

MINUTE ITEM

20

03/26/87  
PRC 6976  
Martinez

Amendment of Maintenance Dredging Permit

Calendar Item C20, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C20.

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CALENDAR ITEM

A 79

C20

03/26/87

S 40

PRC 6976

Martinez

AMENDMENT OF MAINTENANCE DREDGING PERMIT

APPLICANT: Continental Maritime of San Diego, Inc.  
Attn: John Kelley, General Manager  
1445 Crosby Street  
San Diego, California 92113-2124

AGENT: Ferver Engineering Company  
Attn: Robert Smyth  
3487 Kurtz Street  
San Diego, California 92110

AREA, TYPE LAND AND LOCATION:  
Ungranted sovereign lands at the northeasterly  
edge of San Diego Bay, San Diego County.

TERM OF ORIGINAL PERMIT:  
Initial Period: One year commencing May 1,  
1986.

LAND USE: Dredge a maximum 6,000 cubic yards of minerals  
other than oil, gas and geothermal to maintain  
a navigable depth for passage of vessels to  
berth for repair at a ship repair facility  
proposed for construction on adjacent granted  
lands; no minerals reserved. The dredged  
material will be disposed offshore at the EPA  
approved Disposal Site "LA 5".

CONSIDERATION: Royalty of \$0.15 per cubic yard for spoils  
placed at the approved offshore site.

PROPOSED AMENDMENT:  
No royalty charged for spoils placed at the  
approved offshore site.

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(ADDED 03/18/87)

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Royalty of \$0.25 per cubic yard for spoils placed on private upland property or sold for commercial benefit.

The proposed change in royalty rate reflects the dredging policy adopted by the State Lands Commission on September 25, 1986.

All other terms and conditions of the existing permit are to remain unchanged.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

No filing or processing fees are required since the proposed amendment is in response to the newly adopted Commission policy.

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Admin. Code: Title 2, Div. 3;  
Title 14, Div. 6.

AB 884: N/A.

**OTHER PERTINENT INFORMATION:**

- 1 Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

**APPROVALS OBTAINED:**

No other approvals required.

**EXHIBITS:**

- A. Vicinity and Site Map.
- B. Amendment.
- C. Dredging Permit.

(ADDED 03/18/87)

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CALENDAR ITEM NO. C20 (CONT'D)

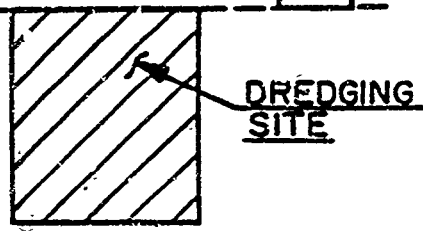
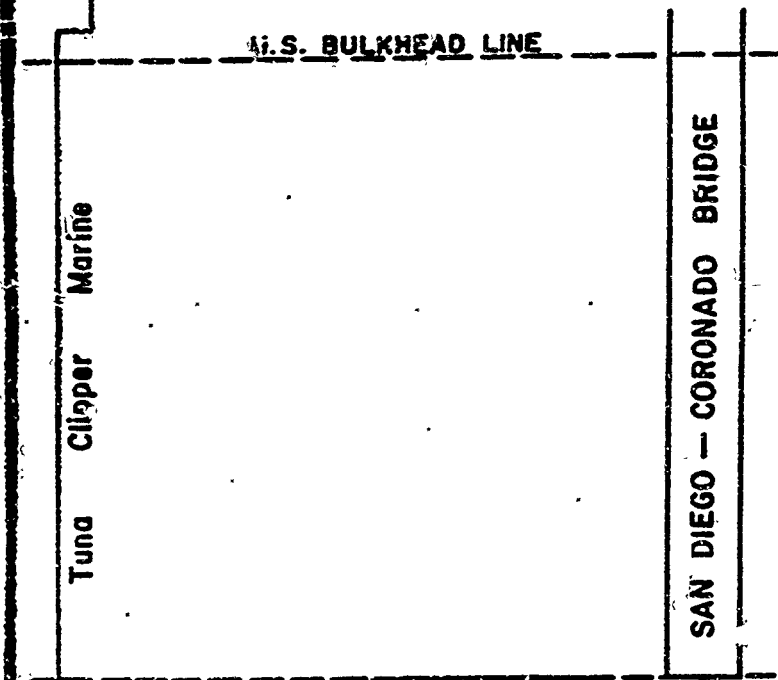
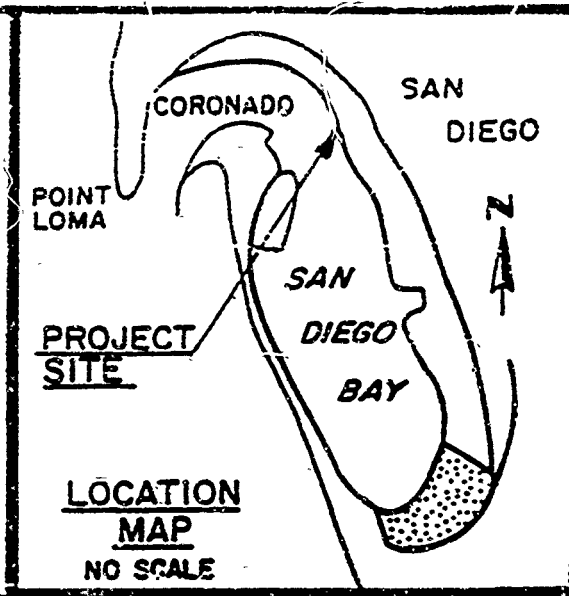
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE STAFF TO ISSUE TO THE CONTINENTAL MARITIME OF SAN DIEGO, INC. THE DREDGING PERMIT AMENDMENT ATTACHED AS EXHIBIT "B". SAID AMENDMENT CHANGES THE ROYALTY RATE TO BE CHARGED AS REFLECTED IN THE CURRENT DREDGING POLICY OF THE STATE LAND COMMISSION. ALL OTHER TERMS AND CONDITIONS OF THE EXISTING PERMIT ARE TO REMAIN UNCHANGED.

