MINUTE ITEM
This Calendar Item No. C20
was approved as Minute Item
No. C20 by the State Lands
Commission by a vote of 3
to ___ at its 3/27/90
meeting.

CALENDAR ITEM

C 20

03/27/90
PRC 5270
Martinez

A 7

S 1

MAINTENANCE DREDGING PERMIT

APPLICANT: Obexer and Son, Inc.
P. O. Box 186
Homewood, CA 95718

AGENT: Gregg Lien
Hoffman, Lien, Faccinto and Spitzer
P. O. Box 7740
Tahoe City, CA 95730

AREA, TYPE LAND AND LOCATION:
Sovereign lands in Lake Tahoe at Obexer's Marina in Homewood, Placer County.

LAND USE: Dredge a maximum 240 cubic yards of material from the entrance to the existing marina to maintain a navigable depth previously authorized by the Corps of Engineers.

The dredged material will be hauled by truck to the East Placer County Landfill as approved by the Tahoe Regional Planning Agency, Lahontan Water Quality Control Board and the Corps of Engineers.

TERMS OF PROPOSED PERMIT:

Initial Period: One year commencing April 1, 1990.

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

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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: 10/22/90.

OTHER PERTINENT INFORMATION:
1. The purpose of the project is to remove material that was deposited at the marina entrance by winter storms and is now obstructing navigability in and out of the marina.

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 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 categorical 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 Cal. Code Regs. 14300.

APPROVALS OBTAINED:
Tahoe Regional Planning Agency, Corps of Engineers, Regional Water Quality Board, Department of Fish and Game.

EXHIBITS: A. Vicinity 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 CATEGORICAL EXEMPT PROJECT, CLASS 4, MAINTENANCE DREDGING, 14 CAL. CODE REGS. 15104.

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET. SEQ.

3. AUTHORIZE STAFF TO ISSUE TO OBEXER AND SON, INC., THE DREDGING PERMIT FOR ONE YEAR COMMENCING APRIL 1, 1990, AUTHORIZING DREDGING A MAXIMUM 240 CUBIC YARDS OF MATERIAL TO MAINTAIN A NAVIGABLE DEPTH OF 6,215 FEET AS PREVIOUSLY AUTHORIZED BY THE CORPS OF ENGINEERS. FROM LAKE TAHOE AT THE ENTRANCE TO OBEXER'S, PLACER COUNTY, AND DISPOSAL AT THE EAST PLACER COUNTY LANDFILL AS APPROVED BY THE TAHOE REGIONAL PLANNING AGENCY, LAHONTAN WATER QUALITY CONTROL BOARD AND THE CORPS OF ENGINEERS. A ROYALTY OF $0.25 PER CUBIC YARD SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED DISPOSAL SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

