

MINUTE ITEM
This Calendar Item No. 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 3
to 0 at its 5/31/89
meeting

CALENDAR ITEM

A 16, 17
S 3, 8

20

05/31/89
PRC 6397
Martinez

DREDGING PERMIT

APPLICANT: San Francisco Recreation and Park Dept.
Attn: Mary Burns, General Manager
McLaren Lodge, Golden Gate Park
San Francisco, California 94117

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in the San Francisco
Marina Small Craft Harbor, San Francisco Bay,
San Francisco County.

LAND USE: Perform maintenance dredging in the marina
which would initially consist of removing
15,000 cubic yards from the East Harbor and
15,000 cubic yards from the West Harbor.
Thereafter approximately 5,000 cubic yards will
be removed throughout the entire harbor
annually for ten years.

The spoils will be barged to the United States
Army Corps of Engineers approved Disposal Site
SF-11.

A chemical analysis and toxicity evaluation of
sediment samples from S. F. Bay were performed
by Marine Bioassay Laboratories as required by
the Regional Water Quality Control Board and
found suitable for disposal as proposed.

TERMS OF THE PROPOSED PERMIT:

Initial Period: Ten years effective June 1,
1989.

Royalty: No charge for material
disposed of offshore as
approved.

PREREQUISITE FEES AND EXPENSES:

Filing fee has been received.

CALENDAR ITEM No. 20 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs: Title 2, Div. 3; Title 14; Div. 6.

AB 884: 07/19/89.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to PRC 6370 et seq. Based upon the staffs 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.
2. The San Francisco Bay Conservation and Development Commission (SFBCDC), 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.

Under Section 1525.2 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the SFBCDC in its consideration of this project.

AUTHORITY: Sections 21083 and 21087 of the CEQA.

3. No local approval, are required because the City and County of San Francisco is the applicant.

APPROVALS OBTAINED:

United States Army Corps of Engineers, SFBCDC, and Regional Water Quality Control Board.

CALENDAR ITEM No. 20 (CONT'D)

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO PRC 6370, ET SEQ. BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
2. FIND THAT THE SFBCDC, 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.
3. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE SFBCDC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL CODE REGS., SECTION 15253.
4. AUTHORIZE STAFF TO ISSUE TO SAN FRANCISCO RECREATION AND PARK DEPT. THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 30,000 CUBIC YARDS THE FIRST YEAR AND 5,000 CUBIC YARDS ANNUALLY THEREAFTER FOR TEN YEARS FROM THE SAN FRANCISCO MARINA HARBOR, SAN FRANCISCO COUNTY. THE PERMIT SHALL BE FOR A PERIOD OF TEN YEARS BEGINNING JUNE 1, 1989. THE SPOILS SHALL BE DISPOSED OF AT THE CORPS OF ENGINEERS APPROVED DISPOSAL SITE SF-11. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF OFFSHORE AS APPROVED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATION OR LIMITATION ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

