

MINUTE ITEM

This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 2
to 0 at its 9/25/86
meeting.

CALENDAR ITEM

A 25, 27, 30
S 12, 14

26

09/25/86
W 23684 PRC 7011
Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: Lower San Joaquin Levee District
11704 West Henry Miller Road
Dos Palos, California 93620

AGENT: Linneman, Burgess, Telles,
Van Atta & Vierra
Attn: C. E. Van Atta
P. O. Box 156
Dos Palos, California 93620

AREA, TYPE LAND AND LOCATION:
Sovereign lands, located in the San Joaquin
River from Hills Ferry Bridge to Mendota Dam,
Fresno, Stanislaus, Madera and Merced counties.

PROPOSED LAND USE:
Dredge a maximum 100,000 cubic yards per year
of minerals other than oil, gas and geothermal
as necessary to maintain the flow channel of
the San Joaquin River pursuant to the
applicant's responsibility mandated by the
Legislature. The primary purpose of the
project is not to extract material but to move
sandbars, brush and debris to maintain the flow
channel. Such work shall not include any
removal of live mature trees. Any spoils
resulting from the proposed maintenance
activities will only be used for replenishment
of eroded adjacent riverbank in need of repair.

TERMS OF THE PROPOSED PERMIT:
Initial Period: Five years commencing
October 1, 1986.

CALENDAR ITEM NO. 26 (CONT'D)

Royalty: No royalty for spoils used
for levee maintenance for
public benefit.

APPLICANT STATUS:

Pursuant to Legislative mandate, the applicant is responsible for maintaining the flow channel of the River from Hills Ferry Bridge to Mendota Dam.

PREREQUISITE CONDITIONS, FEES ANE EXPENSES:

Filing fee has been received.

STATUTORY AND OTHERS REFERENCES:

- A. PRC: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to PRC 6370, et seq. Based upon staff's consultation with the person's 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 as a categorical exempt project. The project is exempt under Class 4(g), Maintenance Dredging, 14 Cal. Adm. Code 15104.

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

APPROVALS OBTAINED:

United States Army Corps of Engineers.

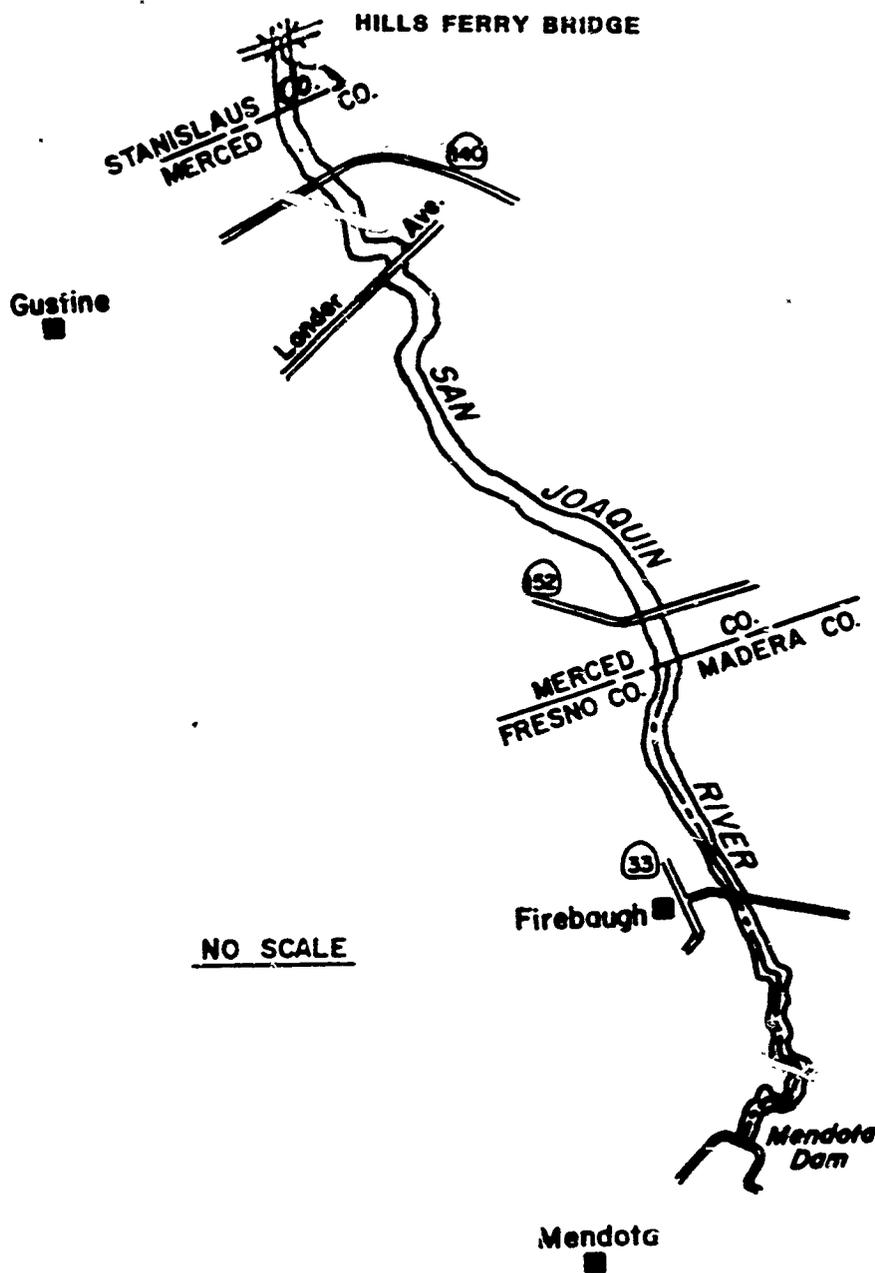
AB 884: 10/18/86.

