MINUTE ITEM

This Calendar Item No. C18 was approved as Minute Item No. 18 by the California State Lands Commission by a vote of 3 to 0 at its 12-09-03 meeting.

CALENDAR ITEM
C18

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PRC 8500.9

12/09/03
W 25858
G.Kato

DREDGING LEASE

APPLICANT:

Big Valley Band of Pomo Indians
P.O. Box 430
2726 Mission Rancheria Road
Lakeport, CA 95453

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State, in Clearlake, Lake County.

AUTHORIZED USE:

Dredge a maximum of 5,000 cubic yards from Clearlake to develop and maintain a community marina and "botel" in conjunction with a larger upland project. Disposal of dredged material to be located at a United States Army Corps of Engineers approved upland disposal site located on the Big Valley Rancheria.

LEASE TERM:

Five years, beginning December 1, 2003 through November 30, 2008.

CONSIDERATION:

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

OTHER PERTINENT INFORMATION:

1. This activity is part of a larger dredging project to dredge a total of 95,000 cubic yards of material from Clearlake. The Big Valley Band of Pomo Indians proposes to construct a community marina and "botel" on approximately 6 acres of land within an approximate 9.4 acre parcel of land adjacent to Clearlake that is contained within the Rancheria. The majority of the dredging activity will occur on lands outside of

CSLC jurisdiction. Of the total volume to be dredged, 5,000 cubic yards is within the CSLC jurisdiction in Clearlake.

2. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by Lake County Community Development. The California State Lands Commission's staff has reviewed such document.

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.

APPROVALS OBTAINED:

United States Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

California Department of Fish & Game
Regional Water Quality Control Board

EXHIBITS:

A. Location and Site Map
B. Notice of Determination

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY LAKE COUNTY COMMUNITY DEVELOPMENT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROJECT, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

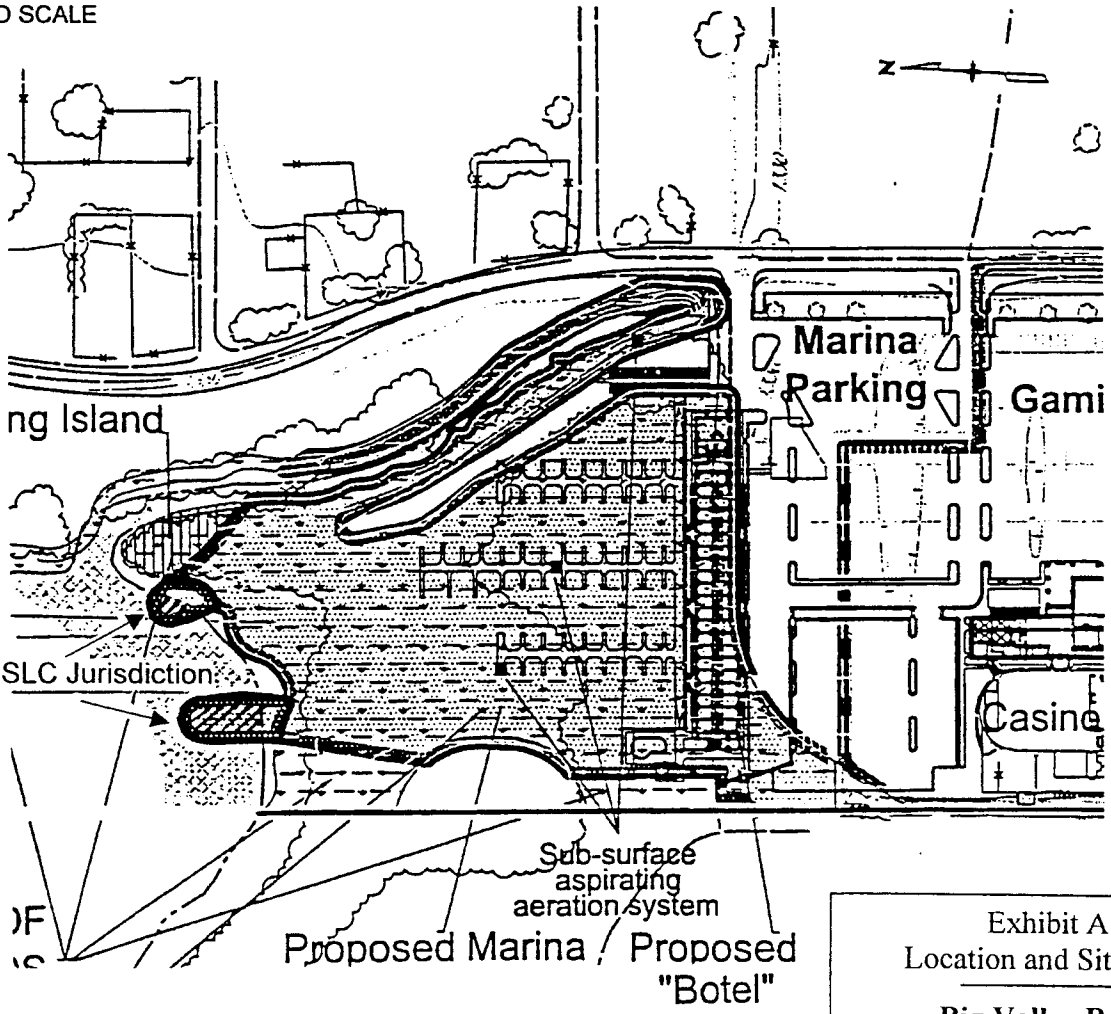
SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO BIG VALLEY BAND OF POMO INDIANS – BIG VALLEY RANCHERIA, BEGINNING DECEMBER 1, 2003, FOR A TERM OF 5 YEARS, FOR DREDGING A MAXIMUM OF 5,000 CUBIC YARDS OF MATERIAL FROM THE BED OF CLEARLAKE, LAKE COUNTY, AS SHOWN ON EXHIBIT A, FOR PURPOSES OF DEVELOPING A COMMUNITY MARINA AND "BOTEL". DISPOSAL OF DREDGED MATERIAL TO BE LOCATED AT AN UNITED STATES ARMY CORPS OF ENGINEERS APPROVED UPLAND DISPOSAL SITE LOCATED ON THE BIG VALLEY RANCHERIA. 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; A MINIMUM OF $0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES.

