

MINUTE ITEM
This Calendar Item No. C10
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 2
to 0 at its 6-21-93
meeting.

CALENDAR ITEM

C10

A 13

S 3

06/21/93

WP 6397

J. Smith

MAINTENANCE DREDGING LEASE

APPLICANT:

City and County of San Francisco
Recreation and Park Department
McLaren Lodge, Golden Gate Park
San Francisco CA 94117

AREA, TYPE LAND AND LOCATION:

Granted mineral reservation lands in the San Francisco
Marina Small Craft Harbor, San Francisco Bay, San Francisco
County.

LAND USE:

Maintenance dredge a maximum 13,000 cubic yards of sand from
the sand bar at the north side of the entrance channel to
the San Francisco Marina. Material will be removed to an
upland landfill for commercial reuse.

TERMS OF THE PROPOSED LEASE:

Lease Period

June 21, 1993 through July 31, 1994

Royalty

A minimum of \$0.65 per cubic yard assessed for material
dredged and sold for commercial purposes as proposed.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

12/6/93

CALENDAR PAGE	112
MINUTE PAGE	1107

CALENDAR ITEM NO. C10 (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 San Francisco Bay Conservation and Development Commission (SFBCDC), 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 1525.2 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the SFBCDC in its consideration of this project.

AUTHORITY: Sections 21083 and 21087 of the CEQA.

3. No local approvals are required because the City and County of San Francisco is the applicant.

APPROVALS OBTAINED:

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

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

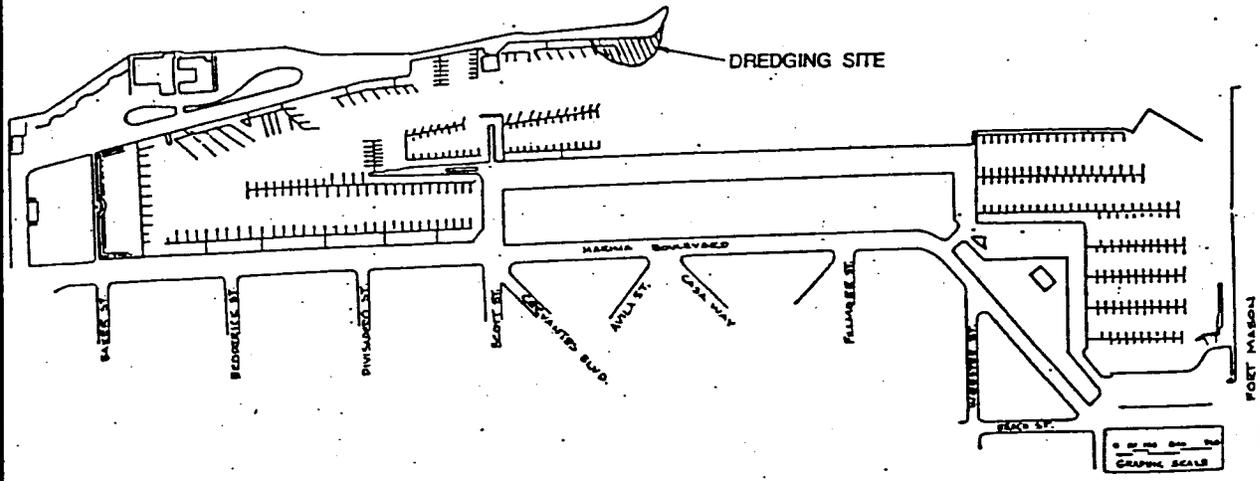
- A. Location and Site Map
- B. SFBCDC Permit M82-112, Amendment No. Three

CALENDAR PAGE	113
MINUTE PAGE	1108

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE SFBCDC, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA, THROUGH ITS ISSUANCE OF PERMIT NUMBER M82-112, AMENDMENT NO. THREE, HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE SFBCDC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL CODE REGS., SECTION 15253.
3. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
4. AUTHORIZE ISSUANCE OF A DREDGING LEASE TO THE CITY AND COUNTY OF SAN FRANCISCO RECREATION AND PARK DEPARTMENT, EFFECTIVE JUNE 21, 1993 THROUGH JULY 31, 1994. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 13,000 CUBIC YARDS OF SAND FROM THE ENTRANCE CHANNEL OF THE SAN FRANCISCO MARINA IN THE CITY AND COUNTY OF SAN FRANCISCO. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