CALENDAR ITEM NO. 26 (CONT'D)

EXHIBITS: A. Vicinity Map.
 B. Site Map.
 C. Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

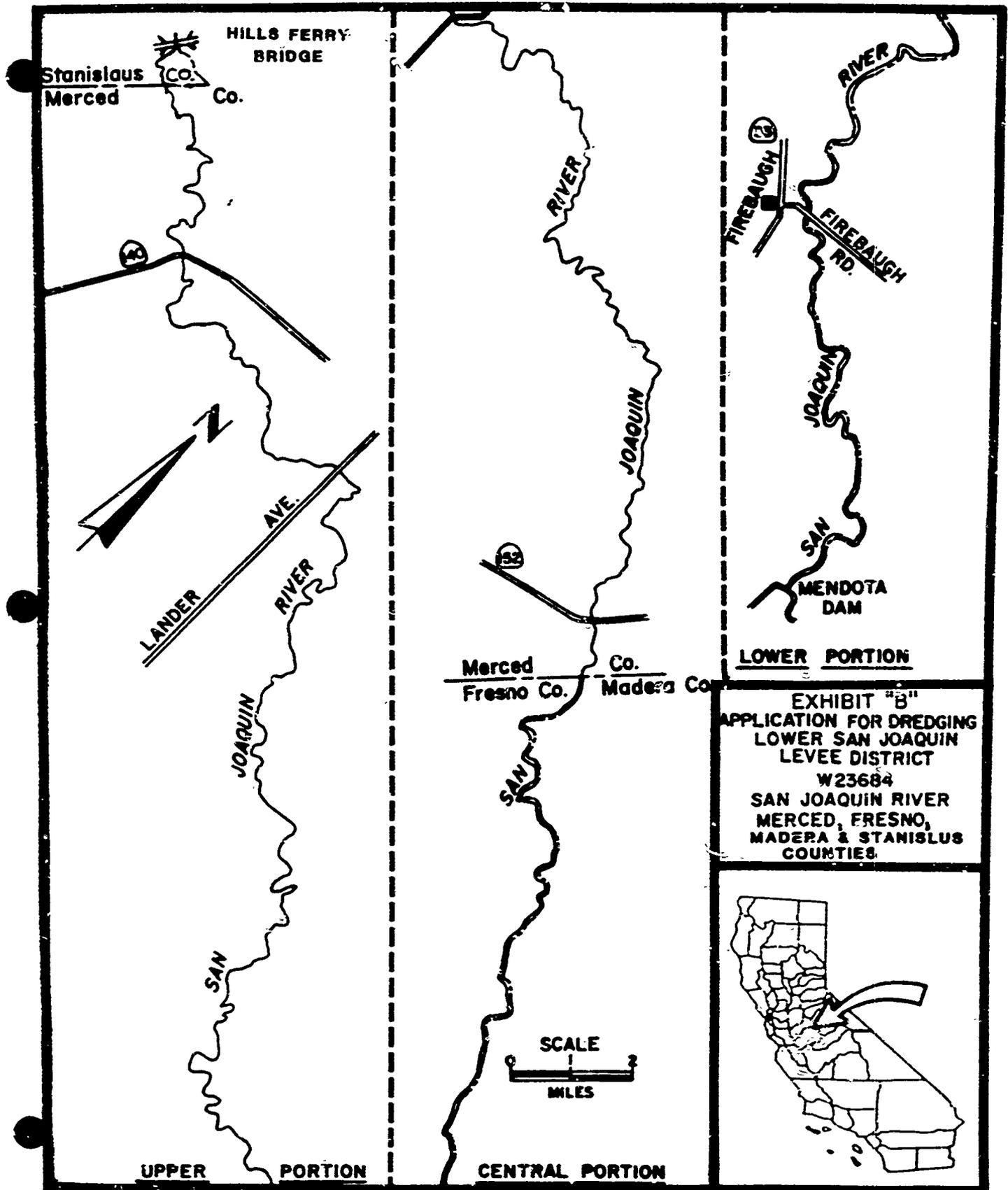
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 4(g) MAINTENANCE DREDGING, 14 CAL. ADM. CODE 15204.
2. AUTHORIZE STAFF TO ISSUE TO THE LOWER SAN JOAQUIN LEVEE DISTRICT THE DREDGING PERMIT ATTACHED AS EXHIBIT "C". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 100,000 CUBIC YARDS OF MATERIAL PER YEAR FOR FIVE YEARS FOR THE PURPOSE OF MAINTAINING THE FLOW CHANNEL OF THE SAN JOAQUIN RIVER AND USE OF ANY SPOILS FOR REPAIR OF ADJACENT LEVEES. NO ROYALTY SHALL BE CHARGED FOR SPOILS USED AS APPROVED FOR PUBLIC BENEFIT. SUCH ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