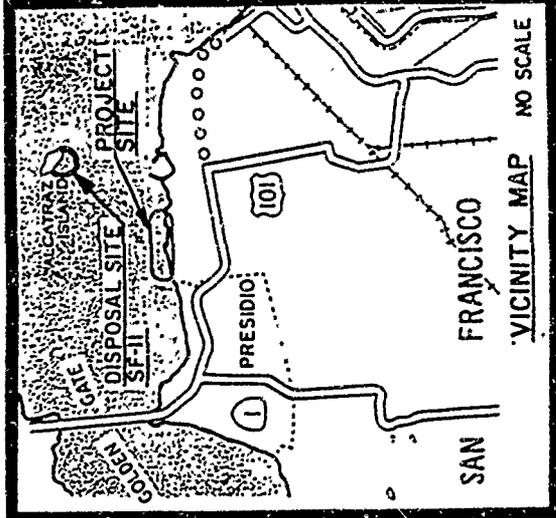
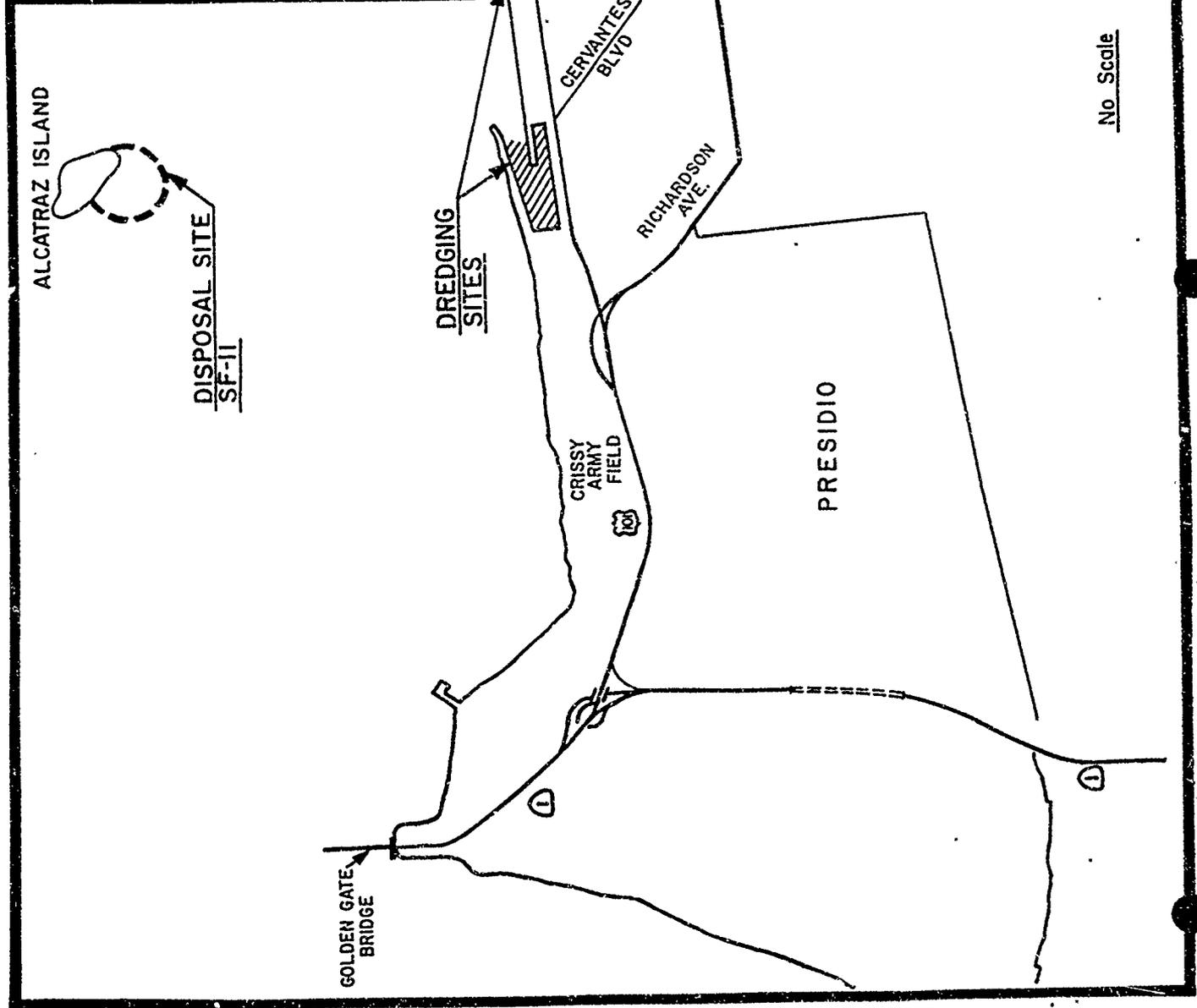
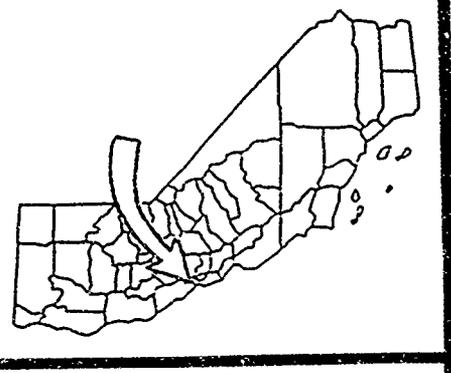


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 CITY & COUNTY OF
 SAN FRANCISCO
 PARKS & RECREATION
 PRC 6397.1



STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



June 1, 1989

File Ref.: PRC 6397

San Francisco Recreation and Park Dept.
McLaren Lodge, Golden Gate Park
San Francisco CA 94117

Gentlemen:

Pursuant to the authorization of the State Lands Commission in May, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 30,000 cubic yards the first year and 5,000 cubic yards per year thereafter 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 in San Francisco Marina Small Craft Harbor, San Francisco Bay, San Francisco 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 the Corps of Engineers approved Disposal Site SF-11.

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 June 1, 1989 through May 31, 1999.

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.

June 1, 1989

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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