

MINUTE ITEM
This Calendar Item No. 46
was approved as Minute Item
No. 46 by the State Lands
Commission by a vote of 3
to 0 at its 8/10/88
meeting.

CALENDAR ITEM

A 58

46

08/10/88
W 23466 PRC 7237
Martinez

S 37

MAINTENANCE DREDGING PERMIT

APPLICANT: Portifino Cove Condominium
Homeowners Association
Attention: R. A. Maculsay
16291 Countess #102
Huntington Beach, California 92649

AREA, TYPE LAND AND LOCATION:
Sovereign land in Huntington Harbor and Bolsa
Chica Channel, Orange County. The spoils will
be disposed at the approved EPA ocean disposal
site LA-2.

PROPOSED LAND USE:
Dredge a maximum volume of 6,000 cubic yards of
material other than oil, gas and geothermal to
maintain a navigable depth by removing material
that has shoaled into the existing channel.
The dredging is being done in conjunction with
the larger dredging project being done by the
County of Orange.

TERMS OF THE PROPOSED PERMIT:
Initial Period: One year beginning
August 10, 1988.
Royalty: No charge because spoils are
being placed offshore.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

(ADDED 8/9/88 pgs. 333-333.6)

CALENDAR ITEM NO. 46 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2, Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 01/19/89.

OTHER PERTINENT INFORMATION:

- 1. A Negative Declaration was prepared and adopted for this project by the County of Orange. The State Lands Commission staff has reviewed such document and believes that it complies with the requirements of the CEQA.

APPROVALS REQUIRED:

U. S. Army Corps of Engineer.
Regional Water Quality Control Board.
California Coastal Commission.
Department of Fish and Game.

EXHIBITS:

- A. Vicinity and Site Map.
- B. Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF ORANGE AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
- 2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
- 3. AUTHORIZE STAFF TO ISSUE TO PORTIFINO COVE CONDOMINIUM HOMEOWNERS ASSOCIATION A ONE YEAR DREDGING PERMIT BEGINNING AUGUST 10, 1988, ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 6,000 CUBIC YARDS OF MATERIAL IN HUNTINGTON HARBOR AND BOLSA CHICA CHANNEL AND DISPOSAL AT THE APPROVED EPA OCEAN DISPOSAL SITE LA-2. NO ROYALTY SHALL BE CHARGED BECAUSE THE SPOILS ARE BEING DISPOSED OF OFFSHORE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