NO SCALE

EXHIBIT "A"
 APPLICATION FOR DREDGING
 LOWER SAN JOAQUIN
 LEVEE DISTRICT
 W23684
 SAN JOAQUIN RIVER
 MERCED, FRESNO,
 MADERA & STANISLAUS
 COUNTIES





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STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

October 1, 1986

File Ref: W 23684

Lower San Joaquin Levee District
11704 West Henry Miller Road
Dos Palos, California 93620

Gentlemen:

Pursuant to your application dated March 18, 1986, and by the authorization of the State Lands Commission on September 25, 1986, you are hereby granted permission to dredge, during the term of the permit, a maximum of 100,000 cubic yards per year of sand, silt, clay and gravel, excluding all other minerals including, but not limited to, oil, gas and geothermal from an area of ungranted sovereign lands in the San Joaquin River, from Hills Ferry Bridge to Mendota Dam in Fresno, Madera, Stanislaus and Merced counties as designated in Exhibits "A" and "B" attached hereto, which are by this reference expressly made a part hereof as necessary to maintain the flow channel of the River. Said permission includes the right to use dredge spoils for replenishment of eroded adjacent riverbank in need of repair.

The primary purpose of the project is not to extract material, but to move sandbars, brush, and other debris to maintain the flow channel. Such work shall not include removal of live mature riparian trees.

No royalty shall be paid for material used for replenishment of eroded adjacent riverbank in need of repair. A royalty of \$0.25 per cubic yard shall be paid for any material 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 October 1, 1986 through September 30, 1991.

