MINUTE ITEM
This Calendar Item No. 59
was approved as Minute Item
No. 59 by the State Lands
Commission by a vote of 3
to 0 at its 7/10/89
meeting.

CALENDAR ITEM

59

07/10/89
PRC 7206
Martinez

A 7

S 1

MAINTENANCE DREDGING PERMIT

APPLICANT: Homewood High and Dry Marina
Attn: Nathan Topol
P.O. Box 21113
Reno, Nevada 89515

AGENT: Dena Schwarte
P.O. Box 10530
South Lake Tahoe, California 95731

AREA, TYPE LAND AND LOCATION:
Sovereign lands in Lake Tahoe at Homewood High and Dry Marina in Homewood, Placer County.

LAND USE: Dredge a maximum 3,500 cubic yards of material at the existing marina to maintain a navigable depth previously established by the Corps of Engineers.

The dredged material will be transported by truck to an upland disposal site approved by the Tahoe Regional Planning Agency and the Lahontan Water Quality Control Board.

TERMS OF PROPOSED PERMIT:

Initial period: One year beginning July 1, 1989.

Royalty: $0.25 cubic yard for material placed at the approved disposal site.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing and processing fees have been received.

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: 12/17/89.

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. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4(g), maintenance dredging, where the spoil is deposited in a spoil area authorized by all applicable State and Federal regulatory agencies, 14 Cal. Code Regs. 15104.

   Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

3. Authorization from TRPA is the only local approval required.

APPROVALS OBTAINED:
Tahoe Regional Planning Agency, United States Army Corps of Engineers, Regional Water Quality Control Board, and Department of Fish and Game

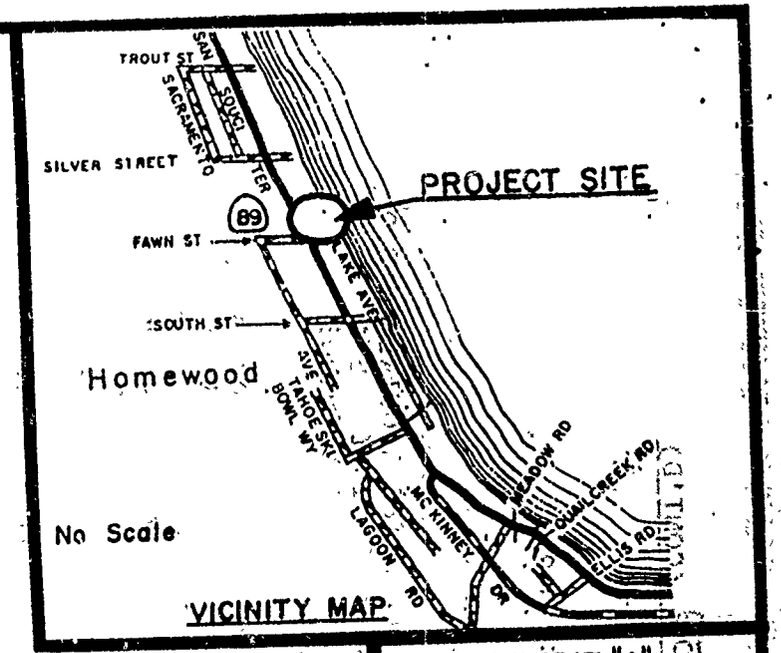
CALENDAR ITEM NO. 59 (CONT'D)

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MAINTENANCE DREDGING, 14 CAL. CODE REGS. 15104.

2. AUTHORIZE STAFF TO ISSUE TO HOMEWOOD HIGH AND DRY MARINA, THE DREDGING PERMIT AUTHORIZING DREDGING A MAXIMUM 3,500 CUBIC YARDS OF MATERIAL FOR ONE YEAR COMMENCING JULY 11, 1989, FROM LAKE TAHOE AT HOMEWOOD HIGH AND DRY MARINA, PLACER COUNTY AND DISPOSAL AT AN UPLAND DISPOSAL SITE APPROVED BY THE TAHOE REGIONAL PLANNING AGENCY AND THE LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD. A ROYALTY OF $0.25 PER CUBIC YARD SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS AND LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



