

MINUTE ITEM

This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 2
to 0 at its 3/27/86
meeting.

CALENDAR ITEM

C12 4

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03/27/86

WP 6448

Martinez

AMENDMENT OF EXISTING DREDGING PERMIT
TO INCREASE VOLUME

APPLICANT: City of Oakland
City Hall
Attn: Joseph Wong
No. 1 City Hall Plaza - Seventh Floor
Oakland, California 94612

AREA, TYPE LAND AND LOCATION:
Submerged lands in the bed of Lake Merritt in
the City of Oakland, Alameda County.

TERMS OF ORIGINAL PERMIT:
Initial Period: Five years commencing July 1,
1983.

LAND USE: Dredge a maximum volume of 410,000 cubic yards
of minerals other than oil, gas and geothermal
for maintenance of navigable depth and
improvement of water quality with spoils
deposited at the United States Army Corps of
Engineers Disposal Site SF-11 near Alcatraz.

CONSIDERATION: No royalty for spoils placed at the approved
site.

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

PROPOSED AMENDMENT:
Dredge an additional volume of 65,000 cubic
yards of minerals other than oil, gas and
geothermal in addition to the 410,000 cubic
yards originally permitted under PRC 6448. The

CALENDAR ITEM NO. C12 (CONT'D)

purpose of the proposed project is to improve water quality and enhance navigation by discouraging the unsightly and unwanted growth of Ruppia grass.

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

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

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

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

OTHER PERTINENT INFORMATION

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15025) the Commission made a finding on June 23, 1983 that the project consisting of the dredging of 410,000 cubic yards of material would not have a significant effect on the environment, and certified that Negative Declaration No. 335 (SCH #83032903) was prepared for the project pursuant to the provisions of the CEQA and that the Commission reviewed and considered the information contained therein.
2. After reviewing the proposed project to be included within the previously permitted activity, and pursuant to consultation with all commenting agencies and interest parties, staff believes that there are no circumstances surrounding the project nor changes in the environment or the project, that indicate the proposed action will have a significant effect on the environment.
3. Therefore, 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

CALENDAR ITEM NO. C 1 2 (CONT'D)

exempt from the requirements of the CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Staff believes there is no possibility that this project may have a significant effect on the environment.

Authority: 14 Cal. Adm. Code 15061(b)(3).

APPROVALS OBTAINED:

Alameda County Flood Control, Water Conservation District and United States Army Corps of Engineers.