(ADDED 03/18/87)

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NO SCALE



EXHIBIT "A"  
APPLICATION FOR  
AMENDMENT  
CONTINENTAL MARITIME OF  
SAN DIEGO, INC.  
PRC 6976,  
SAN DIEGO BAY



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April 1, 1987

"B"

File Ref.: PR 6476

MINUTE IN DREDGING PERMIT

WHEREAS, Dredging Permit W 23750 was issued to Continental Maritime of San Diego, Inc., effective April 24, 1986 through April 23, 1987, granting permission to perform maintenance dredging in San Diego Bay, San Diego County with spoils to be deposited at the Environmental Protection Agency approved Site "LA 5"; and

WHEREAS, Continental Maritime of San Diego, Inc. has requested a change in the royalty rate to reflect the current dredging policy of the State Lands Commission;

NOW, THEREFORE, the parties hereto agree that paragraph two of Dredging Permit W 23750 which reads as follows:

A royalty of \$0.15 per cubic yard shall be paid for material placed at the approved offshore disposal site. A royalty of \$0.25 per cubic yard shall be paid for any material used for any private or commercial benefit. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State, and local government laws, rules, and regulations. Said permission shall be effective from April 24, 1986 through April 23, 1987.

Shall be amended to read:

Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State and local government laws, rules and regulations. Said permission shall be effective from April 24, 1986 through April 23, 1987. From and after April 1, 1987, no royalty will be assessed for material removed from State-owned land and placed at the approved disposal site, and a royalty of \$0.25 per cubic yard shall be paid for material placed on private upland property or used for any private or commercial benefit.

Except as herein modified, all other terms and conditions of the permit shall remain in effect.