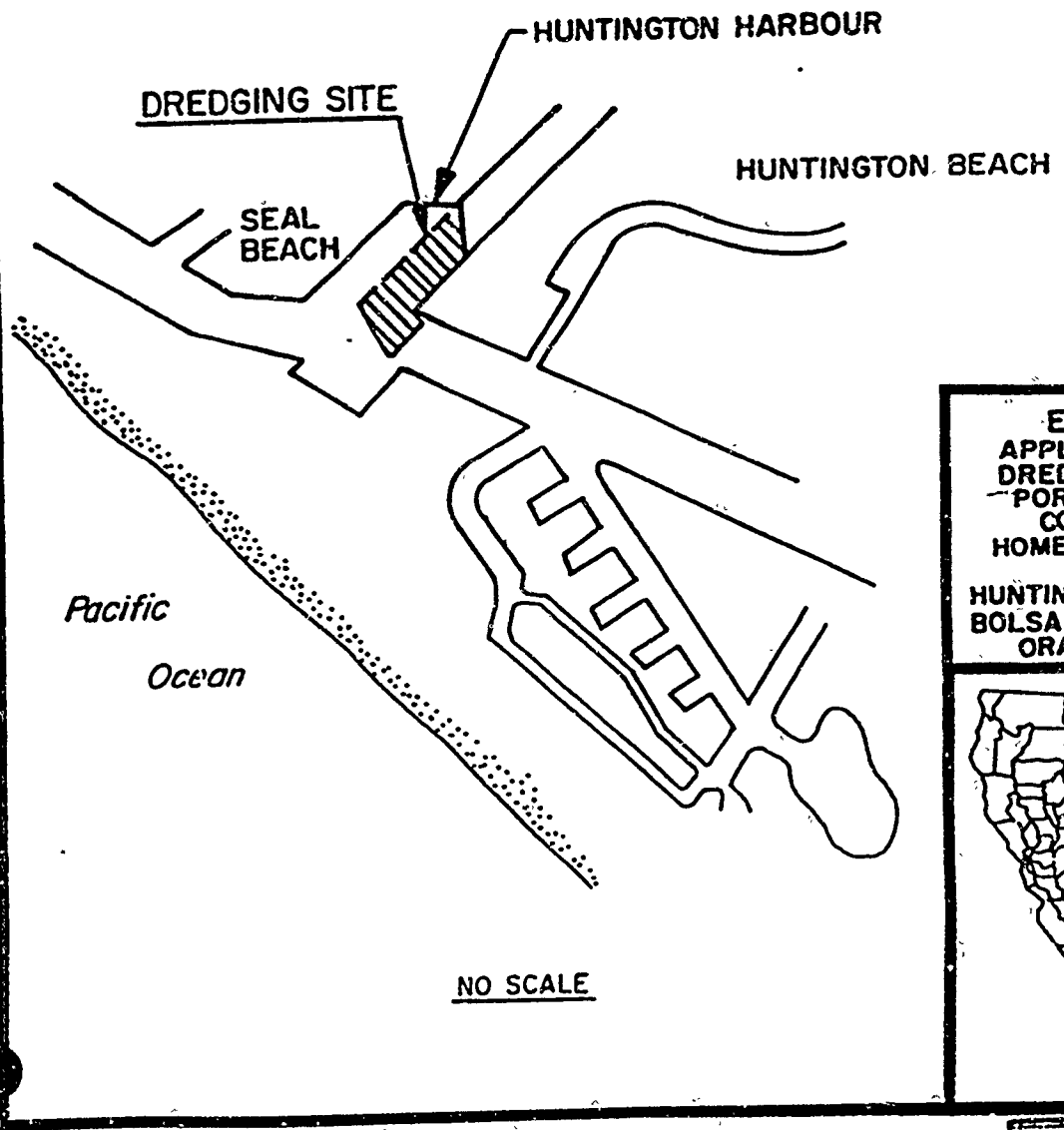
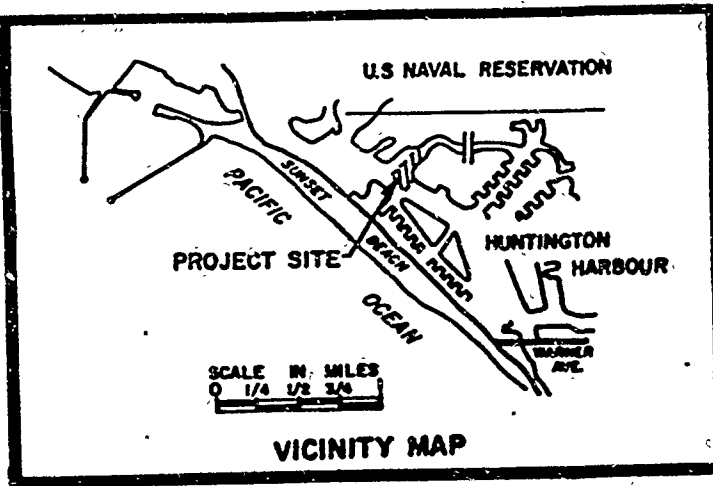


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
PORTIFINO COVE
CONDOMINIUM
HOMEOWNERS ASSOC.
W25466
HUNTINGTON HARBOUR &
BOLSA CHICA CHANNEL.
ORANGE COUNTY



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"B"

STATE OF CALIFORNIA—STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Chairman

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

August 10, 1988

File Ref.: W 23466

Portifino Cove Condominium
Homeowners Association
Attn: R. A. Maculsay
16291 Countess #102
Huntington Beach CA 92649

Gentlemen:

Pursuant to your request received July 18, 1988 and by the authorization of the State Lands Commission on August 10, 1988 you are hereby granted permission to dredge, during the term of the permit a maximum 6,000 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal from an area of sovereign lands in Huntington Harbor and Bolsa Chica Channel, Orange County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to dispose of the spoils at the approved EPA offshore disposal site LA-2.

No royalty shall be paid for material placed at the approved offshore disposal site. A royalty of \$0.25 per cubic yard shall be charged for any material used for private or commercial purposes. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State, and local government laws, rules, and regulations. Said permission shall be effective from August 10, 1988 through August 9, 1989.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

It is further agreed that you shall submit copies of reports or contracts with the dredging operator substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9NC). It is agreed that you shall submit said forms on or before the fifteenth (15th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed during that quarter. The first permit quarter shall be the first three months following the effective date of this permit and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be subject to a five percent (5%) penalty and shall bear interest at the rate of one and one-half percent (1½%) per month from the date when the same was payable by the terms hereof.

