MINUTE ITEM
This Calendar Item No. _____
was approved as Minute Item
No. _____ by the State Lands
Commission by a vote of ____
to _____ at its _____
meeting.

CALENDAR ITEM

C13

12/23/86
WP 5463 PRC 5463
Martinez

A 29

S 14

MAINTENANCE DREDGING PERMIT

APPLICANT: City of Morro Bay
595 Harbor Street
Morro Bay, California 93442

AREAS, TYPE OF LAND AND LOCATION:
Granted (minerals reserved) tide and submerged lands, located in Morro Bay Harbor, San Luis Obispo County.

PROPOSED LAND USE:
Dredge a maximum 350,000 cubic yards of minerals other than oil, gas and geothermal from the entrance channel and navy channel of Morro Bay Harbor. The dredged material will be disposed of at a site under the jurisdiction of the California Department of Parks and Recreation located approximately three miles south of the entrance to Morro Bay Harbor. The proposed use of this disposal site has been approved by the California Department of Parks and Recreation.

TERMS OF THE PROPOSAL PERMIT:

Period: One year commencing January 1, 1987.

Royalty: No royalty for spoils, placed at the approved disposal site because the project is by a public agency for public benefit.

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APPLICANT STATUS:
Public Agency.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 05/03/87.

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 persons nominating such lands and through the CEQA review process it is staff's opinion that the project, as proposed, is consistent with its use classification.

2. A Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Army Corps of Engineers. The document was circulated for public review as broadly as State and local law may require and notice was given meeting the standards in 14 Cal. Adm. Code 15072 (a). Therefore, pursuant to 14 Cal. Adm. Code 15225, the staff recommends the use of the Federal FONSI in place of a Negative Declaration.

APPROVALS OBTAINED:
California Coastal Commission, California Regional Water Quality Control Board, California Department of Parks and Recreation, California Department of Fish and Game, and San Luis Obispo County.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQA; AND ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF THE NEGATIVE DECLARATION PURSUANT TO 14 CAL. ADM. CODE 15225.

2. DETERMINE THAT THE PROJECT, AS APPROVED WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. AUTHORIZE STAFF TO ISSUE TO THE CITY OF MORRO BAY THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL BE EFFECTIVE FOR A PERIOD OF ONE YEAR AND ALLOW DREDGING A MAXIMUM VOLUME OF 350,000 CUBIC YARDS OF MATERIAL FOR THE PURPOSE OF MAINTAINING NAVIGABLE DEPTHS WITH SPOILS TO BE PLACED AT AN APPROVED UPLAND DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR SPOILS DEPOSITED AS APPROVED BECAUSE THE PROJECT IS FOR THE PUBLIC BENEFIT. SUCH ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

