

**CALENDAR ITEM
C24**

A 35
S 19

06/24/08
W 26280
K. Foster

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of San Buenaventura
501 Poli Street
Ventura, CA 93002

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean as shown on Exhibit A, near Ventura Harbor, Ventura County.

AUTHORIZED USE:

Deposition of a maximum of 100,000 cubic yards annually, and up to a maximum of 350,000 cubic yards over the lease term, of materials dredged from Ventura Keys.

LEASE TERM:

Ten years, beginning June 24, 2008.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

1. Upon initiation of dredging activities, Applicant shall be required to conduct physical and chemical analysis of a representative sample of sediments to be dredged from within Ventura Keys. The sample must meet current Environmental Protection Agency, California Regional Water Quality Control Board, and US Army Corps of Engineers beach replenishment standards. If any sample does not comply with current standards, dredging operations must cease immediately and may only resume upon written approval of the Executive Director of the California Coastal Commission (CCC). Re-testing shall be conducted at a minimum of three years from the date of the previous sampling for samples meeting current

CALENDAR ITEM NO. **C24** (CONT'D)

testing guidelines. For samples exceeding any contaminant thresholds, sampling must commence at least six weeks prior to any dredging activity for all subsequent years, and results must be reviewed and approved by the CCC Executive Director prior to dredging.

2. Applicant shall be required to submit annual shoreline monitoring reports to the Commission by July 1 of each year, consistent with the requirements of CDP 4-07-118.
3. Applicant shall be required to submit notice to the Commission of the volume and quality of dredged material meeting beach replenishment standards, consistent with the requirements of CDP 4-07-118.
4. Applicant shall be prohibited from conducting any deposition activities under the following conditions and time periods, consistent with the requirements of CDP 4-07-118:
 - a. Within 100 yards of, and on the entire beach seaward of, identified Least Tern nesting areas from March 15 through August 31.
 - b. On the beach and shorefront from the Friday before Memorial Day in May, through Labor Day in September to avoid impacts on public recreational use.
 - c. On any part of the beach from the date of the first predicted California Grunion run through August 31, unless otherwise approved by the CCC Executive Director.
 - d. Within federally designated Snowy Plover habitat, or any other area Snowy Plover are exhibiting nesting/breeding activity, between March 1 and September 30.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On November 7, 1997, the Commission approved an amendment to Lease No. PRC 5930.9 to the City of San Buenaventura (aka City of Ventura), to allow for the deposition, within three beach and near shore receiver sites, of dredge spoils from Ventura Keys. Ventura Keys is a boating and water-oriented residential community located along three channels that are accessed via Ventura Harbor. The amendment term expired November 30, 2007.
3. Applicant is requesting a new Lease to allow for the deposition, within three receiver sites shown on Exhibit A, of materials removed during maintenance dredging of the channels within Ventura Keys. The three receiver sites are: Parcel 1, the Pierpont Bay Groin Field Cell No. 1 Surf

CALENDAR ITEM NO. **C24** (CONT'D)

Zone; Parcel 2, the Santa Clara River Mouth Surf Zone; and Parcel 3, the Santa Clara River Mouth Near Shore Zone. The proposed project would involve depositing a maximum volume of 350,000 cubic yards of dredged materials over a ten-year period. The average annual volume would be approximately 35,000 cubic yards, with a maximum yearly volume not to exceed 100,000 cubic yards. As the dredging will take place on lands not under the Commission's jurisdiction, no lease is required for the dredging.