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It is agreed that you shall furnish the Commission with copies of final surveys or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above-described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against or impounded upon the State of California or any of its officers, agents or employees, arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third persons or entity. It is agreed that you shall, at the option of the Commission, procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified or terminated, whenever the State Lands Commission deems such action to be in the best interests of the State, and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

W. M. THOMPSON, Chief
Extractive Development Program

Date: _____

ACCEPTED:

BY: _____, TITLE: _____

DATE _____

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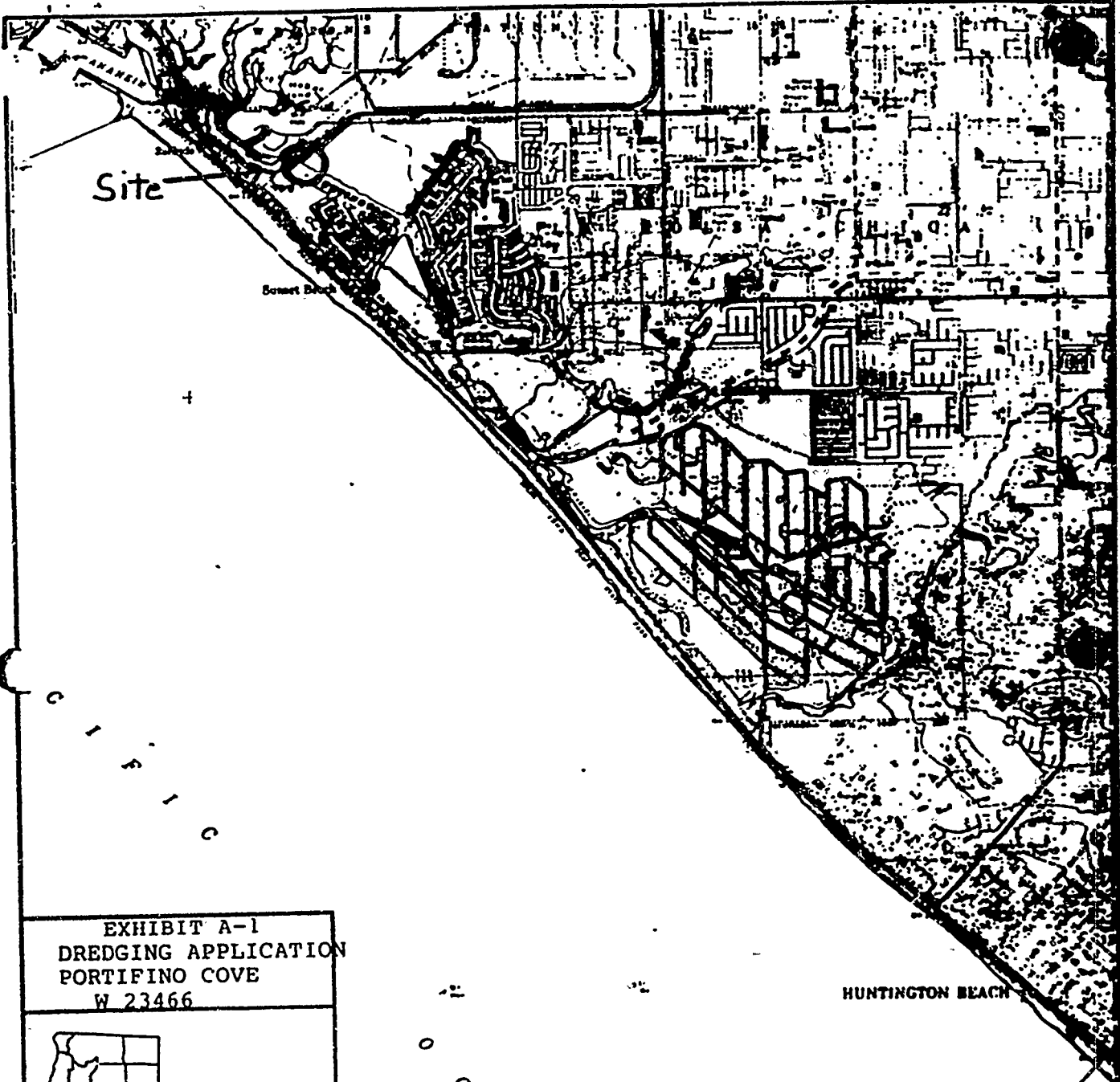


