

MINUTE ITEM
This Calendar Item No. C15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 3
to 0 at its 3/23/89
meeting.

CALENDAR ITEM

C 15

A 2
S 2

03/23/89
W 23651 PRC 7288
Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: City of Eureka
531 K Street
Eureka, California 95501

AREA, TYPE LAND AND LOCATION:
Granted mineral reservation lands in Eureka
channel Humboldt County.

PROPOSED LAND USE:
Dredge a maximum 50,000 cubic yards of material
for the purpose of maintaining a navigable
depth.

The material will be disposed of offshore at
the approved SF 3 disposal site.

TERMS OF THE PROPOSED PERMIT:
Initial Period: One year commencing March 23,
1989.

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

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.
The processing fee has been waived because the
Applicant is a public agency.

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STATUTORY AND OTHER PREFERENCES:

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

AB 884: 09/12/89.

OTHER PERTINENT INFORMATION:

1. Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Army Corps of Engineers. The document was circulated for public review as broadly as State and local law may require and notice was given meeting the standards of 14 Cal. Code Regs. 15072(a). Therefore, pursuant to 14 Cal Code Regs. 15225, the staff recommends the use of the Federal FONSI in place of the Negative Declaration.
2. The proposed dredging is a portion of a larger project involving dredging in North Bay channel and the Field's Landing to Channel and Turning Basin. Eureka Channel is the only portion of the project that will include lands under Commission jurisdiction.
3. The material to be dredged has been sampled and tested by the Corps of Engineers and has been found to be suitable for disposal as proposed.
4. No local approvals are required.

APPROVALS OBTAINED:

United States Army Corps of Engineers.

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 UNITED STATES ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQA AND ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION PURSUANT TO 14 CAL. CODE REGS. 15225.

CALENDAR ITEM NO. C15 (CONT'D)

2. DETERMINE THAT THE PROJECT AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE STAFF TO ISSUE TO THE CITY OF EUREKA THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 50,000 CUBIC YARDS OF MATERIAL FROM EUREKA CHANNEL, HUMBOLDT COUNTY, FOR ONE YEAR BEGINNING MARCH 23, 1989. THE SPOILS WILL BE DISPOSED OFFSHORE AT APPROVED DISPOSAL SITE SF-3. NO ROYALTY SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED OFFSHORE SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

