MINUTE ITEM
This Calendar Item No. 31
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 2
to 0 at its 9-23-87
meeting.

CALENDAR ITEM

A 11

S 7

31

09/23/87
WP 5228
Martinez

DREDGING PERMIT

APPLICANT:

City of Richmond
Attn.: Michael R. Powers
P. O. Box 4046
Richmond, California 94804

AREA, TYPE LAND AND LOCATION:

Granted minerals reserved lands at the Port of Richmond, Contra Costa County.

PROPOSED LAND USE:

Maintenance dredging to return the berthing area of Terminal Nos. 1 and 4 in the Port of Richmond to the required depths for commercial vessels using the facilities. The amount to be dredged is 12,500 cubic yards at Terminal No. 1 and 21,000 cubic yards at Terminal No. 4 every two years for five years for a total maximum volume of 67,000 cubic yards. The material will be disposed at the Corps of Engineers approved Alcatraz disposal site.

TERMS OF THE PROPOSED PERMIT:

Initial Period: Five years commencing October 1, 1987.

Royalty: No royalty for material disposed at the approved offshore site.

APPLICANT STATUS:

Grantee.

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: 01/24/88.

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. The City of Richmond has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project under Class 4(g) maintenance dredging where the spoil is deposited in an area authorized by all applicable State and Federal regulatory agencies, 14 Cal. Adm. Code 15104.

   Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061).

APPROVALS OBTAINED:

United States Army Corps of Engineers, San Francisco Bay Area Conservation and Development Commission (BCDC), and Regional Water Quality Control Board.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. CONCUR WITH THE CITY OF RICHMOND'S DETERMINATION 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 MAINTENANCE DREDGING, 14 CAL. ADM. CODE 15104 (g).

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET. SEQ..

3. AUTHORIZE STAFF TO ISSUE TO CITY OF RICHMOND THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 67,000 CUBIC YARDS OF MATERIAL OVER A FIVE-YEAR PERIOD AT THE PORT OF RICHMOND AND DISPOSAL AT THE APPROVAL OFFSHORE SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