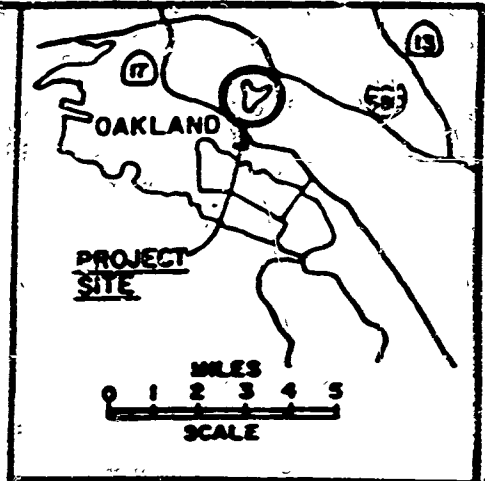
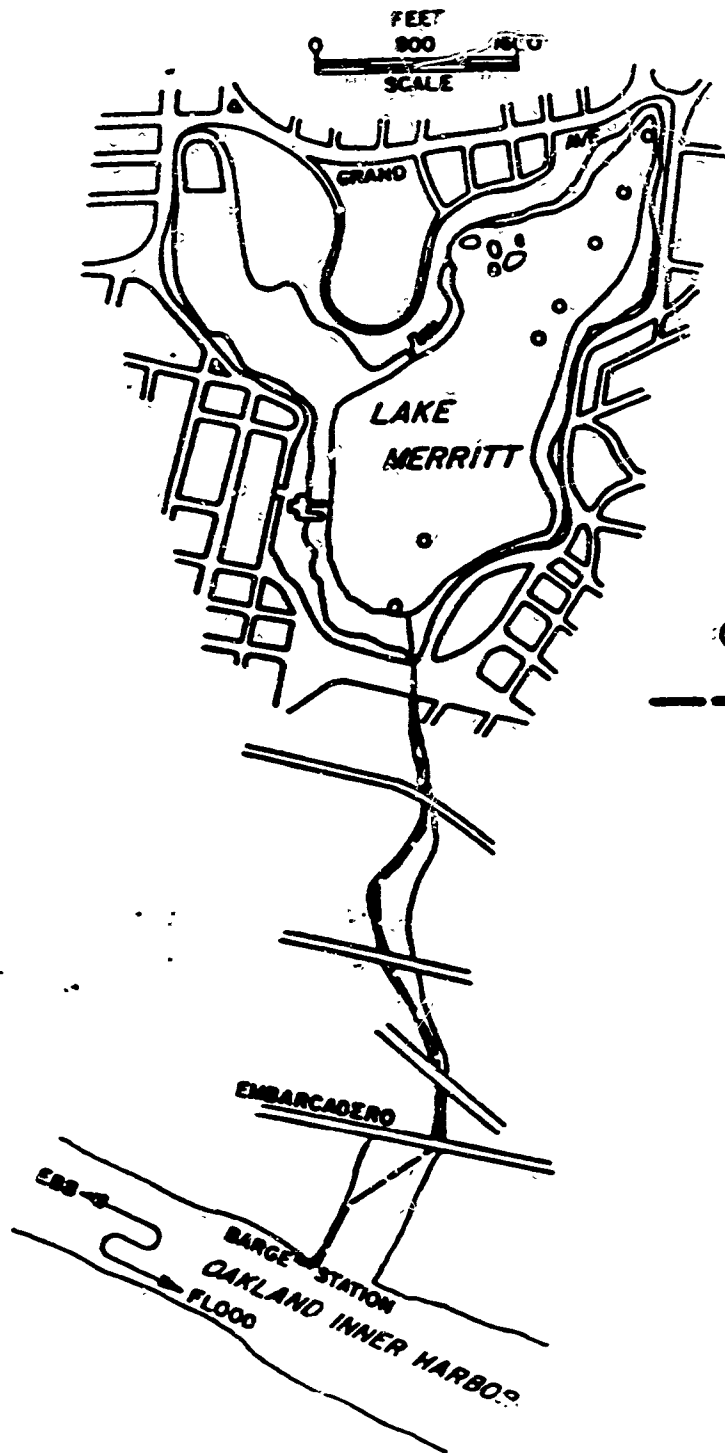
AB 884: 07/28/86.

EXHIBITS:

- A. Vicinity Map.
- B. Site Map.
- C. Amendment.
- D. Dredging Permit, PRC 6448.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. (14 CAL. ADM. CODE 15061(b)(3)).
2. AUTHORIZE STAFF TO ISSUE TO THE CITY OF OAKLAND THE DREDGING PERMIT AMENDMENT ON FILE IN THE OFFICES OF THE COMMISSION. SAID AMENDMENT SHALL ALLOW DREDGING AN ADDITIONAL VOLUME OF 65,000 CUBIC YARDS OF MATERIAL IN ADDITION TO THE 410,000 CUBIC YARDS ORIGINALLY PERMITTED UNDER PRC 6448, AND DISPOSAL OF MATERIAL AT THE UNITED STATES ARMY CORPS OF ENGINEERS APPROVED DISPOSAL SITE SF-11. NO ROYALTY SHALL BE CHARGED FOR SPOILS PLACED AT THE APPROVED SITE. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR SPOILS PLACED ON PRIVATE PROPERTY OR SOLD FOR COMMERCIAL BENEFIT. SUCH AMENDED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