4. A Final Mitigated Negative Declaration (FMND) was prepared and adopted for this project by the City of Ventura on September 8, 1997. On August 31, 2007, the City prepared "Addendum No. 1 to Final Mitigated Negative Declaration, Keys Water Channel Dredging – EIR Case No. 2171 [Addendum]." The Addendum stated that "[s]ince the circulation of the FMND in 1997, there have been no new or substantially more severe environmental impacts related to the project, no significant changes in the project or the surrounding circumstances, nor significant 'new information' that has since come to light that would require a revision of the conclusions in the FMND or recirculation of the document." The Addendum re-evaluated the mitigation measures contained in the Mitigation Monitoring Program that was adopted by the City of Ventura in 1997 and found they remained adequate.
5. 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:

California Department of Parks and Recreation, and the Ventura Port District

FURTHER APPROVALS REQUIRED:

California Coastal Commission, Los Angeles Regional Water Quality Control Board, and the US Army Corps of Engineers

EXHIBITS:

- A. Location and Site Map
- B. Legal Land Description
- C. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

November 25, 2008

CALENDAR ITEM NO. **C24** (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION, A MITIGATION MONITORING PROGRAM, AND A SUBSEQUENT ADDENDUM NO. 1 WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF VENTURA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN THE ENVIRONMENTAL DOCUMENT, ATTACHED HERETO AS EXHIBIT C.

SIGNIFICANT LANDS INVENTORY FINDING:

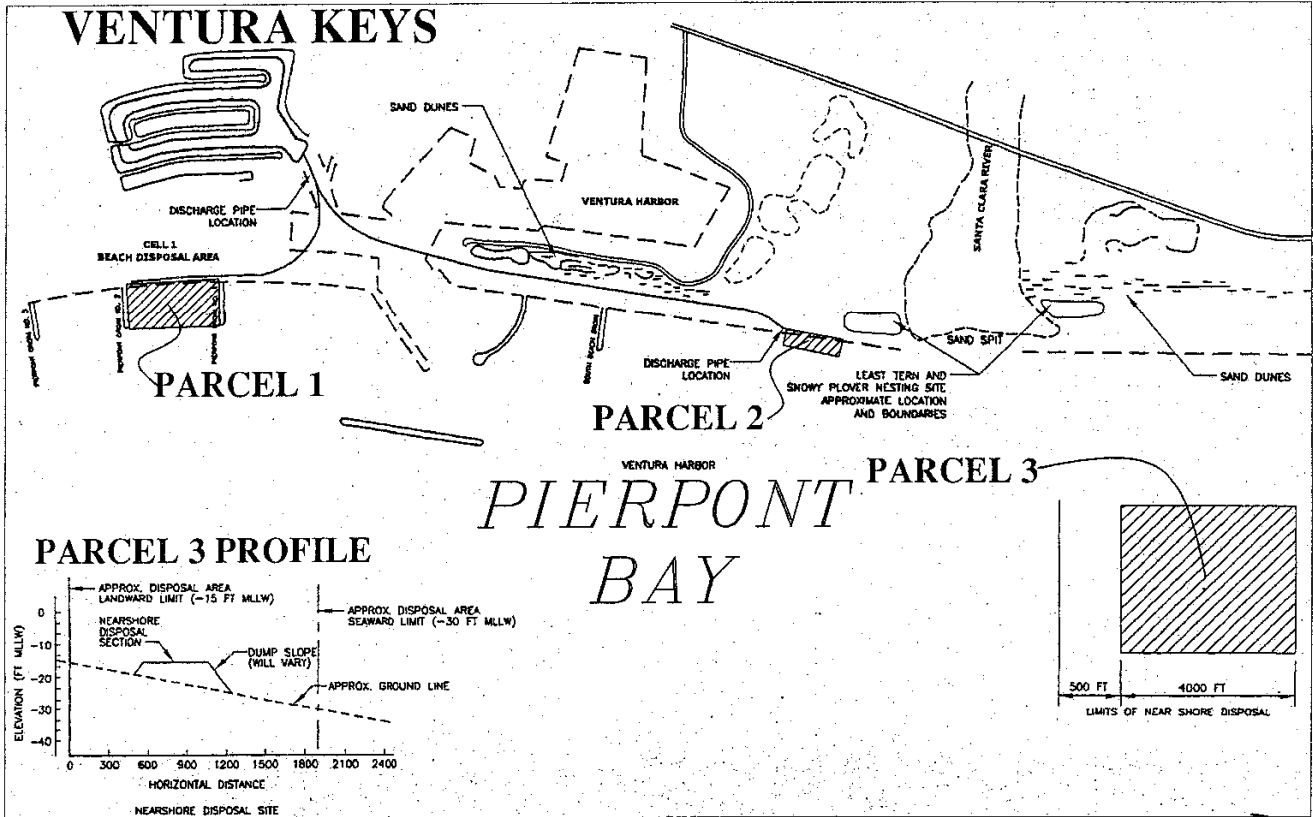
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE CITY OF SAN BUENAVENTURA BEGINNING JUNE 24, 2008, FOR A TERM OF TEN YEARS, TO ALLOW FOR THE DEPOSITION OF MATERIAL DREDGED FROM WITHIN VENTURA KEYS INTO THE PIERPONT BAY GROIN FIELD CELL NO. 1 SURF ZONE, THE SANTA CLARA RIVER MOUTH SURF ZONE, AND THE SANTA CLARA RIVER NEAR SHORE ZONE AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

