

MINUTE ITEM

This Calendar Item No. 33
was approved as Minute Item
No. 33 by the State Lands
Commission by a vote of 3
to 0 at its 08/30/89
meeting.

CALENDAR ITEM

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08/30/89
W 24407 PRC 7333
Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: Sand Cove Development Co.
Cobble Hill Farm - Marsh Road
Litchfield, Connecticut 06759

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in the Sacramento
River, Ski Beach, Sacramento County.

LAND USE: Dredge a maximum 15,000 cubic yards of material
from the Sacramento River to maintain a
navigable depth at an existing boatdock
currently under lease from the Commission and
to provide material for beach replenishment at
Ski Beach in order to comply with the Beach
Restoration Plan mandated by the County of
Sacramento to compensate for previous
unauthorized beach alterations.

TERMS OF PROPOSED PERMIT:

Initial period: One year beginning
September 1, 1989.

Royalty: \$0.25 per cubic yard for
material used for beach
replenishment.

Bond or Security: Applicant shall provide a
performance bond, certificate
of deposit, or other security
in the amount of \$40,000 to
secure permittee's
performance.

CALENDAR ITEM NO. 33 (CONT'D)

MINUTE ITEM
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of the State Board of
Cal. Code Regs. Title 2, Div. 3
Title 14, Div. 6

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing fee 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: 01/27/90.

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. A 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 requires and notice was given meeting the standards in 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.
3. The dock and proposed dredging are adjacent to the upland site of the proposed Sand Cove Development Project. The proposed dredging permit will authorize dredging only at the existing dock and use of the material for beach replenishment.
4. Authorization from the County of Sacramento is the only local approval required.

APPROVALS OBTAINED:

United States Army Corps of Engineers, Regional Water Quality Control Board, Department of Fish and Game and County of Sacramento.

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 THEREFORE PURSUANT TO 14 CAL. CODE REGS. 15225 ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF THE NEGATIVE DECLARATION.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE STAFF TO ISSUE TO SAND COVE DEVELOPMENT COMPANY THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". THE PERMIT SHALL ALLOW DREDGING A MAXIMUM 15,000 CUBIC YARDS OF MATERIAL FOR ONE YEAR BEGINNING SEPTEMBER 1, 1989 FROM THE SACRAMENTO RIVER AT SKI BEACH, SACRAMENTO COUNTY. THE DREDGED MATERIAL WILL BE USED FOR BEACH REPLENISHMENT AT SKI BEACH. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR MATERIAL DISPOSED OF AS APPROVED. THE AUTHORIZED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS AND LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

