

15

15

12/20/84

CALENDAR ITEM

A 79  
S 40

15

12/20/84  
PRC 6446.1  
Graber

AMENDMENT OF DREDGING PERMIT  
PRC 6446.1 TO EXTEND THE TERM OF DREDGING FROM  
ONE YEAR TO FIVE YEARS ENDING JUNE 22, 1988

APPLICANT: Southwest Marine  
P. O. Box 13308  
San Diego, California 92113

AREA, TYPE LAND AND LOCATION:  
State-owned submerged lands in the bed of San Diego Bay at the Southwest Marine Shipyard facility in the City of San Diego, San Diego County.

LAND USE: The dredging of a total of 410,000 cubic yards of material of which 184,000 cubic yards of material is to be removed from lands under State jurisdiction to deepen the shipyard area to allow for deeper draft vessels and larger drydocks.

Spoils will be deposited at the EPA authorized Disposal Site L.A. 5 located at 30° 36' 50" N and 117° 20' 40" W in the Pacific Ocean.

RESUME OF PREVIOUS ACTION:

The Commission on June 23, 1983 authorized issuance of Dredging Permit PRC 6446.1 to the applicant, Southwest Marine for a period of one year from June 23, 1983 for dredging of 184,000 cubic yards of sediment from the Southwest Marine Shipyard for re-modeling of the shipyard site to accommodate larger drydocks and vessels. Spoils disposal to be at the EPA approved Disposal Site L.A. 5 located at 30° 36' 50" N and 117° 20' 40" West in the Pacific Ocean.

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CALENDAR ITEM NO. 15 (CONT'D)

PROPOSED MODIFICATION:

1. Extend the term of the Dredging Permit PRC 6446.1 from one year to five years ending June 22, 1988, to allow the continued dredging of the project which, due to its completion in phases as old structures are removed and new ones installed, will progress uninterrupted through its time schedule.
2. All other conditions and terms of the existing Permit PRC 6446.1 are to remain unchanged.

CONSIDERATION:

To avoid delays in the project which is in the interest of the public and commerce and to allow the completion of the project phases as tentatively scheduled.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370 et seq. Based upon 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.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes there is no possibility that this project may have such an effect.

Authority: 14 Cal. Adm. Code 15061(b)(3).

CALENDAR ITEM NO. 15 (CONT'D)

3. At the outset of the proposed project, an EIR (SCH 821-1405) was prepared and circulated by the Port of San Diego and such document was reviewed and considered by the SLC at its meeting of June 23, 1983, at which time, it was determined that the project, as mitigated, would not have a significant effect on the environment. Since adoption of that EIR, there have been no changes in the project or the environment to indicate any possibility that the project may have a significant effect on the environment.
4. All necessary application requirements have been fulfilled.

AB 884: N/A.

EXHIBITS: A. Vicinity Map.  
B. Site Map.  
C. Permit Copy.  
D. Calendar Item C. 25.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. (14 CAL. ADM. CODE 15061(b)(3)).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE THE EXTENSION OF THE DREDGING PERMIT PERIOD OF RRC 6446.1 TO SOUTHWEST MARINE FROM ONE YEAR TO FIVE YEARS ENDING JUNE 22, 1988; SUCH EXTENSION BEING CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTAL AGENCIES.

