

MINUTE ITEM

This Calendar Item No. 43
was approved as Minute Item
No. 43 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

A 74
A 38

43

03/27/90
W 24496 PRC 7389
Martinez

DREDGING PERMIT

APPLICANT: Department of Fish and Game
Attn: Terri Stewart
7821 Oriem Avenue
La Mesa, CA 92041

AREA, TYPE LAND AND LOCATION:
Ungranted sovereign lands at the mouth of
Batiquito Lagoon, San Diego County.

LAND USE: Dredge and sidecast a maximum 300 cubic yards
of material to make nesting habitat available
for the least tern and Balding's savannah
sparrows which are endangered species.

TERMS OF PROPOSED PERMIT:
Initial Period: One year beginning March 28,
1990.
Royalty: No charge because the project
is for public benefit.

PREREQUISITE TERMS, FEES AND EXPENSES:
Filing fee has 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: 09/23/90.

CALENDAR ITEM NO. 43 (CONT'D)

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. The California Coastal Commission (CCC), 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 15252 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the CCC in its consideration of this project.

Authority: Sections 21083 and 21087 of the CEQA.

APPROVALS REQUIRED:

United States Army Corps of Engineers, Regional Water Quality Control Board, the California Coastal Commission, and the City of Carlsbad.

EXHIBITS:

- A. Vicinity and Site Map.
- B. Dredging Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CCC, 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.

CALENDAR ITEM NO. 43 (CONT'D)

2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE CCC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL. CODE REGS., SECTION 15253.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE STAFF TO ISSUE TO THE DEPARTMENT OF FISH AND GAME THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING AND SIDECASTING A MAXIMUM 300 CUBIC YARDS OF MATERIAL FROM THE MOUTH OF BATIQUITOS LAGOON, SAN DIEGO COUNTY, FOR ONE YEAR BEGINNING MARCH 28, 1990. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AS APPROVED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATION ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

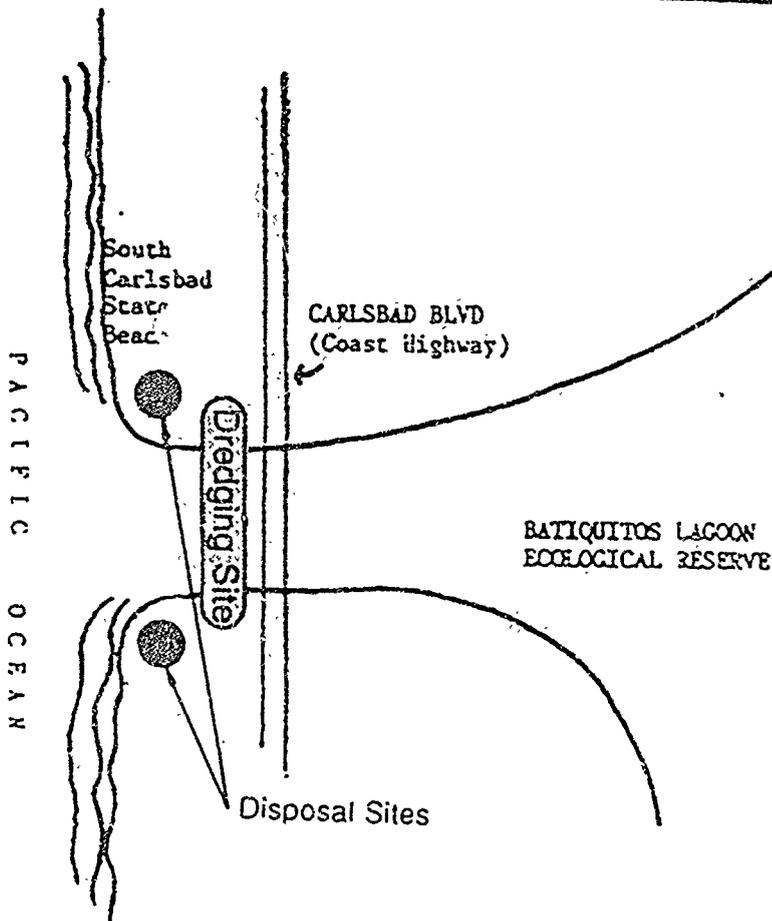
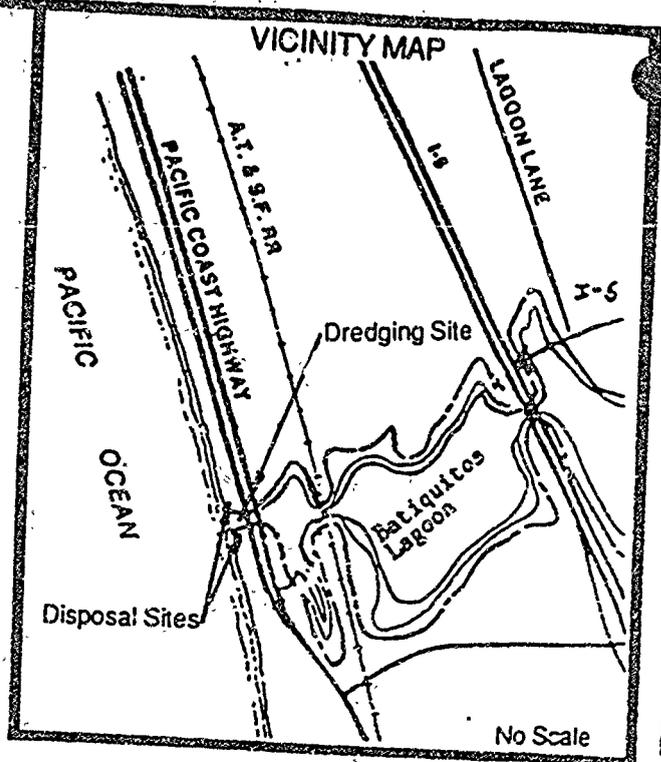