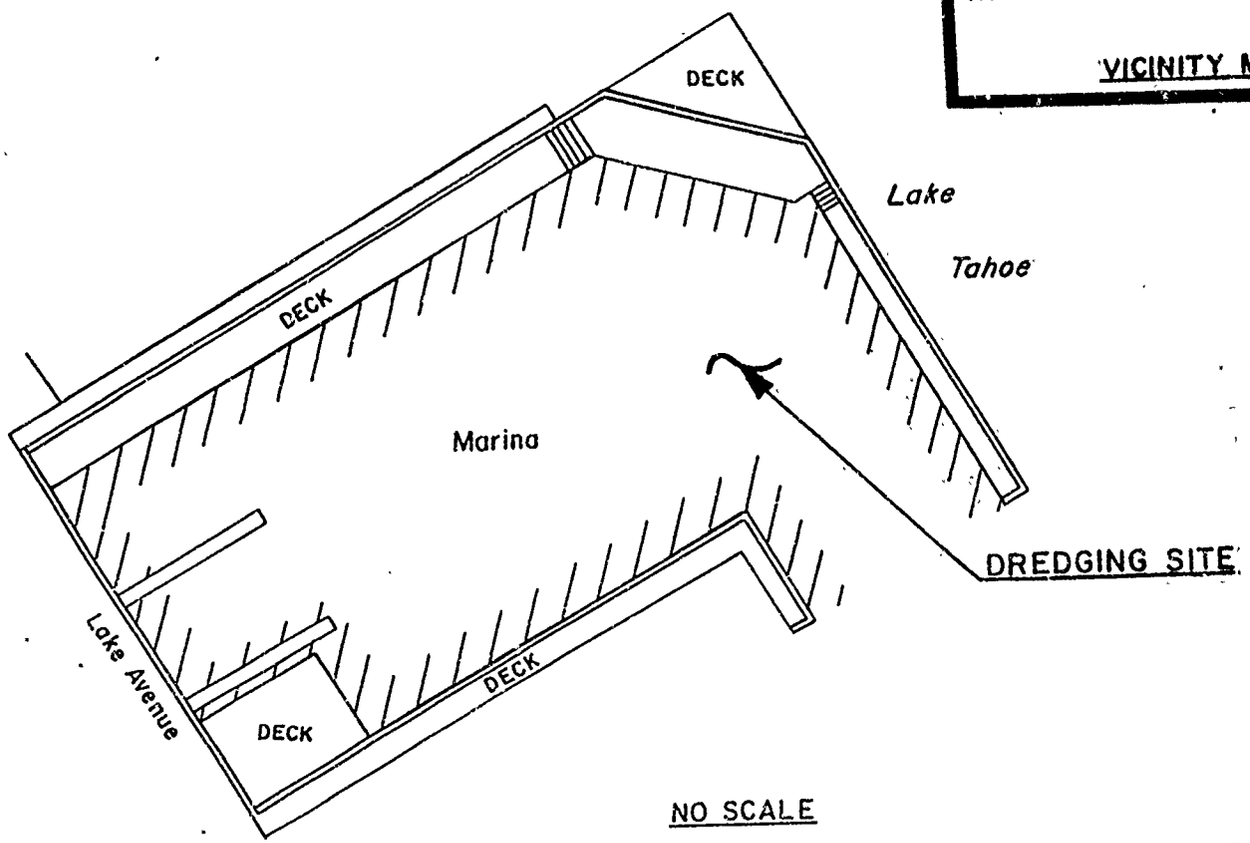


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
HOMEWOOD HIGH &
DRY MARINA
PRC 7206
LAKE TAHOE
PLACER COUNTY

R.6-3/89

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"B"

STATE OF CALIFORNIA–STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

July 11, 1989

File Ref.: PRC 7206

Homewood High & Dry Marina
Attn: Nathan Topol
P. O. Box 21113
Reno, Nevada 89515

Gentlemen:

Pursuant to your request received May 17, 1989 and by the authorization of the State Lands Commission in July, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 3,500 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 Lake Tahoe at Homewood High and Dry Marina in Homewood, Placer 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 dredged material at an upland disposal site approved by the Tahoe Regional Planning Agency and the Lahontan Water Quality Control Board.

A royalty of $0.25 per cubic yard shall be paid for material placed at the approved 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 July 11, 1989 through July 10, 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

