MINUTE ITEM
This Calendar Item No. C46
was approved as Minute Item
No. C46 by the State Lands
Commission by a vote of 3
to 0 at its 8-22-90
meeting.

CALENDAR ITEM

A 9 C 46 PRC 7432 08/22/90
S 3 W 24397
Martinez

DREDGING PERMIT

APPLICANT: Strawberry Recreation Dist.
Attn: Stephen Kaufman
1299 - 4th Street, Suite 502
San Rafael, California 94901

AGENT: Western Dock Enterprises
P.O. Box 4669
Petaluma, California 94953

AREA, TYPE LAND AND LOCATION:
Granted mineral reservation lands in Richardson Bay, Marin County.

LAND USE: Dredge a maximum 35,000 cubic yards of material for the purpose of maintaining a navigable depth. The prospect is a small portion of a larger project consisting of the removal of a total 200,000 cubic yards including lands not under Commission jurisdiction. The applicant has proposed disposal of the dredged material at the Corps/EPA approved Alcaltraz Disposal Site SF-11.

TERMS OF THE PROPOSED PERMIT:
Initial period: One year beginning September 1, 1990.

Royalty: $0.25 per cubic yard for material removed as approved.

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Additional fee: A fee of $0.25 per cubic yard for any dredged material disposed of at any site in San Francisco Bay, including but not limited to SF 11, to offset cost of studies necessary to develop non-Bay disposal sites for future use (See below).

PREREQUISITE TERMS, 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: 10/17/90.

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. It is anticipated the currently approved in-Bay sites will reach capacity within ten years. However, the current lack of suitable upland disposal sites or EPA/Corps approved offshore disposal sites 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 upland and ocean disposal site(s). This need has also been expressed by concurrence with San Francisco

Bay Conservation and Development Commission (SFBCDC) and its proposed legislation to authorize the San Francisco Bay Regional Dredging Plan.

Identification and evaluation of alternate disposal sites will require numerous studies at a cost of several million dollars. Because ongoing in-Bay disposal contributes to the eventual obsolescence of in-Bay sites, and the need to develop other alternatives, a fee will be charged as a condition to the proposed permit to be disposited in a fund to offset the cost of needed studies.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a proposed Negative Declaration identitied as ND 508, State Clearinghouse No. 90030298. Such proposed Negative Declaration was prepared and circulated for public review pursuant to provisions of CEQA.

   Based upon the initial study, the proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project, as proposed, will have a significant effect on the environment. (14 Cal. Code Regs. 15074)(b)

APPROVALS REQUIRED:

Corps of Engineers, SFBCDC, Regional Water Quality Control Board, Department of Boating and Waterways, County of Marin.

EXHIBITS:

A. Vicinity and Site Map.
B. Dredging Permit.
C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, ND 508, STATE CLEARINGHOUSE NO. 90030298, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF CEQA AND THAT THE COMMISSION

HAS ADOPTED, REVIEWED, AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3 AUTHORIZE STAFF TO ISSUE TO STRAWBERRY RECREATION DISTRICT THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 35,000 CUBIC YARDS OF MATERIAL FROM RICHARDSON BAY, MARIN COUNTY FOR ONE YEAR BEGINNING September 1, 1990. IT IS PREFERRED THAT DREDGED MATERIALS SHALL BE DISPOSED OF AT AN EPA/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 ROYALTY OF $0.25 PER CUBIC YARD SHALL BE CHARGED FOR MATERIAL REMOVED AS APPROVED. A FEE OF $0.25 WILL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED AT IN-BAY DISPOSAL SITES, TO BE PLACED IN A SEPARATE FUND TO OFFSET COSTS OF STUDIES NECESSARY TO IDENTIFY AND ANALYZE ALTERNATIVE DISPOSAL SITES. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS AND LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