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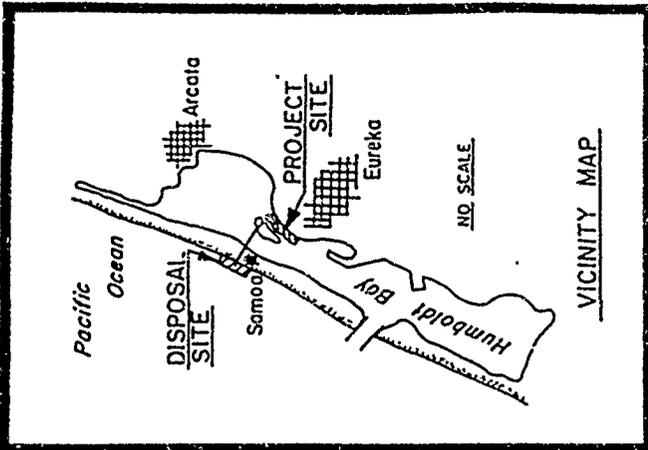
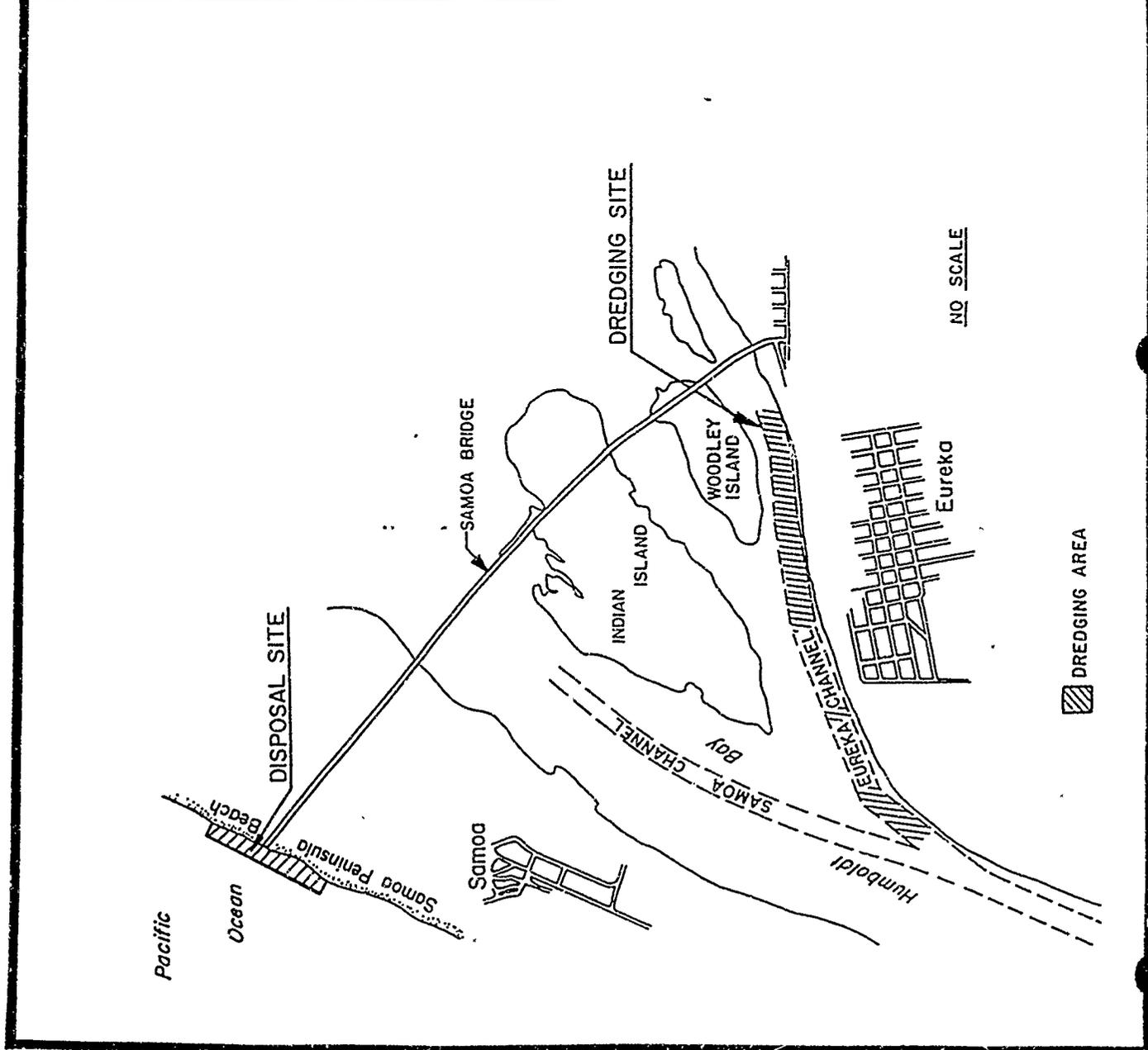


EXHIBIT "A"
 MAINTENANCE
 DREDGING PERMIT
 CITY OF EUREKA
 (APPLICANT)
 W23651
 EUREKA CHANNEL
 HUMBOLDT COUNTY



3/89



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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.: W 23651

City of Eureka
531 K Street
Eureka CA 95501

Gentlemen:

Pursuant to your application received March 10, 1989 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 50,000 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 in Eureka Channel, 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 dispose of the material at the offshore approved disposal site SF-3.

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 imposed 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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