

**CALENDAR ITEM
C19**

A 70
S 35

10/16/08
WP 26297
G. Kato

DREDGING LEASE

APPLICANT:

Dover Shores Community Association
219 North Star Lane
Newport Beach, CA 92660

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State, within Upper Newport Bay, Orange County.

AUTHORIZED USE:

Dredge a maximum of 12,000 cubic yards of material from granted lands to maintain safe navigation, disposal of dredged material to be placed at EPA-approved LA-3 ocean disposal site.

LEASE TERM:

Three years, beginning October 17, 2008.

CONSIDERATION:

No monetary consideration will be charged as the project will result in a public benefit. The dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. The Applicant is a community association comprised of the upland homeowners.
2. In addition to the dredging on legislatively granted sovereign lands, the Applicant proposes to dredge adjacent to 75 private slips, known as Dover Shores Marina, which is operated by the Applicant and is adjacent to public trust lands.
3. The Dover Shores Marina area was last dredged in 1999 as part of a regional dredging project and has since accumulated several feet of sediment. The navigation channel, which includes lands granted to the County of Orange, is adjacent to the Marina area and is much deeper than

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the Marina's design dredge depth. The Marina area will not be dredged to the navigation channel depth and therefore is limited to boats with smaller drafts.

4. The entire dredging project will not exceed the removal of 31,000 cubic yards of material. However, approximately 12,000 cubic yards of material will be dredged from sovereign lands that have been legislatively granted to Orange County, with minerals reserved to the State, pursuant to Chapter 526, Statutes of 1919 as amended, and will require a lease from the Commission. As such, the Applicant has applied for a dredging lease.
5. The Applicant is taking on the cost and responsibility associated with the dredging on granted lands that Orange County would otherwise be responsible for. Dredging in the channel will improve navigation and will also improve the tidal flow into the Upper Newport Bay Ecological area. Therefore, as the project will result in a public benefit and the dredged material may not be sold, staff is recommending that no monetary consideration be charged for the dredging project.
6. The dredged material will be placed at the LA-3 ocean disposal site, located approximately four miles off shore of the Newport Harbor entrance. There will be no upland disposal.
7. 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 the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land, Title 14, California Code of Regulations, section 15304(g). Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.
8. 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:

United States Army Corps of Engineers
Regional Water Quality Control Board – Santa Ana Region
California Coastal Commission
City of Newport Beach

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EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304(G).

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 THE DOVER SHORES COMMUNITY ASSOCIATION BEGINNING OCTOBER 16, 2008, FOR A TERM OF THREE YEARS, FOR DREDGING A MAXIMUM OF 12,000 CUBIC YARDS OF MATERIAL FROM LEGISLATIVELY GRANTED SOVEREIGN LANDS, WITH MINERALS RESERVED TO THE STATE, LOCATED WITHIN UPPER NEWPORT HARBOR BAY, ORANGE 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 ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS; NO MONETARY CONSIDERATION WILL BE CHARGED AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT AND THE DREDGED MATERIAL MAY NOT BE SOLD.