

MINUTE ITEM
This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 3
to 0 at its 3/23/89
meeting.

CALENDAR ITEM

26

A 7

03/23/89

PRC 7292

WP 5873

PRC 5873

S 1

Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: Ralph Fuchslin
Lakeside Marina
P. O. Box 4188
South Lake Tahoe, California 9529

AREA, TYPE LAND AND LOCATION:
Sovereign lands in Lake Tahoe at Lakeside
marina in South Lake Tahoe, El Dorado County.

LAND USE: Dredge a maximum 3,000 cubic yards of material
from within the confines of Lakeside Marina and
create a navigable lake access channel from the
marina entrance.

The dredged material will be dried at the base
of the marina launch ramp and then trucked from
the site to a local asphalt plant.

TERMS OF THE PROPOSED PERMIT:

Initial period: One year commencing March 22,
1989.

Royalty: \$0.25 per cubic yard for
material placed at the
approved disposal site.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees have been received.

STATUTORY AND OTHER REFERENCES:

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

AB 884: 09/01/89.

CALENDAR ITEM NO. 26 (CONT'D)

OTHER PERTINENT INFORMATION:

1. The current low level of Lake Tahoe has created a serious problem within the marina with respect to navigable depth.
2. 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.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 4(g), maintenance dredging, where the spoil is deposited in a spoil area authorized by all applicable State and Federal regulatory agencies, 14 Cal Code Regs. 15104.

AUTHORITY: P.R.C. 21084 and 14 Cal Code Regs. 15300.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, United States Army Corps of Engineers, Regional Water Quality Control Board, and Department of Fish and Game.

EXHIBITS:

- A. Location Map.
- B. Dredging Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENT OF THE CEQA PURSUANT TO 14 CAL CODE REGS. 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 4, MAINTENANCE DREDGING, 14 CAL CODE REGS. 15104.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

CALENDAR ITEM NO. 26 (CONT'D)

3. AUTHORIZE STAFF TO ISSUE TO RALPH FUCHSLIN, THE MAINTENANCE DREDGING PERMIT AUTHORIZING DREDGING A MAXIMUM 3,000 CUBIC YARDS OF MATERIAL TO MAINTAIN A NAVIGABLE DEPTH PREVIOUSLY AUTHORIZED BY THE CORPS OF ENGINEERS FOR ONE YEAR COMMENCING MARCH 22, 1989 FROM LAKE TAHOE AT LAKESIDE MARINA, EL DORADO COUNTY AND DISPOSAL OFFSITE AS APPROVED BY TRPA AND THE LAHONTON REGIONAL WATER QUALITY CONTROL BOARD, A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATION OR LIMITATION ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