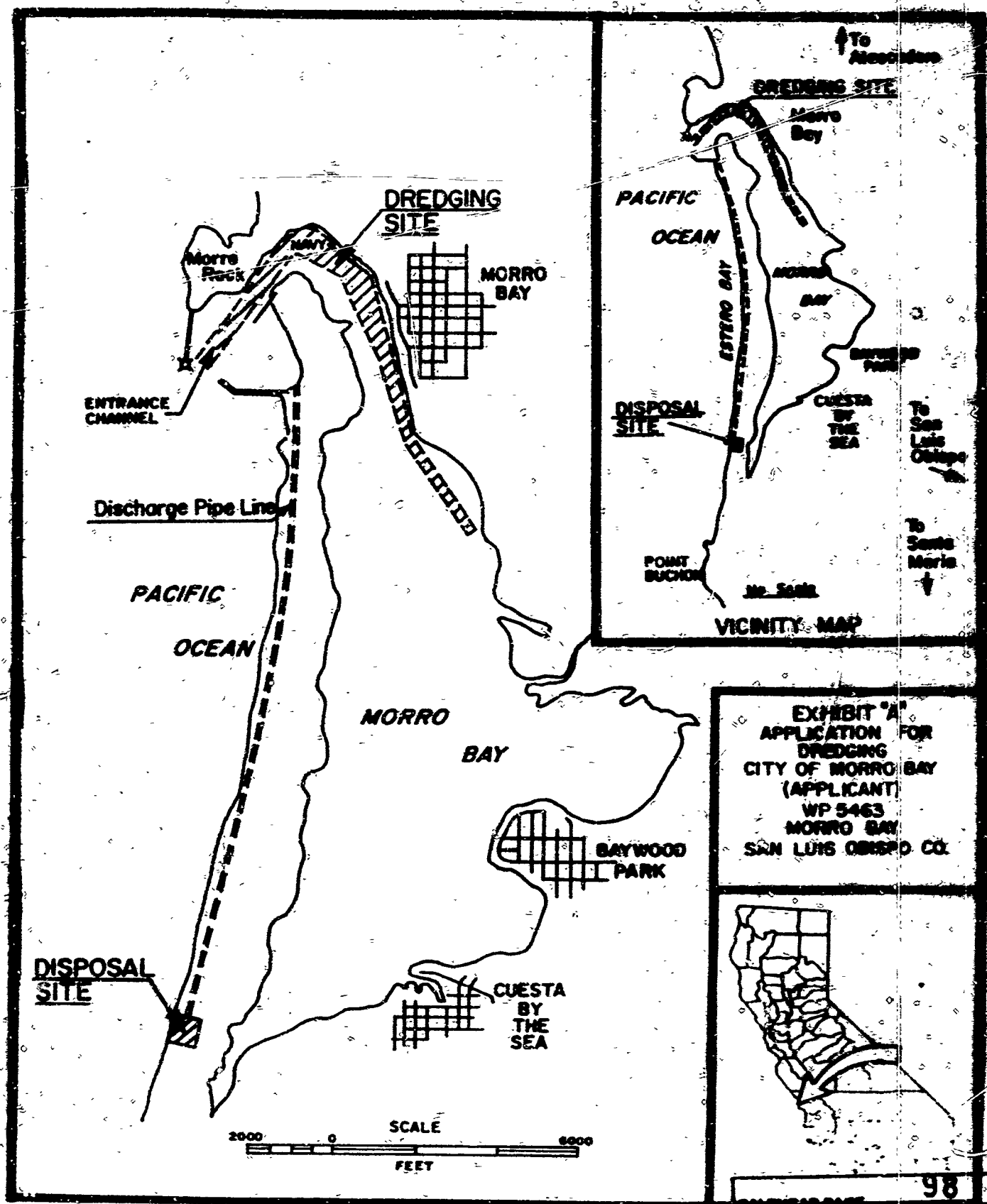

EXHIBIT "A"
APPLICATION FOR DREDGING
CITY OF MORRO BAY
(APPLICANT)
WP 5463
MORRO BAY
SAN LUIS OBISPO CO.

EXHIBIT "B"

STATE OF CALIFORNIA

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

January 1, 1987

File Ref: [illegible]

City of Morro Bay
595 Harbor Street
Morro Bay, California 93442

Gentlemen:

Pursuant to your application dated October 20, 1986, and by the authorization of the State Lands Commission on December 23, 1986 you are hereby granted permission to dredge, during the term of the permit, a maximum of 350,000 cubic yards 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 Morro Bay Harbor, San Luis Obispo County, as designated in Exhibit "A" attached hereto which is by this reference expressly made a part hereof. Said permission includes the right to dispose of dredge spoils three miles south of the entrance to Morro Bay Harbor at an approved site under the jurisdiction of the State Department of Parks and Recreation.

No royalty shall be paid for material deposited at the approved disposal site. A royalty of $0.25 per cubic yard shall be paid for 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 January 1, 1987 through December 31, 1987.