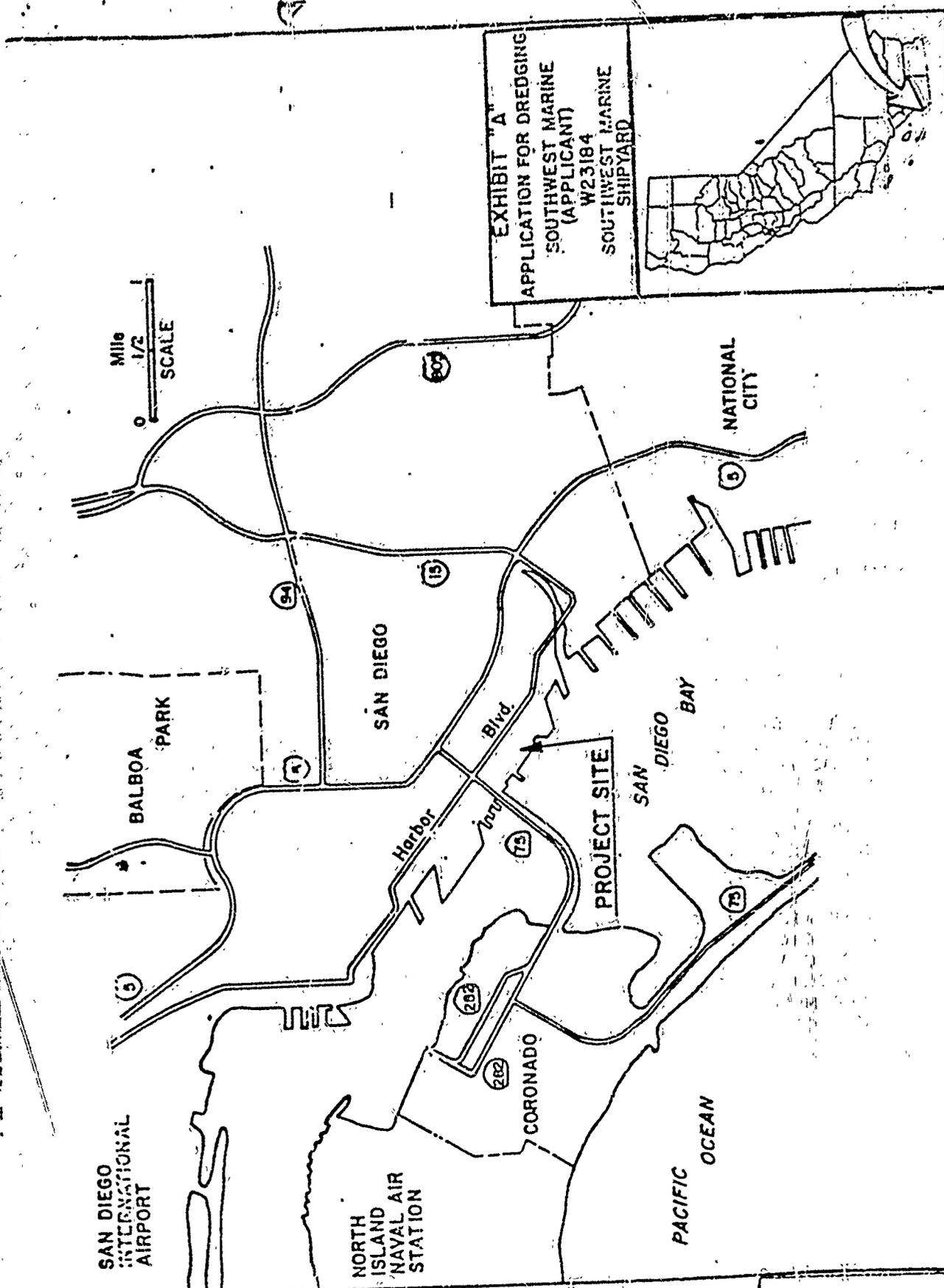
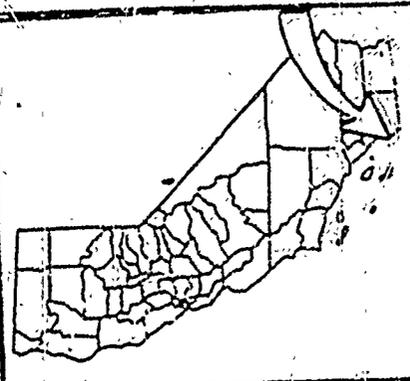


