

**MINUTE ITEM**

This Calendar Item No. C23  
was approved as Minute Item  
No. 23 by the State Lands  
Commission by a vote of 3  
to 0 at its 9-9-93  
meeting.

**CALENDAR ITEM**

**C23**

A 6

S 3

09/09/93  
WP 4741 PRC 4741  
J. Smith

**MAINTENANCE DREDGING LEASE**

**APPLICANT:**

Marin County Department of Public Works  
P.O. Box 4186  
San Rafael CA 94913

**AREA, TYPE LAND AND LOCATION:**

Granted mineral reservation lands in Gallinas Creek, near  
San Rafael, Marin County.

**LAND USE:**

Maintenance dredge a maximum of 30,000 cubic yards of  
material from granted mineral reservation lands in Gallinas  
Creek, near San Rafael, Marin County. Disposal of the  
dredged material will be at the North Cell Upland Disposal  
Site, a part of Marin County's McInnis Public Park.

**TERMS OF THE PROPOSED LEASE:**

Lease Period:

September 9, 1993 through June 30, 1994.

Royalty:

No royalty shall be charged for dredged material as the  
project is for public benefit.

A royalty of \$0.25 per cubic yard shall be charged for  
any material used for private benefit or commercial  
sale purposes.

**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.

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**AB 884:**

02/19/94.

**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 15253 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.

**APPROVALS OBTAINED:**

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

**FURTHER APPROVALS REQUIRED:**

State Lands Commission.