LEGEND

- CORE SAMPLES
- TEMPORARY DISCHARGE PIPE



EXHIBIT 'A'
APPLICATION FOR DREDGING
LAKE MERRITT
CITY OF OAKLAND
(APPLICANT)
WP 6448



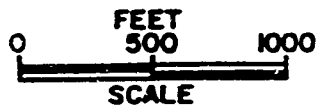
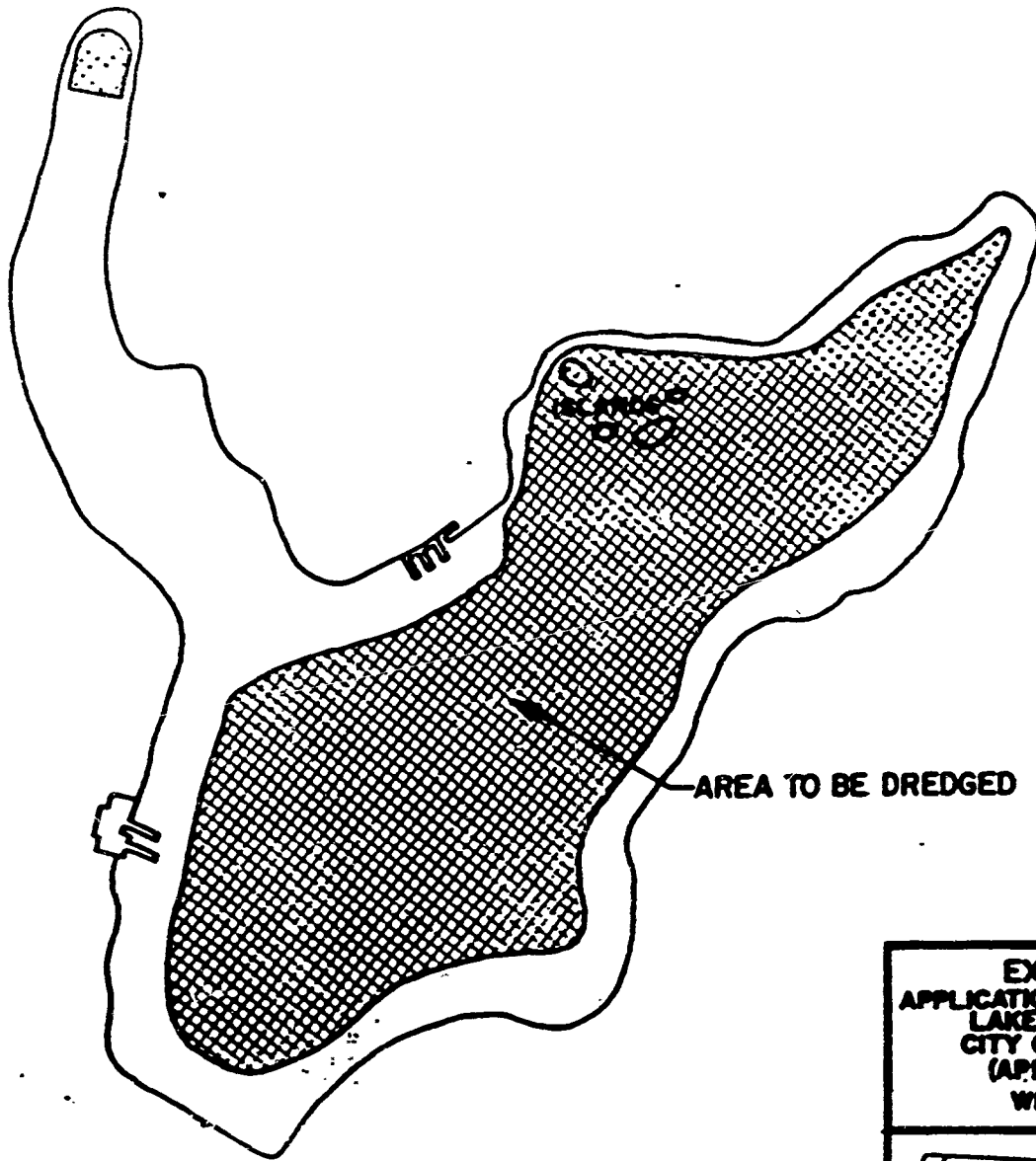


EXHIBIT 'B'
APPLICATION FOR DREDGING
LAKE MERRITT
CITY OF OAKLAND
(APPLICANT)
WP 6448



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DATE OF DRAW	56
DATE OF PAGE	741

EXHIBIT "C"

April 1, 1986

File Ref: PRC 6448.1
WP 6448

AMENDMENT TO DREDGING PERMIT

WHEREAS, Dredging Permit PRC 6448.1 was issued to the City of Oakland, effective July 1, 1983 to June 30, 1988, granting permission to perform maintenance dredging in Lake Merritt, Alameda County with spoils to be deposited at the U. S. Army Corps of Engineers approved disposal site S.F. 11; and

