

MINUTE ITEM

This Calendar Item is C19
19
 to 6 at its 11/21/85
 meeting.

CALENDAR ITEM

A 26
 S 5

C 19

11/21/85
 W 23675 PRC 6920
 Martinez

DREDGING PERMIT

APPLICANT: Guard C. Darrah
 3536 Rainier
 Stockton, California 95204

AGENT: Larry W. Aksland
 8282 East Veritas Avenue
 Manteca, California 95336

AREA, TYPE LAND AND LOCATION:
 Tide and submerged land in the Calaveras River
 at Mile 0.75, San Joaquin County.

PROPOSED LAND USE:

Dredge a maximum 21,000 cubic yards of minerals
 other than oil, gas and geothermal to widen and
 deepen an existing cove to improve drainage
 created by the Reclamation Board No. 1614 water
 pump storm water drainage system. The existing
 condition of the cove is inadequate to
 satisfactorily handle the drainage. The depth
 in the cove will be dredged to -5' feet. The
 dredged material will be stockpiled on the
 upper end of the landslide and allowed to
 thoroughly dry before being spread and levelled
 onto the adjacent subdivision site.

TERMS OF THE PROPOSED PERMIT:

Initial Period: One year commencing
 December 1, 1985.

Royalty: \$0.25 per cubic yard for
 material placed on the
 approved upland site.

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APPLICANT STATUS:

Applicant is owner of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing Fee and Expense Deposit have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6 Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3' Title 14, Div. 6.

AB 894:

04/01/86.

OTHER PERTINENT INFORMATION:

The proposed dredging activity will occur on a portion of the last natural location of the Calaveras River. This area was the subject of a title settlement agreement between the applicant and the State Lands Commission (BLA 197). Under this settlement agreement, the State retained its sovereign fee ownership in a portion of the area to be dredged. This permit will allow the dredging of the State's channel. The applicant will be advised that additional permits or leases from the Commission will be required if the area of State ownership is used for mooring or other activities not specifically provided for in the dredging permit and that a more comprehensive environmental analysis may be required to consider the entirety of any subsequent projects in this area.

ENVIRONMENTAL INFORMATION:

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 as a categorical exempt project. The project is exempt under Class 4, Minor Alterations to Land, 14 Cal. Adm. Code 15304.

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

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CALENDAR ITEM NO. 019 (CONT'D)

APPROVALS OBTAINED:

United States Army Corps of Engineers, Regional
Water Quality Control Board (waived
certification).

EXHIBITS:

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

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 15071 AS A CATEGORICAL EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND, 14 CAL. ADM. CODE 15304.
2. AUTHORIZE STAFF TO ISSUE TO GUARD C DARRAH THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE COMMISSION. SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 21,000 CUBIC YARDS OF MATERIAL FROM TIDE AND SUBMERGED LANDS IN THE CALAVERAS RIVER AND DISPOSAL AT THE ADJACENT PRIVATE UPLAND. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR MATERIAL PLACED ON THE APPROVED UPLAND SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANTS COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

