

MINUTE ITEM

This Calendar Item No. 74
was approved as Minute Item
No. 74 by the State Lands
Commission by a vote of 3
to 0 at its 6/11/90
meeting.

CALENDAR ITEM

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74

06/11/90
PRC 6772
Martinez

DREDGING PERMIT

APPLICANT: Steckler-Pacific Company, Inc.
100 Gate Six Road
Sausalito, CA 94965

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands granted to the County
of Marin with minerals reserved to the State in
the bed of Richardson Bay at Kappas Yacht
Harbor near Sausalito, Marin County.

PROPOSED LAND USE:
Dredge a maximum 250 cubic yards of material
for the purpose of maintaining a navigable
depth.

The Applicant has proposed disposal of the
dredged material at the Corps/EPA approved
Alcatraz Disposal Site SF-11.

TERMS OF PROPOSED PERMIT:
Initial Period: One year beginning July 1,
1990.
Royalty: \$0.25 per cubic yard for
material removed as approved.

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

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STATUTORY AND OTHER REFERENCES:

PRC Div. 6, Parts 1 and 2; Div. 14.

Cal. Code Regs.: Title 2, Div. 3, Title 14,
Div. 8.

AB 884: 11/23/90.

OTHER PERTINENT INFORMATION:

1. Water quality testing performed pursuant to the Corps of Engineers and California Regional Water Quality Control Board permitting requirements found the materials to be suitable for disposal at SF-11 as proposed.
2. Questions have been raised about continuing to dispose of dredged material in San Francisco Bay. However, the current lack of an EPA/Corps-approved offshore disposal site severely limits the options available for disposal.

Through participation in the Federal/State Joint Long-Term Management Study being conducted to identify and evaluate site options for the disposal of material dredged from San Francisco Bay, the State Lands Commission has emphasized the need to focus on the selection of ocean disposal site(s). This need has also been expressed by concurrence with San Francisco Bay Conservation and Development Commission (SFBCDC) in its development of proposed legislation to authorize the San Francisco Bay Regional Dredging Plan.

3. An environmental analysis document was prepared, circulated, and adopted for this project as a substitute for a Negative Declaration in a regulatory program of the SFBCDC which has been certified by the Secretary for Resources as meeting the requirements of P.R.C. 21080.6, which document concluded that the project, as

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defined, will have no significant environmental effects within the Commission's jurisdiction or special expertise.

The SFBCDC, as Lead Agency, consulted with the responsible agencies, as required by CEQA Guidelines Section 15253, and determined that the project, as approved, would not have a significant effect on the environment. The SFBCDC, as Lead Agency, approved the project on February 16, 1990. The staff of the State Lands Commission has reviewed the environmental analysis document and believes that the conditions have been met for the Commission, as Responsible Agency, to use the document as a substitute for a Negative Declaration as provided under CEQA Guidelines, Section 15253.

It is generally acknowledged that dredged material disposal sites in San Francisco Bay have limited capacity, and that at some time within the next ten years alternative sites must be approved to avoid significant environmental impacts which may occur if disposal were to continue at existing sites after their capacity is reached.

APPROVALS REQUIRED:

SFBCDC, United States Army Corps of Engineers, and Regional Water Quality Control Board.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT WAS PREPARED, CIRCULATED, AND ADOPTED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION UNDER ITS CERTIFIED STATE REGULATORY PROGRAM (CEQA GUIDELINES SECTION 15251[H]), AND THAT THE CONDITIONS SPECIFIED IN GUIDELINES SECTION 15253 HAVE BEEN MET; AND THAT PURSUANT TO GUIDELINES SECTION 15253(a), THE COMMISSION, AS A RESPONSIBLE AGENCY, INTENDS TO USE THAT ENVIRONMENTAL ANALYSIS DOCUMENT AS A SUBSTITUTE FOR A NEGATIVE DECLARATION.

2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS DOCUMENT AND HAS DETERMINED THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE STAFF TO ISSUE TO STECKLER-PACIFIC CO., INC. THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 250 CUBIC YARDS OF MATERIAL FOR ONE YEAR BEGINNING JULY 1, 1990 FROM RICHARDSON BAY AT KAPPAS YACHT HARBOR, MARIN COUNTY.