WHEREAS, the City of Oakland has requested permission from the State Lands Commission to increase the volume to be dredged; and

NOW, THEREFORE, the parties hereto agree that paragraph one of Dredging Permit PRC 6448.1 which reads as follows:

Pursuant to your application dated February 17, 1983, and by the authorization of the State Lands Commission on June 23, 1983, you are hereby granted permission to dredge a maximum of 410,000 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal to maintain the channel from an area of submerged lands in Lake Merritt, City of Oakland, Alameda County, as described and designated respectively in Exhibits "A" and "B" attached hereto, which are by this reference expressly made a part hereof. Said permission includes the right to deposit said material at the Corps of Engineers approved disposal site S.F. 11, near Alcatraz Island in San Francisco Bay.

Shall be amended to read:

Pursuant to your applications dated February 17, 1983 and January 13, 1986, and by the authorization of the State Lands Commission on June 23, 1983 and March 27, 1986, you are hereby granted permission to dredge a maximum of 475,000 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal to maintain the channel from an area of submerged lands in Lake Merritt, City of Oakland, Alameda County, as described and designated respectively in Exhibits "A" and "B" attached hereto, which are by this reference expressly made a part hereof. Said permission includes the right to deposit said material at the Corps of Engineers approved disposal site S.F. 11, near Alcatraz Island in San Francisco Bay.

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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: CITY OF OAKLAND

BY _____

TITLE _____

DATE _____

Mailed in Triplicate

Attachments: EXHIBITS "A" & "B"

0378L

CALL-DATE	58
INDEX-DATE	743

EXHIBIT "D"

File Ref.: * 23147

City of Oakland
Director of Public Works
14th and Washington Streets
Oakland, California 94612

Gentlemen:

Pursuant to your application dated February 17, 1963, and by the authorization of the State Lands Commission on 6-23-83, you are hereby granted permission to dredge a maximum of 410,000 cubic yards of sand, silt, clay and gravel, ~~excluding all other minerals~~, including but not limited to oil, gas and geothermal to maintain the channel from an area of submerged lands in Lake Merritt, City of Oakland, Alameda County, as described and designated respectively in Exhibits A and B attached hereto, which are by this reference expressly made a part hereof. Said permission includes the right to deposit said material at the Corps of Engineers approved disposal site S.F. 11, near Alcatraz Island in San Francisco Bay.

No royalty will be assessed for material removed from State-owned land and placed in the Corps of Engineers disposal site, and a royalty of \$0.25 per cubic yard shall be paid for material placed on 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. Should archaeological resources be discovered during disturbances associated with the project, a qualified archaeologist will be contacted to evaluate the significance of the find and to offer recommendations for mitigation of adverse impacts to archaeological resources.

The permission to dredge the above-described lands is based upon information presently available to the State

Lands Commission, and is given without survey or title determination. Such permission shall not be construed as fixing State land boundaries or as necessarily establishing the extent of the State's claim to property in the area. The State warrants neither the title to the demised premises nor any right you may have to possession or quiet enjoyment of the same.

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 reports 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 twenty-fifth (25th) 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 percent (1%) 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 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, Asst. Chief
for

W. M. THOMPSON, Chief
Extractive Development Program

6-24-83
DATE

ACCEPTED:

BY *James M. Kelly*
TITLE Director of Public Lands
DATE April 19, 1983

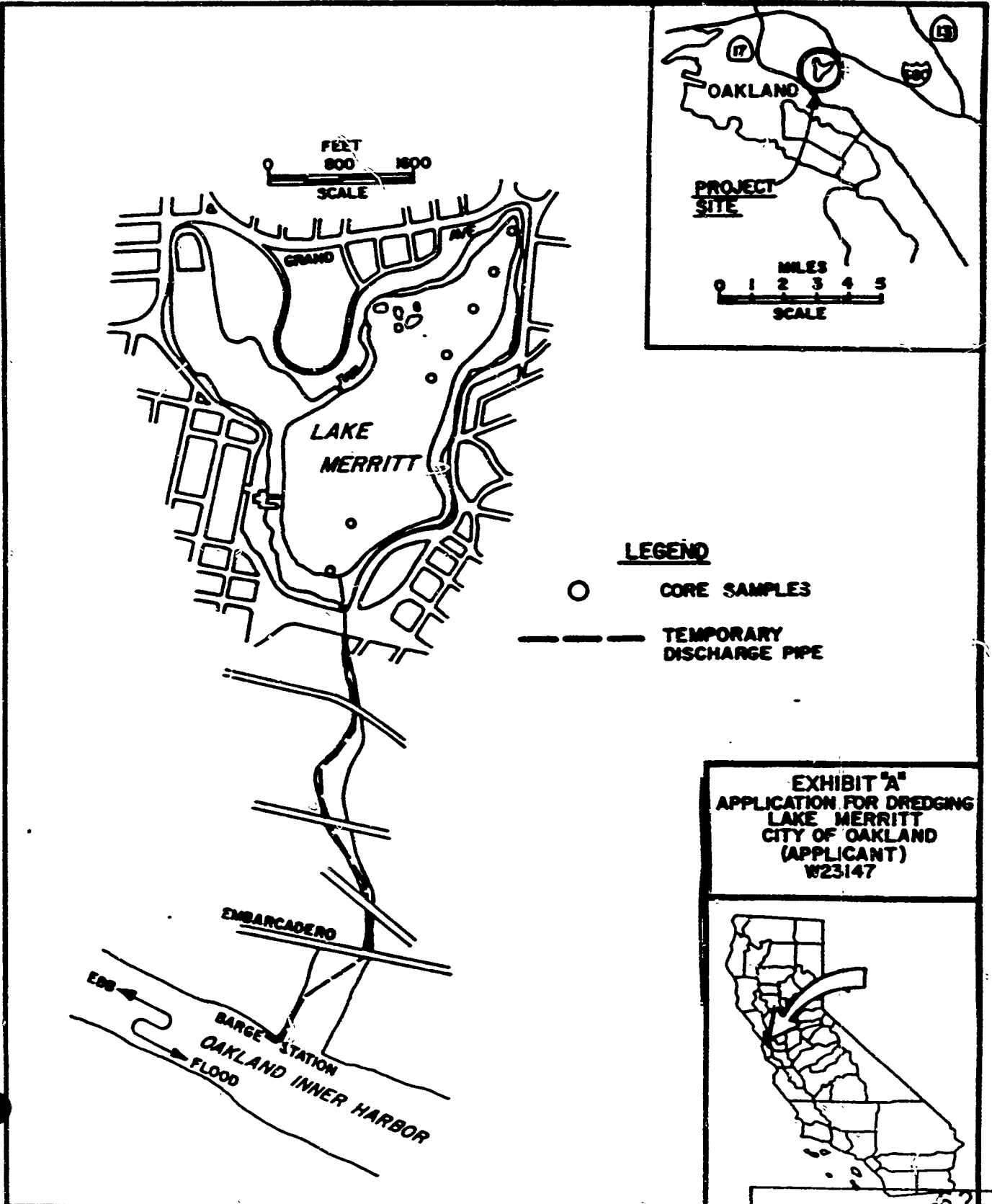
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Attachments: EXHIBITS A&B

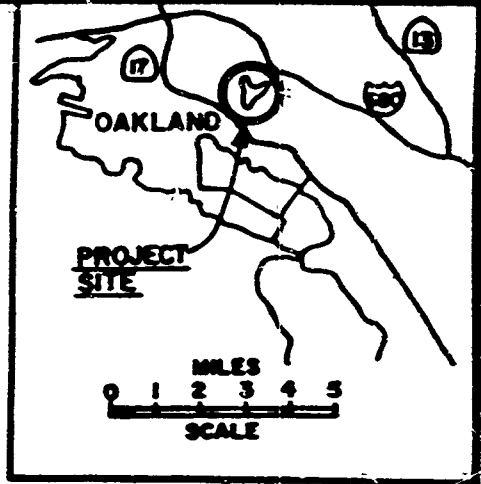
Enclosures: 30.9 Forms

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APPROVED:	<i>[Signature]</i>
Section Head	<i>[Signature]</i>
Legal AEC	Jim Ferry