SAN FRANCISCO BAY



LOCATION MAPS

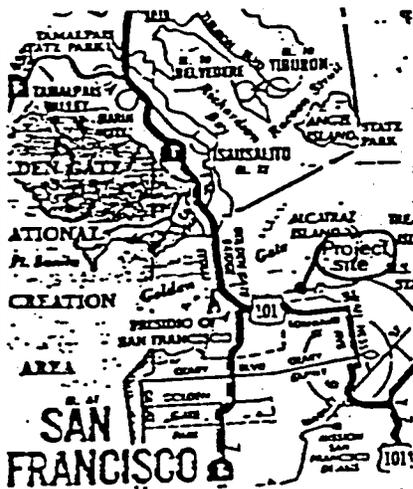


EXHIBIT "A"
 WP 6397
 Application for
 Dredging Lease
 City and County of
 San Francisco
 Recreation & Parks Dept.
SAN FRANCISCO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

CALENDAR PAGE	115
MINUTE PAGE	1110

STATE OF CALIFORNIA

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94102-6080
PHONE: (415) 557-3686



BCDC Original

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE

City and County of San Francisco
Recreation and Park Department
McLaren Lodge, Golden Gate Park
San Francisco, California 94117

ATTENTION: Mary E. Burns,
General Manager

Dear Ms. Burns:

I. Authorization

As subject of the conditions stated below, the/hereby/ the
Commission and Park Department of the City and County of San Francisco/it
hereby authorize to do the following:

Location:

In the Bay and within the 100-foot
shoreline band/ at the Marina Ball
Court located on Marina Boulevard/ in the
City and County of San Francisco/

Description:

(1) In the Bay/ shoreline/ on a
portion of parcel of 12/700 square feet
of developed area with new
wooden deck and installing 300' three
foot wooden pile structure to the top
of existing wood framing piles/ (2)
within the 100-foot shoreline band/
removal of 10/800 square feet of
developed paving near the waterfront
parking office/ and (3) remove soil
and materials over a five year period
of paving deck and filling and
restoring and paving parking lot of
at Marina Ball/

Dedicated to making San Francisco Bay better.

CALENDAR PAGE 116
MINUTE PAGE 1111

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE
City and County of San Francisco
Recreation and Park Department
Page 2

A. Subject to the conditions stated below, the permittee, the Recreation and Parks Department of the City and County of San Francisco, is granted permission to do the following within the Commission's "bay" and "shoreline band" jurisdictions at the Marina Small Craft Harbor on Marina Boulevard, in the City and County of San Francisco:

1. In the Bay:

- a. Replacement, on a one-for-one basis, of 13,000 square feet of deteriorated wood floats with new wooden floats and installing 350, three-foot mooring pile extensions to the tops of the existing wood mooring piles.
- b. Routine repair and maintenance over a five-year period of marina floats and pilings on an in-kind basis (Amendment No. Two).
- c. At the entrance to the Marina, perform maintenance dredging by dredging not more than 13,000 cubic yards of sand material from an area approximately one acre in size as depicted in Exhibit One. The materials are to be removed by a 24-inch in diameter suction dredge and transported by tug and barge to an upland disposal site (Amendment No. Three). No in-Bay disposal of dredged materials is authorized in this amended permit.

2. Within the 100-foot Shoreline Band:

- a. Resurfacing of 10,800 square feet of deteriorated paving near the harbormaster's office (Amendment No. One).
- b. Routine repair and maintenance over a five-year period consisting of repaving parking lots on an in-kind basis (Amendment No. Two).
- c. Disposal of 13,000 cubic yards of dredged sand materials at the Tidewater Sand and Gravel

CALENDAR PAGE	117
MINUTE PAGE	1112

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE
City and County of San Francisco
Recreation and Park Department
Page 3

storage yard located at 4501 Tidewater Avenue in
Oakland, to be sold commercially (Amendment No.
Four).

B. This amended authority is generally pursuant to and limited by your application dated November 23, 1982, your letter requesting Amendment No. One, dated September 26, 1983, ~~and~~ your letters dated October 24 and November 21, 1991 requesting Amendment No. Two, and your letters dated April 20, 1993 and May 28, 1993 requesting Amendment No. Three, including their accompanying exhibits, and all conditions of this amended permit.

C. Work authorized herein must commence prior to October 1, 1983, or this amended permit will lapse and become null and void. Such work must also be diligently prosecuted to completion and must be completed within one year of commencement or by October 1, 1984. Routine repair and maintenance of the marina floats and pilings and repair and repaving of parking lots may continue on a five year basis until January 1, 1997 (Amendment No. Two), unless an extension of time is granted by a further amendment of this amended permit.

D. The dredging authorized in Amendment No. Three herein must commence prior to July 31, 1993, or this amended permit will lapse and become null and void. Such work must also be diligently prosecuted to completion and must be completed within one year of commencement or by July 31, 1994, unless an extension of time is granted by a further amendment of this amended permit.

II. Special Conditions

The amended authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Abandonment. If, at any time, the Commission determines that the improvements in the Bay authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety, or welfare is adversely affected, the Commission may require that the improvements be removed, by the permittee, its assigns or successors in interest, or by the owner of the improvements within 60 days or such other reasonable time as the Commission may direct.

B. Debris Removal. All debris shall be removed to a location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittee, its

CALENDAR PAGE	118
MINUTE PAGE	1113

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE
City and County of San Francisco
Recreation and Park Department
Page 4

assigns or successors in interest, or the owner of the improvements, shall remove such material, at its expense, within ten days after it has been notified by the Executive Director of such placement.

C. Water Quality Certification. Prior to the commencement of any dredging episode authorized herein, the permittee shall obtain a water quality certification or waiver of water quality certification from the California Regional Water Quality Control Board, San Francisco Bay Region, for that episode. Failure to obtain such certification or waiver of certification prior to the commencement of the dredging episode shall terminate the Commission's authorization for that dredging episode.

D. Time Limits for Dredging. The approximately 13,000 cubic yards or less of maintenance dredging authorized by this amended permit shall be completed prior to July 31, 1994. No further dredging is authorized by this amended permit.

E. Limits on Dredging. This amended permit authorizes maintenance dredging only. No new dredging is authorized. The amended permit authorizes dredging within area as shown on Exhibit A. No dredging in other areas is authorized.

F. Dredging Report

1. Prior Notice of Episode. The permittee shall notify the staff by telephone or in writing at least seven (7) days prior to undertaking any dredging episode. The permittee shall permit the Commission staff or representatives of other state or federal agencies to come aboard the dredge or barge associated with the dredging or disposal episode and observe the operation to ensure that the dredging or disposal activity is consistent with the dredging report required herein and the other terms and conditions of this amended permit.
2. Dredging Report. Within thirty (30) days of completion of each dredging episode of the maintenance dredging authorized by this amended permit, the permittee shall submit to the Commission a report which contains: (1) a bathymetric map

CALENDAR PAGE	119
MINUTE PAGE	1114

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE
City and County of San Francisco
Recreation and Park Department
Page 5

showing the location of all areas authorized to be dredged and to what depth; (2) a bathymetric map showing the actual areas dredged and to what depth, and any dredging that occurred outside the area authorized to be dredged or below the depths authorized to be dredged shall be depicted graphically on the map; (3) a vicinity map showing the disposal site; and (4) the calculated volume of the actual material dredged or disposed. The Commission reserves the right to have such report inspected by a reliable third party familiar with bathymetric mapping in order to verify the contents of the report. If a third party selected by or on behalf of the Commission indicates that the report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report that meets the requirements of this condition. If the Commission determines that the contents of the dredging report indicates that work has occurred beyond that authorized by the permit, such violation may result in the initiation of enforcement action by or on behalf of the Commission.