**EXHIBITS:**

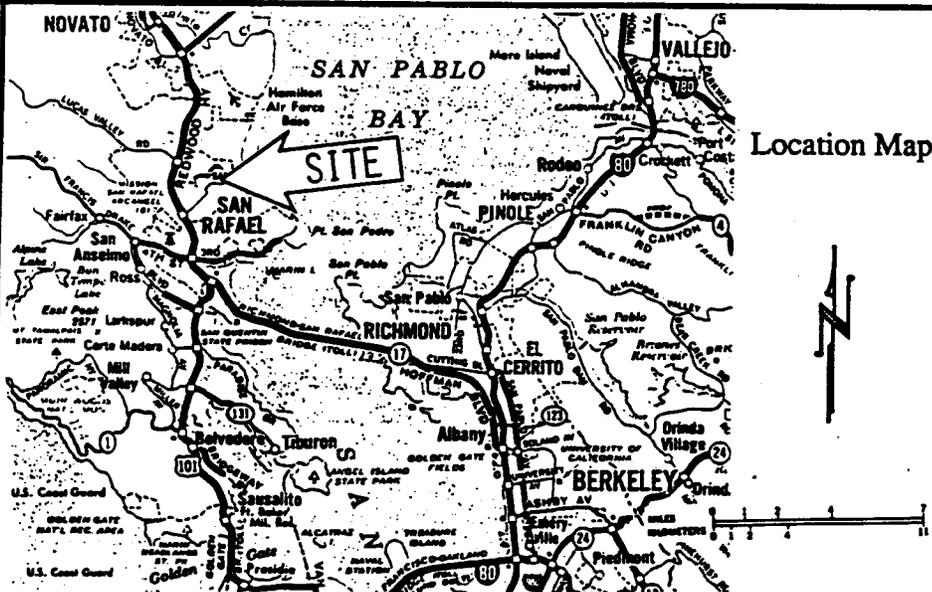
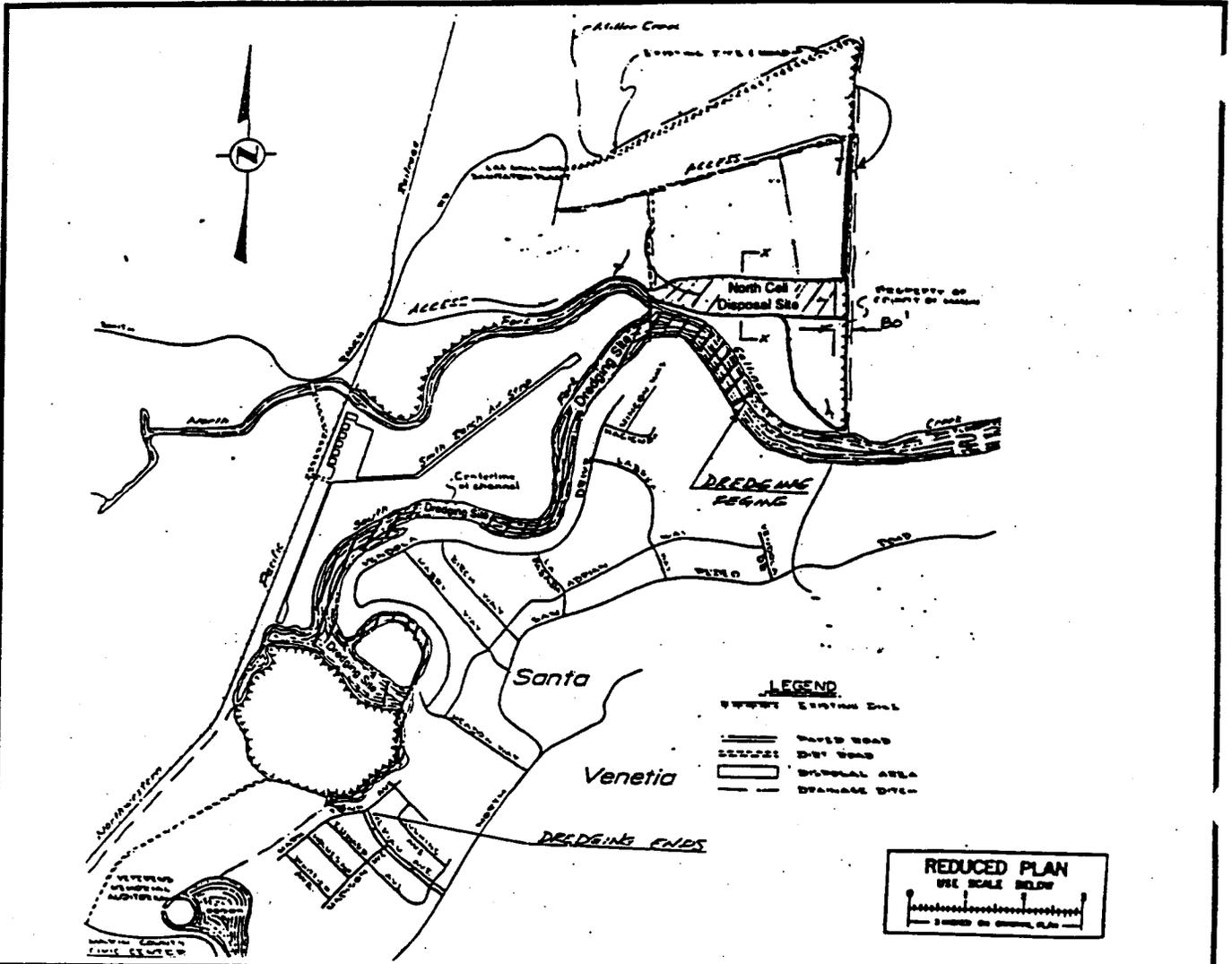
- A. Location and Site Map
- B. SFBCDC Permit M90-83, Amendment No. Two

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**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 AMENDMENT NO. TWO TO PERMIT NUMBER M90-83, 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 MARIN COUNTY DEPARTMENT OF PUBLIC WORKS, EFFECTIVE SEPTEMBER 9, 1993 THROUGH FEBRUARY 19, 1994. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 30,000 CUBIC YARDS OF MATERIAL FROM GALLINAS CREEK, NEAR SAN RAFAEL, MARIN COUNTY, WITH DISPOSAL AT THE NORTH CELL UPLAND 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.



**EXHIBIT "A"**  
**WP 4741**  
**Dredging Lease**  
**Application**  
**Marin Co. Dept. of**  
**Public Works**  
**MARIN 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.

