

MINUTE ITEM

This Calendar Item No. C8  
was approved as Minute Item  
No. 8 by the State Lands  
Commission by a vote of 2  
to 0 at its 9-24-80  
meeting.

CALENDAR ITEM

C8.

9/80  
W 21821  
De La Cruz

DENIAL OF APPLICATION  
AB 884

Chapter 1200, Statutes of 1977 (AB 884), requires State agencies to compile lists of criteria specifying the detailed application information required applicants for development projects. Accordingly, the State Lands Commission adopted its application criteria through Calendar Item No. 12 at its April 12, 1978 meeting.

Under AB 884, once an application has been accepted as complete, the Commission must act on the application within specified time periods. Failure to act within the time allowed, either by approving or denying the project, results in automatic approval of the project (by operation of law).

Therefore, pursuant to Chapter 1200, Statutes of 1977, the following application for State Lands Commission lease is submitted for denial. This application was deemed complete in accordance with Commission-approved criteria.

Exhibit "A" outlines the application requiring denial, along with the reasons therefor.

EXHIBIT: A. Application to be Denied.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DENY, WITHOUT PREJUDICE TO APPLICANT'S RIGHT TO REAPPLY FOR THE SAME PROJECT, THE APPLICATION LISTED ON THE ATTACHED EXHIBIT "A", IN COMPLIANCE WITH THE STANDARDS FOR DENIAL SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 1099.
2. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY AND OF THE APPLICANT'S RIGHT TO REAPPLY FOR A LEASE.

A 2

S 2

CALENDAR PAGE	<u>050</u>
MINUTE PAGE	<u>221</u>

EXHIBIT "A"

APPLICATION TO BE DENIED

<u>W. O.</u>	<u>APPLICANT</u>	<u>TYPE OF FACILITY</u>
W 21821	Mr. Andy Rossen P. O. Box 2451 Marysville, CA 95901	Existing fish hatchery in the former bed of the Yuba River, Yuba County

This application is being denied because of the unresolved title problems within this area of the former bed of the Yuba River. This title question is currently in litigation, Staff has received confirmation of the applicant's desire to reapply for the same authorization pending resolution of the title problems.

CALENDAR PAGE	051
MINUTE PAGE	332

MINUTE ITEM

This Calendar Item No. 9  
was approved as Minute Item  
No. 9 by the State Lands  
Commission by a vote of 3  
to 0 at its 9-24-80  
meeting.

MINUTE ITEM

9/24/80  
W 22549  
Dorsey  
PRC 5902

C9. DREDGING PERMIT; CITY OF OCEANSIDE

Calendar Item C9 was taken off the consent calendar and considered during the regular agenda.

William F. Northrop, Executive Officer, explained the background of the item. He advised that he had received a telephone call the previous night from David Nuckles from the Western Surfers Association. Mr. Nuckles contended the City excluded him from the review process and that the sand to be dredged is contaminated. He requested that the item be deferred. Mr. Northrop then telephoned the City stating that in an attempt to ensure that all concerns have been adequately addressed, the Commission usually deferred acting on controversial matters until they are assured these concerns are considered. In addition, Mr. Northrop also advised he had had communications from the City Attorney of Oceanside, the Mayor of Oceanside, Assemblyman Robert Frazee, Assemblywoman Marian Bergeson, and Peter Brand of the Coastal Conservancy urging the approval of the dredging permit.

Ms. Katherine E. Stone, from the law offices of Burke, Williams and Sorensen, appeared representing the City. She stated that 1) the State Coastal Commission will be considering Mr. Nuckles' appeal to the Regional Commission next week--it is the staff of the Coastal Commission's recommendation there is no substantial issue, 2) the City has already addressed the issues raised by Mr. Nuckles..

Mr. Nuckles was not present at the meeting.

Because timing was critical to the project, the Commission did not want to hold it up. It therefore approved the staff's recommendation contingent on the Coastal Commission approving the project.

Upon motion duly made and carried, the following resolution was approved by a vote of 3-0;

THE COMMISSION:

1. DETERMINES THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY CITY OF OCEANSIDE.
2. CERTIFIES THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.

CALENDAR PAGE

MINUTE PAGE

232

3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. DETERMINES THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
5. FINDS THAT THIS PROJECT IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS PROJECT IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
6. AUTHORIZES THE STAFF TO ISSUE TO THE CITY OF OCEANSIDE THE DREDGING PERMIT ON FILE IN THE OFFICES OF THE COMMISSION. SAID PERMIT SHALL BE ISSUED IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WHICH WILL RESULT THEREFROM.

SAID PERMIT SHALL ALLOW THE DREDGING OF MAXIMUM OF 700,000 CUBIC YARDS OF MINERALS OTHER THAN OIL, GAS AND GEOTHERMAL FROM A AREA OF GRANTED TIDE AND SUBMERGED LANDS IN THE PACIFIC OCEAN AT THE MOUTH OF THE SAN LUIS REY RIVER IN THE CITY OF OCEANSIDE, SAN DIEGO COUNTY. SAID AREA IS INDICATED IN EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE EXPRESSLY MADE A PART HEREOF. THE MATERIAL DREDGED SHALL BE USED FOR BEACH NURISHMENT AND REPLENISHMENT WITHIN THE CITY OF OCEANSIDE SUBJECT TO THE APPROVAL OF ALL APPLICABLE REGULATORY AGENCIES.

THE ABOVE AUTHORIZATION IS CONTINGENT ON THE STATE COASTAL COMMISSION GRANTING ITS PERMIT ON THIS MATTER.

Attachment: Calendar Item C9

CALENDAR PAGE

MINUTE PAGE

34