

**CALENDAR ITEM
C62**

A 17
S 5

02/22/13
PRC 2836.9
D. Oetzel

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Santa Cruz Port District
135 5th Avenue
Santa Cruz, CA 95062

AREA, LAND TYPE, AND LOCATION:

Sovereign land legislatively granted to the City of Santa Cruz Port District, with minerals reserved to the State, and ungranted sovereign land in the Santa Cruz Harbor in Monterey Bay, in the City of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

Continued use and maintenance of two jetties, a channel entrance, and a buried dredge disposal pipeline; and maintenance dredging of a maximum of 3,110,000 cubic yards of material over the term of the lease. Dredged material to be disposed of at one of the following sites: the disposal site nearshore immediately east of the east jetty, off-shore Moss Landing, Monterey Bay Disposal Site (SF-14), Army Corps' approved wetlands restoration sites, or at an approved upland site.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

No monetary consideration is due for the lease because there is no commercial benefit from the project, the project is for the public use and benefit, and the dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. The purpose of the maintenance dredging is to maintain sufficient depths to continue operation of the Santa Cruz Harbor.
2. On October 17, 2011, the California Coastal Commission (CCC) authorized ongoing maintenance dredging and nourishment pursuant to

CALENDAR ITEM NO. **C62** (CONT'D)

the terms and conditions of Coastal Development Permit (CDP) 3-05-065 (as amended through and including amendment 3-05-065-A2 and CDP waiver 3-10-057-W) for this project under its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)).

Staff has reviewed the document and determined that the conditions, as specified in the California Code of Regulations, Title 14, section 15253, subdivision (b), have been met for the Commission to use the environmental analysis document certified by CCC as a Negative Declaration equivalent in order to comply with the requirements of the California Environmental Quality Act (CEQA).

3. 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.

APPROVALS OBTAINED:

California Coastal Commission
U.S. Army Corps of Engineers
Monterey Bay National Marine Sanctuary
Central Coast Regional Water Quality Control Board
California State Parks

FURTHER APPROVALS REQUIRED:

None

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an environmental analysis document, California Coastal Commission (CCC) Coastal Development Permit (CDP) 3-05-065 (as amended through and including amendment 3-05-065-A2 and CDP waiver

CALENDAR ITEM NO. **C62** (CONT'D)

3-10-057-W), was adopted for this Project by the CCC under its certified program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), and that the California State Lands Commission has reviewed and considered the information therein and concurs in CCC's determination.

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 issuance of a General Lease – Public Agency Use to the Santa Cruz Port District, for a term of 10 years, beginning February 22, 2013, for the continued use and maintenance of two jetties, a channel entrance, and a buried dredge disposal pipeline; for maintenance dredging of a maximum of 3,110,000 cubic yards of material over the term of the lease. Dredged material to be disposed of at one of the following sites: the disposal site nearshore immediately east of the east jetty, off-shore Moss Landing, Monterey Bay Disposal Site (SF-14), U.S. Army Corps' approved wetlands restoration sites, or at an approved upland site. Such permitted activity is contingent upon the Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, State, and local governments. No monetary consideration is due for the lease because there is no commercial benefit from the project and the dredged material may not be sold.

EXHIBIT A

PRC 2836.9

LAND DESCRIPTION

Four parcels of tide and/or submerged land, whether filled or unfilled, situate in the bed of Monterey Bay, in the Pacific Ocean, and Woods Lagoon, Santa Cruz County, California, more particularly described as follows:

PARCEL 1 (Upper Harbor, Dredge Area)

Sixteen parcels of lands, underlying those lands in Santa Cruz Harbor which were granted to the Santa Cruz Port District Pursuant to Chapter 818, Statutes 1968.

PARCEL 2 (Lower Harbor, Dredge Area and Harbor Facility)

Seventy two parcels of lands, underlying those lands in Santa Cruz Harbor which were granted to the Santa Cruz Port District Pursuant to Chapter 1129, Statutes 1969, from the State of California as described in Grant Deed, recorded May 21, 1974 in Book 2412 at Page 273 in Official Records of said County.

TOGETHER WITH sovereign land within the Right-of-Way of the Southern Pacific Company lying adjacent to that parcel as described in Certificate of Acceptance, recorded April 11, 1962 in Book 1464 at Page 146 in Official Records of said County.

PARCEL 3 (Harbor Entrance and Jetties)

BEGINNING at a point on the ordinary high water mark of Monterey Bay, which point bears S 67° 49' 32" E, 99.98 feet from Station 64 of the "Mean High Tide Line, 1959" as show upon the plat entitled "Survey of the Mean Low Tide Line and Mean High Tide Line along the shore of Monterey Bay", Sheet 3 of 5, as prepared by the California State Lands Commission and filed as Serial No. 23189, Miscellaneous Maps, Santa Cruz County Records; thence from said point of beginning along the following four (4) courses:

1. S 06° 54' 24" E, 894.39 feet;
2. S 74° 50' 49" W, 299.81 feet;
3. N 53° 09' 11" W, 620.84 feet; and
4. N 03° 09' 11" W, 823.22 feet to said ordinary high water mark;

Thence along said line the following five (5) courses:

1. S 72° 29' 41" E, 399.86 feet;
2. S 79° 18' 54" E, 53.94 feet;
3. S 70° 30' 25" E, 119.87 feet;
4. S 76° 36' 27" E, 86.35 feet; and
5. S 67° 49' 32" E, 99.98 feet to the point of beginning.

