

MINUTE ITEM

21. APPLICATION FOR AMENDMENT OF PERMIT P.R.C. 2342.9, PERMIT TO CONSTRUCT JETTIES AND DREDGE CHANNEL ON TIDE AND SUBMERGED LANDS AT PIERPONT BAY, VENTURA COUNTY; VENTURA PORT DISTRICT - W.O. 3519, P.R.C. 2881.9.

The Honorable Charles Petit, Mayor of the City of San Buenaventura, appeared in behalf of the Port District of Ventura. He pointed out that bonds had been sold and bids received, making the issuance of the permit a matter of urgency.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO:

1. RESCIND THE PERMIT ISSUED TO VENTURA PORT DISTRICT PURSUANT TO COMMISSION ACTION UNDER MINUTE ITEM 9 (PAGES 4432-33) ON JANUARY 29, 1959;
2. ISSUE SIMULTANEOUSLY A NEW PERMIT, IN THE FORM ATTACHED AS EXHIBIT "A", TO THE VENTURA PORT DISTRICT WHEN THE DISTRICT HAS OBTAINED THE NECESSARY PERMITS FROM THE UNITED STATES ARMY, CORPS OF ENGINEERS.

Commissioner Cranston stated the importance of having the record show clearly that the Commission had done all it could to move the project expeditiously. He pointed out that before the Army Engineers could issue a permit they had to await the expiration of the protest period required by law.

Attachment

Calendar Item 20 (5 pages)

SUPPLEMENTAL CALENDAR ITEM

20.

APPLICATION FOR AMENDMENT OF PERMIT P.R.C. 2342.9, PERMIT TO CONSTRUCT JETTIES AND DREDGE CHANNEL ON TIDE AND SUBMERGED LANDS AT PIERPONT BAY, VENTURA COUNTY; VENTURA PORT DISTRICT - W.O. 3519.

On January 29, 1959, the Commission authorized the issuance of a 49-year permit to Ventura Port District to construct and maintain jetties and to dredge a channel between the jetties, being the entrance to a proposed small-boat harbor to be located on the fee-owned upland immediately south of Ventura city limits.

In March of 1960, an application was received for approval of the revision of the location of the jetties necessitated by redesign of the harbor. Before satisfactory solution of all details involving the City of San Buenaventura, the U. S. Army Corps of Engineers, Union Oil Company (State lessee of a marine-loading facility), and the Commission, the District encountered financial problems, and consideration of the offshore structure modifications stopped for two years.

Accord by all parties has now been reached on all points involving the relocation of the jetties and channel (see Exhibits "B" and "C"). Engineers from the U. S. Army Corps of Engineers, from the Division of Small Craft Harbors, and from the Department of Water Resources, and the Ventura Port District have agreed informally that the upcoast beach at Ventura should benefit slightly from the project and that the downcoast beaches should not be damaged by the proposal of the District to place sand taken from the upland into the downcoast littoral sand stream in an amount equal to the sand trapped by the upcoast jetty during the construction period. One million cubic yards of sand is to be stockpiled for this purpose. Upon completion of the construction, sand trapped by the upcoast jetty is to be moved periodically around the jetties and released in the downcoast littoral sand stream to provide an uninterrupted sand movement to the downcoast beaches and to keep the drift sand from plugging the entrance to the harbor.

A permit by the U. S. Army Corps of Engineers covering the above-mentioned sand-movement phase of the project will not be issued until May 8, 1962, the expiration date for protest by interested parties, in accordance with the Army public notice. If protests are received, there will be a further unavoidable delay.

The Ventura Port District proposes to award the construction contract on May 11, 1962, and has requested the Commission to authorize issuance of the amended permit simultaneously with the Army permit so that the contractor may make full use of the summer construction season and thus complete the project, as scheduled, early in 1963. Such permit issuance is also important

SUPPLEMENTAL CALENDAR ITEM 20. (CONTD.)

in order that a source of revenue may be provided to the District through harbor operation to retire the bonds and to repay the loan of \$900,000 obtained from the Small Craft Harbor Commission.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO:

- (1) RESCIND THE PERMIT ISSUED TO VENTURA PORT DISTRICT PURSUANT TO COMMISSION ACTION UNDER MINUTE ITEM 9 (PAGES 4432-33) ON JANUARY 29, 1959;
- (2) ISSUE SIMULTANEOUSLY A NEW PERMIT, IN THE FORM ATTACHED AS EXHIBIT "A", TO THE VENTURA PORT DISTRICT WHEN THE DISTRICT HAS OBTAINED THE NECESSARY PERMITS FROM THE UNITED STATES ARMY, CORPS OF ENGINEERS.