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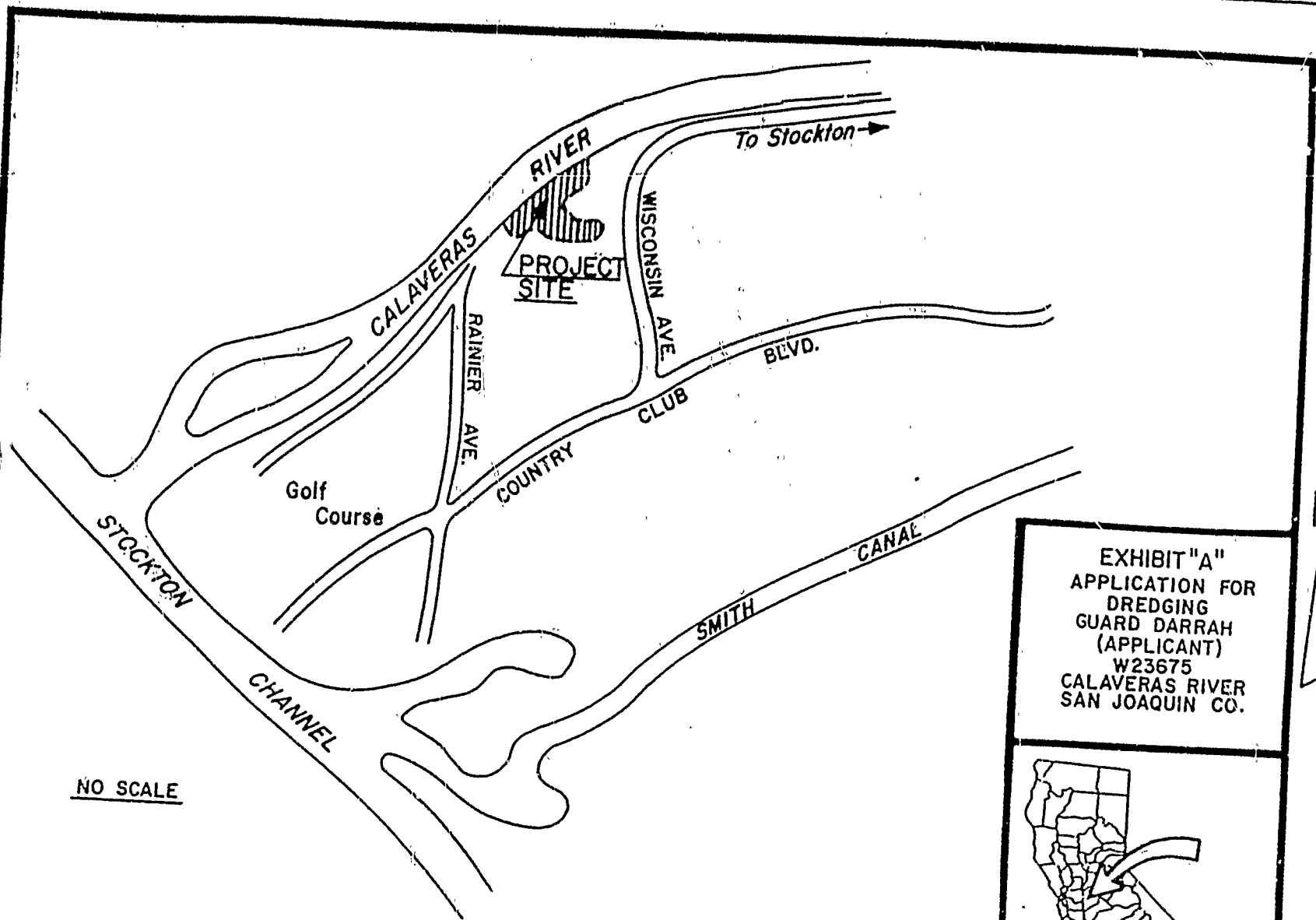


EXHIBIT "A"
APPLICATION FOR
DREDGING
GUARD DARRAH
(APPLICANT)
W23675
CALAVERAS RIVER
SAN JOAQUIN CO.