The permission to dredge the above-described lands is based upon information presently available to the State Lands Commission, and is given without survey or title determination. Such permission shall not be construed as fixing State land boundaries nor 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 copies of reports or contracts with the dredging operator 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 fifteenth (15th) 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 and one-half percent (1-1/2%) 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 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

Lower San Joaquin
Levee District

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October 1, 1986

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, Chief
Extractive Development Program

DATE

ACCEPTED:

BY _____

TITLE _____

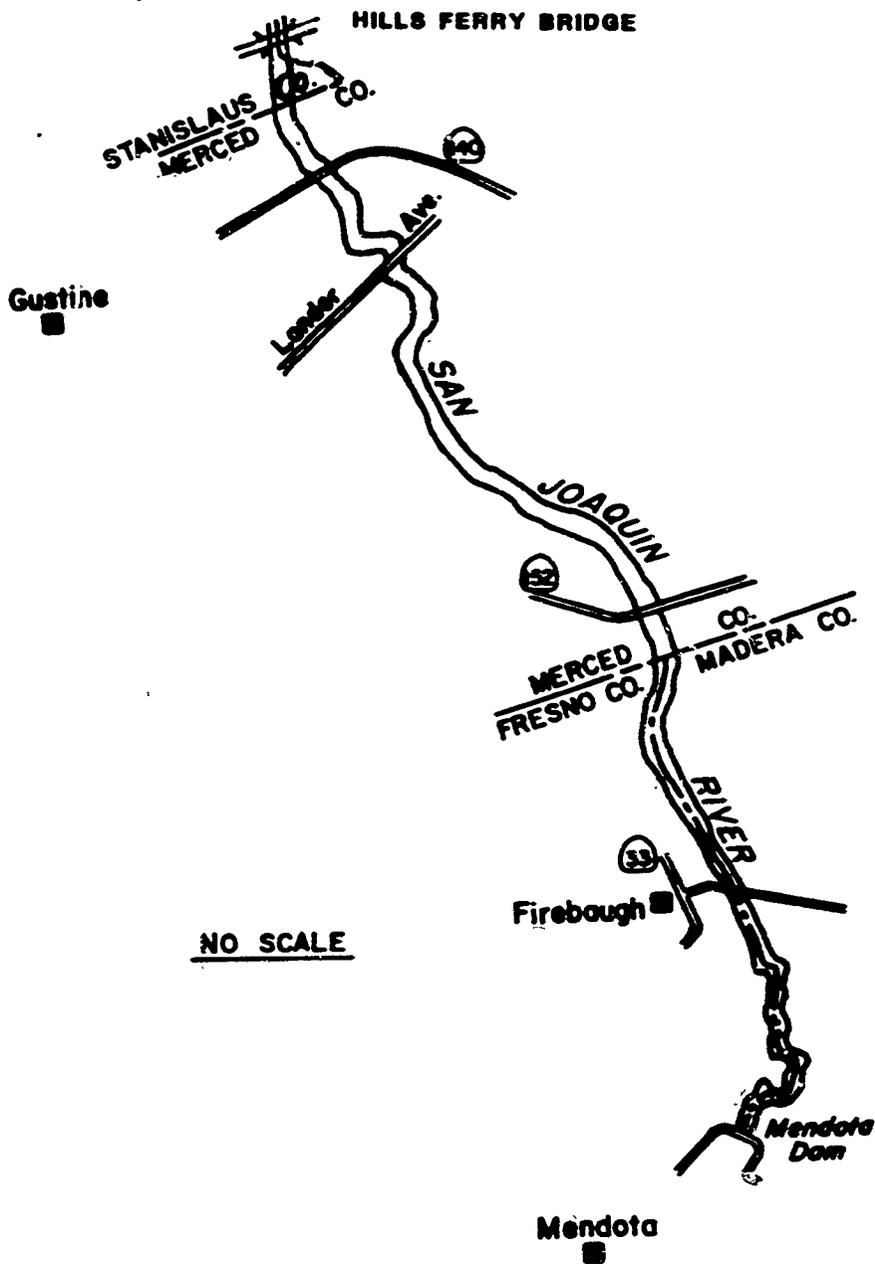
DATE _____

Mailed in Triplicate

Attachments: EXHIBITS "A" and "B"

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NO SCALE

EXHIBIT "A"
APPLICATION FOR DREDGING
LOWER SAN JOAQUIN
LEVEE DISTRICT
W23684
SAN JOAQUIN RIVER
MERCED, FRESNO,
MADERA & STANISLAUS
COUNTIES