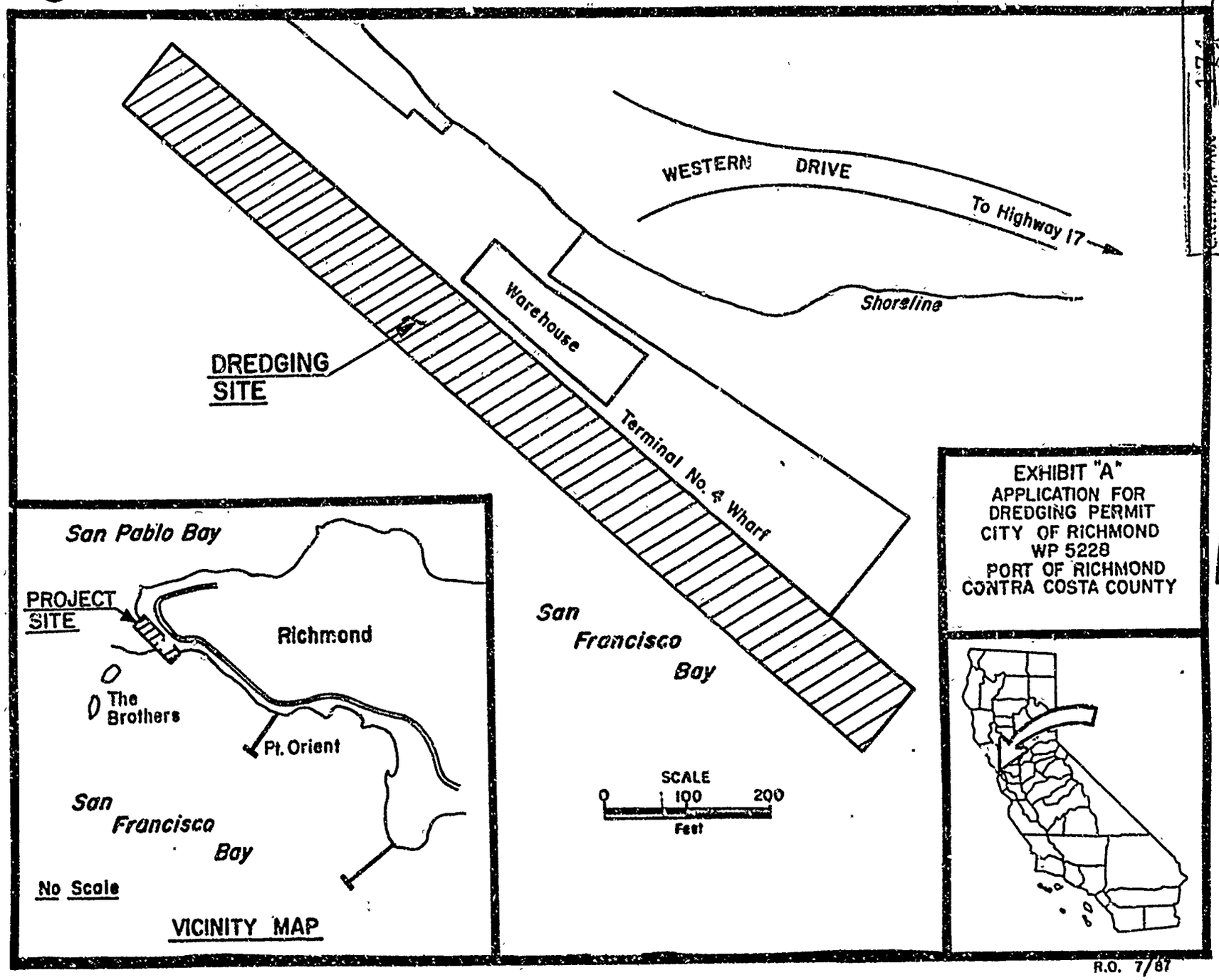

EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
CITY OF RICHMOND
WP 5228
PORT OF RICHMOND
CONTRA COSTA COUNTY

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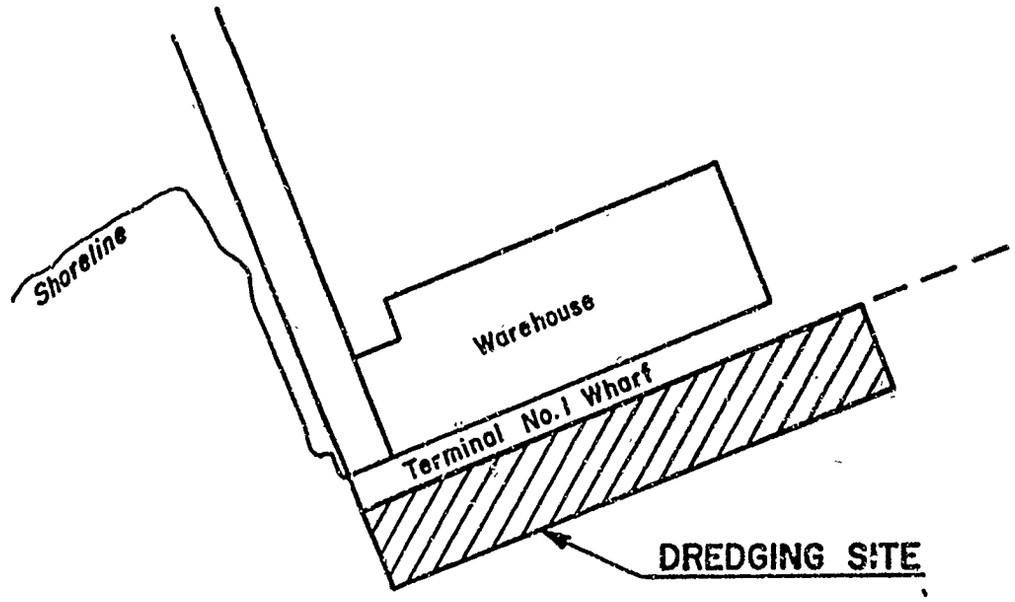

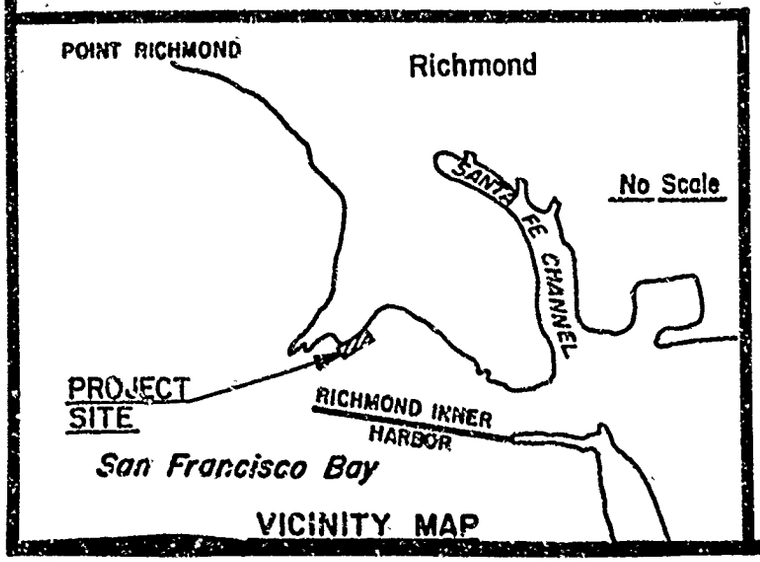

Scale: 1"=200'

EXHIBIT "A1"
APPLICATION FOR
DREDGING PERMIT
CITY OF RICHMOND
WP 5228
PORT OF RICHMOND
CONTRA COSTA COUNTY

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"B"

STATE OF CALIFORNIA · STATE LANDS COMMISSION GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO CALIFORNIA 95814

October 1, 1987

File Ref.: WP 5228

City of Richmond
Attn: Michael R. Powers
P. O. Box 4046
Richmond CA 94804

Gentlemen:

Pursuant to your application dated July 7, 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 of 67,000 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 the Port of Richmond, Contra Costa 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 an approved offshore Corps of Engineers disposal site.

No royalty shall be paid for material placed at the approved offshore 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, 1992.

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 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.

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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 ployee or agency thereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

_____
W. M. THOMPSON, Chief
Extractive Development Program

_____
DATE

ACCEPTED:

By: _____

Title: _____

Date: _____

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