

MINUTE ITEM
This Calendar Item No. 44
was approved as Minute Item
No. 44 by the State Lands
Commission by a vote of 3
to 0 at its 1-21-88
meeting.

CALENDAR ITEM

A 61

44

01/21/88
W 23872 PRC 7161
Martinez

S 25

MAINTENANCE DREDGING PERMIT

APPLICANT: Richard E. Dirk
Needles Marina
100 Marina Drive
Needles, California 92363

AREA, TYPE LAND AND LOCATION:
Sovereign lands in the Colorado River at
Needles Marina, San Bernardino County.

LAND USE: Extract a maximum 10,000 cubic yards of
material for the purpose of maintaining a
navigational depth for boats docking at the
existing Needles Marina. The extracted
material will be used for adjacent levee
enhancement and replenishment of the public
beach.

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

Royalty: No royalty because the project will
enhance a public beach and adjacent
levees.

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.

CALENDAR ITEM NO. 44 (CONT'D)

AB 884:

07/08/88.

OTHER PERTINENT INFORMATION:

1. An application for a lease to cover operation of the existing marina and any future leasing is being processed by staff of the Land Management Section.

The date the lease will be issued is uncertain at this time because of unresolved title problems between the State and the Bureau of Land Management. The applicant is currently operating the marina under a lease from the BLM. The beach area is open to the public free of charge. The applicant has requested that the dredging proposed at this time be approved prior to issuance of the lease because the proposed project site is generally dry until mid January, thus making removal of material at this time more economical and environmentally feasible.

2. 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.
3. A Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the U. S. Army Corps of Engineers, Los Angeles 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 as the equivalent of a Negative Declaration.

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APPROVALS REQUIRED:

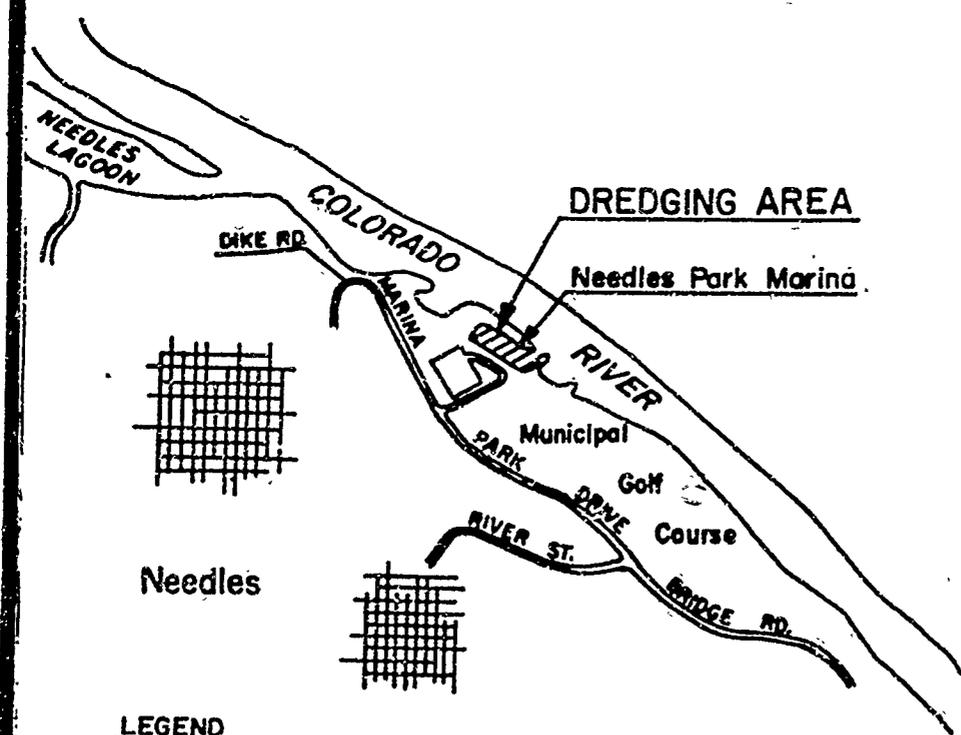
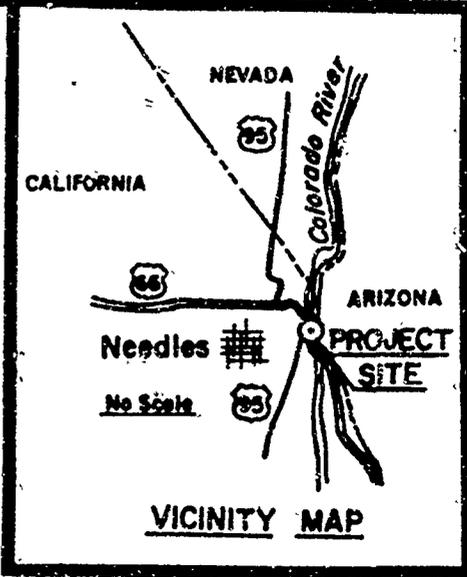
- A. U. S. Army Corps of Engineers.
- B. California Department of Fish and Game.

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 RICHARD DIRK THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 10,000 CUBIC YARDS OF MATERIAL FOR ONE YEAR COMMENCING JANUARY 1, 1988 FROM THE COLORADO RIVER AT NEEDLES MARINA, SAN BERNARDINO COUNTY AND DISPOSAL AT THE ADJACENT PUBLIC BEACH. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES. ROYALTY TO BE WAIVED BECAUSE THE SPOILS WILL BE USED FOR BEACH AND LEVEE ENHANCEMENT.



LEGEND
 Dredging Area



EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 RICHARD E. DIRK
 W 23672
 COLORADO RIVER
 SAN BERNARDINO
 COUNTY



PLAN SHEET NO. 244.3
 SHEET NO. 323

R.O. 12/87



"B"

STATE OF CALIFORNIA—STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



January 1, 1987

File Ref.: W 23872

Richard E. Dirk
Needles Marina
100 Marina Dr.
Needles CA 92363

Dear Mr. Dirk:

Pursuant to your application received December 8, 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 10,000 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 sovereign lands in the Colorado River at Needles Marina, San Bernardino 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 on adjacent beaches for enhancement purposes.

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 January 1, 1988 through December 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 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, employee 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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