

MINUTE ITEM

This Calendar Item No. **C41**

is a Minute Item

No. **41** of the State Lands

and is a part of

Volume of **3**

of the **6-5-79**

CALENDAR ITEM

41.

5/79
WP 4076
Atkins

AUTHORIZATION TO ACCEPT 2.25 ACRES OF
SUBMERGED LANDS AND AMENDMENT OF
GENERAL LEASE - PUBLIC AGENCY USE

LESSEE: Orange County Harbors, Beaches
and Parks District
P. O. Box 4048
Santa Ana, California 92702

AREA, TYPE LAND AND LOCATION:
Several parcels totaling 35.94 acres of
tide and submerged land at Huntington
Harbour, Orange County.

LAND USE: Beaches, marina, bulkheads, piers, dredging
and related facilities.

TERMS OF ORIGINAL LEASE:
Initial period: 49 years from December 1,
1968.

Public liability insurance: \$ 00,000/500,000
per occurrence for bodily
injury and \$50,000 for
property damage.

CONSIDERATION: The public benefit, with any profit derived
from the lease area going to the State.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:
1: The County of Orange has requested
that Harbour-Pacific Ltd. convey to
the State 2 parcels containing 2.25
acres within a flood control channel
at Huntington Harbour. These 2 parcels
will be joined with a 2.29 acre parcel,

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the State currently owns, and added to their existing lease, PRC 4076.1, covering State land utilized for Sunset Aquatic Park. The added area will be used for dredging purposes. The county is primarily interested in pursuing the acceptance by the State, of the parcels from Harbour-Pacific Ltd., so that the county would have the ability to control these parcels in conjunction with their adjacent marina. The area to be added is shown on Exhibit "A". Parcels "A" and "C" are to be quitclaimed to the State by Harbour-Pacific Ltd. Parcel "B" is already State-owned. A title report on these parcels has been reviewed by staff and any encumbrances detrimental to the State's interest will be cleared prior to deed acceptance.

2. The rental value of the site is estimated to be \$40,000.
3. The lessee under the subject lease is the Orange County Harbor District. The District has recently changed its name to the Orange County Harbours, Beaches and Parks District. The amendment document will reflect this change. This amendment also provides that dredged material taken from the lease area must be placed on land owned by the State or the County of Orange. If the dredged material is placed on land owned by the county, the land must be used for a Statewide public benefit.
4. A negative declaration was prepared by the County of Orange, pursuant to CEQA and implementing regulations. A Notice of Determination and Initial Study are on file in the office of the Commission.
5. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class C, which authorizes Multiple Use.

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Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

6. This dredging project is consistent with the provisions of Article 6.5 of Title 2, of the Cal. Adm. Code; a Coastal Permit has been issued.

APPROVALS OBTAINED:

California Water Quality Control Board,
United States Army Corps of Engineers,
Coastal Zone Commission.

EXHIBITS:

- A. Parcel Map.
- B. Location Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE COUNTY OF ORANGE, ON FEBRUARY 17, 1976.
2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
5. FIND THAT GRANTING OF THE AMENDMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
6. AUTHORIZE: 1) THE AMENDMENT OF LEASE PRC 4076.9, ADDING AN ADDITIONAL AREA, SHOWN ON EXHIBIT "A", TO BE USED FOR DREDGING, 2) CHANGING THE LESSEES NAME TO ORANGE COUNTY HARBORS, BEACHES AND PARKS DISTRICT, 3) THE ACCEPTANCE OF A QUITCLAIM DEED FOR PARCELS "A" AND "C" AS SHOWN ON THE ATTACHED EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; SAID QUITCLAIM DEED NOT TO BE RECORDED UNTIL CLEARANCE OF ANY AND ALL ENCUMBRANCES DETRIMENTAL TO THE STATE'S TITLE.