This description is based on the California Coordinate System 1927, Zone 3.

PARCEL 4 (Dredge Material Disposal Site)

BEGINNING at a point on the ordinary high water mark of Monterey Bay, which point bears S 67° 49' 32" E, 99.98 feet from Station 64 of the "Mean High Tide Line, 1959" as show upon the plat entitled "Survey of the Mean Low Tide Line and Mean High Tide Line along the shore of Monterey Bay", Sheet 3 of 5, as prepared by the California State Lands Commission and filed as Serial No. 23189, Miscellaneous Maps, Santa Cruz County Records; thence from said point of beginning along said ordinary high water mark following three (3) courses:

1. S 67° 49' 32" E, 384.88 feet;
2. S 64° 11' 16" E, 374.35 feet;
3. S 62° 47' 49" E, 103.48 feet;

Thence leaving said ordinary high water mark South, 393.24 feet;

thence N 66° 24' 36" W, 800.43 feet to the easterly line of above described Parcel 3; thence along said easterly line N 06° 54' 24" W, 431.61 to the POINT OF BEGINNING.

This description is based on the California Coordinate System 1927, Zone 3.

END OF DESCRIPTION

Prepared 04/09/12 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

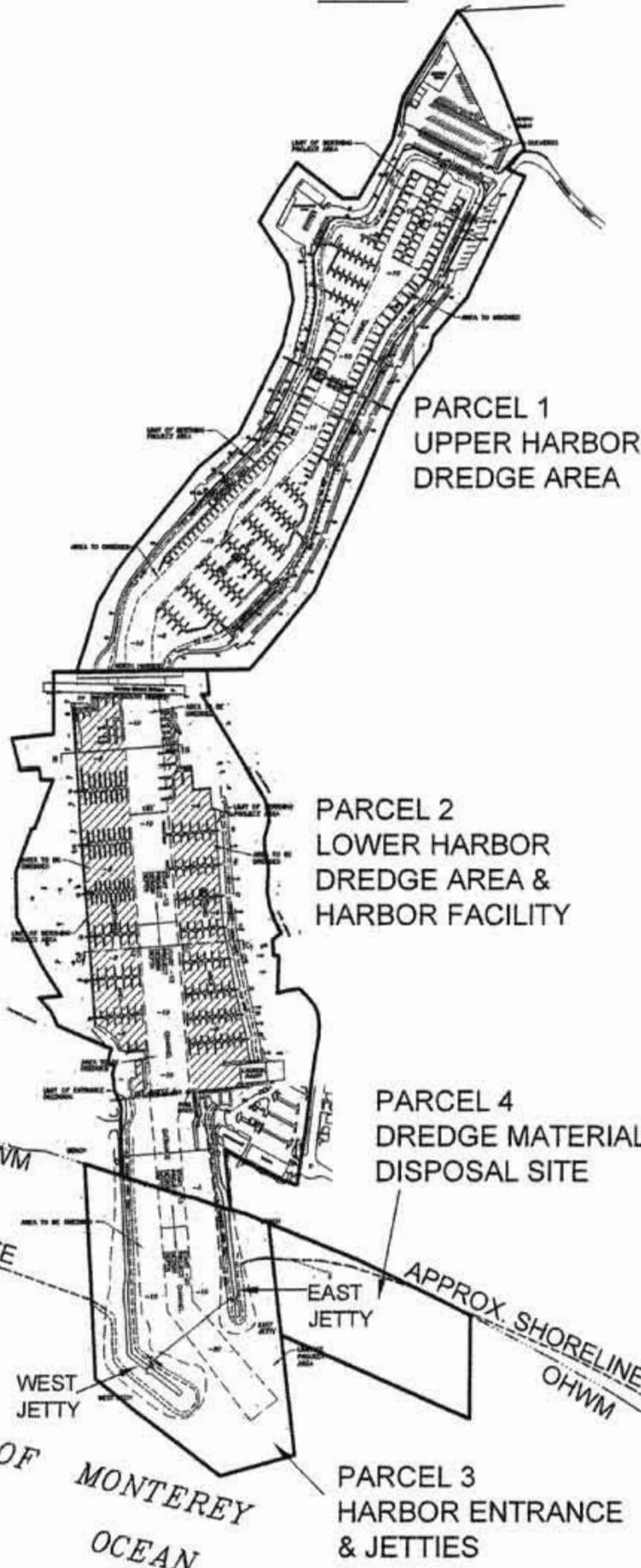


Exhibit B
PRC 2836.9
SANTA CRUZ PORT
DISTRICT
GENERAL LEASE-
PUBLIC AGENCY USE
SANTA CRUZ COUNTY



TS 04/09/12