NO SCALE



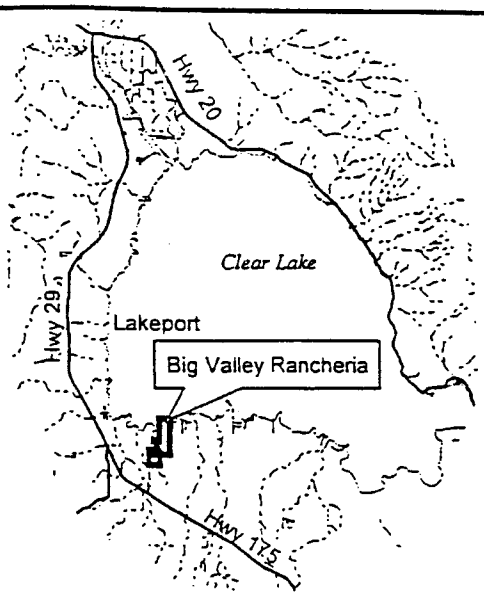


Exhibit A
Location and Site Map

Big Valley Band of Pomo Indians
W25858

This exhibit is solely for purposes of generally defining the lease premises, and is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

GK

FILED
COUNTY OF LAKE
PAM COCHRANE
COUNTY CLERK
BY Janice K. Pendratz
DEPUTY CLERK
OCT 24 2003

Exhibit B

NOTICE OF DETERMINATION

TO:

X Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

X County Clerk
County of Lake
255 North Forbes Street
Lakeport, CA 95453

FROM:
Community Development Department
Planning Division

Subject:
Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code:

Project Title: BIG VALLEY RANCHERIA COMMUNITY MARINA, MARINA COMPENSATORY WETLAND MITIGATION PLAN AND MITIGATION SITE MONITORING PLAN, LAKEBED ENCROACHMENT PERMIT CLP 03-83, MINOR USE PERMIT FOR GRADING MUP 03-49, U.S. ARMY CORPS OF ENGINEERS 404 PERMIT #2000000544

State Clearinghouse Number: 2003-092048

Lead Agency Contact Person: CATHERINE YOUNG **Telephone:** 707-263-2221

3. **Project Location (include county):**

MARINA: APN 044-451-01, 2675 Mission Rancheria Road, Lakeport
MITIGATION SITE: APN 008-003-07, 988 Soda Bay Rd.

Project Description: Grading, dredging, excavation and import and export of fill materials for construction of a 100 slip commercial marina, associated infrastructure and an offsite compensatory wetland restoration project.