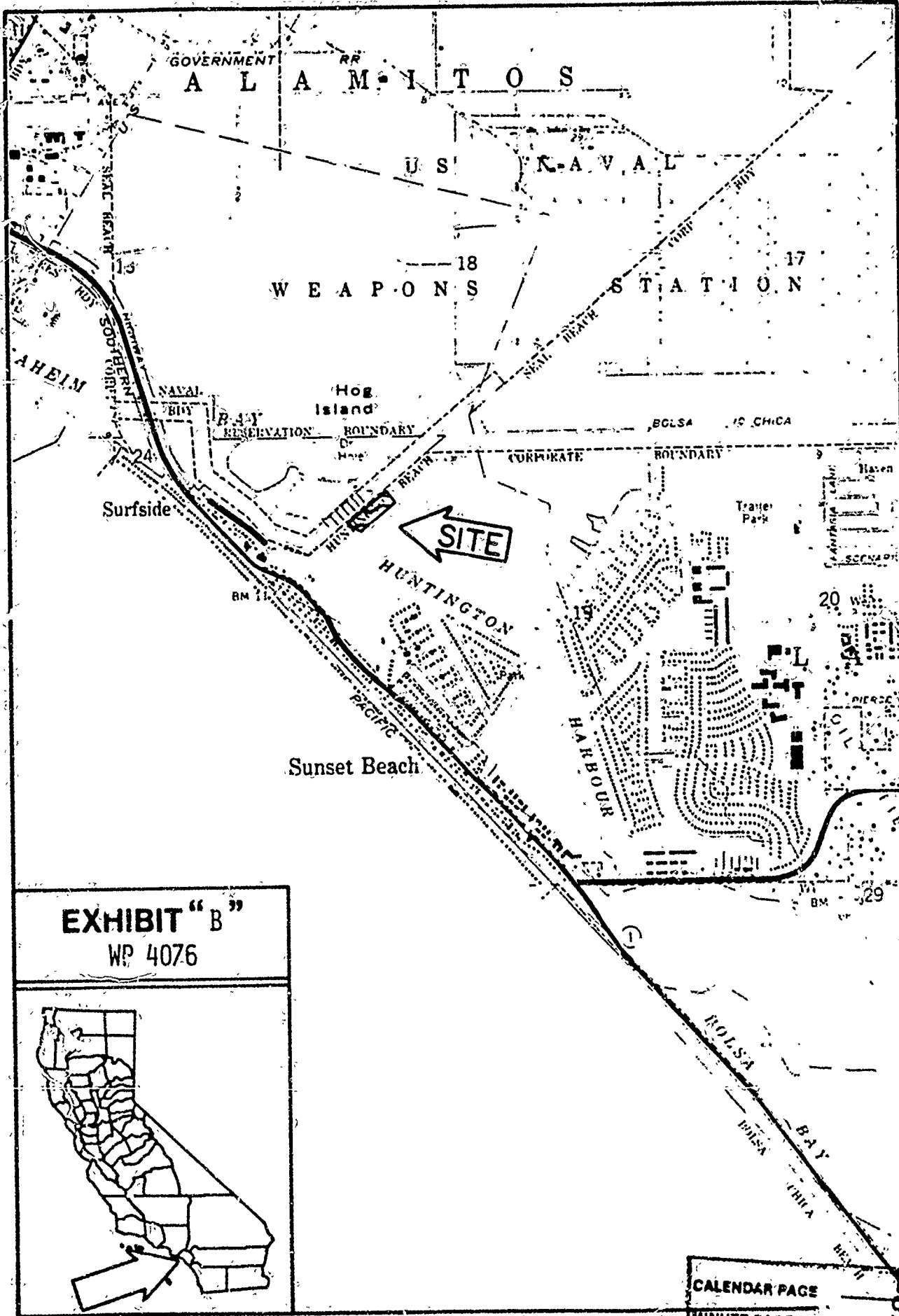


EXHIBIT "B"

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NEGATIVE DECLARATION NEG. DEC. DENIED ADMINISTRATIVELY EXEMPT

NOTICE OF DETERMINATION (for projects receiving Negative Declaration)

NEG. DEC. POSTED: 2/25/76 STATE REVIEW NEG. DEC. TO BECOME OFFICIAL, UNLESS APPEALED BY: 6/1/76

PROJECT/TITLE: Sunset Harbor, Routine and Maintenance Dredging

DESCRIPTION: Maintenance Dredging Program to be accomplished in two phases to remove sandbars in the Huntington Harbor Channel and to provide a sediment trap basin in the channel.

PROJECT LOCATION: Sunset Aquatic Park (Harbor)

ESS: 2901 Edinger Ave., Sunset Beach

DIV., DEPT., OR DIST.: EMA - Development Contact Person: J.W. Williams Phone 834-231

STAFF: The Initial Study (supplemental information on this project) was prepared by J.W. Williams and may be reviewed by visiting the Environmental Services of the EMA at 811 North Broadway, Santa Ana.

STATE DECLARATION: In accordance with Orange County Board of Supervisors policies regarding implementation of the California Environmental Quality Act of 1970 (specifically Section 21151 of the Public Resources Code), the Environmental Management Agency has reviewed the Initial Study material prepared in regard to the above described project and hereby finds: (check one)

That the proposed project may have a significant effect on the environment and has not been covered adequately in a previously approved Environmental Impact Report. Negative Declaration status therefore cannot be granted for this project and an Environmental Impact Report is thereby required to be prepared prior to the project's approval. The significant environmental impacts which may result from this project include -- but may not be limited to -- the following:

That the proposed project cannot, or will not, have a significant effect on the environment. Negative Declaration Status is therefore granted for this project and the preparation of an Environmental Impact Report is thereby not necessary for the following reasons: Dredged material will be placed on existing landfill site, water quality control board discharge requirements minimize water turbidity impacts. Adjacent least turn nesting areas will be protected by limiting operations to non-nesting periods. Suction dredging will minimize impact to surrounding benthic biota.

That even though the proposed project may have a significant effect on the environment, the project is a lesser included part of another project for which an Environmental Impact Report has previously been prepared, provided that the project and report submitted was approved and covers the specific environmental impacts of the lesser project. (In this case, the previous project and report should be noted):

Negative Declaration Authorized Negative Declaration Denied Administratively Exempt

BY: [Signature] on 2/17/76 Authorized Signature Date

NOTICE OF DETERMINATION: No Environmental Impact Report has been prepared on this project due to the above determination that there will be no significant adverse environmental effects resulting from the project. This project was APPROVED/DISAPPROVED (circle one) by the Orange County Board of Supervisors on May 10, 1976.

Notice of Determination prepared by: [Signature] Authorized Signature of: Bill D. Jones Lead Dept., Div., Dist. on: 2/20/76 Date

Notice of Determination filed with Clerk of the Board on: (Clerk of the Board date stamp)

FILED stamp

W. E. ST JOHN, County Clerk

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