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 DEPARTMENT OF
 FISH AND GAME
 W 24496
 BATIQUITOS LAGOON
 SAN DIEGO, COUNTY



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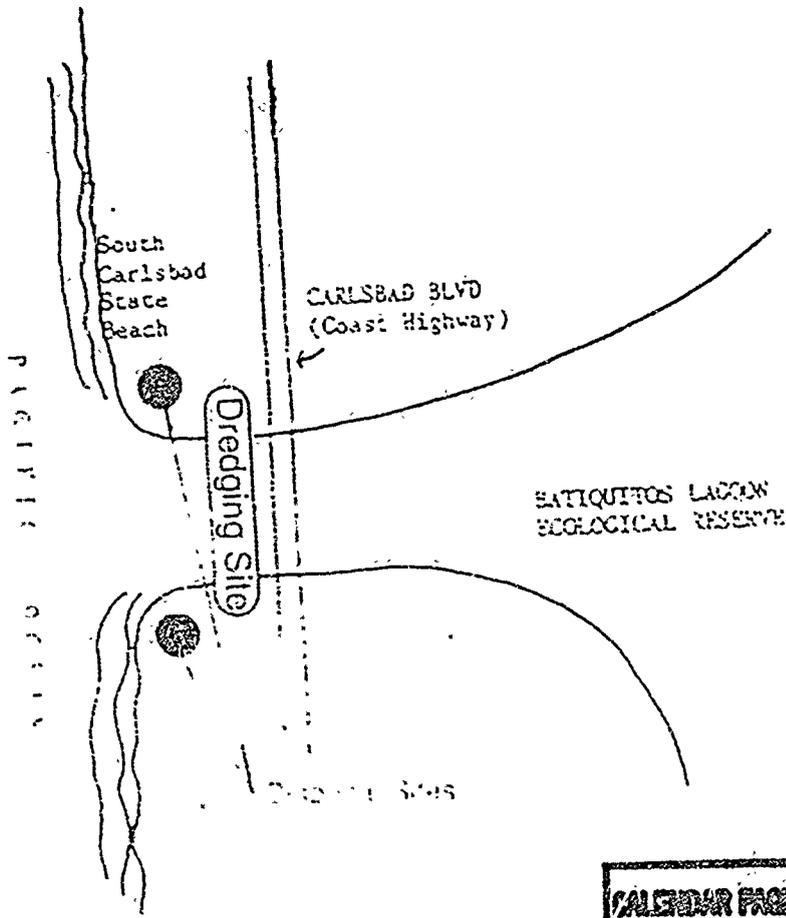
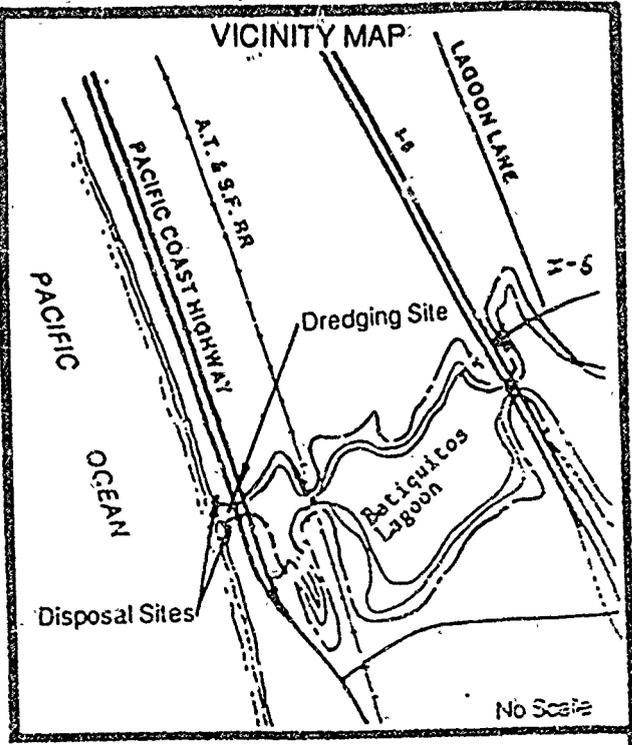


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 DEPARTMENT OF
 FISH AND GAME
 W 24495
 BATICUITOS LAGOON
 SAN DIEGO, CALIFORNIA



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EXHIBIT "B"

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

GEORGE DEIKHEJIAN, (OWNER)

March 27, 1990

File Ref: W 24496

Department of Fish and Game
7421 Orien Avenue
La Mesa, California 92041

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 300 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 at the mouth of Batiquitos Lagoon, San Diego County, as designated in Exhibit "A" attached hereto, which is, by this reference, expressly made a part hereof. Said permission includes the right to sidecast the dredge spoils on the adjacent upland.

No royalty shall be paid for material placed at the approved disposal site because the project is for public 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 March 27, 1990 through March 26, 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 reports of 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 30.9 NC). 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 (1-1/2%) 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 person 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 _____

3206C

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