EXHIBIT "A"  
 APPLICATION FOR DREDGING  
 SOUTHWEST MARINE  
 (APPLICANT)  
 W23184  
 SOUTHWEST MARINE  
 SHIPYARD



RO. 3/83

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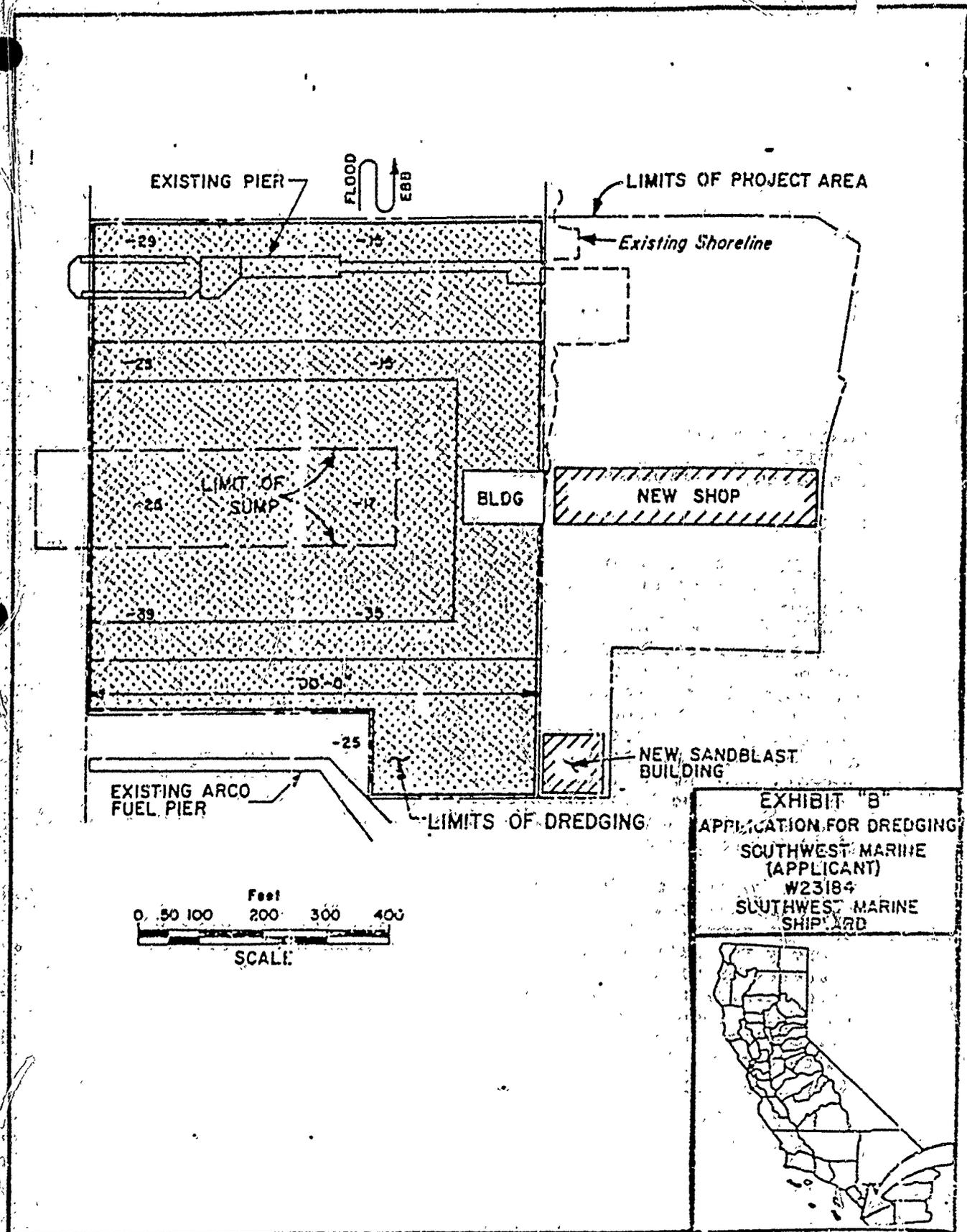


EXHIBIT "B"  
 APPLICATION FOR DREDGING  
 SOUTHWEST MARINE  
 (APPLICANT)  
 W23184  
 SOUTHWEST MARINE  
 SHIPYARD



RO. 4/83

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 MINUTE PAGE 3908

File Ref.: W 23134

Southwest Marine  
Box 13308  
San Diego, California 92113

Gentlemen:

Pursuant to your application dated February 7, 1983, and by the authorization of the State Lands Commission on June 23, 1983, you are hereby granted permission to dredge a maximum of 180,000 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal to maintain the channel from an area of tide and submerged lands in the Southwest Marine Shipyard, San Diego County, as described and designated respectively in Exhibits A and B attached hereto, which are by this reference expressly made a part hereof. Said permission includes the right to deposit said material at the Environmental Protection Agency approved Disposal Site L.A.-5 at 32°36'50"N. and 117°20'40"W. in the Pacific Ocean.

A royalty of \$0.15 per cubic yard will be assessed for material removed from State-owned land and placed at the EPA approved disposal site and a royalty of \$0.25 per cubic yard shall be paid for material placed on private property or used for any private or commercial benefit. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State and local government laws, rules and regulations. Said permission shall be effective from June 23, 1983 through June 23, 1984.

The permission to dredge the above-described lands is based upon information presently available to the State

EXHIBIT C

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Lands Commission, and is given without survey or title determination. Such permission shall not be construed as fixing State land boundaries or as necessarily establishing the extent of the State's claim to property in the area. The State warrants neither the title to the demised premises nor any right you may have to possession or quiet enjoyment of the same.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

It is further agreed that you shall submit reports substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9 NC). It is agreed that you shall submit said forms on or before the twenty-fifth (25th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed during that quarter. The first permit quarter shall be the first three months following the effective date of this permit, and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be subject to a five percent (5%) penalty and shall bear interest at the rate of one percent (1%) per month from the date when the same was payable by the terms hereof.

It is agreed that you shall furnish the Commission with copies of final surveys or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and, at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents, or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause

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of action or liability of any kind asserted against or impounded upon the State of California or any of its officers, agents or employees arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third person or entity. It is agreed that you shall, at the option of the Commission, procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified or terminated whenever the State Lands Commission deems such action to be in the best interests of the State, and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA  
STATE LANDS COMMISSION

*W. M. Thompson, Asst. Chf.*  
*for*

W. M. THOMPSON, Chief  
Extractive Development Program

*6-24-83*

DATE

ACCEPTED:

SOUTHWEST MARINE, INC

BY *[Signature]*

J. C. HANDLEY

TITLE Vice President

DATE May 5, 1983

*[Signature]*  
APPROVED  
GENERAL  
COUNSEL

FILE COPY

APPROVED

Section Head *[Signature]*

Legal (JCB) *[Signature]*

Mailed in Triplicate

Attachments: EXHIBITS A & B

Enclosures: 30.9 Forms

419f

CALENDAR PAGE

MINUTE PAGE

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3031

MINUTE ITEM

This Calendar Item No. C25  
approved as Minute Item  
25 by the State Lands  
Commission by a vote of 2  
to 0 at its 6/23/83  
meeting.