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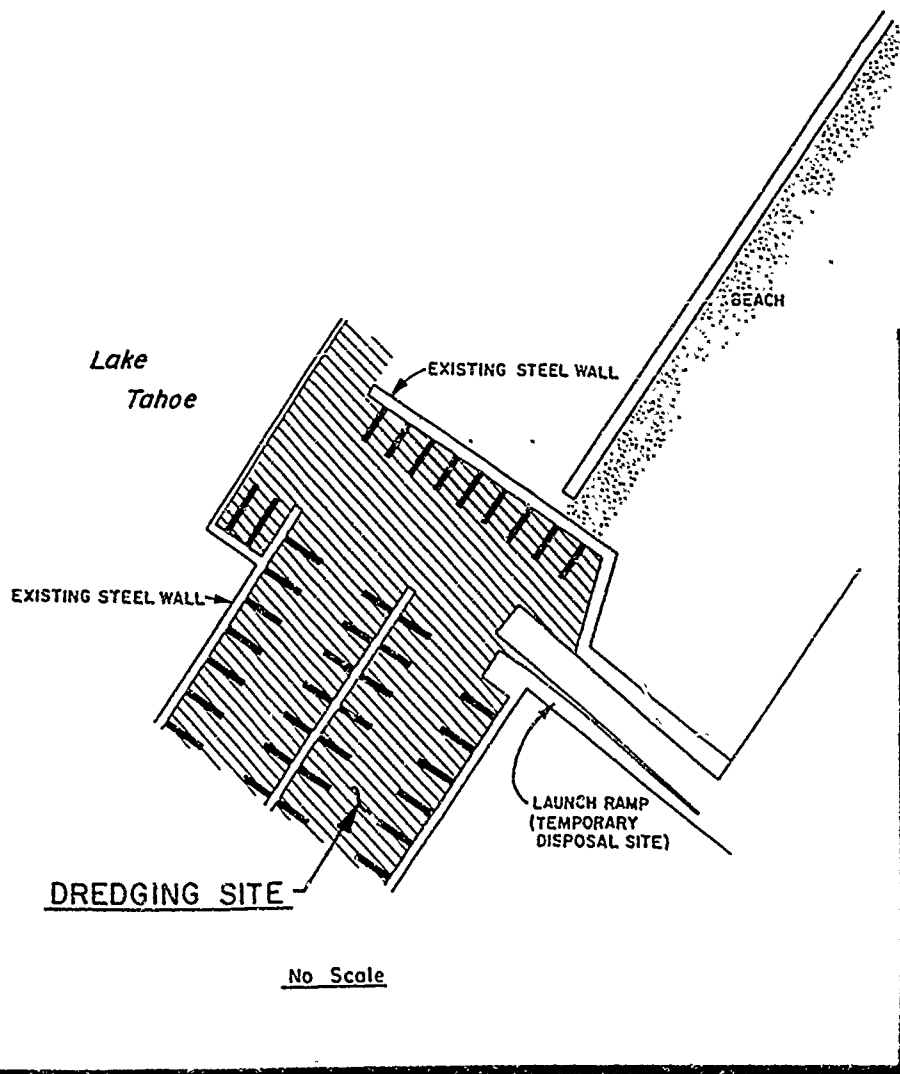
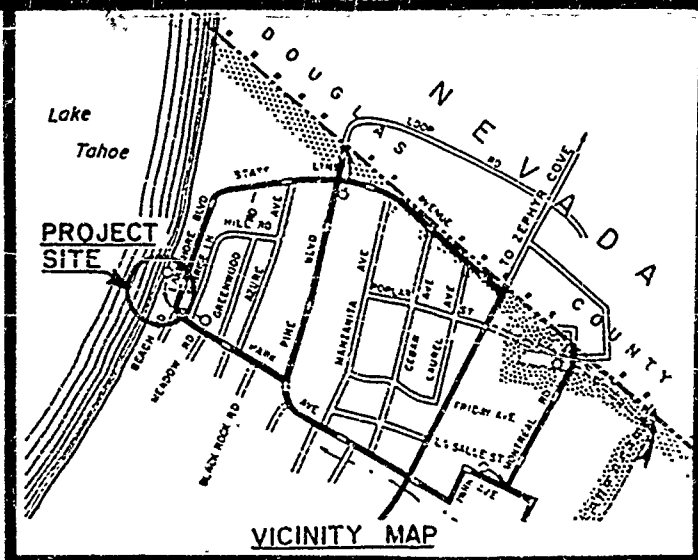


EXHIBIT "A"
MAINTENANCE
DREDGING PERMIT
RALPH FUCHSLIN
LAKESIDE MARINA
(APPLICANT)
WP 5873
SOUTH LAKE TAHOE
EL DORADO COUNTY



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"B"

STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



March 23, 1989

File Ref.: WP 5873

Ralph Fuchslin
Lakeside Marina
P. O. Box 4188
South Lake Tahoe CA 95729

Dear Mr. Fuchslin:

Pursuant to your application received October 20, 1988 and by the authorization of the State Lands Commission on March 23, 1989 you are hereby granted permission to dredge, during the term of this permit a maximum 3,000 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 sovereign lands in Lake Tahoe at Lakeside Marina, El Dorado County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to dispose of the material at an upland site approved by the Lahontan Water Quality Control Board and the Tahoe Regional Planning Agency.

A royalty of \$0.25 per cubic yard shall be paid for material placed at the approved disposal site. 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 governmental laws, rules, and regulations. Said permission shall be effective from March 27, 1989 through March 26, 1990.

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.

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 20.02C). 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

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subject to a five percent (5%) penalty and shall bear interest at the rate of one and one-half percent (1½%) 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, damages, actions, 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 imposed 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.

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for revocation 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, Chief
Extractive Development Program

Date: _____

ACCEPTED:

BY: _____, TITLE: _____

DATE: _____

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