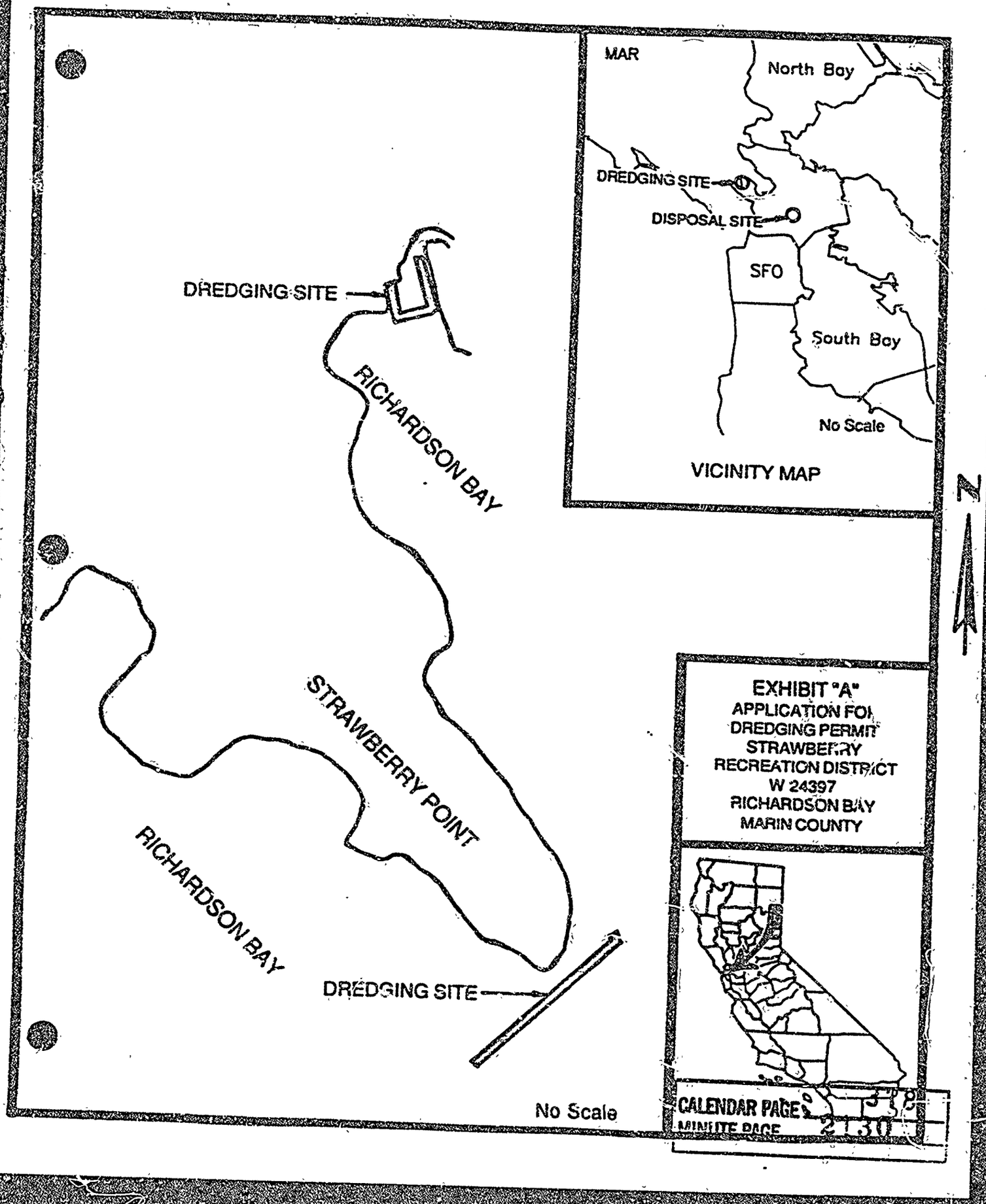

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EXHIBIT B

STATE OF CALIFORNIA—STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

September 1, 1990

File Ref.: W 24397

Strawberry Recreation District
Attn: Stephen Kaufman
1299 - 4th Street, Suite 502
San Rafael CA 94901

Gentlemen:

Pursuant to your application and by the authorization of the State Lands Commission on August 22, 1990 you are hereby granted permission to dredge, during the term of the permit a maximum 35,000 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 granted mineral reservation lands in Richardson Bay, 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 dredged material at the Corps of Engineers EPA approved Alcatraz Aquatic Disposal Site SF-11.