SITE

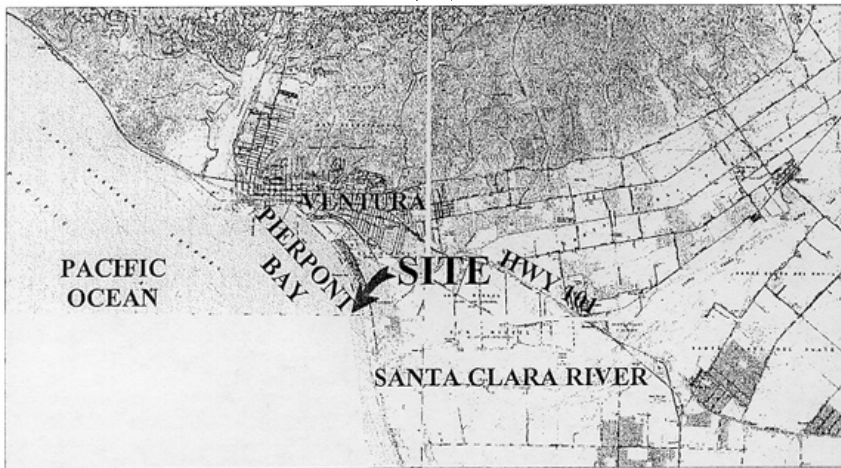
NOT TO SCALE



Deposition Sites of Excavated Material
Ventura Keys, Pierpont Bay

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26280
CITY OF VENTURA
GENERAL LEASE
PUBLIC AGENCY USE
VENTURA COUNTY




MJF 5/22/08

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

CITY OF VENTURA
CITY MEMORANDUM

Date: August 31, 2007

To: Joe McDermott
From: Maura Macaluso 
Subject: Keys Water Channel Dredging

Thank you for submitting an environmental determination request for the Keys Water Channel Dredging project. Attached is an Addendum to the previously approved Final Mitigated Negative Declaration (FMND-2202) for the Keys Dredging in 1997. Since the circulation of the FMND in 1997, there have been no new or substantially more severe environmental impacts related to the project, no significant changes in the project or the surrounding circumstances, nor significant new information that has since come to light that would require a revision of the conclusions in the FMND or recirculation of the document.

The Addendum concludes that the current request is consistent with the project as approved with the FMND. However, there are several Mitigation Measures included in the FMND in order to mitigate potential impacts related to biological resources, noise, water resources and water quality. These Mitigation Measures are included in the attached Addendum.

ADDENDUM NO. 1 TO FINAL MITIGATED NEGATIVE DECLARATION

KEYS WATER CHANNEL DREDGING - EIR CASE NO. 2171

This Addendum No. 1 to the Keys Water Channel Dredging Project Final Mitigated Negative Declaration (FMND) is being prepared to substantiate that the analysis and previously determined Mitigation Measures contained therein are consistent with the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15164.

Since the circulation of the FMND in 1997, there have been no new or substantially more severe environmental impacts related to the project, no significant changes in the project or the surrounding circumstances, nor significant "new information" that has since come to light that would require a revision of the conclusions in the FMND or recirculation of the document.

