

MINUTE ITEM
This Calendar Item No. C14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
to 0 at its 3/23/89
meeting.

CALENDAR ITEM

A 1
S 1

C 14

03/23/89
PRC 5231
Martinez

DREDGING PERMIT

APPLICANT: Department of Fish and Game
Attn: Jerry Markel
601 Locust Street
Redding, California 96001

AREA, TYPE LAND AND LOCATION:
Tide and submerged land at the outlet from Lake
Talawa to the Pacific Ocean, Del Norte County.

PROPOSED LAND USE:

Dredge, twice a year, accumulated sediment to
breach the sandbar at the Lake Earl/Lake Talawa
outlet channel.

The dredged material not to exceed 2,000 cubic
yards annually, will be placed on the banks of
the channel where it will be subject to
dispersal by wind and wave action.

TERMS OF THE PROPOSED PERMIT:

Initial Period: March 23, 1989 through
May 31, 1990. The term of
the permit coincides with the
term of the permit issued by
the California Coastal
Commission.

Royalty: No charge because the
applicant is a public agency
for public benefit.

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PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.
The processing fee has been waived because the Applicant is a public agency.

STATUTORY AND OTHER REFERENCES:

- A. Div. 6, Parts 1 and 2; Div. 13.
- B. C.A.C.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 10/10/89

OTHER PERTINENT INFORMATION:

1. The sole purpose of the project is to maintain the lake at a level necessary to maintain a Fish and Game established feeding area for migrating Aleutian Geese. The Aleutian Goose is an endangered species.
2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon 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.
3. The California Coastal Commission, (CCC), a "functional equivalent agency under Section 21080.5 of the CEQA, has:
 - a. served as the Lead Agency under CEQA;
 - b. considered the project described herein; and
 - c. found that the project, as proposed, will not have a significant effect on the environment.
4. Under Section 1525.2 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the CCC in its consideration of this project.

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5. No local government approvals are required for the proposed project.

Authority: Sections 21083 and 21087 of the CEQA.

6. In consideration of the requirements of the permit issued by the CCC, the applicant shall also comply with the following conditions which have been made a part of the SLC dredging permit attached as Exhibit "B".

- a. Project Details. At least ten days prior to a proposed breaching, the applicant shall submit to the State Lands Commission Dredging Coordinator for staff review and approval a statement of the purpose and duration of the project, and the volume of material to be removed, and sufficient information to justify the proposed action as being the least environmentally harmful option available. This notice shall also include information on lake elevation, the purpose of the breaching, and the date of the proposed breaching.
- b. Timing and Lake Elevations. Breaching shall occur only during the period between October 15 and April 15 and only when the lake elevation is at least 6 feet above mean sea level. The applicant shall develop a controlled breaching technique whereby the cut channel can easily be closed so that the lake elevation does not drop below 4 feet above mean sea level.
- c. The applicant shall provide the SLC Dredging Coordinator with a follow-up report on the breaching which will include an analysis of the activity's impacts and success in meeting the Department's objectives.

CALENDAR ITEM NO. C 14 (CONT'D)

APPROVALS OBTAINED:

United States Army Corps of Engineers and
California Coastal Commission, North Coast
Region.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CALIFORNIA COASTAL COMMISSION, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA, HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE CCC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL. CODE REGS, SECTION 15253.
3. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ. BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
4. AUTHORIZE STAFF TO ISSUE TO THE DEPARTMENT OF FISH AND GAME THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 2,000 CUBIC YARDS OF MATERIAL ANNUALLY FROM THE SANDBAR AT THE LAKE EARL/LAKE TALAWA OUTLET CHANNEL TO THE PACIFIC OCEAN, DEL NORTH COUNTY FOR THE SOLE PURPOSE OF MAINTAINING A ESTABLISHED FEEDING HABITAT FOR THE ALEUTIAN GOOSE. THE SPOILS WILL BE PLACED ON THE BANKS OF THE CHANNEL. THE PERMIT WILL BE EFFECTIVE FROM MARCH 23, 1989 THROUGH MAY 31, 1990. NO ROYALTY SHALL BE CHARGED BECAUSE THE PROJECT IS BY A PUBLIC AGENCY FOR A PUBLIC BENEFIT PURPOSE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

EXHIBIT "B"

STATE OF CALIFORNIA—STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



March 23, 1989

File Ref.: PRC 5231

Department of Fish and Game
Attn: Jerry Markel
601 Locust St.
Redding CA 96001

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission on March 23, 1989 you are hereby granted permission to dredge, during the term of this permit a maximum 2,000 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 at the Lake Earl/Lake Talawa outlet channel to the Pacific Ocean, Del Norte County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to dispose of the material on the banks of the channel where it will be subject to wind and wave action.

No royalty shall be paid for material placed at the approved offshore 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 March 23, 1989 through March 22, 1990.

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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