

**CALENDAR ITEM
C52**

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06/28/10
W 26406
D. Oetzel

DREDGING LEASE

APPLICANT:

Pelican Harbor Associates, L.P.
c/o Flynn Investments
1717 Powell Street, Suite 300
San Francisco, CA 94133

AREA, LAND TYPE, AND LOCATION:

Legislatively granted tide and submerged lands, with minerals reserved to the state, located in Pelican Harbor in Richardson Bay, Marin County.

AUTHORIZED USE:

Maintenance dredge a maximum of 10,500 cubic yards of material over ten years to maintain a navigable depth. Dredged material will be disposed of at the United States Army Corps of Engineers' designated site at SF-11 (Alcatraz), and/or other United States Army Corps of Engineers' approved disposal sites.

LEASE TERM:

Ten years, beginning June 28, 2010.

CONSIDERATION:

No monetary consideration will be charged because the project will result in a public benefit as the dredging will enhance safe navigation in San Francisco Bay. The dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. A portion of the proposed dredging will take place with tide and submerged lands legislatively granted to the city of Sausalito, pursuant to Chapter 791, Statutes of 1957, with minerals reserved to the State.
2. The Project is part of a larger dredging project of 35,000 cubic yards within the main access channel and berths of Pelican Harbor. No lease is

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required for the dredging of the 24,500 cubic yards that will occur on that portion of land that is outside of the Commission's jurisdiction.

3. 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 CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land Title 14, California Code of Regulations, section 15304(g).

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

4. 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:

San Francisco Bay Conservation and Development Commission
Regional Water Quality Control Board

APPROVALS REQUIRED:

U.S. Army Corps of Engineers

EXHIBIT:

- 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 CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304(g).

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 section 6370, et seq.

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AUTHORIZATION:

Authorize the issuance of a ten-year dredging lease to Pelican Harbor Associates, L.P., beginning June 28, 2010, to dredge a maximum of 10,500 cubic yards of material during the lease term, as shown on exhibit A attached and by this reference made a part hereof. Dredged material will be disposed of at the United States Army Corps of Engineers' designated site at SF-11 (Alcatraz), and/or all other United States Army Corps of Engineers' approved disposal sites. Such permitted activity is contingent upon applicant's compliance with applicable permits issued by federal, State, and local governments. No monetary consideration will be charged as the dredging project will result in a public benefit. The dredged material may not be sold.