Name of Public Agency Approving Project: Lake County Water Resources Division, Lake County Community Development Department

Name of Person or Agency Carrying Out Project: Big Valley Band of Pomo Indians, 2726 Mission Rancheria Road, Lakeport, 95453

This is to advise that the Lake County Community Development Department has approved the above-described project on October 20, 2003 and has made the following determinations regarding the above-described project:

1. **The project will not have a significant effect on the environment.**
2. ___ **An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.**
   X **A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.**
3. **Mitigation measures were made a condition of the approval of the project.**
4. **A statement of Overriding Considerations was not adopted for this project.**
5. **Findings were made pursuant to the provisions of CEQA.**

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at: Community Development Dept./Planning Division, 255 N. Forbes St., Lakeport, CA

Catherine Young — **Signature (Public Agency)**
10/23/03 — **Date**
Associate Planner — **Title**

Date received for filing at OPR:

Kim
~~BIGLAKEBED MITIGATION~~ KONOCTI VISTA MARINA\NOD-MITIGATED NEG DEC.doc

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COUNTY CLERK
Janice K. Parkhatz
DEPUTY CLERK
OCT 24 2003

LAKE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
255 North Forbes Street
Lakeport, CA 95453

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Big Valley Band of Pomo Indians

DATE OF APPLICATION: 4/16/2001 **DATE OF FINDING:** 10/20/03

GENERAL DESCRIPTION OF PROPOSED PROJECT: Grading, dredging, excavation and import and export of fill materials for construction of a 100 slip commercial marina, associated infrastructure and an offsite compensatory wetland restoration project.

LOCATION OF PROPOSED PROJECT:

MARINA: APN 044-451-01, 2675 Mission Rancheria Road, Lakeport
MITIGATION SITE: APN 008-003-07, 988 Soda Bay Rd.

The proposed project has been evaluated by: Lake County Community Development Department and Water Resources Division

FINDING: NO SIGNIFICANT IMPACT WILL RESULT TO THE ENVIRONMENT FROM THE PROPOSED PROJECT

REASONS FOR FINDING: "See Page 2"

Study prepared by: Community Development Department/Planning Division

Location of Study for Review: 255 North Forbes Street, Lakeport

DATE: 10/23/2003 **By:** Catherine Young
Catherine Young
Associate Planner

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DEPUTY CLERK
OCT 24 2003

FINDINGS:

1. State and local jurisdiction over the marina project is limited by the sovereignty of tribal lands.

2. CEQA review of the marina project is limited to impacts upon the State owned lands within the bed of Clear Lake up to the low water mark and upon the State public trust easement of the shoreline up to the high water mark of Clear Lake, as administered by the Lake County Shoreline Ordinance.

3. The wetland mitigation project is not located on tribal lands and is subject to full CEQA review.

4. The entire project is subject to federal jurisdiction and NEPA review.

5. Potential environmental impacts to wetlands from the marina project have been mitigated to less than significant levels by an offsite compensatory wetland restoration project and five year monitoring plan.

6. The project design and mitigation measures incorporated herein meet or exceed all state and local requirements such that any potential impacts are reduced to less than significant levels.

7. Potential environmental impacts from the marina and wetland mitigation project have been mitigated to less than significant levels by the project design and permit conditions of the U.S. Army Corps of Engineers 404 permit, the U.S. EPA Water Quality Certification, the State Lands Commission dredging lease, the California Regional Water Quality Control Board NPDES permit, the California Dept. of Fish & Game Streambed Alteration permit, the Lake County Lakebed Encroachment Permit, the Lake County Minor Use permit and the Lake County Grading Permit.

8. Potential environmental impacts regarding air quality due to the wetland mitigation project have been reduced to less than significant levels by use permit conditions B1 through B3.

9. Potential environmental impacts regarding biological resources due to the wetland mitigation project have been mitigated to less than significant levels by use permit conditions D1 through D3 and payment of the State Fish & Game fees.

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OCT 24 2003

10. Potential environmental impacts regarding traffic and circulation due to the wetland mitigation project have been mitigated to less than significant levels by use permit conditions E1 through E6.

11. Potential environmental impacts regarding geology, hydrology and water quality due to the wetland mitigation project have been mitigated to less than significant levels by use permit conditions F1 through F7.

12. Potential environmental impacts regarding noise due to the wetland mitigation project have been mitigated to less than significant levels by use permit conditions G1 and G2.

13. Potential environmental impacts regarding cultural resources due to the wetland mitigation project have been mitigated to less than significant levels by use permit condition H1.

14. This project is consistent with land uses in the vicinity.

15. This project is consistent with the Lake County General Plan and Shoreline Ordinance.

16. The wetland mitigation project is consistent with the Lake County Zoning Ordinance and Grading Ordinance.

17. This project, as mitigated, will not result in any significant adverse environmental impacts.

cry

Posted OCT 24 2003 to Nov. 23, 2003

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