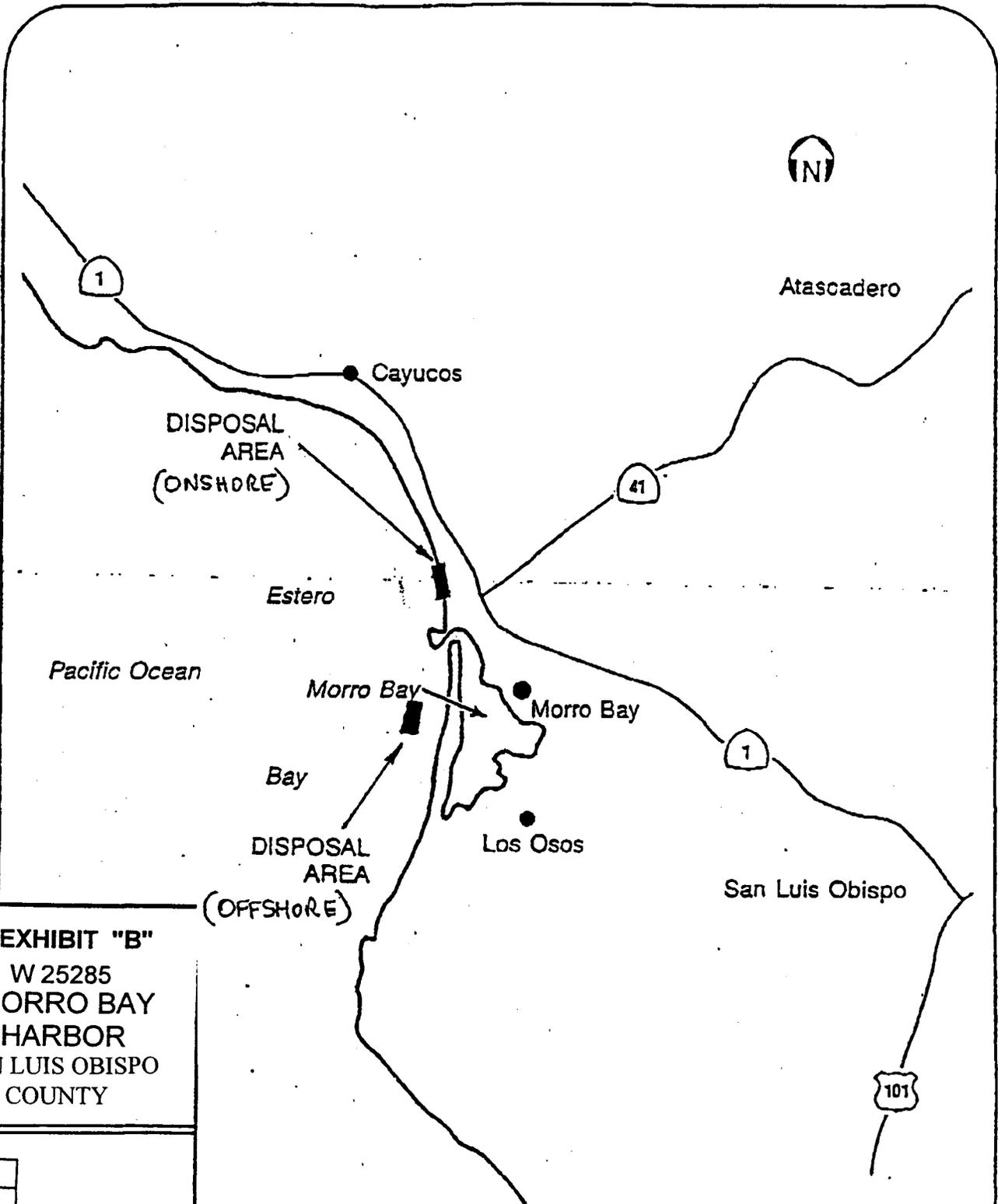


EXHIBIT "B"
 W 25285
 MORRO BAY
 HARBOR
 SAN LUIS OBISPO
 COUNTY



X E 3-98-001
CITY OF MORRO BAY

Figure 10
 MORRO BAY HARBOR
 DISPOSAL AREAS

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EXHIBIT C

CITY OF MORRO BAY

NOTICE OF DETERMINATION

TO: X Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

FROM: City of Morro Bay
Planning & Building Department
595 Harbor Street
Morro Bay, CA 03442