CALENDAR ITEM

C25 1

6/23/83  
W 23134 PRC 644  
Graber/  
Gonzalez

DREDGING PERMIT

APPLICANT: Southwest Marine  
Box 13308  
San Diego, California 92113

AREA, TYPE LAND AND LOCATION: State-owned submerged lands on the bed  
of San Diego Bay at the Southwest Marine  
Shipyard facility in the City of San Diego,  
San Diego County, California.

LAND USE: Dredge a total of 410,000 cubic yards of  
material with 184,000 cubic yards of material  
to be removed from lands under State juris-  
diction to deepen the shipyard area to  
allow for deeper draft vessels and larger  
drydocks. Spoils are to be deposited at  
the E.P.A. authorized disposal site L.A.  
5 located at 30° 36' 50" N and 117° 20'  
40" W in the Pacific Ocean.

TERMS OF PROPOSED PERMIT:  
Initial Period: One year from Commission  
action.

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CALENDAR ITEM NO 25 (CONTD)

CONSIDERATION: A royalty of \$0.15 per cubic yard for spoils placed at E.P.A. site L.A. 5 and a royalty of \$0.25 per cubic yard for spoils placed on private property or sold for commercial benefit.

BASIS FOR CONSIDERATION:  
P.R.C., Section 6303.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Filing and extractive development fees have been received.

STATUTORY AND OTHER REFERENCES:  
A. P.R.C. 6303, 6370, 21065.

B. Cal. Adm. Code: Title 2, Sections 2951, 2954, Title 14, Section 15000 et seq.

AB 884: 2/25/84.

OTHER PERTINENT INFORMATION:

1. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in use category class "C" which authorizes Multiple Use. 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.
2. An EIR (SCH 82112405) was prepared by the Port of San Diego and certified by the San Diego Board of Supervisors on April 19, 1983, in compliance with the requirements of CEQA and State CEQA Guidelines. A Notice of Determination has been received.

EXHIBITS:

- A. Site Map.
- B. Location Map.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT AN EIR (SCH 82112405) FOR THIS PROJECT WAS PREPARED BY THE PORT OF SAN DIEGO AND CERTIFIED BY THE SAN DIEGO BOARD OF SUPERVISORS ON APRIL 19, 1983, IN COMPLIANCE WITH THE REQUIREMENTS OF CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN PRIOR TO APPROVAL OF THE PROJECT.
2. FIND THAT CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN OR INCORPORATED INTO THE PROPOSED PROJECT WHICH MITIGATE OR AVOID THE SIGNIFICANT ENVIRONMENTAL EFFECTS THEREOF AS IDENTIFIED IN THE COMPLETED EIR.
3. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.
4. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION TO ISSUE TO SOUTHWEST MARINE, THE DREDGING PERMIT ON FILE IN THE OFFICES OF THE COMMISSION; SAID PERMIT SHALL BE ISSUED IN CONSIDERATION OF A \$0.15 ROYALTY TO BE CHARGED PER CUBIC YARD FOR SPOILS PLACED IN THE E.P.A. APPROVED DISPOSAL SITE L.A. 5 AND A \$0.25 PER CUBIC YARD ROYALTY FOR SPOILS PLACED ON PRIVATE PROPERTY OR SOLD FOR COMMERCIAL BENEFIT; SAID PERMIT SHALL BE FOR A PERIOD OF ONE YEAR FROM DATE OF COMMISSION ACTION AND SHALL ALLOW THE DREDGING OF 184,000 CUBIC YARDS OF MINERALS, OTHER THAN OIL, GAS AND GEOTHERMAL FROM AN AREA OF SUBMERGED LANDS AT THE SOUTHWEST MARINE SHIPYARD IN SAN DIEGO BAY, SAN DIEGO COUNTY, CALIFORNIA; SAID APEA IS SHOWN IN EXHIBIT "A" AND "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF; THE MATERIAL DREDGED SHALL BE DEPOSITED IN A DISPOSAL SITE APPROVED BY ALL APPLICABLE REGULATORY AGENCIES. THE COMPLETE PERMIT IS CONTAINED IN FILE W 23134 LOCATED IN THE COMMISSION OFFICES.

SEARCHED	INDEXED	94
SERIALIZED	FILED	3004