G. Timing. To protect important fisheries or migrating anadromous fish species, no dredging shall occur pursuant to this amended permit between November 1 and March 1 of any year during the duration of this amended permit unless written approval of dredging during this period is provided by or on behalf of the Commission prior to the commencement of the dredging. Prior to such approval, the Commission or its staff shall consult with representatives of the California Department of Fish and Game, the U. S. Fish and Wildlife Service, and the National Marine Fisheries Service.

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. The project authorized by this amended permit involves the routine repair, reconstruction, replacement, and maintenance of pilings, boat docks on pilings, and boat slips that do not involve any substantial enlargement or change in use, as defined in Regulation Section 10601(a)(9), and the placing of inert inorganic fill in, extraction of materials from, or

CALENDAR PAGE	120
MINUTE PAGE	1115

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE
City and County of San Francisco
Recreation and Park Department
Page 6

making any substantial change of use of any such area in such a way as to have no adverse effect upon present or possible future maximum feasible public access to the Bay consistent with the project, or upon present or possible future use for a priority water-related use of any area designated for such use, as defined in Regulation Section 10601(b)(1), and maintenance dredging to be completed within a 30-month time period, as defined in Regulation Section 10602(a), and thus is a "minor repair or improvement" for which the Executive Director may issue (1) a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a), and (2) an amendment to a permit, pursuant to Regulation Section 10812.

B. The project authorized by this amended permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay.

C. The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Pursuant to Regulation Section 11501, the project authorized by this amended permit is categorically exempt from the requirement to prepare an environmental impact report.

E. Pursuant to Regulation Section 10620, the original project was listed with the Commission on December 16, 1982.

IV. Standard Conditions

A. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

B. The attached Notice of Completion shall be returned to the Commission within 30 days following completion of the work.

CALENDAR PAGE	121
MINUTE PAGE	116

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE
City and County of San Francisco
Recreation and Park Department
Page 7

C. Work must be performed in the precise manner and at the precise locations indicated in your applications and amendment requests, as such may have been modified by the terms of the this amended permit and any plans approved in writing by or on behalf of the Commission.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

E. The rights derived from this amended permit are assignable as provided herein. An assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the applications and amendment requests for this amended permit and the amended permit itself and agrees to be bound by all terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the amended permit.

F. Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.

G. Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

H. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If this amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

I. Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any

CALENDAR PAGE

122

MINUTE PAGE

1117

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE
City and County of San Francisco
Recreation and Park Department
Page 8

permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the amended permit has been effectively assigned. If this amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee or its assignee if the amended permit has been assigned.

J. This amended permit shall not take effect unless the permittee executes the original of this amended permit and returns it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

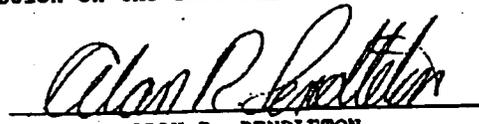
K. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the amended permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit.

L. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction up to the line of highest tidal action.

M. Unless the Commission directs otherwise, this amended permit shall become null and void, if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee or its assignee if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

PERMIT NO. M82-112
(Issued on December 28, 1982, As
Amended Through June 9, 1993)
AMENDMENT NO. THREE
City and County of San Francisco
Recreation and Park Department
Page 9

Executed at San Francisco, California, on behalf of the San Francisco
Bay Conservation and Development Commission on the date first above written.



ALAN R. PENDLETON
Executive Director

Enc. 0533r--06/09/93
ARP/NMS/rr

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency, Attn: Clyde Morris, W-7-2
City of San Francisco Bureau of Engineer, Attn: John Thomas,
Landscaping Department.

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____ Applicant
On _____ By: _____
Title

CALENDAR PAGE	124
MINUTE PAGE	1119