MINUTE ITEM
This Calendar Item No. 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 3
to 0 at its 9-23-87
meeting.

CALENDAR ITEM

A 2

S 2

C20

09/23/87
WP 5285 PRC 5285
Martinez

DREDGING PERMIT

APPLICANT: Humboldt Bay Harbor, Recreation and Conservation District
P. O. Box 1030
Eureka, California 95502-1030

AREA, TYPE LAND AND LOCATION:
Granted, mineral reserve lands in Humboldt Bay at Woodley Island Marina, Humboldt County.

PROPOSED LAND USE:
Dredge a maximum 140,000 cubic yards of minerals other than oil, gas and geothermal to improve navigation at Woodley Island Marina. The dredged material will be used for beach replenishment on Samoa Peninsula State Beach.

TERMS OF THE PROPOSED PERMIT:
- Initial Period: One year beginning October 1, 1987.

Royalty: No royalty for material used for beach replenishment as a public benefit.

APPLICANT STATUS:
Grantee of upland.

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: 01/02/88.

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 the staff's opinion that the project, as proposed, is consistent with its use classification.

2. A Mitigated Negative Declaration was prepared and adopted for this project by the Humboldt Bay Harbor, Recreation and Conservation District. The State Lands Commission staff has reviewed such document and believes that it complies with the requirements of the CEQA.

APPROVALS OBTAINED:

California Coastal Commission and United States Army Corps of Engineers

EXHIBITS:

A. Vicinity and Site Maps.
B. Dredging Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. DETERMINE THAT THE PROJECT, AS 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 P.R.C. 6370, ET. SEQ..

4. AUTHORIZE STAFF TO ISSUE TO HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 140,000 CUBIC YARDS OF MATERIAL FROM HUMBOLDT BAY AT WOODLEY ISLAND MARINA, HUMBOLDT COUNTY FOR ONE YEAR. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

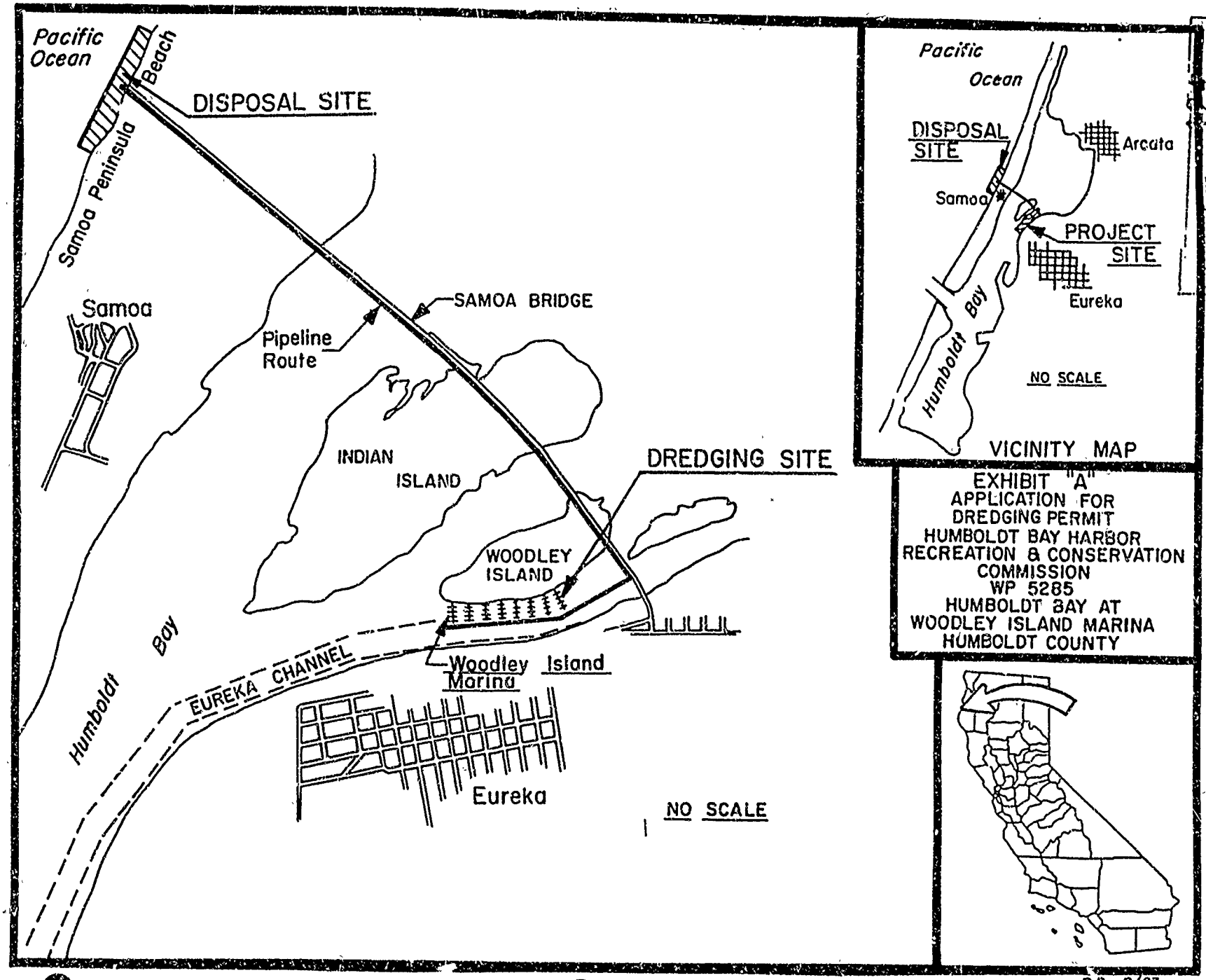

EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
HUMBOLDT BAY HARBOR
RECREATION & CONSERVATION
COMMISSION
WP 5285
HUMBOLDT BAY AT
WOODLEY ISLAND MARINA
HUMBOLDT COUNTY

MINUTE PAGE 2754

R.P. 8/87

"B"

STATE OF CALIFORNIA, STATE LANDS COMMISSION
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

GEORGE DEUKMEJIAN, Governor

October 1, 1987

File Ref.: WP 5285

Humboldt Bay Harbor, Recreation
and Conservation District
P. O. Box 1030
Eureka CA 95502-1030

Gentlemen:

Pursuant to your application dated July 8, 1987 and by the authorization of the State Lands Commission on September 23, 1987 you are hereby granted permission to dredge, during the term of the permit, a maximum 140,000 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 granted, mineral reserve, lands at Woodley Island Marina in Humboldt Bay, Humboldt 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 Samoa Peninsula Beach.

No royalty shall be paid for material placed at the approved disposal site. 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, 1987 through September 30, 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.

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 (1½%) per month from the date when the same was payable by the terms hereof

CALENDAR PAGE 125
MINUTE PAGE 2965

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 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: _____