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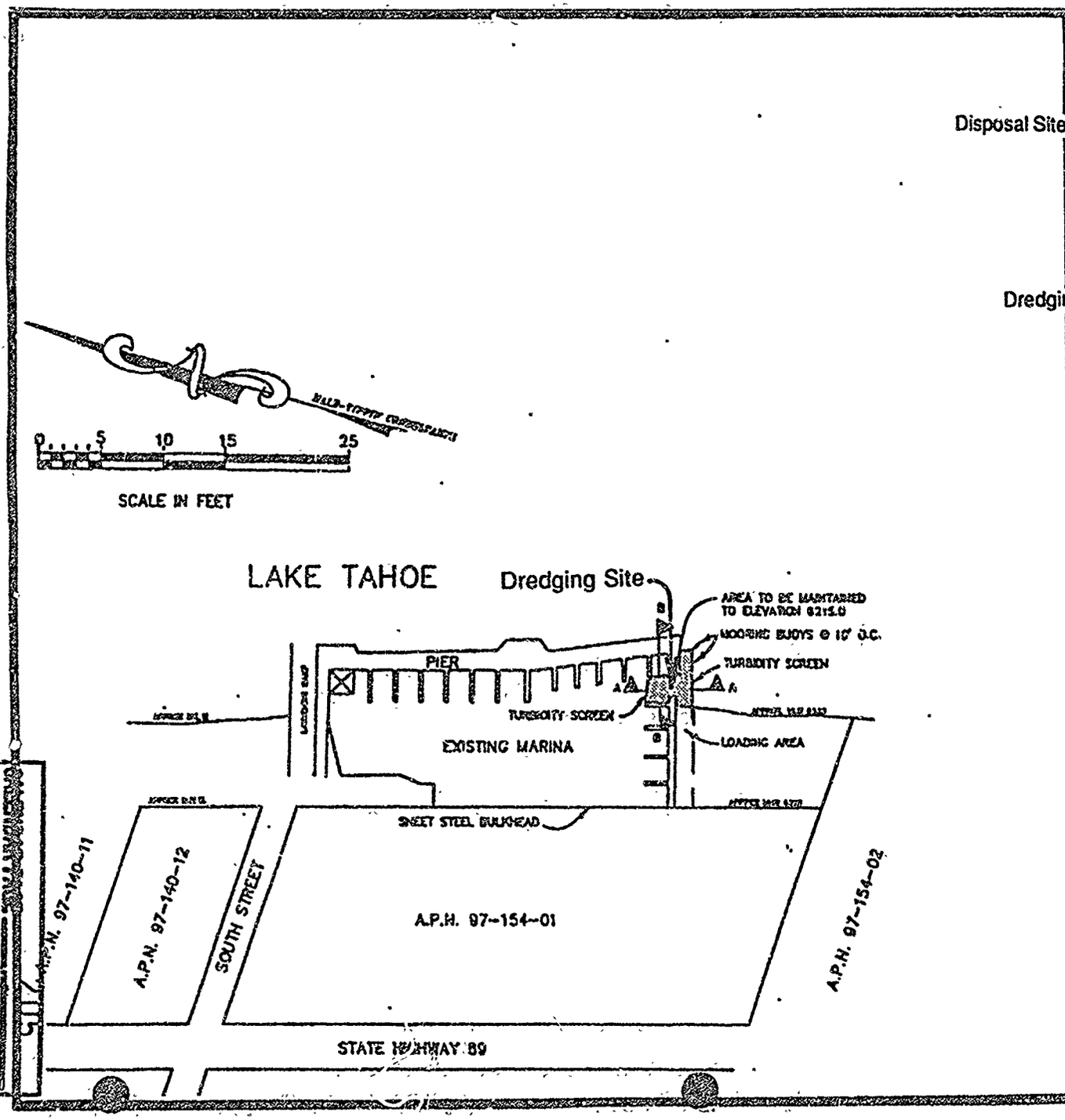

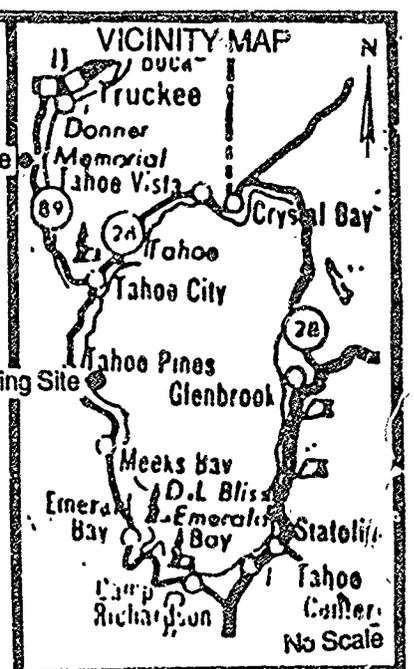

EXHIBIT "A"
APPLICATION FOR
MAINTENANCE DREDGING
OBEXER AND SON INC.
PRC 5270
LAKE TAHOE
PLACER COUNTY

C.G. 3/90

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0.1298

"B"

STATE OF CALIFORNIA—STATE LANDS COMMISSION
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

GEORGE DEUKMEJIAN, Governor

April 1, 1990

File Ref.: PRC 5270

Obexer and Son, Inc.
P. O. Box 186
Homewood CA 95718

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission in March, 1990 you are hereby granted permission to dredge, during the term of the permit a maximum 240 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 the entrance to Obexer's Marina at 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 deposit the dredge spoils at the East Placer County Sanitary Landfill.