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## SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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



# Permittees' Copy

PERMIT NO. M90-83  
 (Issued on October 2, 1991, As  
 Amended Through August 25, 1993)  
 AMENDMENT NO. TWO

County of Marin  
 Department of Public Works  
 Marin County Civic Center  
 P. O. Box 4186  
 San Rafael, California 94913

ATTENTION: Richard Carlsen  
 Assistant Director

Gentlemen:

## I. Authorization

A. Subject to the conditions stated below, the permittee, the County of Marin, is hereby authorized to do the following:

Location: In the Bay, and within the 100-foot shoreline band, along the Gallinas Creek Channel, between Bucks Landing and the convergence of the north and south forks of the Creek, in the City of San Rafael, Marin County.

Description: (1) Maintenance dredge approximately 20,000 cubic yards of material from the Channel; (2) excavate approximately 40,000 cubic yards of previously dredged materials from the approximately 160,000-square-foot area north of the Creek levee, known as the north cell (see Exhibit B), and load excavated materials via conveyor system onto barges; (3) dispose of the material upland, outside of the Commission's jurisdiction; (4) dispose approximately 40,000 cubic yards of the newly dredged materials into the excavated area of the north cell; ~~and~~ (5) place a 24-inch culvert pipe in the levee of the area known as the south cell (see Exhibit B) in order to

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restore tidal action to the south cell; and  
(6) place ten temporary 12-inch-wide by  
40-foot-long wooden pilings in Gallinas Creek  
next to the spoils disposal area, to be  
removed prior to the resumption of dredging  
activity authorized herein.

B. This amended authority is generally pursuant to and limited by your application dated October 19, 1990, your letter dated October 14, 1991, requesting Amendment No. One, and you letters dated April 26, 1993 and June 17, 1993, requesting Amendment No. Two, including ~~the~~ all accompanying exhibits and all conditions of this amended permit.

C. Work authorized herein must commence prior to June 30, 1992, or this amended permit will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within ~~the~~ two years of commencement, or by ~~the~~ 10/ 1993 June 30, 1994, whichever is earlier, unless an extension of time is granted by 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. Tidal Flow Restoration Plan Review

1. Plan Review. No work whatsoever shall be commenced on the installation of the 24-inch culvert pipe to restore tidal action to the south cell pursuant to this ~~amended permit~~ amended permit until final precise site, engineering, grading, and any other relevant criteria, specifications, and plan information for that portion of the work have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The specific drawings and information required will be determined by the staff. To save time, preliminary drawings should be submitted and approved prior to final drawings.

~~the~~ Plans shall include and clearly label the 5.9-foot contour line Sea Level (the line of highest tidal

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line 100-feet inland of the line of highest tidal action, grading, and details showing the location, types, dimensions, and materials to be used for all structures.

Plans submitted shall be accompanied by a letter requesting plan approval, identifying the type of plans submitted, the portion of the project involved, and indicating whether the plans are final or preliminary. Approval or disapproval shall be based upon:

- a. Completeness and accuracy of the plans in showing the features required above, particularly the line of highest tidal action and the line 100 feet inland of the line of highest tidal action, and any other criteria required by this ~~Amendment~~ amended permit; and
- b. Consistency of the plans with the terms and conditions of this ~~Amendment~~ amended permit.

Plan review shall be completed by or on behalf of the Commission within 45 days after receipt of the plans to be reviewed.

2. Conformity with Final Approved Plans. All work, improvements, and uses shall conform to the final approved plans. Prior to any use of the facilities authorized herein, the appropriate design professional(s) of record shall certify in writing that, through personal knowledge, the work covered by the ~~Amendment~~ amended permit has been performed in accordance with the approved design criteria and in substantial conformance with the approved plans. No noticeable changes shall be made thereafter to any final plans or to the exterior of any constructed structure without first obtaining written approval of the change(s) by or on behalf of the Commission.

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3. Discrepancies Between Approved Plans and Special Conditions. In case of any discrepancy between final approved plans and special conditions of this ~~amended permit~~ amended permit or legal instruments approved pursuant to this ~~amended permit~~ amended permit, the special condition or the legal instrument shall prevail. The ~~permittee~~ permittee is responsible for assuring that all plans accurately and fully reflect the special conditions of this ~~amended permit~~ amended permit and any legal instruments submitted pursuant to this ~~amended permit~~ amended permit.

