

MINUTE ITEM
This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 3
to 0 at its 7-16-87
meeting.

CALENDAR ITEM

A 9

24

07/16/87

WP 6921

PRC 6921

S 3

Martinez

DREDGING PERMIT

APPLICANT: Bel Marin Keys Community Services District
4 Montego Key
Novato, California 94947

AGENT: M. H. Cheney
6630 Heartwood Drive
Oakland, California 94611

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in Novato Creek near
Novato at Bel Marin Keys, Marin County.

PROPOSED LAND USE:

Dredge a maximum 95,000 cubic yards of material
from Novato Creek to improve navigation between
the community of Bel Marin Keys and San Pablo
Bay. The dredged material will be disposed of
on a privately owned upland site south of the
mouth of Novato Creek where it will be plowed
and seeded.

TERMS OF THE PROPOSED PERMIT:

Initial Period: One year commencing August 1,
1987.

Royalty: \$0.25 per cubic yard for
material placed on the approved
private upland site.

APPLICANT STATUS:

The disposal site is under agreement between
the owner and the applicant for the proposed
use.

CALENDAR ITEM NO. 24 (CONT'D)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have 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: 12/26/87.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the 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 Negative Declaration was prepared and adopted for this project by the County of Marin. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

APPROVALS OBTAINED:

County of Marin.
United States Army Corps of Engineers.

EXHIBITS:

- A. Vicinity and Site Map.
- B. Negative Declaration.
- C. Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF MARIN AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. 24 (CONT'D)

2. DETERMINE THAT THE PROJECT, AS MODIFIED BY THE COUNTY AND HEREIN APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE 6370. ET SEQ.
4. AUTHORIZE STAFF TO ISSUE TO THE BEL MARIN KEYS COMMUNITY SERVICES DISTRICT THE DREDGING PERMIT ATTACHED AS EXHIBIT "C". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM OF VOLUME OF 95,000 CUBIC YARDS OF MATERIAL FOR ONE YEAR IN NOVATO CREEK AND DISPOSAL AT AN APPROVED PRIVATE UPLAND SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

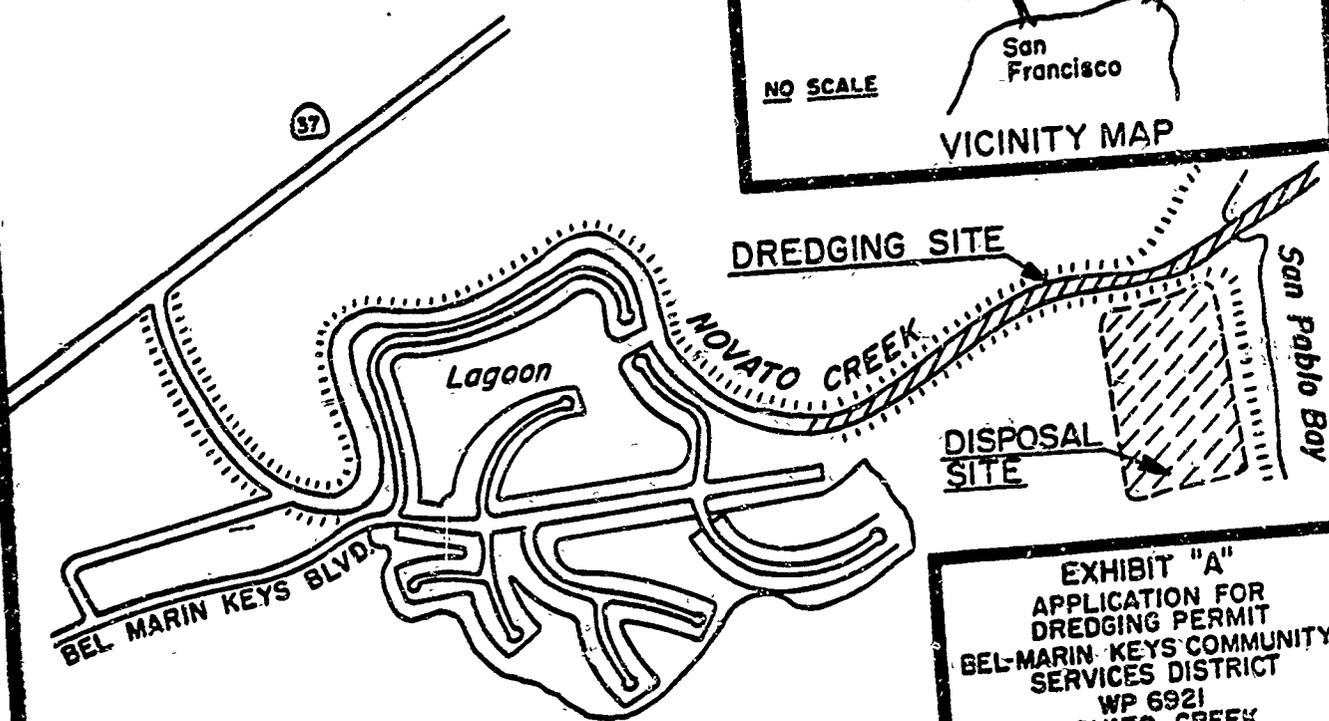
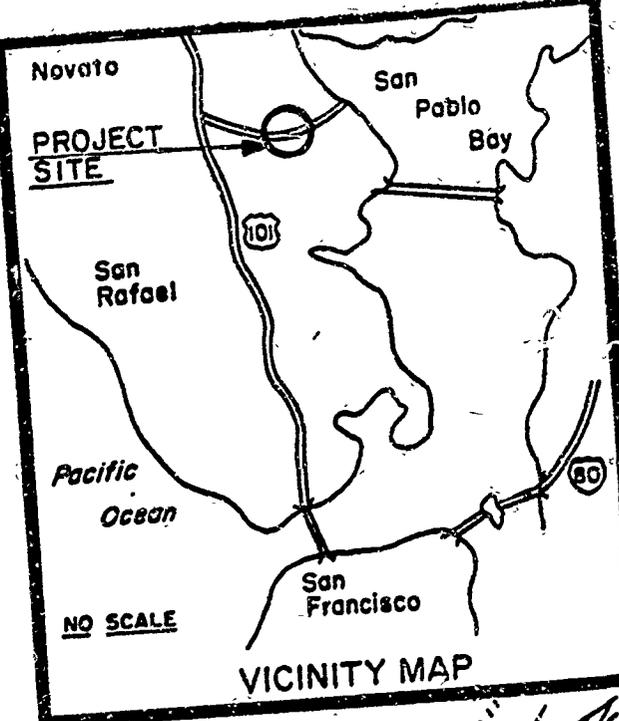


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 BEL-MARIN KEYS COMMUNITY
 SERVICES DISTRICT
 WP 6921
 NOVATO CREEK
 MARIN COUNTY

LEGEND
 DREDGING SITE
 DISPOSAL SITE

SCALE
 0 1000 2000 3000
 Feet



RO 6/87 REV
 CALENDAR PAGE 121
 MINUTE PAGE 2491

"B"

NEGATIVE DECLARATION

FILED

Marin County
Environmental Coordination and Review

MAY 29 1987

HOWARD HANSON
MARIN COUNTY CLERK
By: Cooper, Deputy

Pursuant to: Section 21000 et seq of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Negative Declaration is hereby granted for the following project.

- 1. Project Name: Bel Marin Keys CSD Dredge Disposal Site
- 2. Location and Description: A.P. #157-17-07 & 08; At mouth of Novato Creek on San Pablo Bay approximately 1/2 mile east of the end of Bel Marin Keys Boulevard, Novato. Excavation Permit for placement of 95,000 cubic yards of dredge spoils over a 95 acre site.

3. Project Sponsor: John Wooley, Department of Public Works

4. Finding:

a. Based on the attached Initial Study and without a public hearing, it is my judgment that:

() The project will not have a significant effect on the environment.

() The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

Environmental Coordinator

Date

b. Based on the attached Initial Study and the testimony received at a duly noticed public hearing, a Negative Declaration is granted.

K. Robert P. 0188
Chairperson, Planning Commission

Environmental Hearing Officer

Chairperson, Board of Supervisors

May 08, 1987
Date

c. Appeal: Subsequent to an appeal of the granting of a Negative Declaration and based on the testimony received at a duly noticed public hearing on the appeal, the record of the public hearing on the Negative Declaration and the Initial Study, a Negative Declaration is granted.

Chairperson, Board of Supervisors

Date

N-87-36

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NOTICE OF DETERMINATION

Marin County
Environmental Coordination and Review

FILED

MAY 29 1987

HOWARD HANSON
MARIN COUNTY CLERK
By A. Cooper, Deputy

TO: County Clerk
County of Marin

FROM: Department of Public Works
(Lead Agency)

Project Title	
Bel Marin Keys CSD Dredge Disposal Site	
State Clearinghouse Number (if submitted to State Clearinghouse)	
Contact Person	Telephone Number
John Wooley	(415) 499-6549
Project Location	
157-17-07 & 08, At mouth of Novato Creek on San Pablo Bay	
Project Description	
Placement of 95,000 cubic yards of dredge spoils over a 95 acre site.	

The Project was

Approved
 Disapproved

By: [Signature]

On: 5/29/87

- () The project in its approved form will not have a significant effect on the environment. No Environmental Impact Report was prepared and pursuant to the provisions of CEQA, a Negative Declaration is attached.
- () The project in its approved form will not have a significant effect on the environment. An Environmental Impact Report was prepared for this project pursuant to CEQA and I certify that this EIR was carefully considered prior to this determination.
- () The project in its approved form will have a significant effect on the environment. An Environmental Impact Report was prepared for this project pursuant to CEQA and I certify that this EIR was carefully considered prior to this determination. A statement of findings pursuant to Section 15091 of the State EIR Guidelines is attached.

A copy of the EIR () Negative Declaration () is on file at:

Agency: Marin County Planning Department

Address: Marin Civic Center, San Rafael, CA 94903

By: [Signature]

Date: 5/29/87

Title: Env. Coord.

The filing of this Notice of Determination starts a 30 day statute of limitations on court challenges to the approval under CEQA.

3/87

N-87-36

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INITIAL STUDY

Marin County
Environmental Coordination and Review

ROUTE TO:

- Planning Dept.
 - Parks, Rec., Open Space
 - Public Works
 - Environmental Health
 - Other _____
- Return by: _____
(date)

I. PROJECT DESCRIPTION

- A. Project Name: Bel Marin Keys CSD Dredge Disposal Site
- B. Type of Applications: Excavation Permit 86-07
- C. Assessor's Parcel No: 157-17-07 & 08
- D. Existing Zoning: _____ CWP Desig.: _____
- E. Description: Placement of 95,000 cubic yards of dredge spoils over a 95 acre site.
- F. Location: At mouth of Navato Creek on San Pablo Bay about 1/2 mile east of the end of Bel Marin Keys Boulevard.
- G. Environmental Settings: Dyked historic bay tidelands now in grassland/fallow field habitat.
- H. Other agencies which require approval: B.C.D.C. Army Corps
- I. Applicant's Name: Bel Marin Keys C.S.D. Phone: _____
Address: 4 Montego Key, Novato, CA 94947
- J. Initiated by: John Wooley Date: 5/6/87
Department/Agency: Marin County Dept. Public Works

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MINUTE PAGE	Exhibit 3

II. **EVALUATION OF ENVIRONMENTAL IMPACTS:** Please check the box indicated wherein proposed project will have or potentially have a significant adverse impact on the environment either individually or cumulatively with other projects. All phases of project planning, implementation and operation must be considered. All items checked must be discussed noted in Section III.

- | <u>Yes</u> | <u>???</u> | <u>No</u> | |
|------------|------------|-----------|--|
| | | | A. <u>Geophysical Factors:</u> Will the project or its related activities result in: |
| () | () | (X) | 1. Change in topography or unstable soil conditions due to excavating, grading or filling? |
| () | () | (X) | 2. The destruction, covering or modification of any unusual or unique geologic or physical features? |
| () | () | (X) | 3. Any changes in wind or water erosion of soils or sands or any erosion which may modify the channel of a waterway or other body of water? |
| () | () | (X) | 4. Exposure of people or property to geologic hazards such as earthquakes, tsunami; landslides, mudslides, ground failure or similar hazards? |
| | | | B. <u>Biotic Community Factors:</u> Will the project or its related activities result in: |
| (X) | () | () | 1. Changes in the number or diversity of any plant or animal species or alteration or deterioration of their habitats? |
| () | () | (X) | 2. Introduction of new plant or animal species into an area, or a barrier to normal dispersal or migration of any plant or animal species? |
| () | () | (X) | 3. Reduction of the number of any rare or endangered plant or animal species? |
| (X) | () | () | 4. Reduction in acreage of any agricultural crop or other agricultural activity? |
| () | () | (X) | 5. Increase in the danger of fire hazard in areas with flammable grass, brush, or trees? |
| | | | C. <u>Hydrologic and Watershed Factors:</u> Will the project or its related activities result in: |
| () | () | (X) | 1. Changes in the course or direction of water movements or configuration of either marine or fresh waters? |
| (X) | () | () | 2. Changes in percolation, run-off or drainage patterns including ground water supply and recharge in the watershed? |
| () | () | (X) | 3. Exposure of people or property to flood hazard? |
| () | () | (X) | 4. Generation of pollutants (human wastes, toxic wastes, fertilizers, dissolved oxygen, etc.) which would affect the water quality of surface or subsurface waters in the watershed? |
| () | () | (X) | 5. Effect the quantity or quality of private or public water supplies? |
| | | | D. <u>Airshed Factors:</u> Will the project or its related activities result in: |
| () | () | (X) | 1. Generating pollutants (hydrocarbon, thermal, odor, dust, smoke, radiatic etc.) which would deteriorate ambient air quality? |
| () | () | (X) | 2. Alteration of air movement, moisture, or temperature, or any change climate locally or regionally? |

Yes ~~???~~ No
() () (X)

3. Exposure of people or property to wind hazards?

E. General and Specific Plan Factors: Will the project or its related activities be inconsistent with:

- () () (X) 1. CWP, City of Community Plan policies or land use designations?
() () (X) 2. CWP population growth rates for its planning area in conjunction with other recently approved developments?
() () (X) 3. CWP policies for housing or low, moderate and middle income housing mix?
() () () 4. Others _____
specify

F. Community/Cultural Factors: Will the project or its related activities:

- () () (X) 1. Result in a substantial conflict with the established character, aesthetics or functioning of the surrounding community?
() () (X) 2. Be a part of a larger project involving a series of cumulative actions?
() () (X) 3. Involve historical buildings, natural or cultural features which are unique?
() () (X) 4. Affect an area of archaeological, paleontologic, or other historic importance?
() () (X) 5. Affect an officially designated scenic vista-point, scenic highway or corridor or other unique aesthetic value?
() () (X) 6. Affect an important existing or potential community recreation area?
() () (X) 7. Affect lands preserved under an agricultural, scenic, or open space contract or easement?
() () (X) 8. Present a hazard to people or property from risk of explosion or release of hazardous substances either on site or in transit in the event of accident or otherwise?
() () (X) 9. Result in increases in existing ambient or single event noise levels?
() () (X) 10. Result in significant new light or glare impacts on the site or surrounding area?
() () (X) 11. Result in displacement of people or business activity?
() () (X) 12. Be expected to generate public controversy?

G. Natural Resources: Will the project or its related activities:

- () () (X) 1. Affect the use, extraction or conservation of any natural resource?
() () (X) 2. Use substantial amounts of fuel or energy to require the development of new sources of energy?

H. Economic Factors:

- () () (X) Will the project or its related activities require expenditure of public funds in excess of public revenues generated by the project?

- 3 ??? No
- i. Transportation/Circulation Factors: Will the project or its related activities result in:
-) () (x) 1. Alterations to present patterns of circulation or movement of people and/c goods?
 -) () (x) 2. Alteration of the level of service of streets and highways?
 -) () (x) 3. Substantial impact on existing or proposed public transit systems including waterborne, rail and air traffic?
 -) () (x) 4. Effects on existing parking facilities or demand for new parking not provided for by the project?
 -) () (x) 5. Increase traffic hazards to motor vehicles, bicyclists, pedestrian or other traffic?

J. Public Service Factors: Will the project or its related activities have an effect upon or result in a need for new or altered governmental services in any of the following areas?

-) () (x) 1. Fire protection?
-) () (x) 2. Police protection?
-) () (x) 3. Schools?
-) () (x) 4. Parks and Recreation facilities?
-) () (x) 5. Maintenance of public facilities, including roads, canals, etc.?
-) () (x) 6. Other governmental services:

K. Public Utility Factors: Will the project or its related activities have an effect or result in a need for new systems or substantial alterations to the following utilities:

-) () (x) 1. Sewer or septic systems?
-) () (x) 2. Water for domestic use and fire protection?
-) () (x) 3. Natural gas or electricity?
-) () (x) 4. Storm water drainage?
-) () (x) 5. Solid waste disposal?
-) () (x) 6. Communication systems?
-) () (x) 7. Plant facilities for any of the above (sewer plants, microwave station, water tanks, etc.)?

MANDATORY FINDINGS OF SIGNIFICANCE: Pursuant to Section 15382 of the State EIR Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true:

es ??? no

) () ()

1. The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

) () ()

2. The project has the potential to achieve short-term to the disadvantage of long-term environmental goals.

) () ()

3. The project has possible environmental effects which are individually limited but cumulatively considerable. (Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).

) () ()

4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

SIGNIFICANT IMPACTS AND FEASIBLE MITIGATION MEASURES: All Significant or potentially significant impacts indicated in Section II above should be described and feasible mitigation measures recommended wherever possible. Any participant of the initial study may also make a recommendation as to whether a Negative Declaration, a Negative Declaration with mitigation measures, more study in a particular area or an EIR should be prepared. Please indicate any source data relied upon and your name and date of comments in the space indicated. Use additional pages if necessary.

Reviewed by _____, on _____, Dept. _____
(date)

Reviewed by _____, on _____, Dept. _____
(date)

Reviewed by _____, on _____, Dept. _____
(date)

Returned to initiating department _____, rec'd by _____
(date)

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DETERMINATION: (to be completed by the Environmental Coordinator) Pursuant to Section 15081 and 15070 of the State Guidelines and the Initial Study evaluation:

- () 1. I find that the proposed project will not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- () 2. I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Exhibit "A" attached have been added to the project. A NEGATIVE DECLARATION will be prepared.
- () 3. I find that the proposed project may have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

Environmental Coordinator

Date

EXCAVATION PERMIT 86-07
MITIGATION MEASURES

The following Initial Study items were found to have a significant adverse impact. Please see the Environmental Assessment (ESA, March 4, 1987) for more detailed discussion of these items and mitigations.

- B1) The project will result in a destruction of grassland/fallow field wildlife habitat.
- B4) The project will result in a reduction of potential agricultural acreage.

Discussion: Site preparation and deposit of dredge spoils will destroy the existing habitat. As site was used for oat and hay production until 1982, such habitat is fairly recent. If mitigated, the effect will be temporary.

As recently as 1982 the site was used for oat and hay production. This use could be reactivated in the future. The deposit of the dredge spoils will prevent this use if not mitigated.

Mitigation: Within one year following completion of dredging operation, the spoil site shall be re-worked to restore vegetation and temporary wet-season ponding capability. Re-working shall consist of leveling all levees and discing. Spoil shall be enriched with application of 16-20-0 commercial fertilizer at the rate of 200 pounds per acre and seeded with oat and barley mixture at the rate of 50 pounds per acre. Discing and seeding shall take place between September 1 and September 30 of the year following completion of spoil placement.

- C2) The project will remove ponding area and, thus, affect drainage patterns in the area.

Discussion: The deposit of 95,000 cubic yards of material will remove that volume of available ponding area from the watershed. As site is and will be entirely below sea level in a very remote area, the effect will be minimal.

Mitigation: As the site is currently designated a secondary flood plain (F-2) the mitigation methods and procedures are already in place. County regulations require applicant to covenant additional flood plain storage on a 3-to-1 basis via a Drainage Agreement with the Marin County Flood Control & Water Conservation District.

JW:maa-A13-2

EXCAVATION PERMIT 86-07
INITIAL STUDY COMMENTS

Initial Study Items #'s A(1-4), B(2,3 & 5), C(1,3,4,5), D(L1-3), E(1-4), F(1-12), G(1 & 2), H,I(1-5), J(1-6), & K(1-7) were found to have NO significant adverse impact. The following statement is an explanation and support of those findings.

This project involves the deposit of 95,000 cubic yards of dredge spoils on a 95 acre site presently used for occasional hay production. The site is secured by levees to the north and east and elevations range from about 2.5 to 5 feet below sea level. The dredge spoils would be deposited as a slurry of mud and water only once for a 1-1/2 month period in late spring 1987. The slurry would be left to dry over the summer leaving a deposit averaging .6 feet thick. This would be fertilized, disced and reseeded to hasten re-vegetation.

Site preparation requires the construction of a temporary low dyke from on-site materials. No fill will be imported or removed and no new roads built. No one lives near the area, access is extremely limited and no structures or other permanent facilities will be constructed. The resulting site will be a flat 95 acre plain about 2 feet below sea level in a very remote area.

JW:maa-ATO-3

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"C"

STATE LANDS COMMISSION

File Ref.: PRC 6921

Marin Keys Community Services District
4 Montego Key
Novato CA 94947

Gentlemen:

Pursuant to your application dated May 21, 1987, and by the authorization of the State Lands Commission on July 16, 1987, you are hereby granted permission to dredge, during the term of the permit, a maximum 95,000 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 Novato Creek, Marin County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to deposit dredge spoils at the approved upland disposal site south of the mouth of Novato Creek.

A royalty of \$0.25 per cubic yard shall be paid for material placed at the approved privately-owned upland disposal site. 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 August 1, 1987 through July 31, 1988.

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 30.9NC). 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 accrued 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 (1½) per month from the date when the same was payable by the terms hereof.

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2502

It is agreed that you shall indemnify, save harmless and in the event 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 persons 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, Chief
Extractive Development Program

DATE

ACCEPTED:

BY: _____

TITLE: _____

DATE: _____