MINUTE ITEM
This Calendar Item No. 39
was approved as Minute Item
No. 39 by the State Lands
Commission by a vote of 3
to 0 at its 1-21-88
meeting.

CALENDAR ITEM

A 9 | 39 | 01/21/88
W 24064 PRC 7160
S 3 | Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: City of San Rafael
Attn.: Dave Bernardi
P. O. Box 60
San Rafael, California 94915-0060

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

AREA, TYPE LAND AND LOCATION:
Granted, mineral reserve lands in San Rafael Creek adjacent to the federally authorized and maintained San Rafael Creek at San Rafael, Marin County.

LAND USE: Dredge a maximum 48,000 cubic yards of material for the purpose of maintaining safe, efficient operating depths between the canal and shoreline berthing and docking areas. The dredging material will be disposed all or in part, depending on volumetric capacity, at the U. S. Army Corps approved land disposal site. Any material not disposed of on land will be barged to the Corps offshore disposal site No. 11 at Alcatraz Island.

TERMS OF THE PROPOSED PERMIT:
Initial Period: One year commencing February 1, 1988.

Royalty: No royalty because the project is by a public agency for public benefit.

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

AB 884: 05/20/88.

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 Finding Of No Significant Impact (FONSI) was prepared and adopted for this project by the U. S. Army Corps of Engineers, San Francisco District. 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 REQUIRED:

A. S. F. Bay Conservation and Development Commission.
B. U. S. Army Corps of Engineers.
C. Regional Water Quality Control Board.

EXHIBITS:

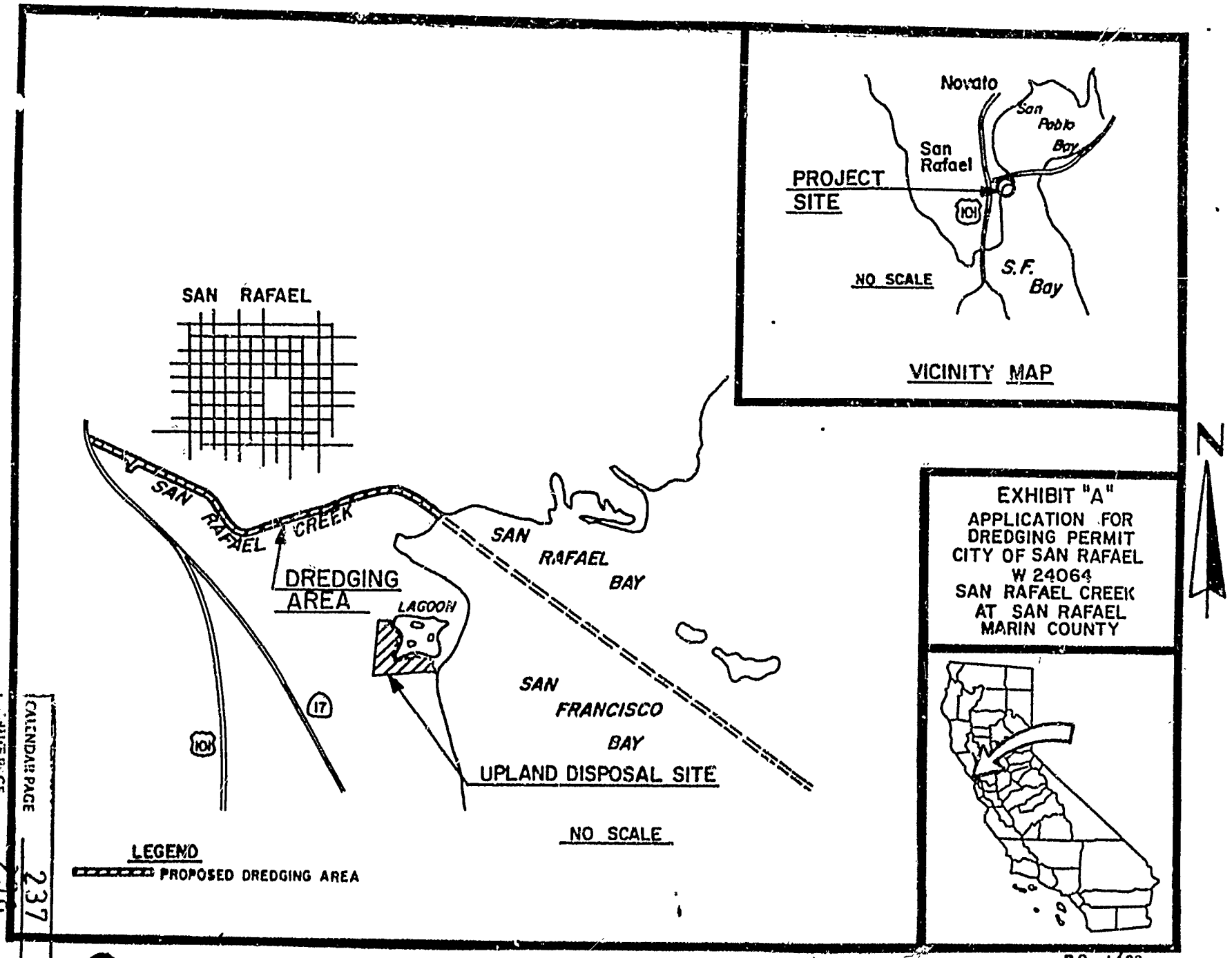
A. Vicinity and Site Map.
B. Dredging Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

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

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 THE CITY OF SAN RAFAEL THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 48,000 CUBIC YARDS OF MATERIAL FOR ONE YEAR COMMENCING FEBRUARY 1, 1988 FROM SAN RAFAEL CREEK AT SAN RAFAEL, MARIN COUNTY AND DISPOSAL AT AN APPROVED U. S. ARMY CORPS OF ENGINEERS DISPOSAL SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



R.O. 1/88

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EXHIBIT "B"

STATE OF CALIFORNIA-STATE LANDS COMMISSION GEORGE DEUKMEJIAN, Governor
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

February 1, 1988

File Ref.: W 24064

City of San Rafael
Attn: Dave Bernardi
P. O. Box 60
San Rafael CA 94915-0060

Gentlemen:

Pursuant to your application dated October 12, 1987 and by the authorization of the State Lands Commission on January 21, 1988 you are hereby granted permission to dredge, during the term of the permit, a maximum of 48,000 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 adjacent to federally authorized and maintained San Rafael Creek at San Rafael, 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 an approved U. S. Army Corps of Engineers disposal site.

No royalty shall be paid for material placed at the approved disposal sites. 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 February 1, 1988 through January 31, 1989.

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.

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: _____