B. One Two-Year Permit for Dredging. The 20,000 cubic yards of maintenance dredging authorized by this amended permit shall be completed by ~~July 30, 1993~~ June 30, 1994. No further maintenance dredging is authorized by this amended permit.

C. Post-Dredging Report. Upon completion of the maintenance dredging authorized by this amended permit, the permittee shall submit a map to the Commission showing actual areas dredged and associated calculation which indicate actual volumes dredged.

D. Limits on Dredging. This amended permit authorizes maintenance dredging only. No new dredging is authorized. The amended permit authorizes dredging within Gallinas Creek Channel, as shown on Exhibit A, and at the mouths of Gallinas and San Antonio Creeks. No dredging is authorized in any other area.

E. Water Quality. Prior to dredging, the permittee shall receive all necessary approvals regarding water quality from the Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act.

F. Time Limitation. Dredging operations shall be confined to the period from August 1 to February 15 to prevent impacts to populations of the nesting clapper rail and dungeness crab.

G. Removal of Pilings. Prior to resumption of dredging activities, or by October 20, 1993, the permittee shall remove the ten temporary pilings authorized by this amended permit.

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### III. Findings and Declarations

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

A. The project authorized by this amended permit involves routine maintenance dredging of an existing navigation channel, as defined by Regulation Section 10601(a)(1), with disposal of dredged materials upland, outside of the Commission's jurisdiction, an activity similar to the extraction of materials and placement of small amounts of inert, inorganic fill that does not have an adverse effect on present or possible future public access, as defined by Regulation Section 10601(b)(1), ~~and~~ an activity similar to the placement of outfall pipes, as defined by Regulation Section 10601(a)(7), and the placement of temporary pilings in the Bay for the mooring of barges to accommodate the maintenance dredging, as defined by Regulation Section 10601(e)(1), 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 10822.

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 project authorized by this amended permit authorizes maintenance dredging of up to 20,000 cubic yards of material over a ~~one~~ two-year period. The Regional Water Quality Control Board granted water quality certification for this activity on June 1, 1991. Special Condition ~~II-C~~ II-B limits maintenance dredging to ~~one~~ two years. However, subsequent one-year renewals may be granted as long as upland disposal is used. Special Condition ~~II-F~~ II-E limits dredging to the period from August 1 to ~~November 15~~ February 15 to prevent dredging operations from adversely affecting the dungeness crab and endangered clapper rail species. Special Condition ~~II-C~~ II-C requires that the permittee submit post-dredging information to the Commission and state the actual amount dredged in order to provide the Commission with information on the amount and types of materials dredged from the Bay. Special Condition II-G requires that the permittee remove the temporary pilings authorized herein prior to resumption of dredging activities, or by October 20, 1993, which guarantees removal of the fill upon project completion.

D. 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, as amended.

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E. The project authorized by this amended permit involves maintenance dredging of a channel in order to maintain navigation, a public trust use of San Francisco Bay. The Commission, therefore, finds that the project authorized herein is consistent with the public trust.

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

G. Pursuant to Regulation Section 10620, the original project was listed with the Commission on July 18, 1991.

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 and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. Work must be performed in the precise manner and at the precise locations indicated in your application and amendment requests, as such may have been modified by the terms of the 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 application and amendment requests for this amended permit and the amended permit itself and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably with the terms of the amended permit.

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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.

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.

ARP/JR/mm

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  
Baykeeper, Attn: Mike Herz

\* \* \* \* \*

Receipt acknowledged, contents understood and agreed to:

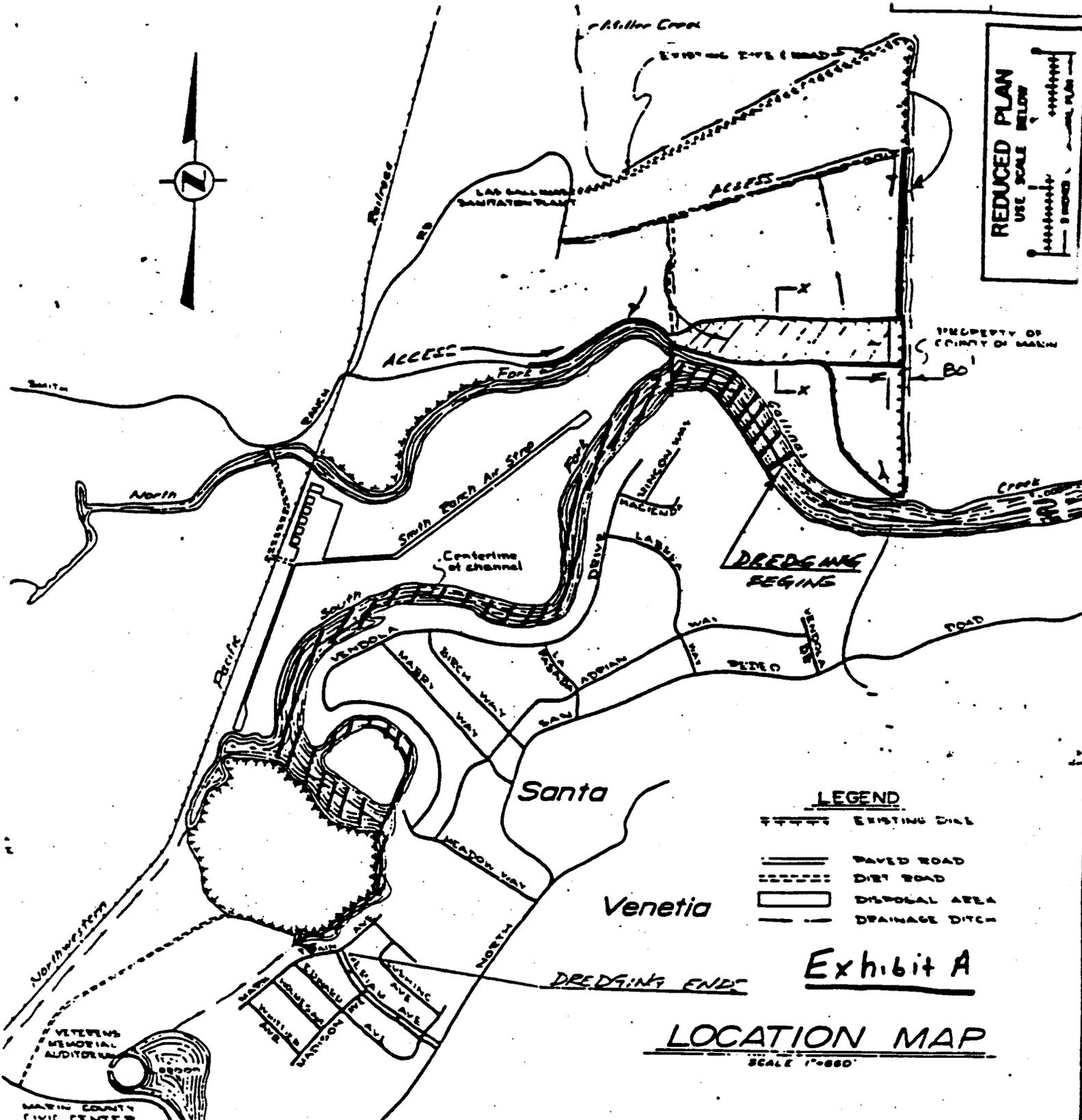
Executed at \_\_\_\_\_

\_\_\_\_\_  
Applicant

On \_\_\_\_\_

By:

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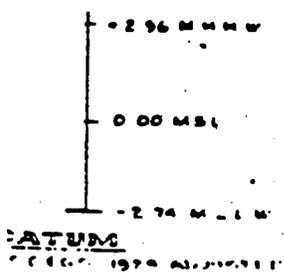
REDUCED PLAN  
USE SCALE BELOW