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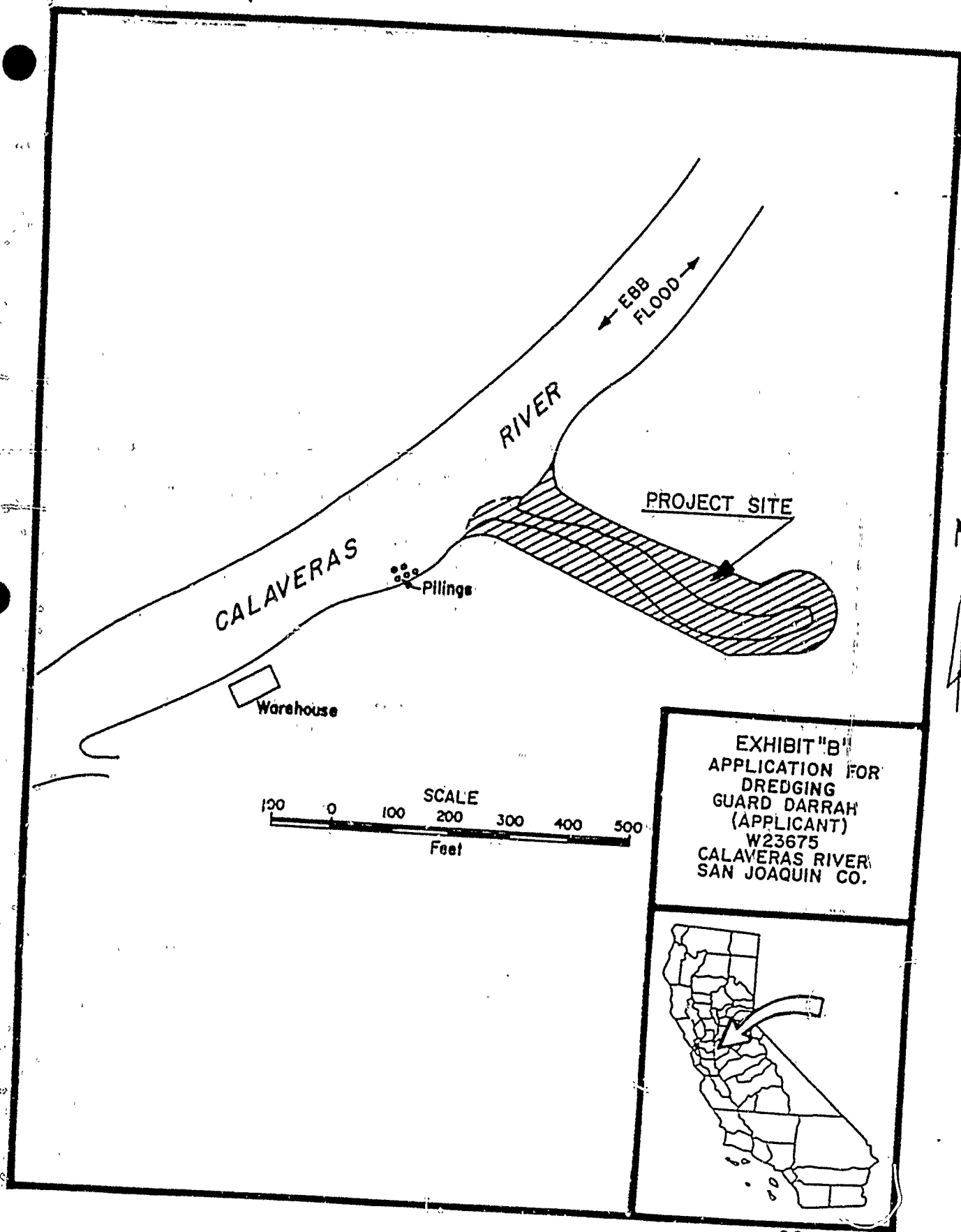


EXHIBIT "B"
APPLICATION FOR
DREDGING
GUARD DARRAH
(APPLICANT)
W23675
CALAVERAS RIVER
SAN JOAQUIN CO.



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STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

October 30, 1985

File Ref: W 23675

Guard C. Darrah
3536 Rainier
Stockton, California 95204

Dear Mr. Darrah:

Pursuant to your application dated September 19, 1985, and by the authorization of the State Lands Commission on November 21, 1985 you are hereby granted permission to dredge, during the term of the permit, a maximum of 21,000 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to, oil, gas and geothermal to widen and deepen a cove in the Calaveras River, San Joaquin County, as designated in Exhibits "A" and "B" attached hereto, which are by this reference expressly made a part hereof. Said permission includes the right to dry, spread, and level the dredge spoils onto the adjacent privately-owned subdivision site.

A royalty of \$0.25 per cubic yard shall be paid for material placed at the approved private property or 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 December 1, 1985 through November 30, 1986.

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 30.9 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

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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 person 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

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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:

LARRY W. AKSLAND, INC.

