

MINUTE ITEM

This Calendar Item No. C23 was approved as Minute Item No. 23 by the California State Lands Commission by a vote of 3 to 2 at its 11-21-06 meeting.

**CALENDAR ITEM
C23**

A 1
S 2

11/21/06
PRC 8722 W 26177
G. Kato

DREDGING LEASE

APPLICANT:

Noyo Harbor District
19101 South Harbor Drive
Fort Bragg, CA 95437

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State, in the Noyo River, Mendocino County.

AUTHORIZED USE:

Dredge a maximum of 70,356 cubic yards of material to remove buildup of sediment due to the flooding and unusual high tides to provide adequate depth for vessel navigation. Disposal of dredge materials will be at an upland disposal site authorized by all applicable state and federal regulatory agencies.

LEASE TERM:

One year, beginning September 18, 2006.

CONSIDERATION:

No royalty will be charged as the project will result in a public benefit. Dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. Flooding in December 2005 and January 2006 and unusually high tides resulted in a buildup of sedimentation in the Noyo Harbor Marina. As a result of the flooding, Mendocino County was declared a federal and State disaster area. Because of the sedimentation buildup in the Marina, the US Coast Guard responses to emergencies are compromised and commercial vessels are unable to navigate at will for fear of running aground. As such, the Noyo Harbor District sought permission to dredge prior to the scheduled Commission meeting in order to remedy the

CALENDAR ITEM NO. C23 (CONT'D)

unsafe existing conditions. On September 18, 2006, staff, pursuant to its delegation of authority, signed a letter on non-objection that allowed the District to dredge prior to Commission consideration.

2. Applicant is the Trustee of legislatively granted sovereign lands, pursuant to Chapter 555, Statutes of 1961 with minerals reserved to the State.
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 CEQA as a statutorily exempt program. The project is exempt because it involves a project undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with section 8550) of Division 1, Title 2 of Government Code.

Authority: Public Resources Code Section 21080 (b)(3) and Title 14, California Code of Regulations, Section 15269 (a).

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:

California Coastal Commission
Regional Water Quality Control Board
California Department of Fish and Game

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. C23 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080 (b)(3) AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15269 (a), TO MAINTAIN, REPAIR, RESTORE, DEMOLISH OR REPLACE PROPERTY OR FACILITIES DAMAGED OR DESTROYED AS A RESULT OF A DISASTER IN A DISASTER-STRICKEN AREA IN WHICH A STATE OF EMERGENCY HAS BEEN PROCLAIMED BY THE GOVERNOR.

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO NOYO HARBOR DISTRICT BEGINNING OCTOBER 12, 2006, FOR A TERM OF ONE YEAR FOR DREDGING A MAXIMUM OF 70,356 CUBIC YARDS OF MATERIAL WITHIN THE NOYO RIVER, CITY OF FORT BRAGG, MENDOCINO COUNTY, AS SHOWN ON EXHIBIT A 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 WILL BE CHARGED AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT. THE DREDGED MATERIAL MAY NOT BE SOLD.

NO SCALE

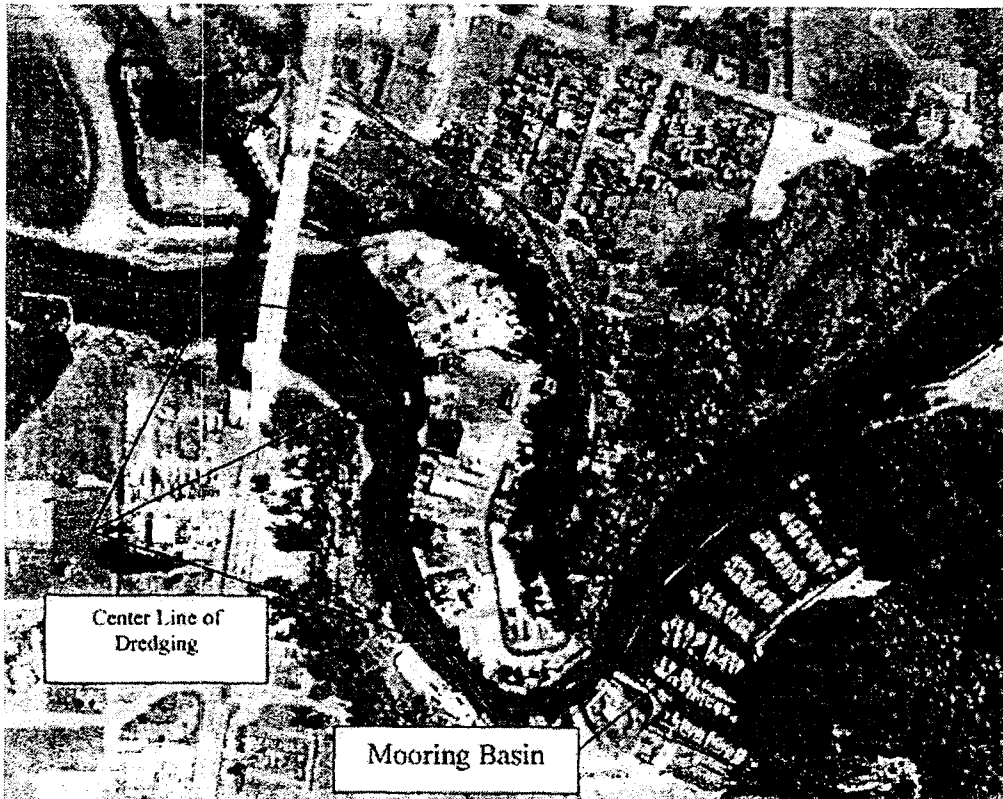


Exhibit A
Location and Site Map
Noyo Harbor District
W 26177



This exhibit is solely for purposes of generally defining the lease premises, and is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

GK

000107
CALENDAR PAGE

002255
MINUTE PAGE