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 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, 1990 through August 31, 1991.

An additional fee of $0.25 per cubic yard shall be charged for any dredged material disposed of at any site in San Francisco Bay, including but not limited to SF-11 to offset costs of studies necessary to develop non-Bay disposal sites for future use.

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. Navigation signs shall be placed at the diversion point to direct traffic away from the seal haul-out. Boat traffic within the Lagoon shall be constrained to 5 mph and confined to a specific area. Dredging activities shall be restricted to daylight hours and halted during low tide. Time windows established to recognize seal haul-out, herring runs and sportfishing seasons shall be adhered to. Silencers shall be placed on equipment used at the site. No slurry transfer of material or overflow of sediment laden water shall be allowed.

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. First Permit

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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.

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 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: _____

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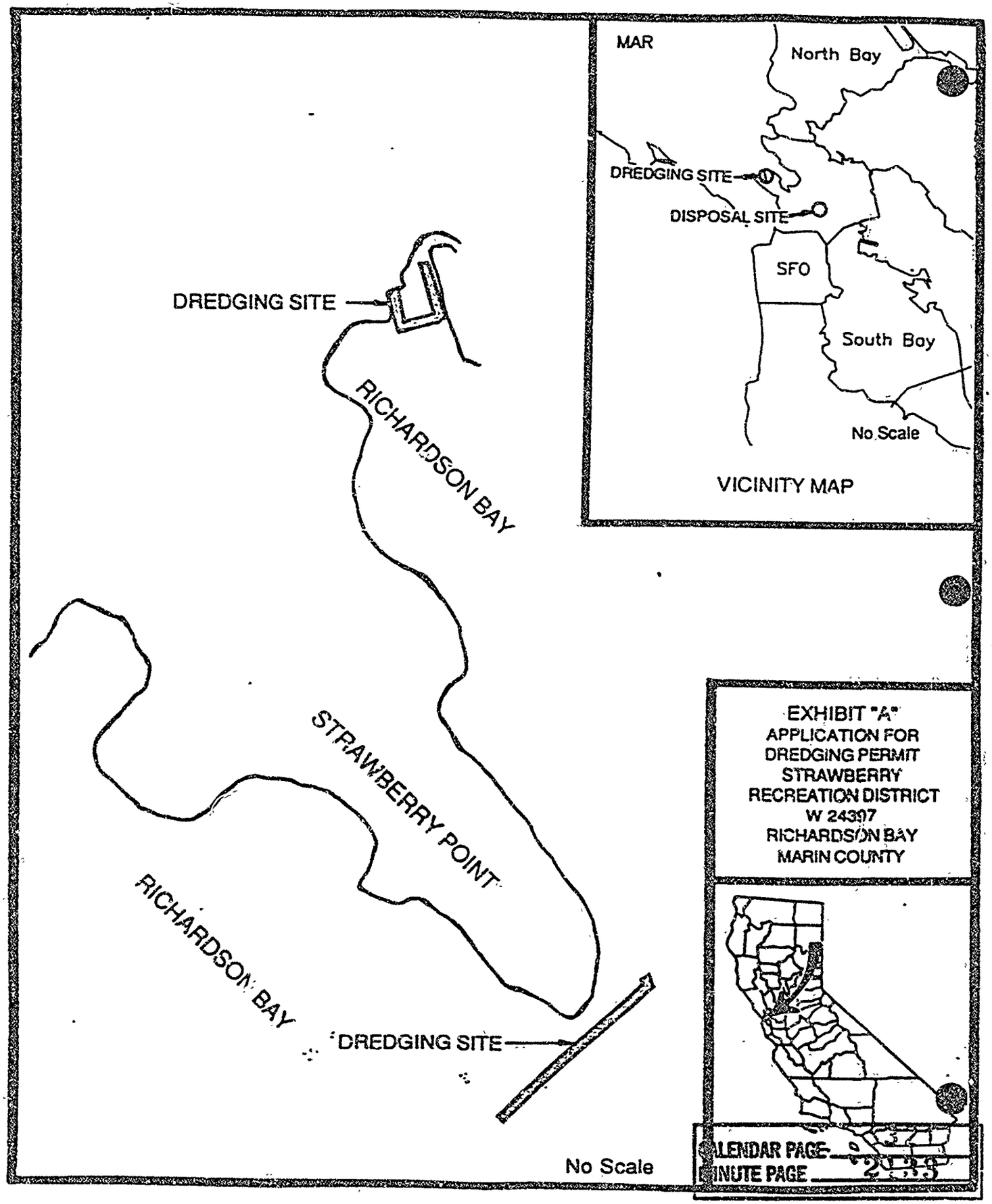