STATE OF CALIFORNIA  
STATE LANDS COMMISSION

W. M. THOMPSON, Chief  
Extractive Development Program

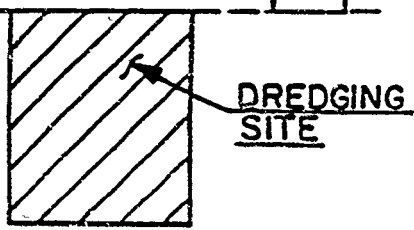
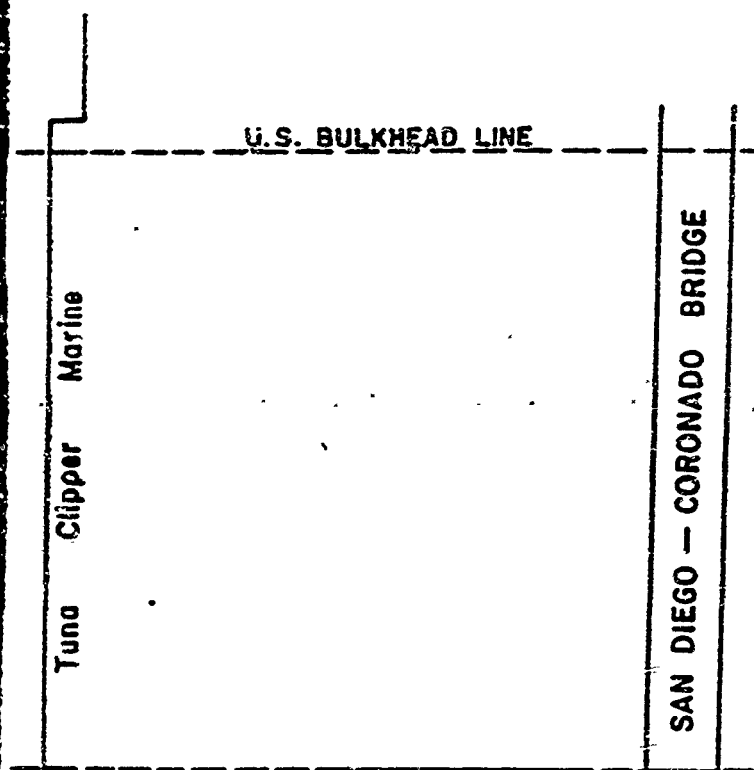
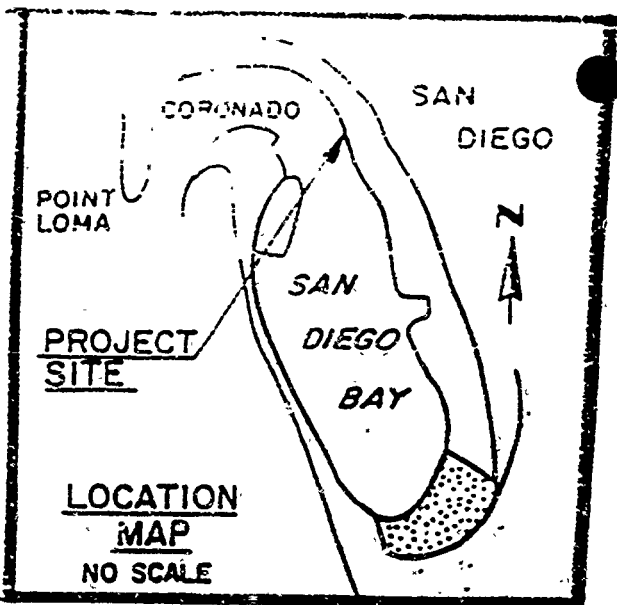
Date: \_\_\_\_\_

ACCEPTED: CONTINENTAL MARITIME OF SAN DIEGO, INC.

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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NO SCALE

EXHIBIT "A"  
APPLICATION FOR  
AMENDMENT  
CONTINENTAL MARITIME OF  
SAN DIEGO, INC.  
PRC 6976,  
SAN DIEGO BAY

STATE LANDS COMMISSION  
1907 13TH STREET  
SACRAMENTO, CALIFORNIA 95814

March 13, 1986

File Ref: W 23750

Continental Maritime  
of San Diego, Inc.  
Attn: John Kelley  
General Manager  
1445 Crosby Street  
San Diego, California 92113-2124

Gentlemen:

Pursuant to your application dated December 11, 1985, and by the authorization of the State Lands Commission on April 24, 1986, you are hereby granted permission to dredge, during the term of the permit, a maximum of 6,000 cubic yards of sand, silt, clay, and gravel, excluding all other minerals, including, but not limited to, oil, gas, and geothermal from an area of ungranted sovereign lands in San Diego Bay, San Diego County, as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to deposit dredge spoils offshore at the Environmental Protection Agency approved site "LA 5".

A royalty of \$0.15 per cubic yard shall be paid for material placed at the approved offshore disposal site. A royalty of \$0.25 per cubic yard shall be paid for any material used for any private or commercial benefit. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State, and local government laws, rules, and regulations. Said permission shall be effective from April 24, 1986 through April 23, 1987.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

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It is further agreed that you shall submit copies of reports or contracts with the dredging operator substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9 NC). It is agreed that you shall submit said forms on or before the fifteenth (15th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed during that quarter. The first permit quarter shall be the first three months following the effective date of this permit, and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be subject to a five percent (5%) penalty and shall bear interest at the rate of one and one-half percent (1-1/2%) per month from the date when the same was payable by the terms hereof.