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 April 1, 1990 through March 31, 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 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 interest 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

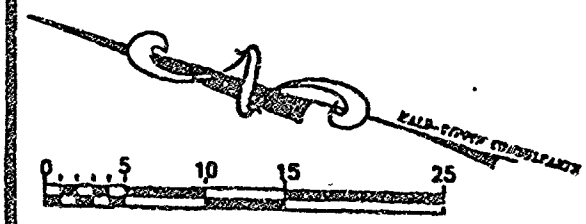
_____
W. M. THOMPSON, Chief
Extractive Development Program

Date: _____

ACCEPTED:

By: _____, Title: _____

Date: _____



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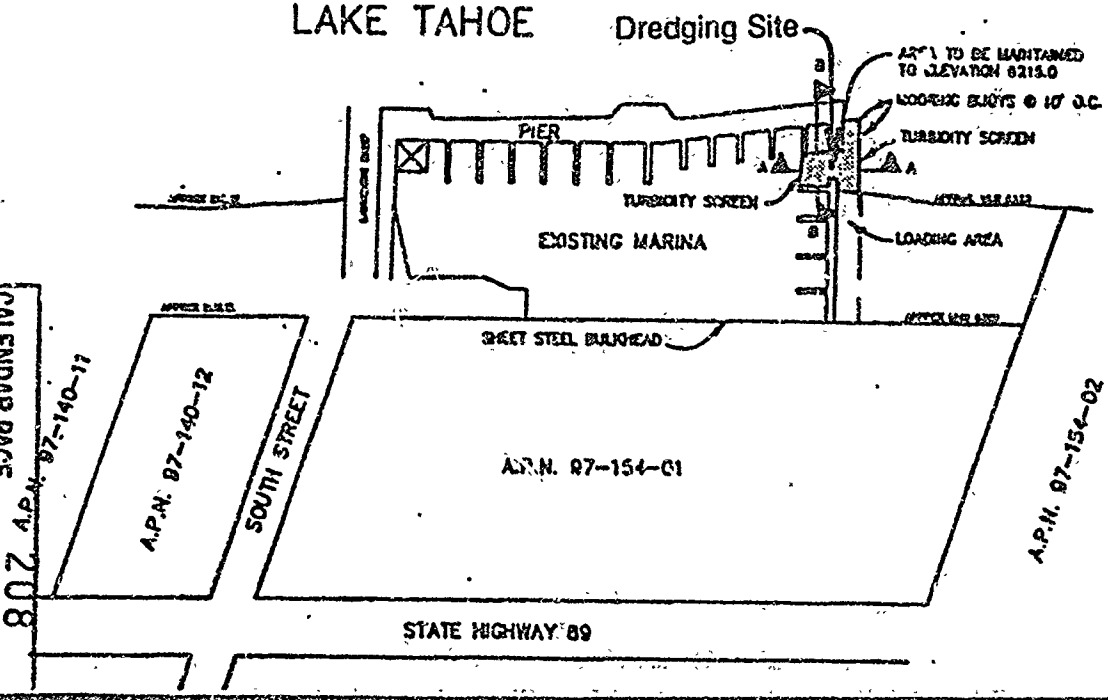

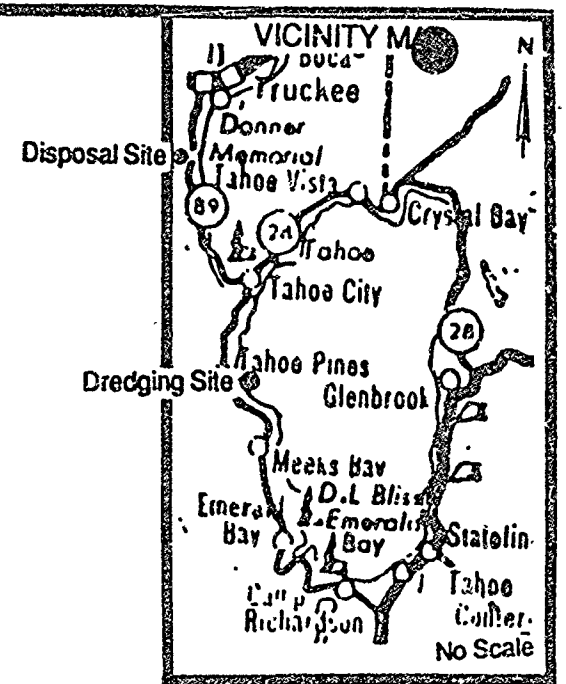

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C.G. 3/90

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