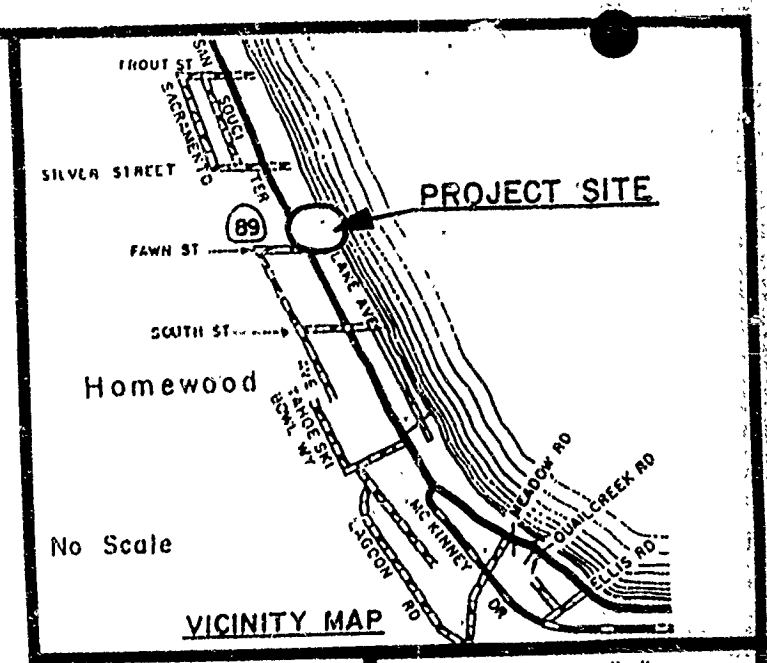
_____
W. M. THOMPSON, Chief
Extractive Development Program

Date: _____

ACCEPTED:

By: _____, TITLE: _____

DATE: _____



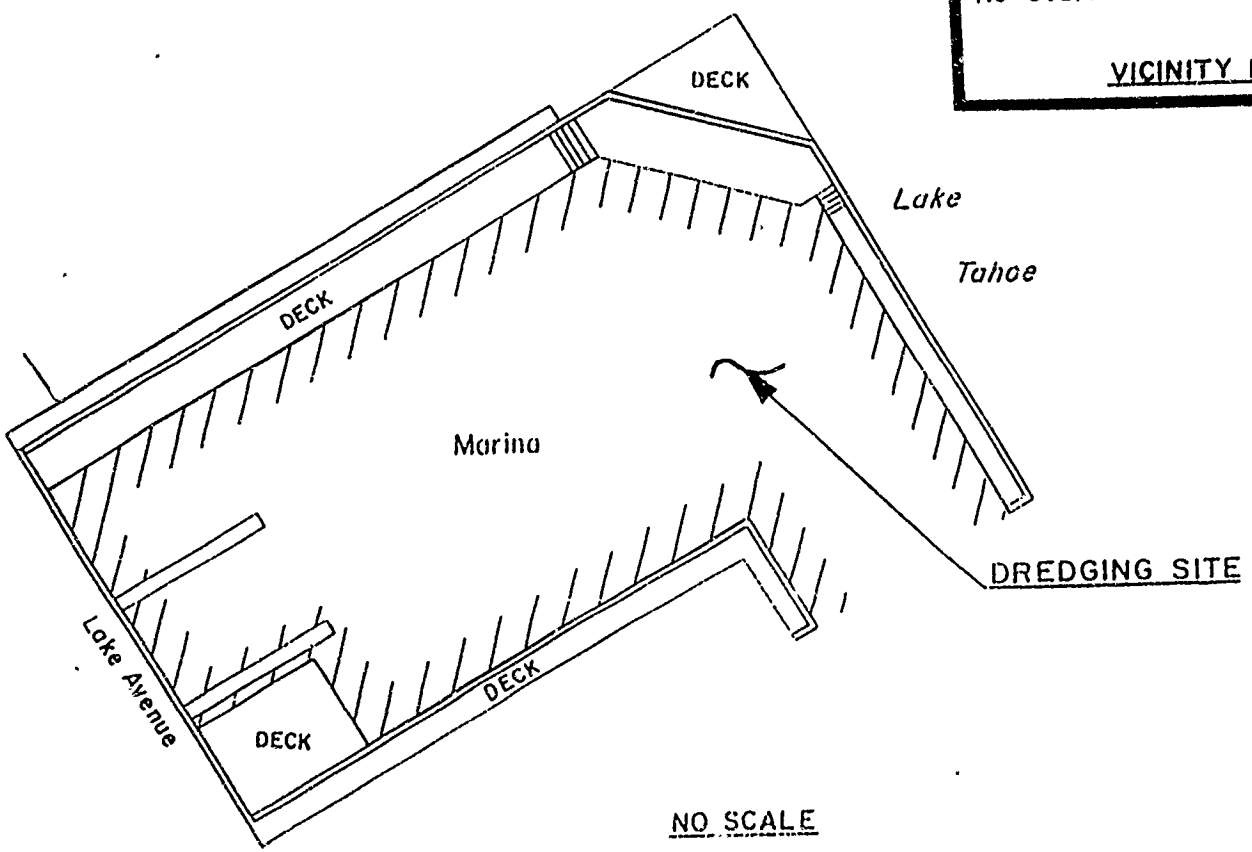


EXHIBIT "A"
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PRC 7206
LAKE TAHOE
PLACER COUNTY

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