BY *Larry W. Aksland* (Applicant's Agent)

TITLE PRESIDENT

DATE NOVEMBER 4, 1985

Mailed in Triplicate

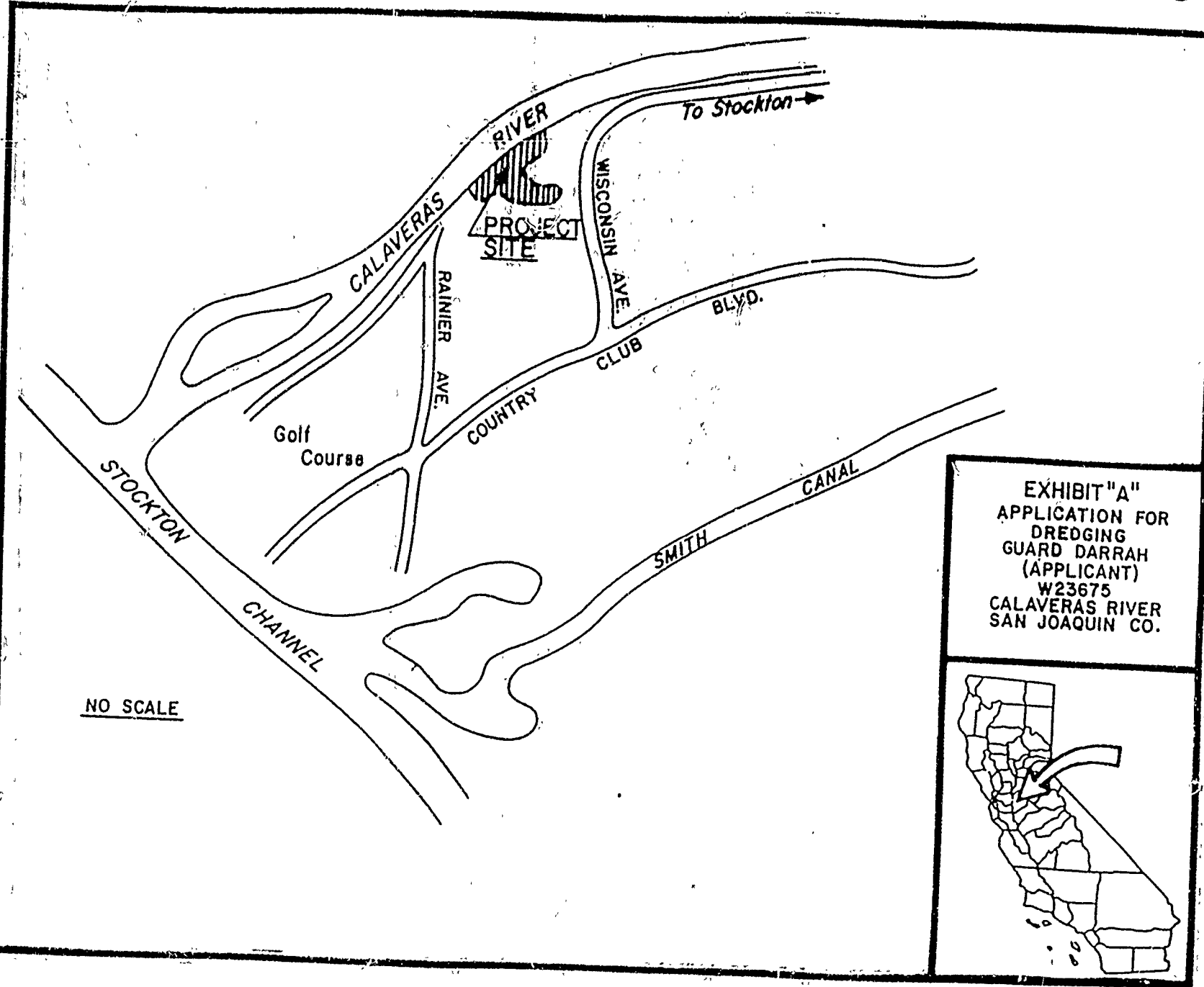
Attachments: EXHIBITS "A" and "B"

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NO SCALE

EXHIBIT "A"
APPLICATION FOR
DREDGING
GUARD DARRAH
(APPLICANT)
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CALAVERAS RIVER
SAN JOAQUIN CO.



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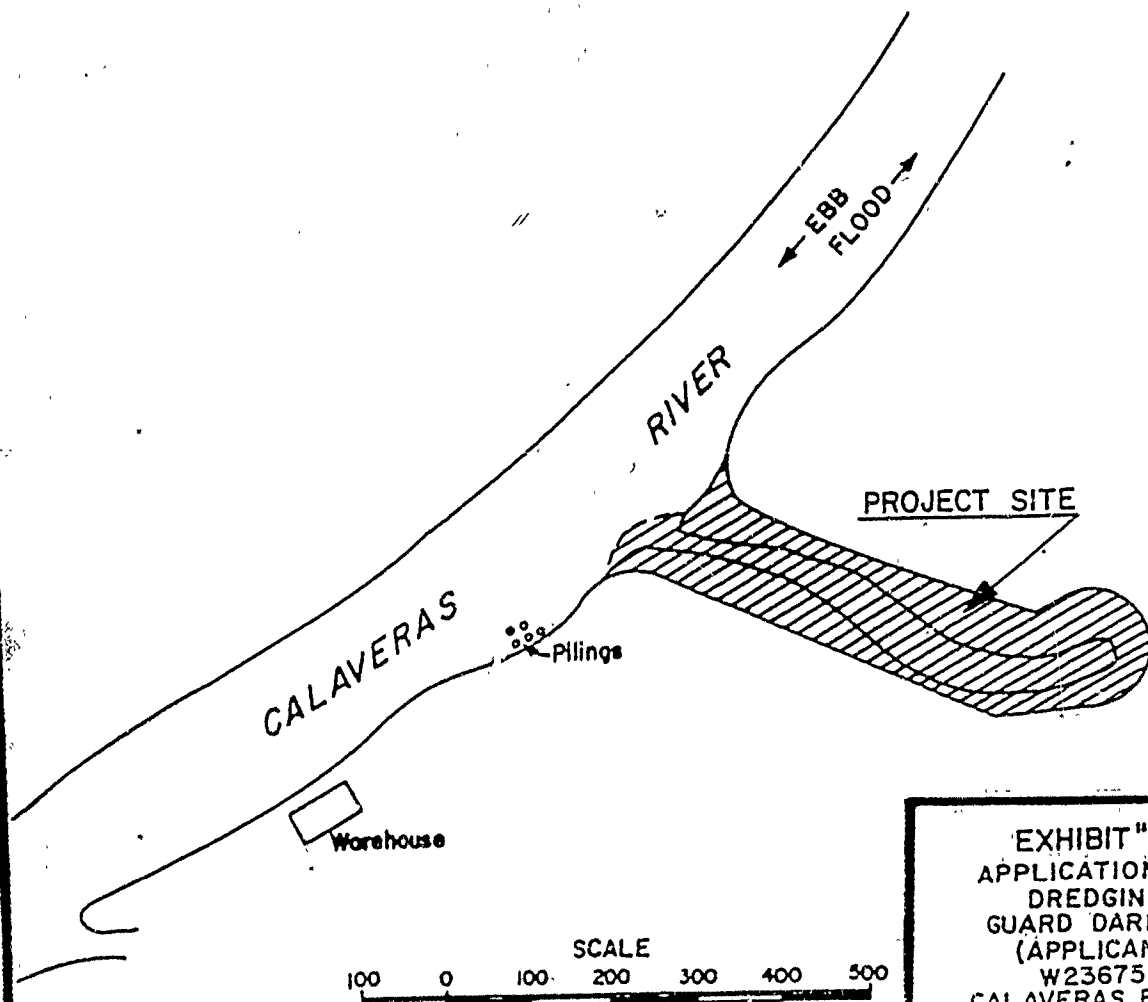


EXHIBIT "B"
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