

MINUTE ITEM

This Calendar Item No. C22
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
to 0 at its 10/23/86
meeting.

CALENDAR ITEM

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10/23/86
W 23862 PRC 7020
Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: George Marcantelli
547 Old Orchard Drive
Danville, California 94526

AGENT: Walter J. Bozek
547 Old Orchard Drive
Danville, California 94526

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in Cordelia Slough,
Solano County.

PROPOSED LAND USE:

Dredge a maximum 1,120 cubic yards per year of
minerals other than oil, gas and geothermal to
be used for levee construction as part of a
tide gate project within the primary management
area of the Suisun Marsh at the Cygnus Gun
Club. The project will create better
protection and management potential for the
wetlands and assure maintenance of water flow
in the tidal wetland area.

TERMS OF THE PROPOSED PERMIT:

Initial Period: One year commencing
October 23, 1986.

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

APPLICANT STATUS:

Upland property owner.

CALENDAR ITEM NO. 882 (CONT'D)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees have been received.

STATUTORY AND OTHER 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. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), 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, Minor Alteration to land, 14 Cal. Adm. Code 15104.

Authority: PRC 21084 and 14 Cal. Adm. Code 15300.

APPROVALS OBTAINED:

San Francisco Bay Area Conservation and Development Commission.

AB 884: 04/07/87.

EXHIBITS: A. Vicinity and Site Map.
B. 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, MINOR ALTERATION TO LAND, 14 CAL. ADM. CODE 15104.
- 2. AUTHORIZE STAFF TO ISSUE TO GEORGE MARCANTELLI THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 1,120 CUBIC YARDS OF MATERIAL PER YEAR FOR ONE YEAR WITH SPOILS USED FOR LEVEE CONSTRUCTION. 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.

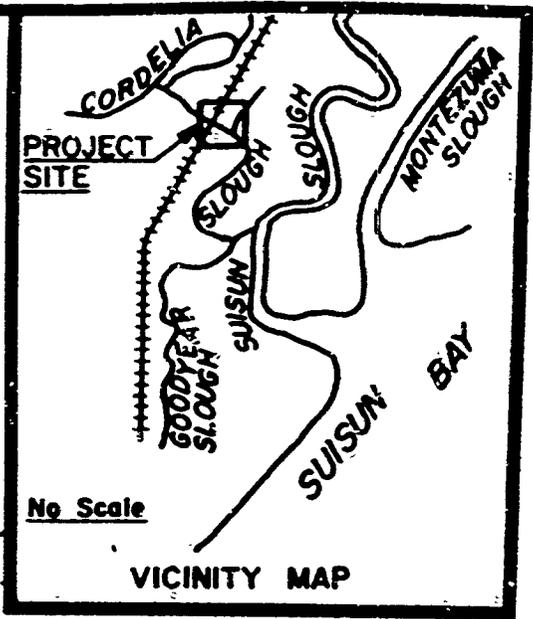
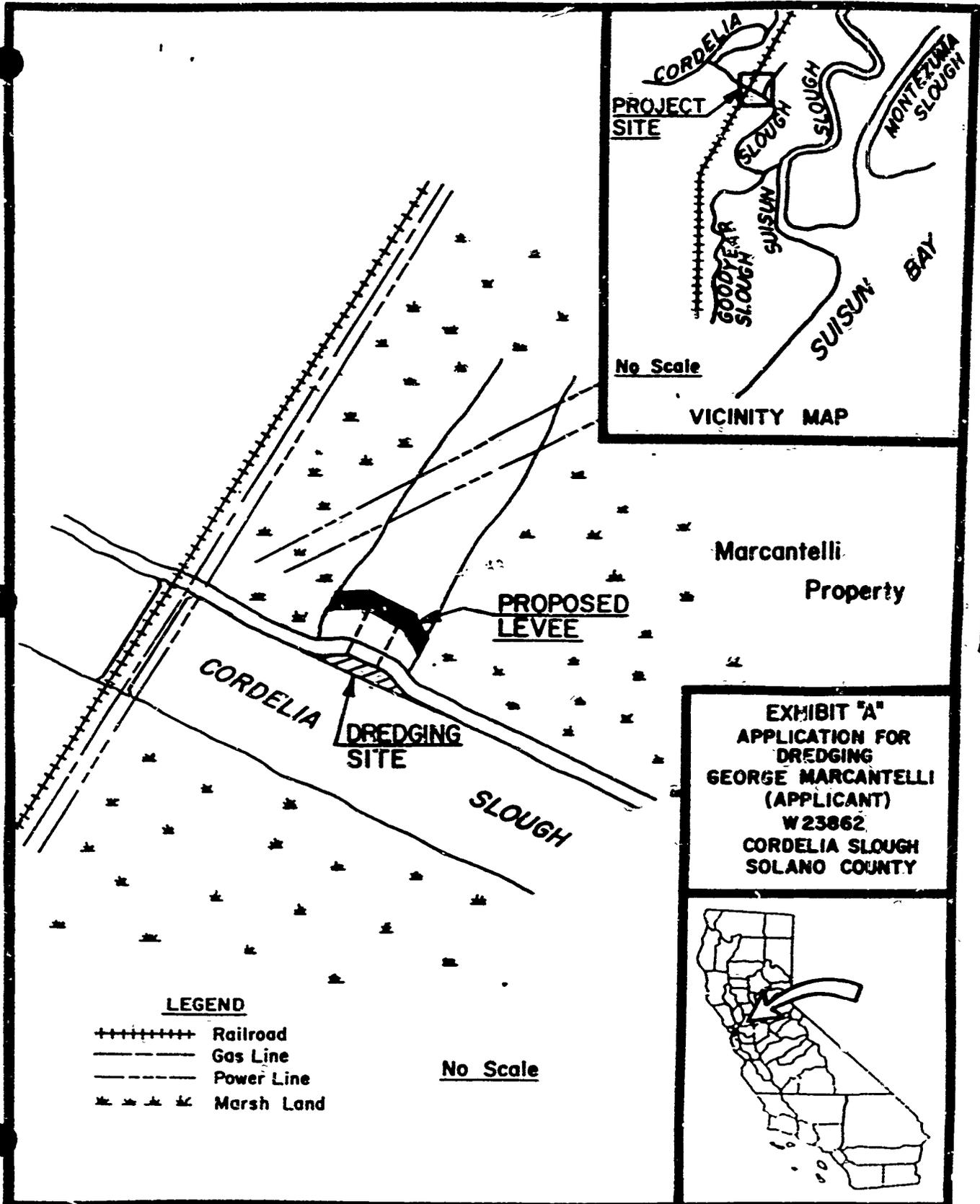


