

**CALENDAR ITEM
C14**

A 6
S 3

06/18/02
W25844
G.Kato

DREDGING LEASE

APPLICANT:

KMC, Inc.
Paradise Cay Yacht Harbor
127 Trinidad Drive
Tiburon, CA 94920

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in San Francisco Bay, entrance to Paradise Cay, city of Tiburon, Marin County.

AUTHORIZED USE:

Maintenance dredge a maximum of 5,000 cubic yards of material to maintain a navigable depth in the entrance channel. Dredged materials will be disposed of at the United States Army Corps of Engineers approved Alcatraz Disposal Site (SF-11).

LEASE TERM:

10 years, beginning July 1, 2002, ending June 30, 2012.

CONSIDERATION:

No royalty will be charged for disposal of dredged material; \$0.25 per cubic yard will be charged for any material used for private benefit or commercial sale purposes.

OTHER PERTINENT INFORMATION:

1. The dredging of 5,000 cubic yards of material is an event occurring within a larger dredging project of 84,000 cubic yards that is covered under lease PRC 2148 to KMC for marina facilities on sovereign lands and PRC 7822 to County of Marin for maintenance dredging. The project area also involves lands not under the jurisdiction of the Commission.

CALENDAR ITEM NO. **C14** (CONT'D)

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 2905 (d)(4).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

FURTHER APPROVALS REQUIRED:

San Francisco Regional Water Quality Control Board
United States Army Corps of Engineers
San Francisco Bay Conservation and Development Commission

EXHIBITS:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (D)(4).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR

CALENDAR ITEM NO. **C14** (CONT'D)

THE LAND PURSUANT TO PUBLIC RESOURCES CODE
SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO KMC, INC., PARADISE CAY YACHT HARBOR, BEGINNING JULY 1, 2002, FOR A TERM OF 10 YEARS, FOR DREDGING A MAXIMUM OF 5,000 CUBIC YARDS OF MATERIAL IN THE ENTRANCE CHANNEL TO PARADISE CAY, CITY OF TIBURON, MARIN COUNTY, TO MAINTAIN A NAVIGABLE DEPTH. DREDGED MATERIAL WILL BE DISPOSED OF AT THE UNITED STATES ARMY CORPS OF ENGINEERS APPROVED ALCATRAZ DISPOSAL SITE (SF-11). SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS. NO ROYALTY SHALL BE CHARGED FOR DISPOSAL OF DREDGED MATERIAL; \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES.