

MINUTE ITEM
This Calendar Item No. 56
was approved as Minute Item
No. 56 by the State Lands
Commission by a vote of 3
to 0 at its 7/10/89
meeting.

CALENDAR ITEM

A 16

56

07/10/89

WP 6759

Martinez

S 8

DREDGING PERMIT

APPLICANT: Southwest Marine, Inc.
P.O. Box 7644
San Francisco, California 94120-7644

AGENT: Michael Cheney
6630 Heartwood Drive
Oakland, California 94611

AREA, TYPE LAND AND LOCATION:
Granted mineral reservation lands in
San Francisco Bay at Southwest Marine, Inc.,
City and County of San Francisco.

LAND USE: Dredge a maximum 212,000 cubic yards of
material from berthing areas B, C1, C2, D, and
G at Southwest Marine for the purpose of
maintaining navigability. The dredged material
will be disposed of at the Corps/EPA approved
Alcatraz Disposal Site SF-11. Sample testing
of the sediment conducted by the Corps of
Engineers has found the material to be suitable
for disposal at SF-11.

TERMS OF PROPOSED PERMIT:
Initial period: One year beginning July 11,
1989.

Royalty: No charge for offshore
disposal.

CALENDAR ITEM NO. 56 (CONT'D)

PREREQUISITE TERMS, 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: 12/25/89.

OTHER PERTINENT INFORMATION:

1. 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.
2. The San Francisco Bay Conservation and Development Commission (SFBCDC), a "functional equivalent agency" under Section 21080.5 of the CEQA has:
 - a. served as the lead agency under CEQA;
 - b. considered the project described herein; and
 - c. found that the project, as proposed, will not have a significant effect on the environment.

Under Section 15252 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the SFBCDC in its consideration of this project.

AUTHORITY: Sections 21083 and 21087 of the CEQA.

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APPROVALS OBTAINED:

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

EXHIBITS:

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

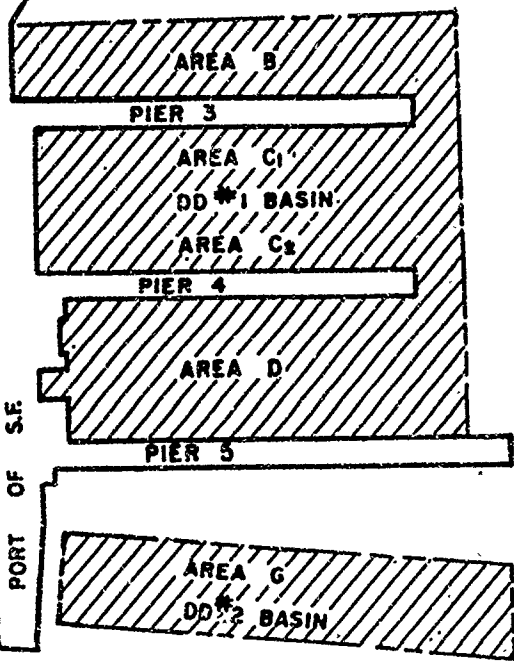
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE SFBCDC, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE SFBCDC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL CODE REGS., SECTION 15253.
3. AUTHORIZE STAFF TO ISSUE TO SOUTHWEST MARINE, INC., THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 212,020 CUBIC YARDS OF MATERIAL FROM SAN FRANCISCO BAY AT SOUTHWEST MARINE, INC., CITY AND COUNTY OF SAN FRANCISCO, FOR ONE YEAR BEGINNING JULY 11, 1989. THE SPOILS SHALL BE DISPOSED OF AT THE CORPS/EPA APPROVED ALCATRAZ DISPOSAL SITE SF-11. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF OFFSHORE AS APPROVED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATION AND LIMITATION ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

SOUTHWEST MARINE

MISSION ROCK RESORT

CHINA BASIN ST.
PUBLIC ACCESS
D.M.W.



CENTRAL BASIN

AREA A

PIER 64

SAN FRANCISCO BAY

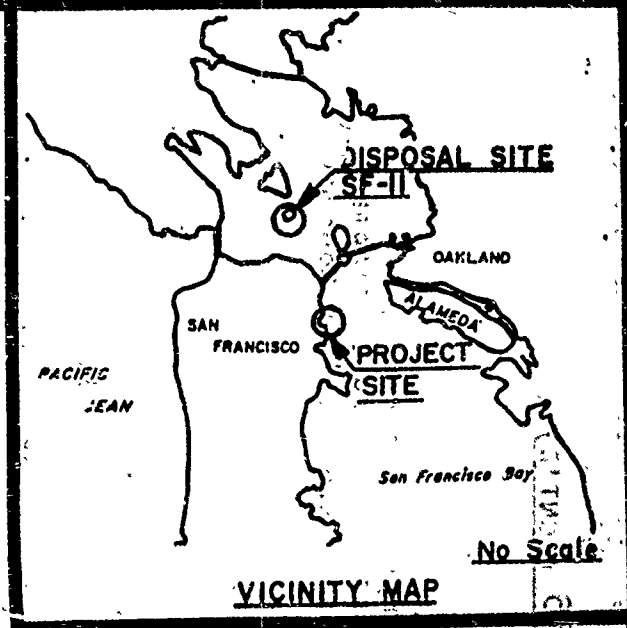
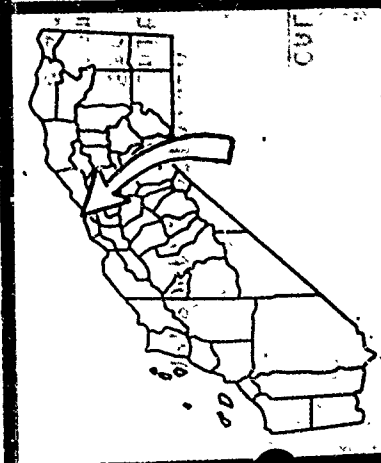


EXHIBIT "A"
APPLICATION FOR DREDGING PERMIT
SOUTHWEST MARINE, INC.
WP 6759
SAN FRANCISCO BAY
SAN FRANCISCO COUNTY



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STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

July 11, 1989

File Ref.: WP 6759

Southwest Marine, Inc.
P.O. Box 7644
San Francisco, CA 94120-7644

Gentlemen:

Pursuant to your request received June 2, 1989 and by the authorization of the State Lands Commission in July, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 212,020 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 granted, mineral reservation lands in San Francisco Bay at Southwest Marine, Inc., City and County of San Francisco 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 at the Corps/EPA approved Alcatraz Disposal Site SF-11.

No royalty 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 government laws, rules and regulations. Said permission shall be effective from July 11, 1989 through July 10, 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 30.9NC). 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 (1½%) per month from the date when the same was payable by the terms hereof.

Southwest Marine, Inc.

July 1, 1989

STATE LANDS COMMISSION
CALIFORNIA



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.

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, Chief
Extractive Development Program

Date: _____

ACCEPTED:

By: _____, TITLE: _____

DATE: _____

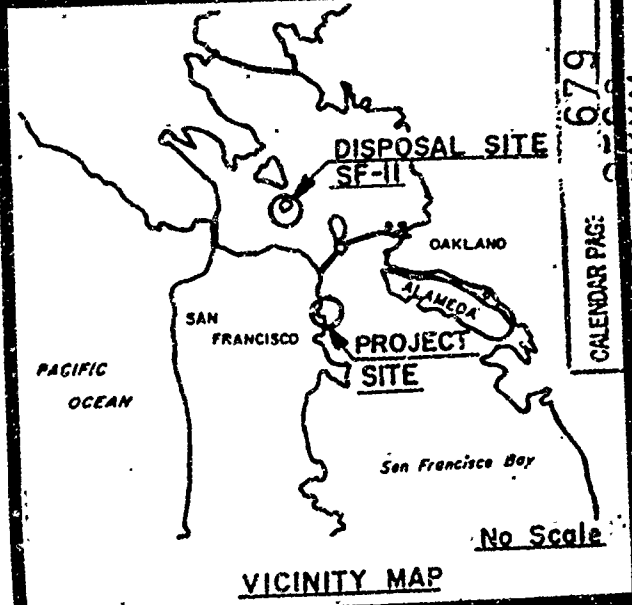
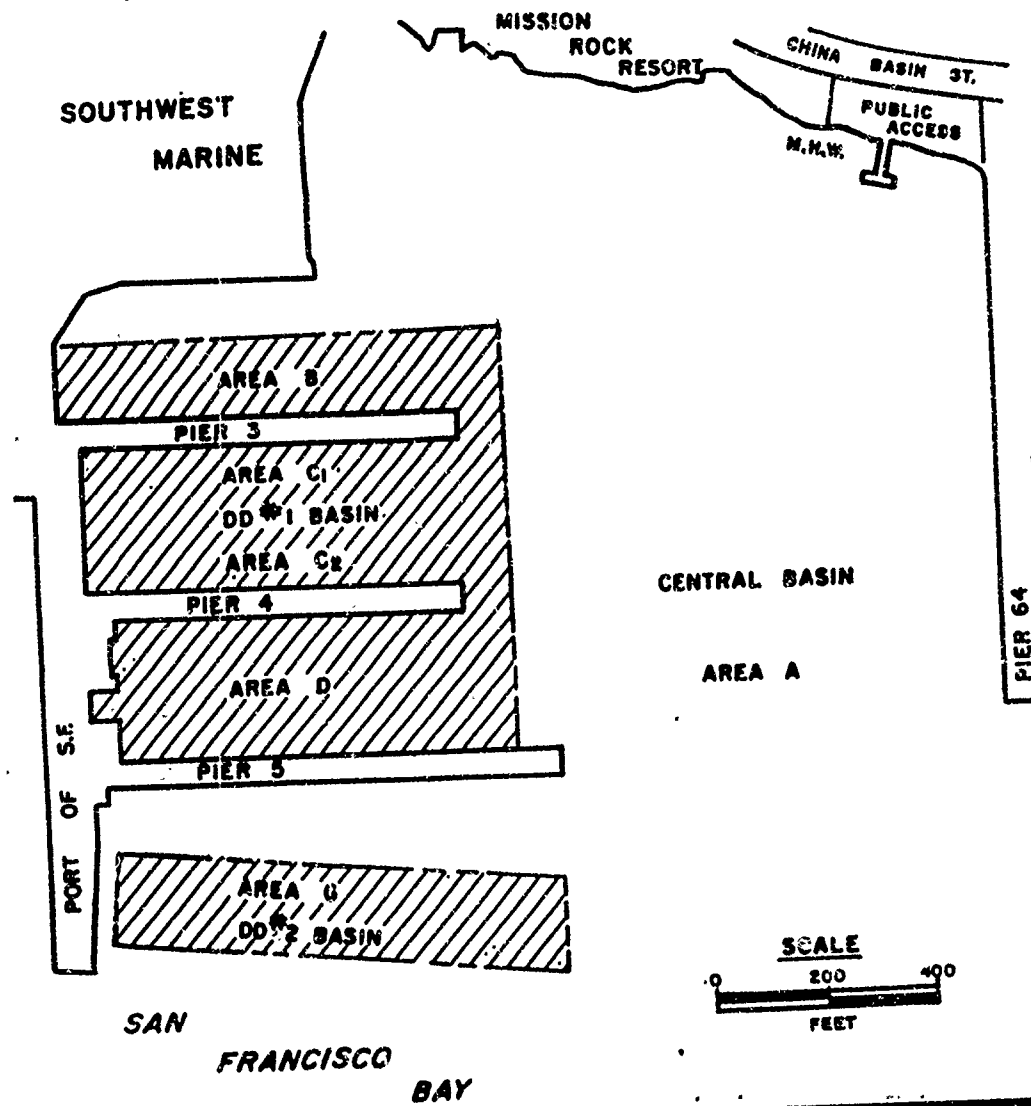


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