EXHIBIT "A"
APPLICATION FOR
DREDGING
GEORGE MARCANTELLI
(APPLICANT)
W 23862
CORDELIA SLOUGH
SOLANO COUNTY



STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

October 23, 1986

File Ref: W 23862

George Marcantelli
547 Old Orchard Drive
Danville, California 94526

Dear Mr. Marcantelli:

Pursuant to your application dated September 29, 1986, and by the authorization of the State Lands Commission on October 23, 1986, you are hereby granted permission to dredge, during the term of the permit, a maximum of 1,120 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 tide and submerged lands in Cordelia Slough, Solano County, as designated in Exhibit "A" attached hereto. Said permission includes the right to use dredge spoils for adjacent levee construction.

No royalty shall be paid for material used for the approved adjacent levee 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 23, 1986 through September 30, 1987.

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.

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October 23, 1986

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 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

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George Marcantelli

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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: EXHIBIT "A"

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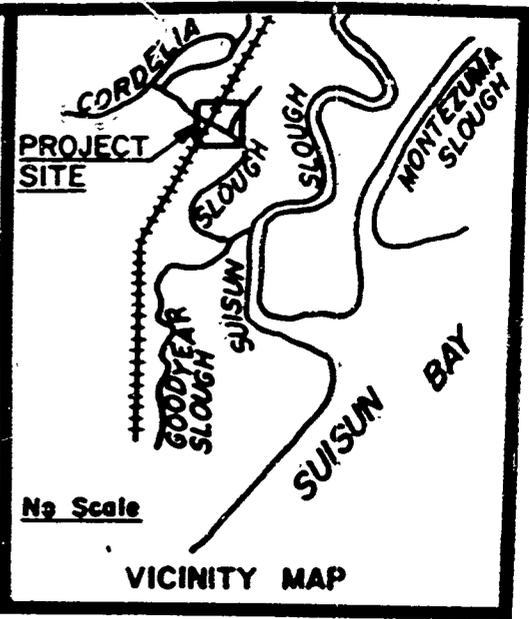
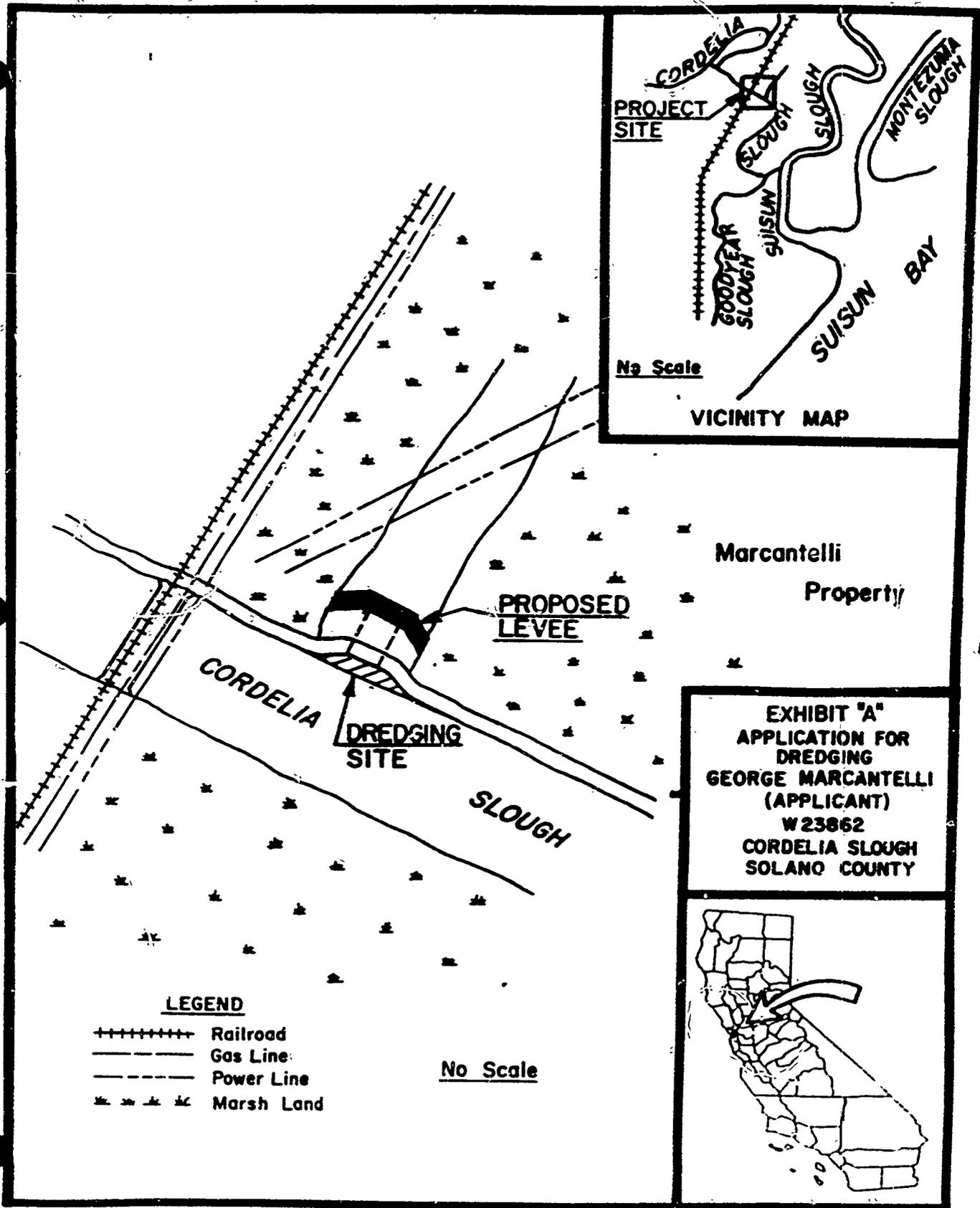


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APPLICATION FOR DREDGING
GEORGE MARCANTELLI
(APPLICANT)
W 23862
CORDELIA SLOUGH
SOLANO COUNTY



R.O. 10/86

DATE OF REVISION 88.6
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