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LEGEND

- CORE SAMPLES
- TEMPORARY DISCHARGE PIPE



EXHIBIT "A"
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LAKE MERRITT
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W23147



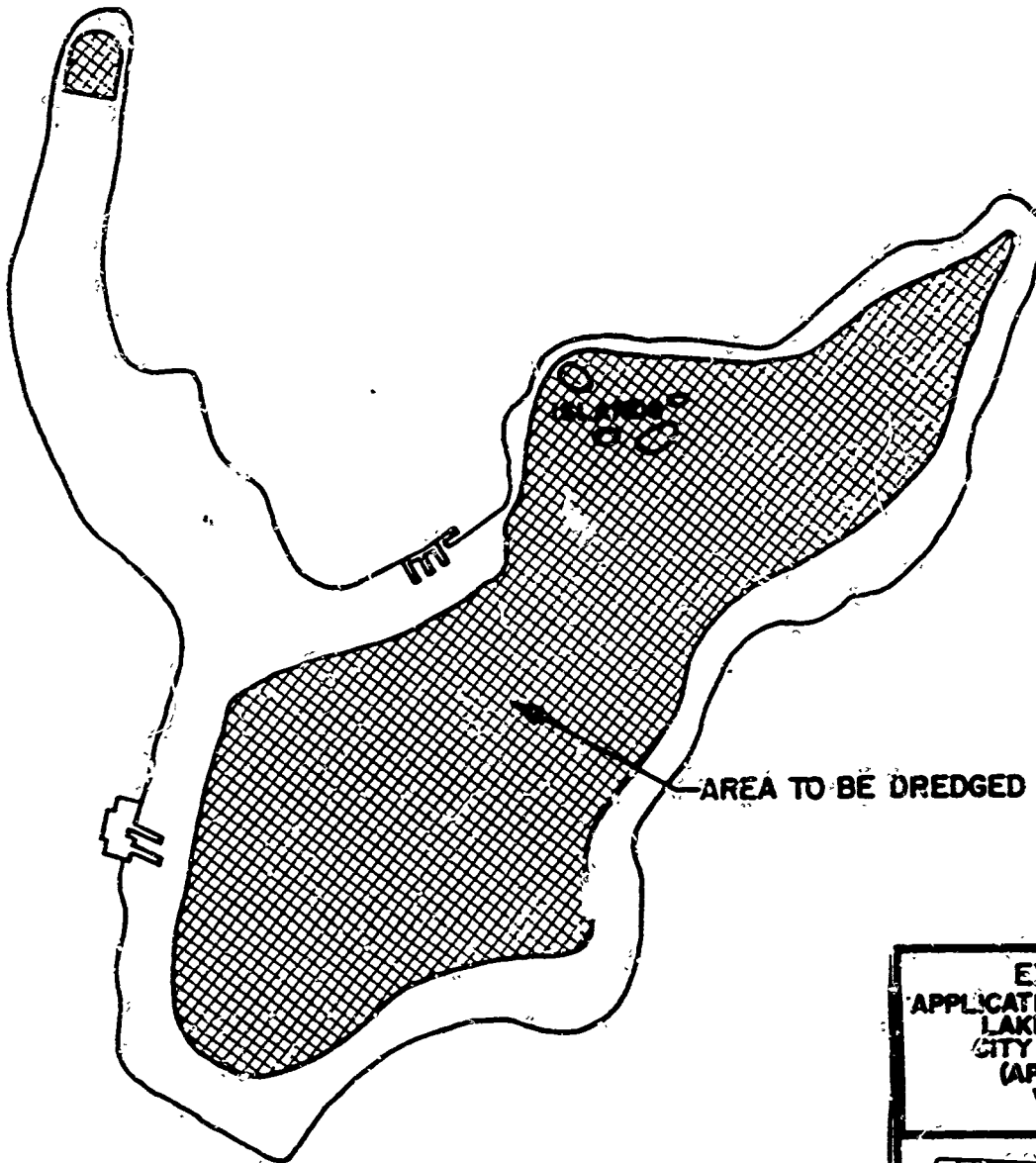


EXHIBIT "B"
APPLICATION FOR DREDGING
LAKE MERRITT
CITY OF OAKLAND
(APPLICANT)
W23147