X San Luis Obispo Co. Clerk
County Government Center
San Luis Obispo CA 93401

Project Title: N/A - Repair and Maintenance -

Project Location - Specific: Directly west of federally designated navigational channel

Project Location - City: Morro Bay County: San Luis Obispo

Description of Project: 5-year maintenance dredging of Harbor to restore design depth, up to 12' MLLW

Name of Public Agency Approving the Project: State of California Coastal Commission

Name of Public Agency Approving the Negative Declaration: Planning Commission

Person or Agency Carrying Out Project: CITY OF MORRO BAY HARBOR DEPARTMENT /RICK ALGERT, DIRECTOR

SCH # 95111002

Shauna Nauman, Interim Director

805 772-6210

State Clearinghouse Number (If Submitted) Lead Agency Contact Person Telephone No. Area

This is to advise that the City of Morro Bay has approved the Negative Declaration for the above described project on December 4, 1995 and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. A Negative Declaration was filed for this project pursuant to the provisions of CEQA.
4. Mitigation measures were were not made a condition of the approval of the project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the record of project approval and final EIR (if applicable) with comments and responses is available to the General Public at: Planning and Building Department, 535 Harbor, Morro Bay CA 93442

[Signature] 1/23/96 Title: Environmental Coordinator
Signature (Public Agency) Date

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EXHIBIT D

REQUIRED MITIGATION MEASURES:

1. Eelgrass Mitigation Plan: The city shall complete a survey of eelgrass beds in the area proposed to be dredged and shall develop an eelgrass mitigation plan in accordance with the *Southern California Eelgrass Mitigation Policy* (1992) as adopted by the National Marine Fisheries Service and as approved by the U.S. Army Corps of Engineers (ACOE). At minimum, the plan shall include:
 - a. Replacement in-kind at a 1.2 to 1 ratio.
 - b. Additional mitigation efforts may be required if the primary transplant does not meet success criteria as described in the National Marine Fisheries Service *Southern California Eelgrass Mitigation Policy* (1992).
2. Other Agency Approvals: Prior to any dredging activities, the following permits shall be obtained by the City:
 - a. A Section 404 permit (or its equivalent successor) from the U.S. Army Corps of Engineers;
 - b. A letter from the California State Department of Fish and Game stating compliance with Sections 1601 and 1603 (or their equivalent successors) of the State Fish and Game Code;
 - c. A Coastal Development Permit from the California Coastal Commission.
3. Dredging Survey Map: The city will provide to the ACOE a pre-dredge hydrographic survey map of the proposed dredging sites prior to commencement of any work.
4. Testing of Dredged Material: The City shall test and monitor dredged material discharged onto the beach north of Morro Rock. Material must be compatible with beach sand (i.e. same sand grain size and color). Coliform levels in the dredged material must be within acceptable standards required by the Regional Water Quality Control Board.
5. Disposal of Dredged Material: Disposal of the dredged material shall be in compliance with the ACOE maintenance dredging methods and project criteria as contained in the Department of the Army, Los Angeles District Corps of Engineers, Final Environmental Assessment for the Morro Bay Harbor Maintenance Dredging, San Luis Obispo County, California, May 1995, including the approved disposal site along the beach north of Morro Bay, between Morro Creek and Azure Street. To have the least impact to beach users, the disposal operations will begin at the northern limit and work south.
6. Air Quality: Dredging equipment shall be properly maintained to reduce emissions. All dredging activities shall comply with the air quality standards enforced by the San Luis Obispo County Air Quality Control District.
7. Water Quality: During dredging activities, Best Management Practices (BMPs) shall be used to prevent the accidental release of pollutants, such as fuels, lubricants, chemicals or other harmful substances that may be generated.