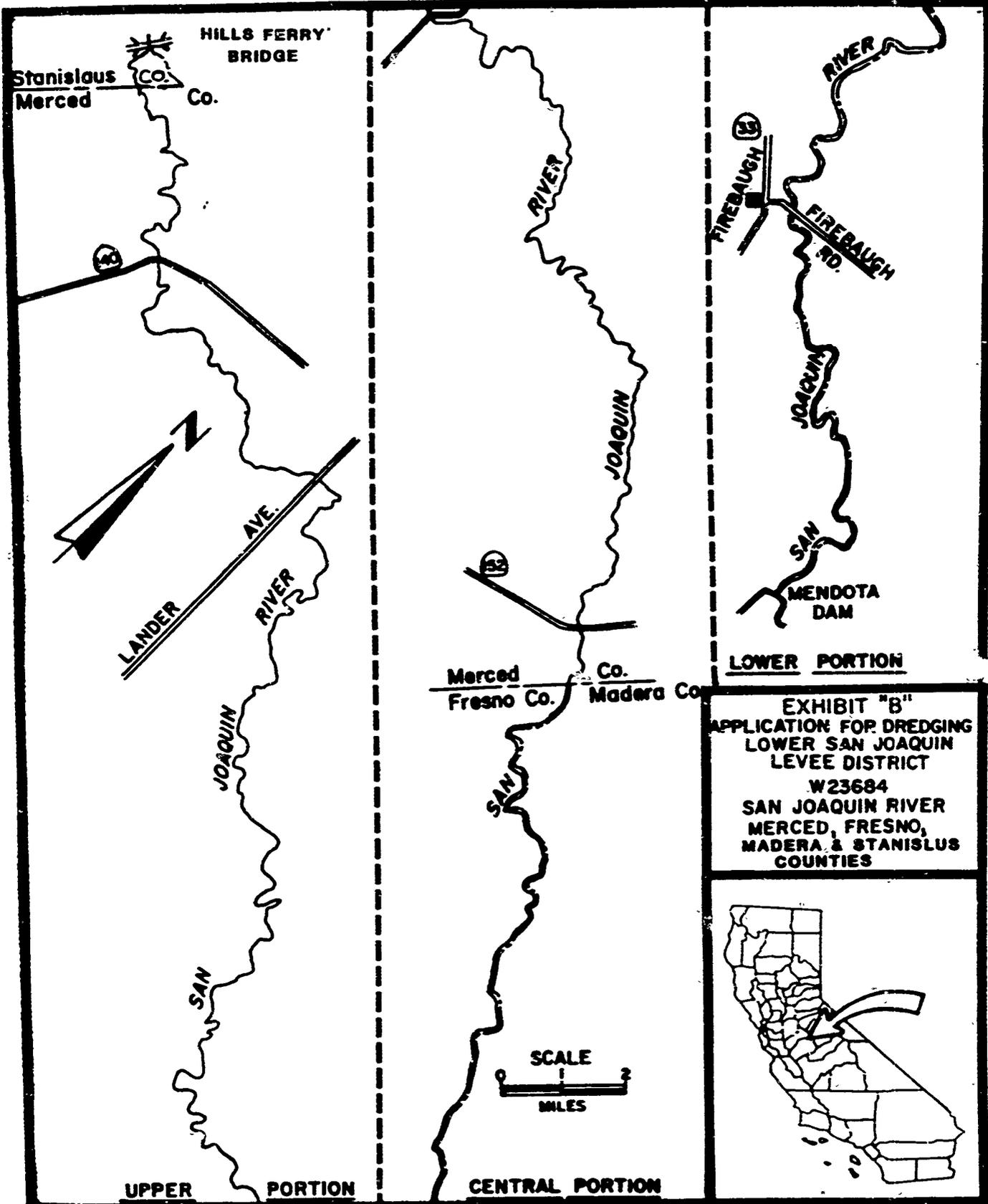


EXHIBIT "B"
APPLICATION FOR DREDGING
LOWER SAN JOAQUIN
LEVEE DISTRICT
W23684
SAN JOAQUIN RIVER
MERCED, FRESNO,
MADERA & STANISLUS
COUNTIES



R.O. 8/86

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