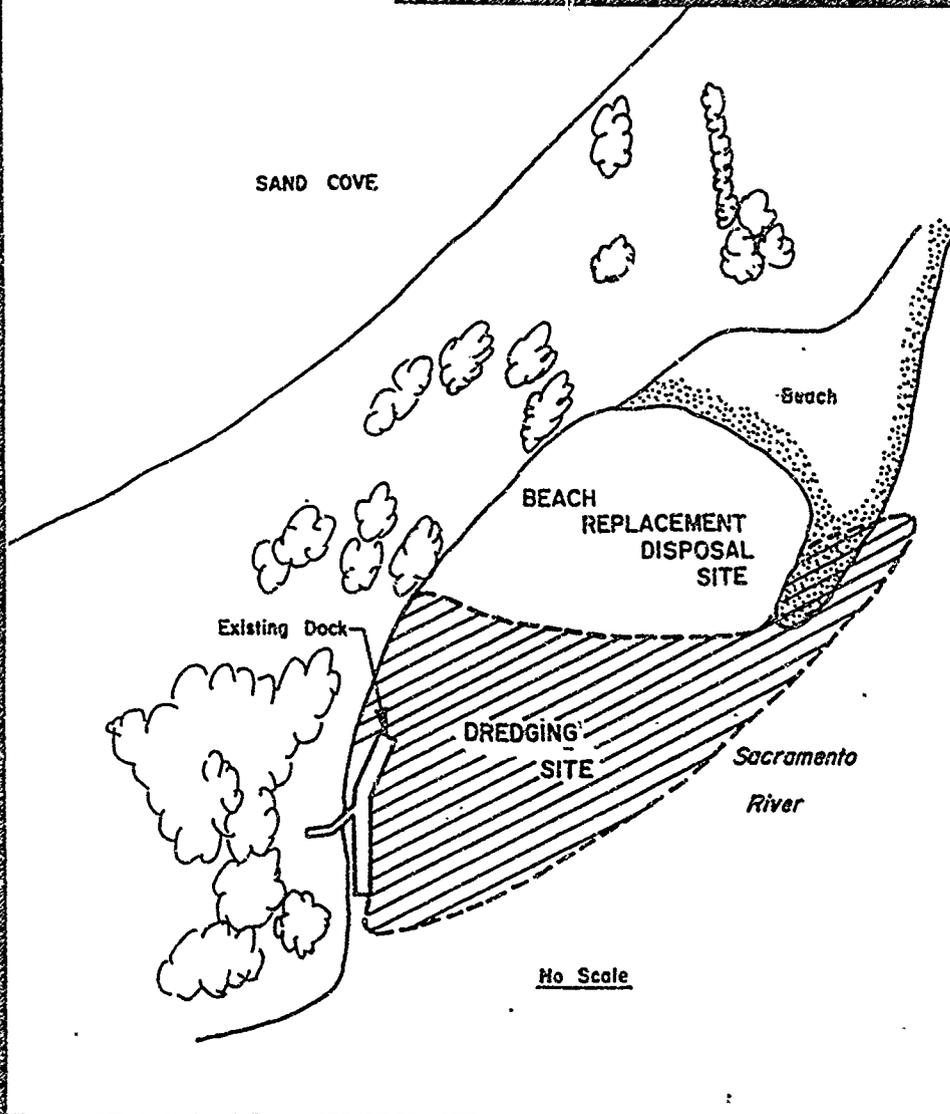
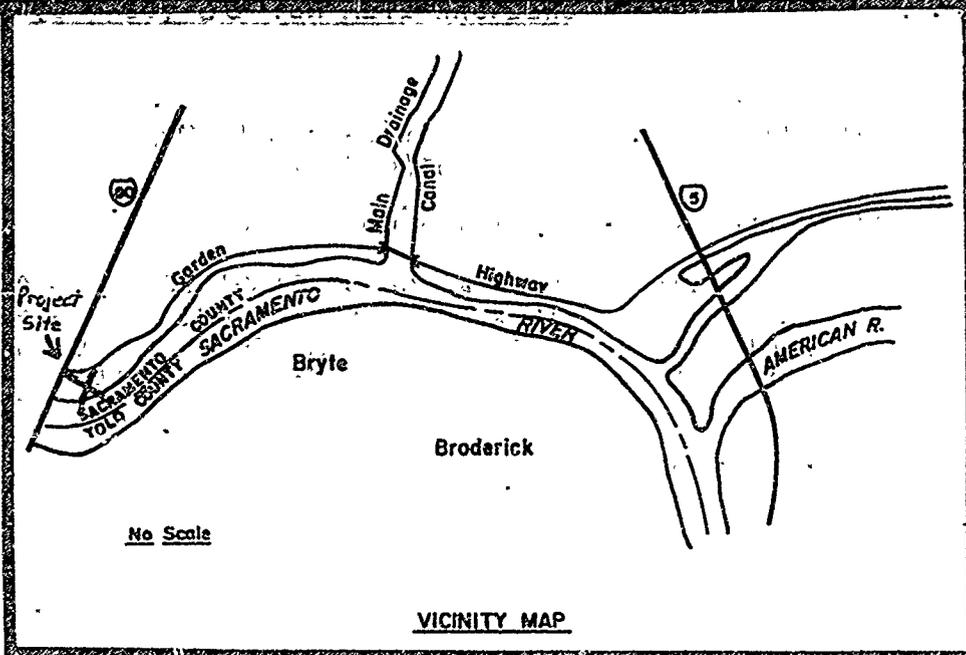


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
SAND COVE
DEVELOPMENT CO.
W24407
SACRAMENTO RIVER
AT SKI BEACH
SACRAMENTO COUNTY



STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

September 1, 1989

File Ref.: W. 24407

Sand Cove Development Co.
Cobble Hill Farm - Marsh Road
Litchfield CT 06759

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission on August 30, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 15,000 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 in the Sacramento River at Ski Beach, Sacramento County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to use the material for replenishment at Ski Beach in order to comply with the Beach Restoration Plan mandated by the County of Sacramento.

A royalty of \$0.25 per cubic yard shall be paid for material removed and disposed of as approved. 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 September 1, 1989 through August 31, 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.

Within thirty (30) days of the approval date of the issuance of this permit by the State Lands Commission, Permittee shall furnish, and maintain until released by the State, a bond or other security device acceptable to State, in the sum of \$40,000 and in favor of the State for its exclusive use and benefit, guaranteeing the faithful performance by Permittee of the terms and conditions of this permit. This requirement shall be separate from any other bonding provisions of the Public Resources Code and the regulations of the State.

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 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: _____

Fsy: _____

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