Attachment
Exhibit "A"

EXHIBIT "A"

STATE OF CALIFORNIA
STATE LANDS COMMISSION
STATE BUILDING
LOS ANGELES, CALIFORNIA

No.

PUBLIC RESOURCES CODE SERIES

For such sole and exclusive purpose, and subject to such terms, conditions, restrictions, reservations, and limitations as are herein set forth:

The State of California, hereinafter designated as the State, acting through the State Lands Commission and pursuant to the authority contained in Division 6 of the Public Resources Code and the rules and regulations adopted thereunder, does hereby convey, demise and let to Ventura Port District, a political subdivision of the State of California, a 49-year permit covering those tide and submerged lands situated in the County of Ventura, State of California, and more particularly described as follows:

A parcel of tide and submerged land in the Santa Barbara Channel, located approximately 4500 feet northerly from the mouth of the Santa Clara River, and more particularly described as follows:

Beginning at a point in the Santa Barbara Channel which bears N. 55° 36' 28" W., 2,753.08 feet from U. S. Coast and Geodetic Triangulation Station "SANDY 3" (Zone 5 California Coordinates X = 1,617,932.34 feet and Y = 272,914.09 feet); thence from said point of beginning N. 32° 59' 58" W., 1,810 feet more or less to the Mean High Tide Line on the shore of the Santa Barbara Channel; thence southerly along said line 2,800 feet more or less to the northeasterly boundary of the 100-foot-wide Right-of-Way Easement leased by the California State Lands Commission to the Union Oil Company on April 12, 1951 for a submarine pipeline (file designation P.R.C. 602.1); thence northwesterly along said boundary 1,290 feet more or less to a line which bears S. 22° 57' 50" E. from the Point of Beginning; thence N. 22° 57' 50" W., 870 feet more or less to the point of beginning, and containing 54.24 acres more or less.

1. Said permit shall be used only for the construction, operation and maintenance of a harbor entrance channel and jetties which shall in all respects comply with all applicable laws, rules and regulations.
2. No portions of the jetties shall be constructed within 150 feet of the southerly boundary of the herein described State land.

EXHIBIT "A" (CONTD.)

3. During the period of construction, the Union Oil Company easement 100 feet wide, located immediately adjacent to the southerly boundary of the herein described State land, and additional areas 50 feet wide, lying on either side of said easement, shall be designated as "Restricted Area" and operations within the said restricted area shall be limited to ocean surface only. The northerly boundary of the restricted area shall be identified by marker buoys placed by the District or its contractor.

4. During jetty construction, and until sand bypassing is commenced, sand will be inserted into the littoral sand stream below the south jetty in an amount equal to the amount of sand trapped by the authorized structures. Thereafter, all sand reaching the structures shall be mechanically passed around the obstructions and released in the littoral sand stream.

5. Said permit shall continue and shall remain in effect only so long as the same shall be used, utilized, and maintained for the purpose herein specified, and any time upon the discontinuance of such use and maintenance for a period of 180 days said permit shall, at the option of the State and upon written notice thereof to the Ventura Port District, cease and terminate and the State shall have the right to forthwith re-enter upon and take possession of said demised lands and at its option remove all, or any portion or portions, of any structures, roadways, and fills from said demised lands at the cost and expense of said Ventura Port District.

6. The State expressly reserves the right to grant easements or crossings, over, upon and under the said demised premises and nothing herein contained shall be construed as limiting the powers of the State to lease, convey, or otherwise transfer or encumber, during the life of this said permit, all or any portion or portions of the hereinbefore described State lands for any purpose whatsoever not inconsistent or incompatible with the rights or privileges granted to the said Ventura Port District.

7. There is reserved to the State all natural resources, timber, and minerals, including oil or gas in or above the described land, and the right to grant in, over, and across said lands, leases, easements, and/or rights-of-way to extract or remove such natural resources, timber, or minerals as provided by law and the rules and regulations of the State Lands Commission and without compensation to the said Ventura Port District.

8. That the Permittee shall be liable for and agrees to indemnify the State against any loss, damage, claim, demand or action, caused by, arising out of, or connected with the construction, maintenance, or use of the demised premises.

This agreement will become binding on the State only when duly executed by the Executive Officer of the State Lands Commission of the State of California.

EXHIBIT "A" (CONTD.)

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date hereafter affixed.

PERMITTEE

VENTURA PORT DISTRICT
P. O. Box 99
Ventura, California

STATE OF CALIFORNIA
STATE LANDS COMMISSION

By _____
F. J. HORTIG
Executive Officer