The proposed project continues to be necessary to maintain channel configurations, and to restore and assure safe navigability within the Keys waterways. The project also provides material for beach replenishment. Deposition options include the surf zone at Cell 1 of the Pierpont Bay Groin Field (the first cell north of Marina Park), and the surf zone at the mouth of the Santa Clara River and/or the near shore waters at the mouth of the Santa Clara River. The dredging and deposition activities would not commence until after Labor Day in September of any year and would cease on or before March 15 of the following year so as to avoid impacts on grunion spawning, least tern and snowy plover nesting, and recreational use of the beach.

The dredging effort would continue, as in previous years, on an as-needed basis over a ten-year period commencing on or about January 1, 2008. The average annual volume of dredged material would be about 35,000 cubic yards, and no more than 100,000 cubic yards of material is likely to be dredged in any one year.

In accordance with a ten-year permit issued in 1997 by the Coastal Commission, the State Lands Commission, the Army Corps of Engineers and the Los Angeles Regional Water Quality Control Board, the City has performed, on an as-needed basis, the same periodic maintenance dredging in the Ventura Keys as is currently being proposed.

In July 1997, an Initial Study/Environmental Assessment was performed and a Mitigated Negative Declaration (Case Number EIR-2202) was recommended, and subsequently approved by the City Council on September 8, 1997. In August, 2007, City staff analyzed the conclusions made in the FMND and the subsequent determinations have been made as to whether the project scope and/or environmental conditions have changed:

Aesthetics – no change

Agriculture – no change

Air Quality – no change

Biological Resources – no change (the project is consistent with the project as approved with a Final Mitigated Negative Declaration (FMND-2202) in 1997). However, the Mitigation Measure included in FMND-2202 in order to mitigate any potential impacts to Biological Resources shall continue to be required for the project as follows: Dredging and surf zone disposal plans shall be designed to carry out the activity in compliance with requirements of all regulatory agencies. In addition, the dredging and disposal is to occur only between September 1 and March 31, to avoid times critical to California least tern and snowy plover nesting and grunion spawning.

Cultural Resources – no change

Energy and Mineral Resources – no change

Geophysical – no change

Hazards – no change

Land Use / City and Regional Plans – no change

Noise – no change (the project is consistent with the project as approved with the Final Mitigated Negative Declaration (FMND-2202) in 1997). However, the Mitigation Measure included in FMND-2202 in order to mitigate any potential impacts relating to noise shall continue to be required for the project as follows: adjacent property owners shall be notified prior to commencing work, signs shall be posted in the project area, and all equipment shall have appropriate mufflers in good working conditions.

Population and Housing – no change

Public Services – no change

Utilities and Service System – no change

Transportation / Circulation – no change

Water – no change (the project is consistent with the project as approved with the Final Mitigated Negative Declaration (FMND-2202) in 1997). However, the Mitigation Measure included in FMND-2202 in order to mitigate any potential

impacts relating to Water Resources and or Water Quality shall continue to be required for the project as follows:

1. In order to mitigate potential significant impacts related to Water Resources, disposal of spoils in either the surf zone or near shore area at the mouth of the Santa Clara River shall not occur unless that water is flowing at 100 c.f.s. or greater.
2. In order to mitigate potential impacts related to water quality, periodic testing of the water shall occur during the dredge operation per standards set forth by the Regional Water Quality Control Board. If quality drops below accepted standards, dredging shall stop until impact is eliminated.
3. In order to mitigate potential significant impacts related to Water Resources, the contractor shall be required to implement the Best Management Practices as established by the National Discharge System Permit and/or as required by the Regional Water Quality Control Board, as appropriate to prohibit entry of pollutants to the storm water runoff.

Based on the foregoing, there is no change in the proposed scope of work and/or in environmental conditions and therefore the project would not result in any new potentially significant impact, or in a substantial increase in the severity of the previously identified environmental impact as determined in the draft MND circulated for public comment in 1997.