**LEGEND**

- EXISTING DILL
- ===== PAVED ROAD
- DIRT ROAD
- DISPOSAL AREA
- DRAINAGE DITCH

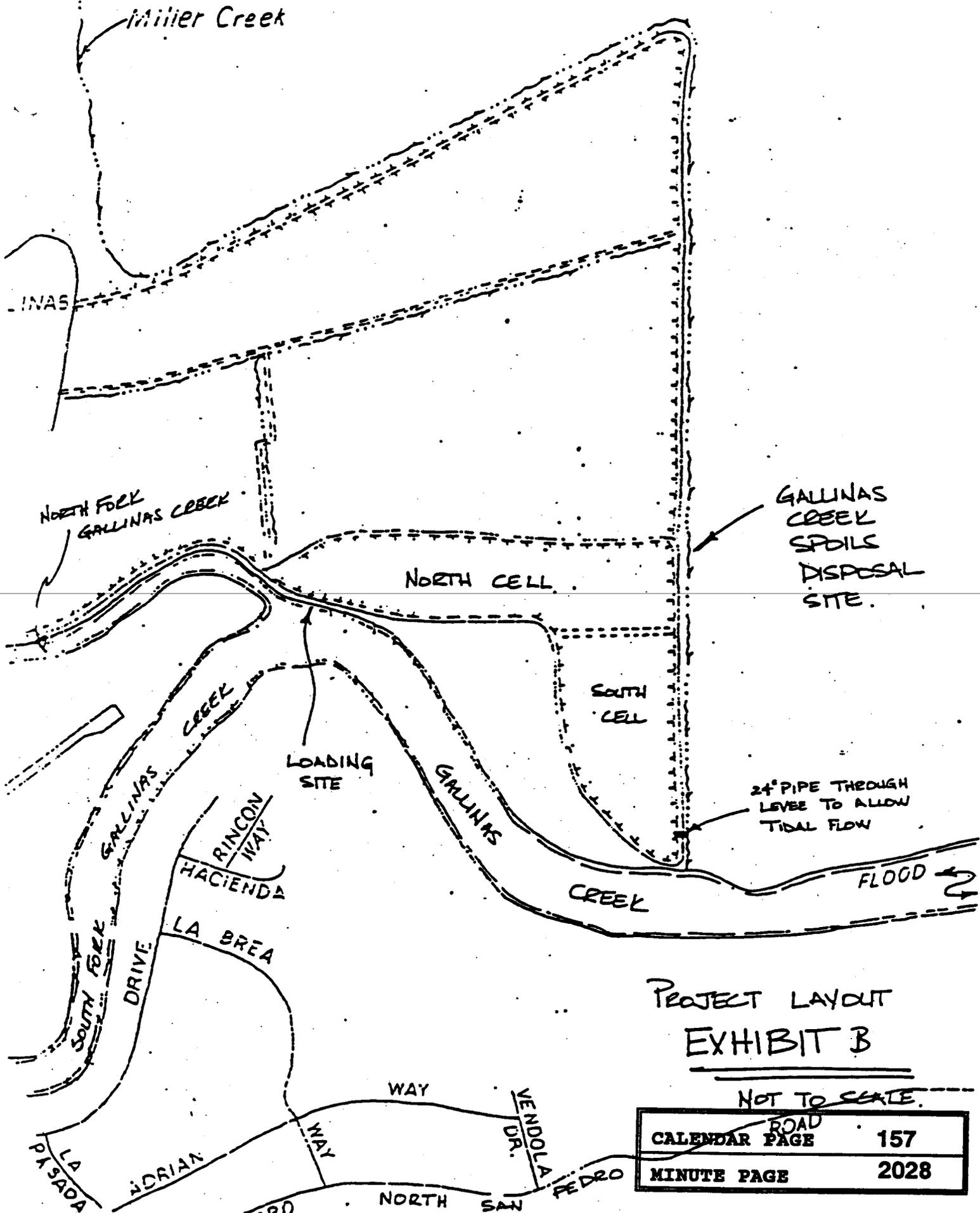
**Exhibit A**

**LOCATION MAP**  
SCALE 1"=800'



*J.H.H.* 6-6-73  
*Rud. F...* 6-6-73  
 SPECIAL PERMITS  
 COUNTY OF MARIN  
 DEPARTMENT OF PUBLIC WORKS

COUNTY OF MARIN	
DEPARTMENT OF PUBLIC WORKS	
GALLINAS CREEK	
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PROJECT LAYOUT  
EXHIBIT B

NOT TO SCALE

ROAD	
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