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EXHIBIT C

STATE OF CALIFORNIA—STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

PROPOSED NEGATIVE DECLARATION

EIR ND [illegible]

File Ref.: W 24397

SCH#: [illegible]

Project Title: Strawberry Lagoon Dredging Project

Project Proponent: Strawberry Recreation District

Project Location: Richardson Bay at Strawberry Lagoon, Marin County

Project Description: Maintenance dredging to remove 35,000 cubic yards of material over a one-year period for the purpose of maintaining a navigable depth.

Contact Person: [illegible]

Telephone: (916) 322-[illegible]

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Administrative Code), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Administrative Code).

Based upon the attached Initial Study, it has been found that:

[X] the project will not have a significant effect on the environment.

[ ] mitigation measures included in the project will avoid potentially significant effects.

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PROJECT DETAILS

Strawberry Recreation District has submitted an application for a maintenance dredging permit for the removal of 35,000 cubic yards of material over a one-year period from a small craft channel across the mudflats of Richardson Bay at Strawberry Lagoon, Marin County for the purpose of maintaining a navigable depth.

The channel through Strawberry Spit is considered to have a long-term beneficial effect of diverting boat traffic away from the Seal Haul-out located just north of the breach in spit. The proposed Strawberry Lagoon inner channel dredging should enhance this benefit as well. It is believed that the increased tidal action resulting from the maintenance dredging is likely to reduce sedimentation in the area. The project is likely to improve circulation on the Lagoon side of the habitat island.

The proposal will divert boat traffic behind the seal haul-out because of the channel improvement and by the placement of navigation signs at the diversion point. Boats operating within the Lagoon will be constrained to a speed of 5 mph and confined to a specific area. It is believed the project will result in a decrease rather than increase in boat traffic.

Dredging at the project site will be restricted to daylight hours and halted during low tide. Fish and Game, U. S. Fish and Wildlife Service and the National Marine Fisheries review of the project will determine windows on the project to avoid significant impacts on the seal haul-out and herring runs as well as any other sportfishing seasons.

The use of silencers on equipment used at the site will minimize noise to the level of existing boat traffic. Less than 5% of the project will be within 100 meters of any seal haul-out.

To minimize turbidity in Strawberry Lagoon there will be no slurry transfer of material or overflow of sediment laden water. The material will be dredged using a floating clamshell crane and bottom dump barges with disposal at a Corps/EPA approved disposal site. Suction dredging will not be used.

The narrow winding channel will naturally limit the size and number of vessels used. Therefore, the specific fleet configuration will be determined by the dredging contractor. Temporary mooring piles will be used for equipment staging and then removed.

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Stability of a dredged cut can be established through a variety of mechanisms, most of them natural. The proposed dredging has the original channel depth for its design grade and hence will introduce no additional instability to the upland areas. The initial cut will have vertical sides which collapse to a natural slope within days of excavation. For the majority of the proposed project equilibrium will occur at a 4 to 1 slope.

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INITIAL STUDY

Introduction

Strawberry Recreation District has submitted an application for a maintenance dredging permit for the removal of 35,000 cubic yards of material over a one-year period from a small craft channel across the mudflats of Richardson Bay at Strawberry Lagoon, Marin County. The dredging is required to maintain a navigable depth.

The dredged channel is to be a "box cut" 60 feet wide to the original design depth of -6 feet MLLW. A 1-foot overcut will be allowed.

STATE LANDS COMMISSION

September, 1989

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