

**CALENDAR ITEM  
C69**

A 68, 70

10/19/12

S 35

PRC 8432.9

S. Guerrieri

**AMENDMENT OF DREDGING LEASE**

**LESSEE:**

County of Orange  
13042 Old Myford Road  
Irvine, CA 92602

**AREA, LAND TYPE, AND LOCATION:**

Legislatively granted sovereign land, with minerals reserved to the State, within Newport Bay, city of Newport Beach, Orange County.

**AUTHORIZED USE:**

Dredge and remove a maximum of 20,000 cubic yards per year of dredged materials from Newport Bay for the purposes of navigation, reclamation, or flood control. Suitable dredged material to be disposed of at nearby beaches on legislatively granted sovereign lands within Newport Bay. If sediment is unsuitable for beach replenishment, dredged material shall be disposed of at the U.S. Army Corps of Engineers approved offshore disposal site, LA-2 or LA-3.

**LEASE TERM:**

Ten years, beginning June 27, 2006, through June 26, 2016

**CONSIDERATION:**

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

**PROPOSED AMENDMENT:**

Increase dredging amounts from 20,000 cubic yards annually to 65,000 cubic yards annually. Increase lease footprint to include a new dredging site located between Harbor Island and Linda Isle. A maximum of 60,000 cubic yards of dredged material will be disposed of at LA-3, a U.S. Environmental Protection Agency approved open ocean disposal site located offshore of Newport Beach. A maximum of 5,000 cubic yards of dredged material unsuitable for unconfined ocean disposal will be disposed of at the Port of Long Beach's Middle Harbor fill site or at an approved upland facility. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

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1. The Lessee is the Trustee of legislatively granted sovereign land, pursuant to Chapter 526, Statute 1919, and as amended by Chapter 415, Statutes of 1975, with minerals reserved to the State.
2. On June 26, 2006, the Commission authorized a 10-year Dredging Lease to the County of Orange (County) to dredge and remove a maximum of 20,000 cubic yards per year from Newport Bay to improve navigation, reclamation, or flood control. At that time, the suitable dredged material, no more than 1,000 cubic yards per individual project, was to be disposed of at nearby beaches. Material unsuitable for beach replenishment, and not more than 1,000 cubic yards per individual project, was to be disposed of at the U.S. Army Corps of Engineers approved offshore disposal site, LA-2 or LA-3. The lease will expire June 26, 2016.
3. The lessee applied for an amendment to the Dredging Lease to increase dredging amounts from 20,000 cubic yards annually to 65,000 cubic yards annually and amend the disposal area to include an approved ocean disposal and approved upland disposal facility. Up to 60,000 cubic yards of the dredged material has been determined suitable for unconfined ocean disposal and will be disposed of at LA-3, a U.S. Environmental Protection Agency approved open ocean disposal site located offshore of Newport Beach. The remaining 5,000 cubic yards of the dredged material has been determined unsuitable for unconfined ocean disposal and would be disposed of at the Port of Long Beach's Middle Harbor Fill Site or at an approved upland disposal site.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304, subdivision (g).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

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**APPROVALS OBTAINED:**

California Coastal Commission  
U.S. Army Corps of Engineers  
Regional Water Quality Control Board  
City of Newport Beach

**FURTHER APPROVALS REQUIRED:**

N/A

**EXHIBITS:**

- A. Legal Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304, subdivision (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 section 6370 et seq.

**AUTHORIZATION:**

Authorize the amendment of Dredging Lease No. PRC 8432.9, to the County of Orange, effective October 19, 2012, to increase dredging amounts from 20,000 cubic yards annually to 65,000 cubic yards annually in Newport Bay as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; a maximum of 60,000 cubic yards of dredged material will be disposed of at LA-3, a U.S. Environmental Protection Agency approved open ocean disposal site located offshore of Newport Beach; a maximum of 5,000 cubic yards of dredged material unsuitable for unconfined ocean disposal will be disposed of at the Port of Long Beach's Middle Harbor Fill Site or at an approved upland facility; such permitted activity is contingent upon applicant's compliance with applicable permits, recommendations, or limitations issued by federal, State, and local governments; no monetary consideration will be charged as the project will result in a public benefit,

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dredged material may not be sold; all other terms and conditions of the lease will remain in effect without amendment.