

MINUTE ITEM

This Calendar Item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 0 at its 11/17/1990
meeting.

CALENDAR ITEM

A 7
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22

01/17/90
PRC 5873
Martinez

DREDGING PERMIT

APPLICANT: Lakeside Marina
P. O. Box 4188
South Lake Tahoe, California 95729

AGENT: Ralph Fuchslin
P. O. Box 4188
South Lake Tahoe, California 95729

AREA, TYPE LAND AND LOCATION:
Sovereign lands in Lake Tahoe at Lakeside
Marina in South Lake Tahoe, El Dorado County.

LAND USE: Dredge a maximum 3,000 cubic yards of material
from within the confines of Lakeside Marina and
create a navigable lake access channel from the
marina entrance.

The dredge material will be dried at the base
of the marina launch ramp and then trucked from
the site to its permanent disposal area at a
local asphalt plant.

TERMS OF THE PROPOSED PERMIT:

Initial Period: One year commencing March 22,
1990.

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

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees have been received.

(ADDED pgs. 143-143.5)

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0.926

CALENDAR ITEM NO. 22 (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: 02/12/90.

OTHER PERTINENT INFORMATION:

1. A permit authorizing approval of the same project was issued for one year beginning March 22, 1989. However, because of scheduling difficulties, the Applicant was unable to perform any of the authorized dredging. The need to dredge still exists. The Applicant has received extensions of permits from all other authorizing agencies.
2. 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.
3. 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, Minor Alteration to Land, 2 Cal. Code Regs 2905(d)(4).

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, United States Army Corps of Engineer, Regional Water Quality Control Board, and Department of Fish and Game.

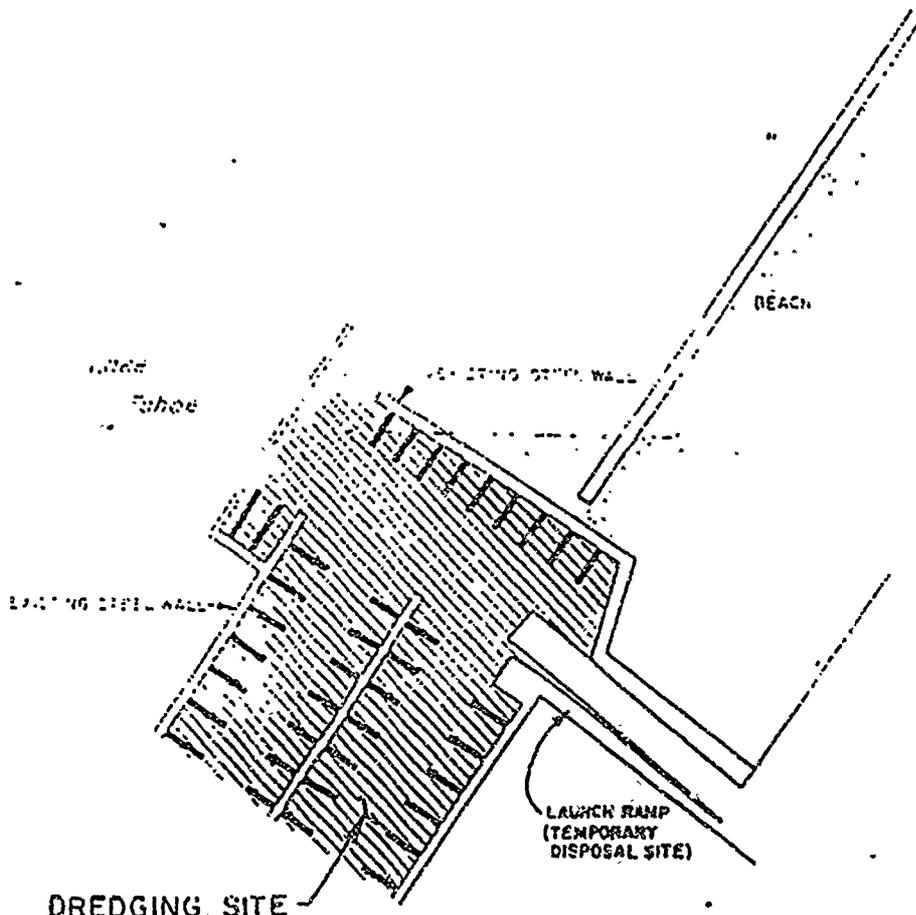
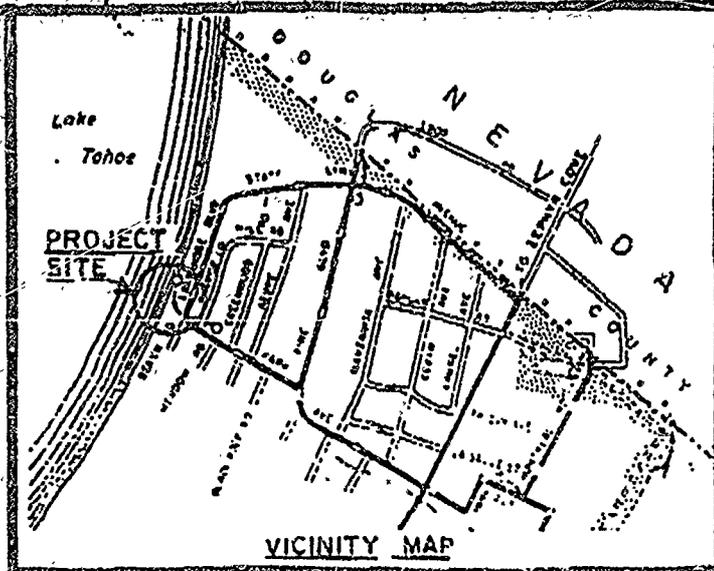
EXHIBITS:

- A. Location Map.
- B. Dredging Permit.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENT OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND, 2 CAL. CODE REGS. 2905(d)(4).
2. AUTHORIZE STAFF TO ISSUE TO LAKESIDE MARINA, A MAINTENANCE DREDGING PERMIT FOR ONE YEAR COMMENCING MARCH 22, 1990 WHICH AUTHORIZES DREDGING A MAXIMUM 3,000 CUBIC YARDS OF MATERIAL FROM LAKE TAHOE AT LAKESIDE MARINA, EL DORADO COUNTY, TO MAINTAIN A NAVIGABLE DEPTH PREVIOUSLY AUTHORIZED BY THE CORPS OF ENGINEERS AND DISPOSAL OFFSITE AS APPROVED BY TRPA AND THE LAHONTON 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, RECOMMENDATION, OR LIMITATION ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.



No. Scale

EXHIBIT "A"
 DREDGING PERMIT
 RALPH FUCHSLIN
 LAKESIDE MARINA
 (APPLICANT)
 PRC 5873
 SOUTH LAKE TAHOE
 EL DORADO COUNTY



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0.929

STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

March 22, 1990

File Ref.: PRC 5873

Lakeside Marina
P. O. Box 4198
South Lake Tahoe CA 95729

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission in January 1990, you are hereby granted permission to dredge, during the term of this permit a maximum 3,000 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 sovereign lands in Lake Tahoe at Lakeside Marina, El Dorado 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 an upland site approved by the Lahontan Water Quality Control Board and the Tahoe Regional Planning Agency.

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 March 22, 1990 through March 21, 1991.

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 26100, any installment 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 (1 1/2%) per annum from the date when the same was payable by the terms hereof.

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March 22, 1990

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 assessed 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 expounded 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 or damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

J. H. THOMPSON, Chief
Recreative Development Program

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