It is agreed that you shall furnish the Commission with copies of final surveys or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents, or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above-described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against or impounded upon the State of California or any of its officers, agents or employees, arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third persons or entity. It is agreed that you shall, at the option of the Commission, procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

Continental Maritime  
of San Diego, Inc.

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March 13, 1986

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified, or terminated, whenever the State Lands Commission deems such action to be in the best interests of the State, and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA  
STATE LANDS COMMISSION

*W. M. Thompson*

W. M. THOMPSON, Chief  
Extractive Development Program

*4-25-86*

DATE

ACCEPTED:

By:

TITLE:

DATE:

*John D. Kelley*

*General Manager*

*4/9/86*

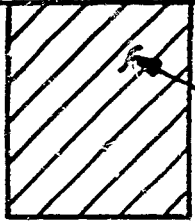
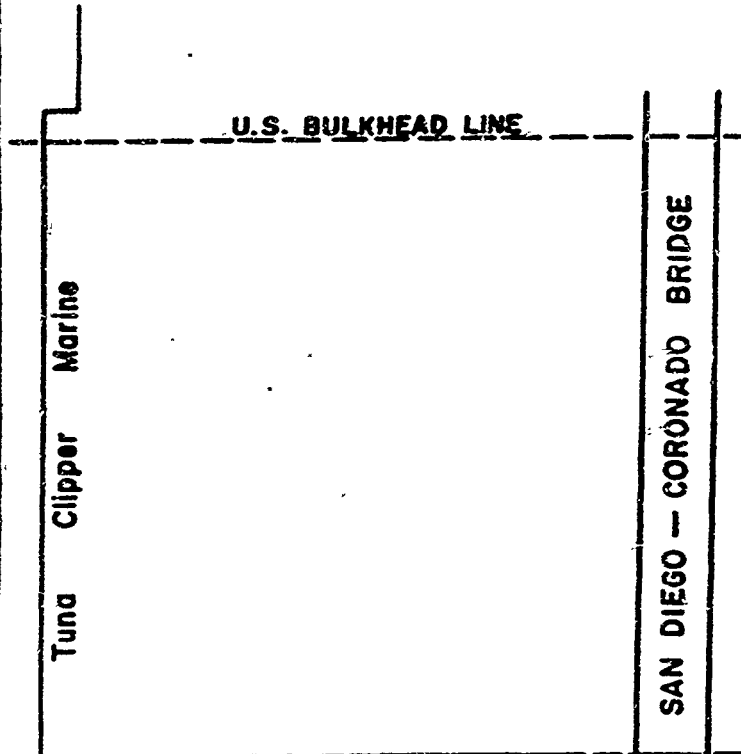
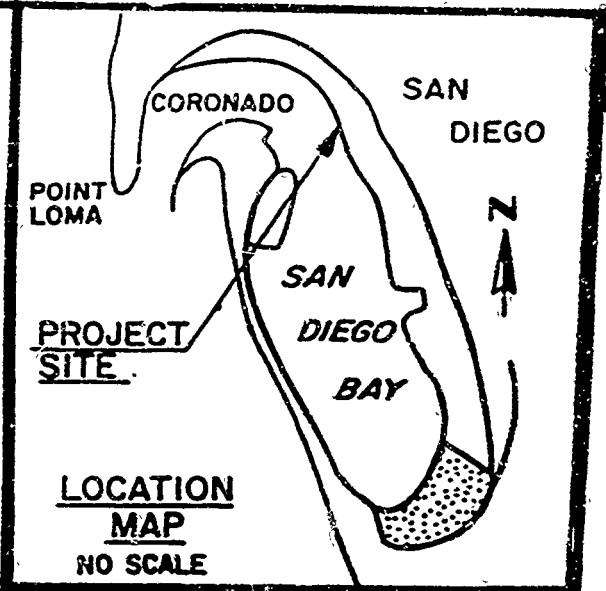
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Attachment: EXHIBIT "A"

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FILE COPY	
APPROVED:	<i>[Signature]</i>
Section Head	<i>[Signature]</i>
Legal	<i>[Signature]</i>

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MINUTE PAGE	<u>838</u>



DREDGING SITE

NO SCALE

EXHIBIT "A"  
APPLICATION FOR  
DREDGING  
CONTINENTAL MARITIME OF  
SAN DIEGO, INC.  
APPLICANT  
W 23750  
SAN DIEGO BAY



R.O. 3/86

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