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

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supplied by the Commission (Form 30.9 MC). 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 under the law. It is further agreed that this permit may be suspended, modified or terminated whenever the State finds

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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: CITY OF MORRO BAY

BY

TITLE DIRECTOR OF PUBLIC WORKS

DATE 12/2/86

Mailed in Triplicate

Attachments: EXHIBITS "A"

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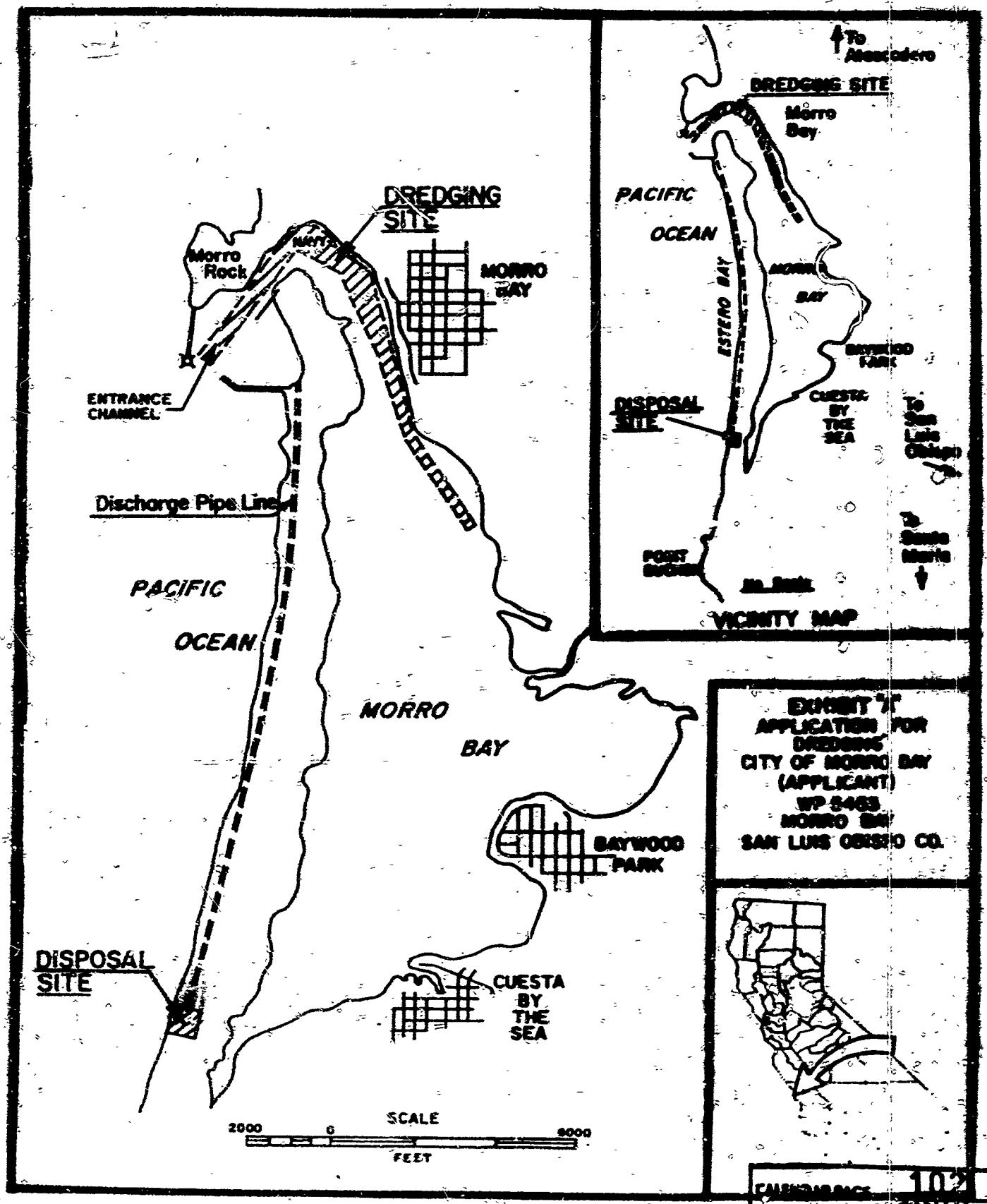

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