IT IS PREFERRED THAT DREDGED MATERIALS BE DISPOSED OF AT A CORPS OF ENGINEERS APPROVED OFFSHORE OCEAN DISPOSAL SITE. IN THE ABSENCE OF AVAILABILITY OF SUCH SITES, THE MATERIAL MAY BE DISPOSED OF AT THE CORPS OF ENGINEERS' ALCATRAZ DISPOSAL SITE. A FEE OF \$0.25 PER CUBIC YARD OF DREDGED MATERIAL SHALL BE CHARGED AND SHALL BE DEPOSITED IN THE COMMISSION'S ENVIRONMENTAL MITIGATION TRUST ACCOUNT FOR PURPOSES OF FUNDING STUDIES TO IDENTIFY ALTERNATIVE SITES FOR DREDGED MATERIAL DISPOSAL. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

(REVISED 06/07/90)

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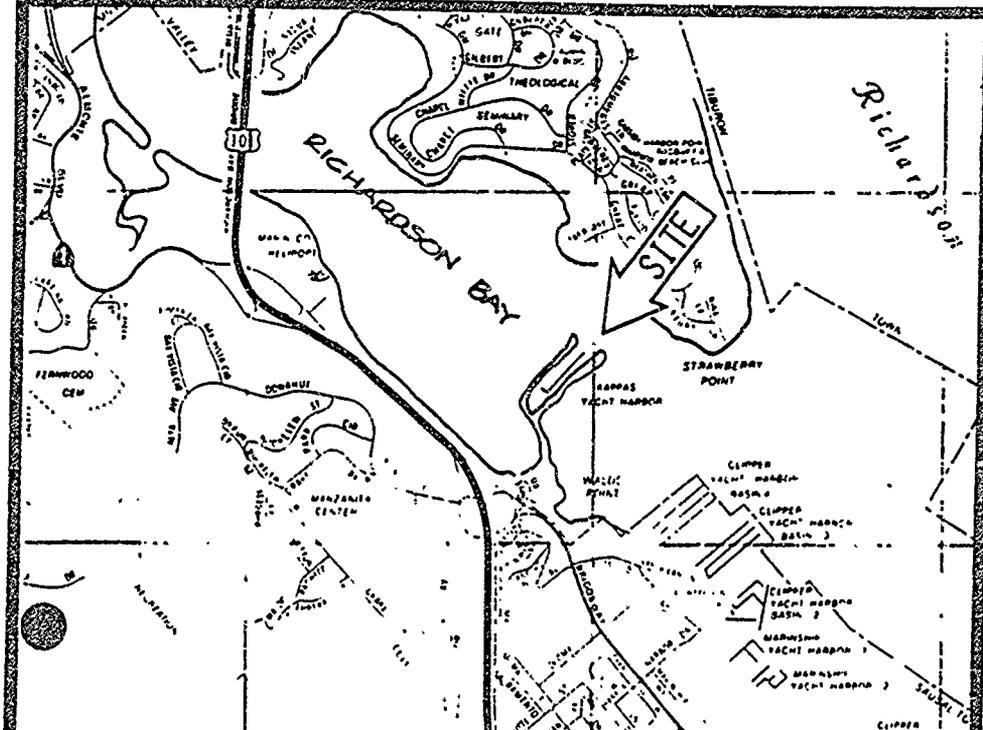
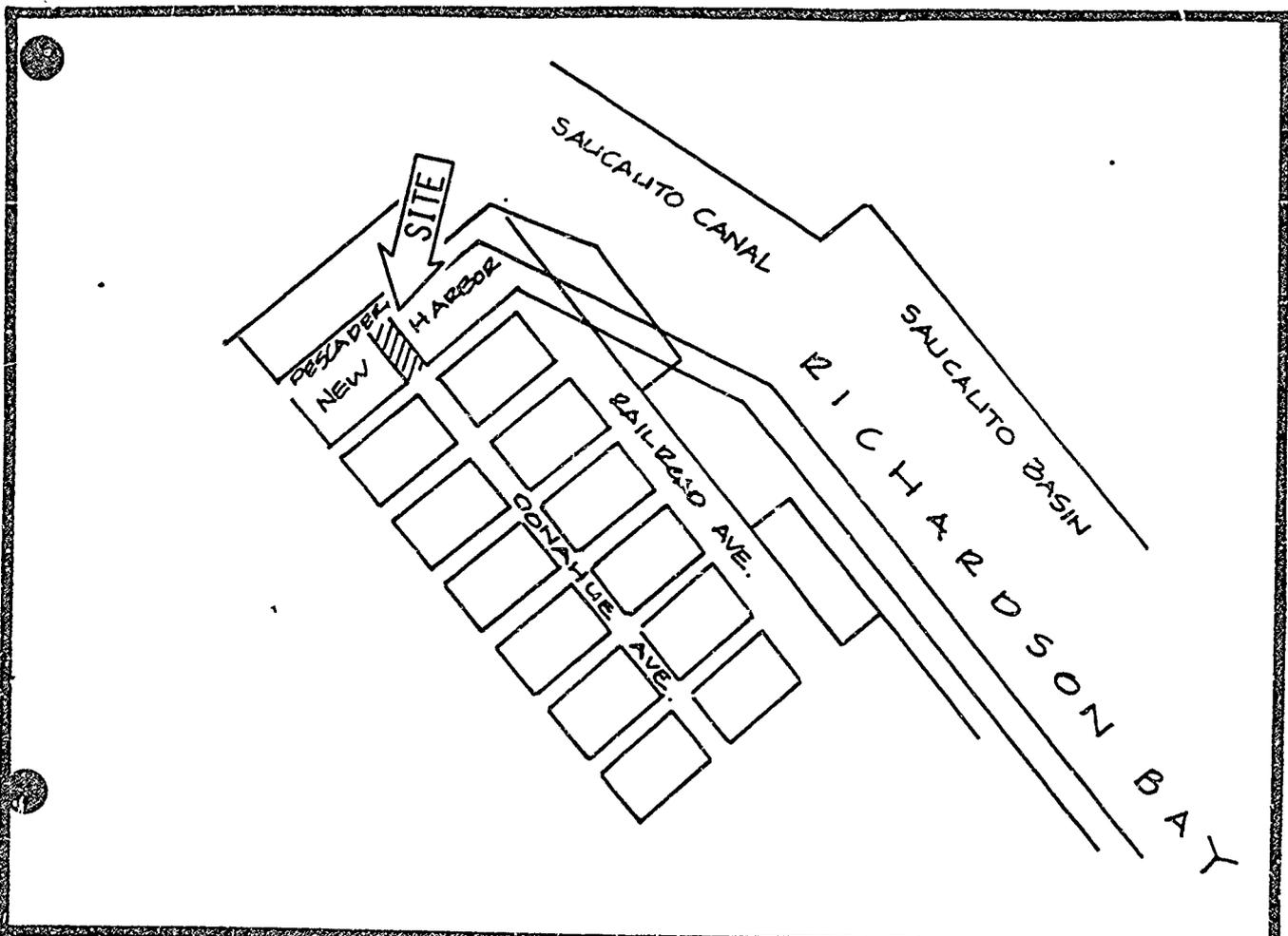


EXHIBIT "A"

Application For
Dredging Permit
Steckler-Pacific Co., Inc.
PRC6722.1
Richardson Bay
Sausalito, Marin County



B"

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

GEORGE DEUKMEJIAN, Governor

July 1, 1990

File Ref.: PRC 6702

Steckler-Pacific Co., Inc.
100 Gate Six Road
Sausalito CA 94965

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission in June, 1990 you are hereby granted permission to dredge, during the term of the permit a maximum 250 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 granted, mineral reservation lands in Kappas Yacht Harbor near Sausalito, Marin 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 Corps of Engineers/EPA approved S.F. 11 (Alcatraz) disposal site.

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 1, 1990 through June 30, 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 (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 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 agreed 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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