EXHIBIT A-1
DREDGING APPLICATION
PORTIFINO COVE
W 23466



CASE NUMBER 3335
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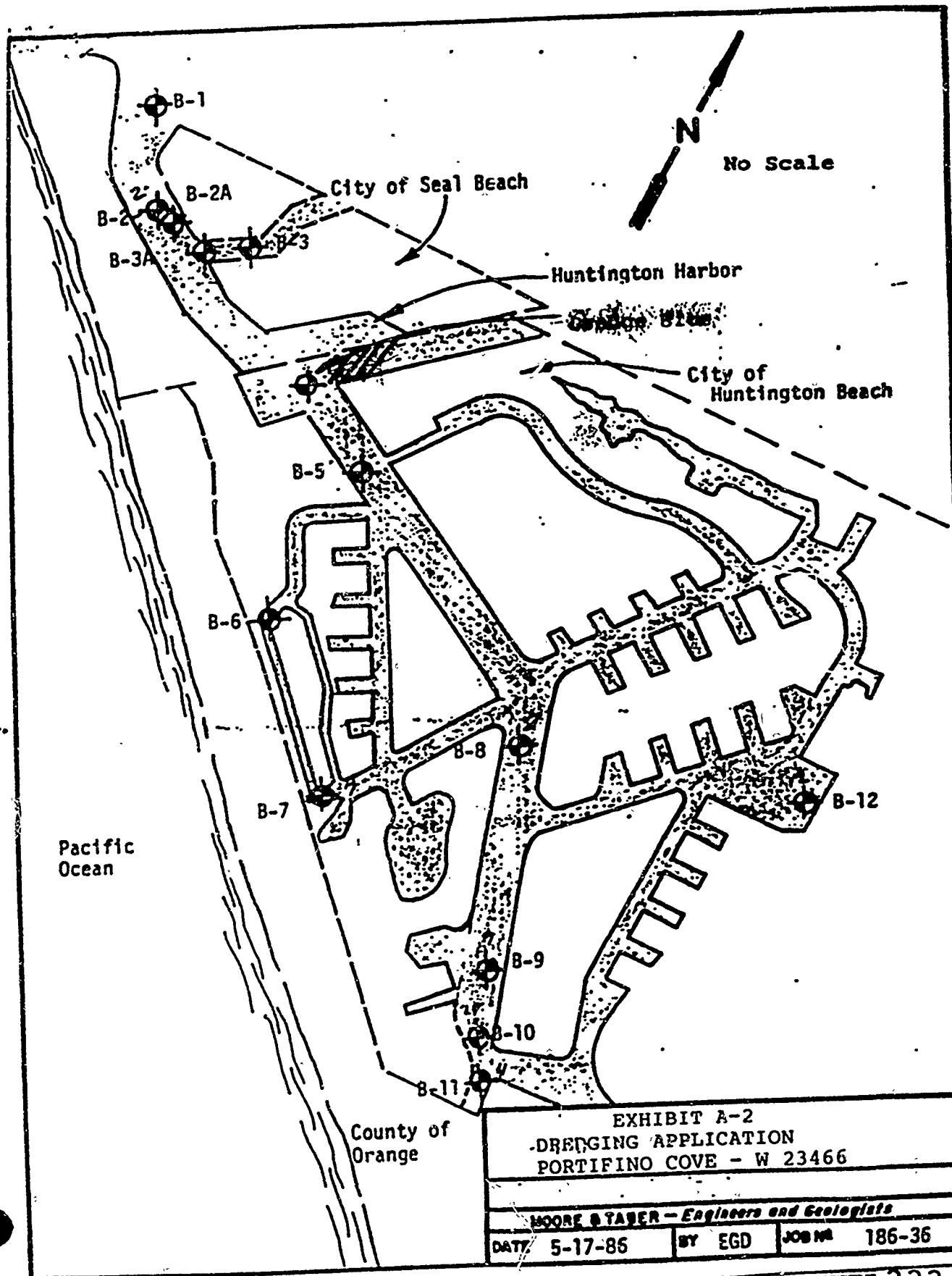


EXHIBIT A-2
 DREDGING APPLICATION
 PORTIFINO COVE - W 23466

MOORE & TABER - Engineers and Geologists

DATE	5-17-85	BY	EGD	JOB NO	186-36
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Job No. 186-36 - May 19, 1986

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