CALENDAR ITEM

35

MAINTENANCE DREDGING PERMIT

APPLICANT: City of Santa Barbara
Drawer P-P
Santa Barbara, California 93102

AREA, TYPE LAND AND LOCATION:
Granted, mineral reservation lands in Santa Barbara Harbor, Santa Barbara County.

PROPOSED LAND USE:
Dredge a maximum 309,300 cubic yards of material to maintain a navigable depth at Santa Barbara Harbor. The material will be removed from five (5) major areas as follows: Marina 1 fairway (17,000 cu. yds.); mooring area (40,000 cu. yds.); skiff mooring area (800 cu. yds.); small boat sailing area (250,000 cu. yds.); and north perimeters of marinas 2, 3, and 4 (1,500 cu. yds.).

The dredged material will be used for beach replenishment at Leadbetter Beach and East Beach. Testing and approval by the Regional Water Quality Control Board and the United States Army Corps of Engineers has indicated the material is suitable for beach replenishment.

(ADDED pgs. 329-329.6)
TERMS OF PROPOSED PERMIT:
Initial period: One year beginning September 1, 1989.
Royalty: No charge because project is for public benefit.

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

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 02/18/90.

OTHER PERTINENT INFORMATION:
1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

2. The California Coastal Commission (CCC), a "functional equivalent agency" under Section 21080.5 of the CEQA has:
   a. served as the lead agency under CEQA;
   b. considered the project described herein; and
   c. found that the project, as proposed, will not have a significant effect on the environment, under Section 15252 of the CEQA Guidelines. The State Lands Commission may use the environmental analysis made by the CCC in its consideration of this project.

Authority: Sections 21083 and 21087 of the CEQA.
3. Pursuant to the recommendation of
California Department of Fish and Game, the
discharge of material onto Leadbetter Beach
and East Beach will be allowed only from
September 1 to March 1, 1990 to preclude
impacts to spawning California Grunion.

APPROVALS OBTAINED:
United States Army Corps of Engineers,
California Coastal Commission, and Regional
Water Quality Control Board.

EXHIBITS:  
A. Vicinity and Site Map.  
B. Dredging Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CALIFORNIA COASTAL COMMISSION, A FUNCTIONAL
   EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA HAS
   CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE
   PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON
   THE ENVIRONMENT.

2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION
   CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE CCC
   AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED
   THEREIN, 14 CAL CODE REGS., SECTION 15253.

3. AUTHORIZE STAFF TO ISSUE TO THE CITY OF SANTA BARBARA THE
   DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL
   ALLOW DREDGING A MAXIMUM VOLUME OF 309,300 CUBIC YARDS OF
   MATERIAL FROM SANTA BARBARA HARBOR, SANTA BARBARA COUNTY,
   FOR ONE YEAR BEGINNING SEPTEMBER 1, 1989. THE SPOILS WILL
   BE USED FOR BEACH REPLENISHMENT AT LEADBETTER BEACH AND
   EAST BEACH. NO ROYALTY SHALL BE CHARGED FOR MATERIAL
   DISPOSED OF AS DESCRIBED. SUCH PERMITTED ACTIVITY IS
   CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE
   PERMITS, RECOMMENDATION, AND LIMITATION ISSUED BY FEDERAL,
   STATE, AND LOCAL GOVERNMENT AGENCIES.
SANTA BARBARA DISPOSAL SITE

Channel

Yacht

Harbor

Pacific Ocean

DISPOSAL SITE

PROJECT SITES

PT. CASTILLO

No Scale

VICINITY MAP

EXHIBIT A
APPLICATION FOR
MAINTENANCE DREDGING PERMIT
CITY OF SANTA BARBARA
PRC 6620
SANTA BARBARA HARBOR
SANTA BARBARA COUNTY

DREDGING SITES

No Scale

Pacific Ocean

Skiff Mooring Area

Mooring Area

Marina 1 Fairway

CABRILLO AVE.
City of Santa Barbara
Drawer P-P
Santa Barbara CA 93102

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission on August 23, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 309,300 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 granted, mineral reservation lands in Santa Barbara Harbor, Santa Barbara County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to use the dredged material for beach replenishment at Leadbetter Beach and East Beach.

No royalty shall be paid for material disposed of as approved. 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 September 1, 1989 through August 31, 1990.

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 5224, 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.

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 me, 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: ______________________
EXHIBIT "A"
APPLICATION FOR MAINTENANCE DREDGING PERMIT
CITY OF SANTA BARBARA
PRC 6620
SANTA BARBARA HARBOR
SANTA BARBARA COUNTY

No Scale

DREDGING SITES

Pacific Ocean