

MINUTE ITEM

This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 2
to 0 at its 3/27/86
meeting.

CALENDAR ITEM

C13

03/27/86
WP 6907
Martinez

A 78

S 38

AMENDMENT OF EXISTING DREDGING PERMIT
FOR EXTENSION OF TIME

APPLICANT: City of San Diego
Parks and Recreation Department
Balboa Park Club
Attn: Edward Firkins
Balboa Park
San Diego, California 92101

AREA, TYPE LAND AND LOCATION:
Granted tide and submerged lands (minerals reserved) in Sail Bay, an area within Mission Bay, San Diego County.

TERMS OF ORIGINAL PERMIT:
Initial Period: One year commencing November 1, 1985.

LAND USE: Dredge a maximum 475,000 cubic yards of minerals other than oil, gas and geothermal as part of the Sail Bay beach widening project with 205,000 cubic yards of upper layer material unsuitable for beach fill deposited at Fiesta Island and the remaining 270,000 cubic yards will be placed to create a public beach around the northern end of Sail Bay.

CONSIDERATION: No royalty charged for spoils placed at the two approved publically owned disposal sites maintained for public use and benefit.

A royalty of \$0.25 per cubic yard shall be charged for spoils placed on private property or sold for commercial benefit.

CALENDAR ITEM NO. C 1 3 (CONT'D)

PROPOSED AMENDMENT:

Extend the one year expiration date of October 31, 1986 to October 31, 1987.

The one year extension is requested because additional funding required to cover increased costs of the project will not be available to the applicant until July, 1986.

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:

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 884: N/A.

OTHER PERTINENT INFORMATION:

1. On October 24, 1985 the State Lands Commission made a finding that an environmental analysis document was prepared, circulated and adopted for the dredging project by the California Coastal Commission under its certified state regulatory program (14 Cal. Adm. Code 15251(c)) and that the conditions as specified in 14 Cal. Adm. Code 15253(b) had been met for the Commission as a responsible agency to use such environmental analysis document and make a determination that the project as approved, will not have a significant effect on the environment. Therefore, a determination was made that the project, as approved, would not have a significant effect on the environment.
2. Additionally, a finding was made that the project was consistent with the use classification designated for the land pursuant to PRC 6370 et. seq.

CALENDAR ITEM NO. C13 (CONT'D)

3. After reviewing the request for a one year extension to permit the proposed project and pursuant to consultation with all commenting agencies and interested parties, staff believes that there are no circumstances surrounding the project, nor changes in the environment of the project that indicate the proposed action will have a significant effect on the environment.
4. Therefore, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), staff has determined that this activity is 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.

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

APPROVALS OBTAINED:

California Coastal Commission, San Diego District, and United States Army Corps of Engineers.

EXHIBITS:

- A. Vicinity Map.
- B. Site Map.
- C. Amendment.
- D. Dredging Permit PRC 6907.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE PROPOSED ACTION 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 SAN DIEGO THE DREDGING PERMIT AMENDMENT ON FILE IN THE OFFICES OF THE COMMISSION. SAID AMENDMENT SHALL CHANGE THE EXPIRATION DATE OF OCTOBER 31, 1986 TO OCTOBER 31, 1987. SUCH AMENDED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

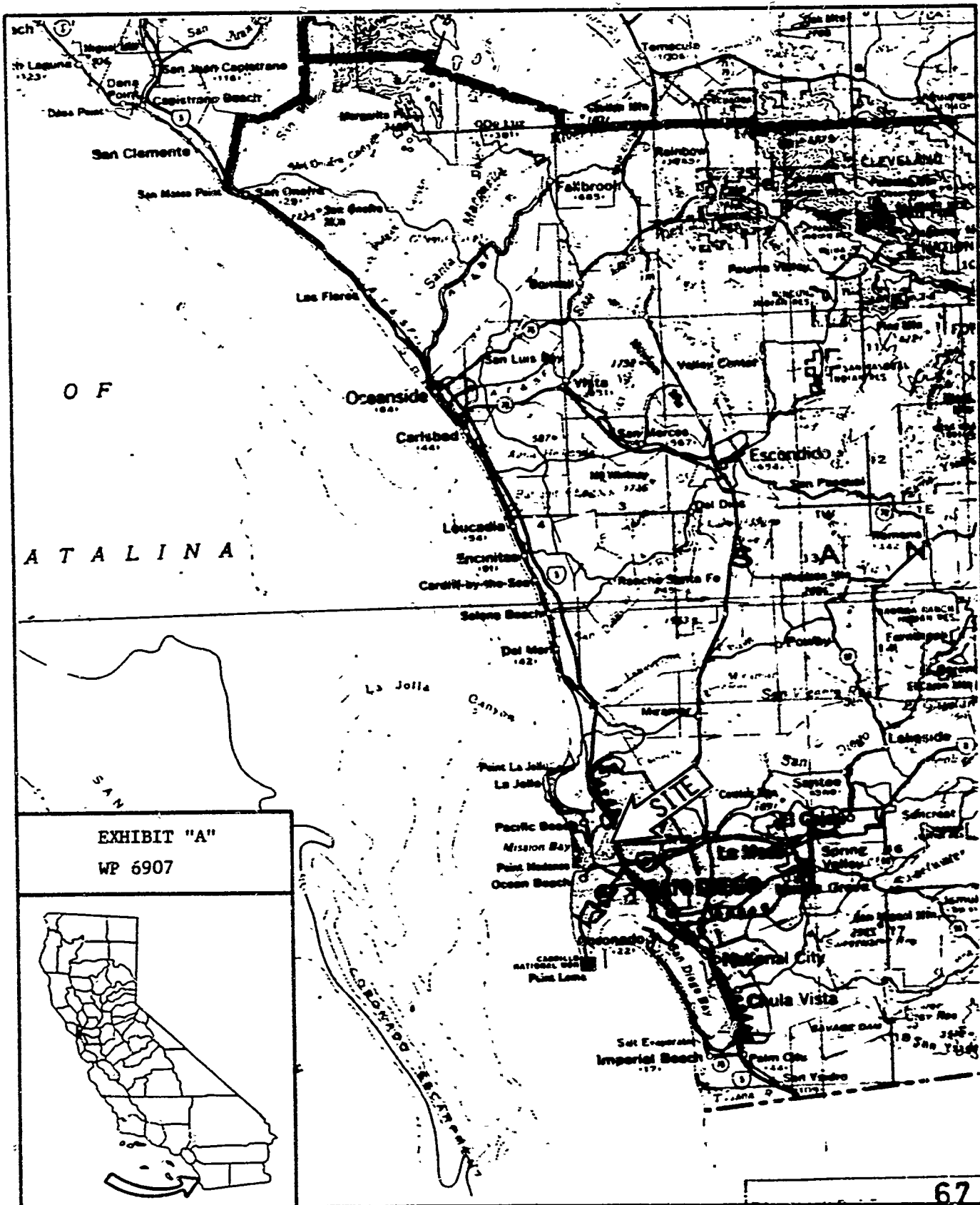
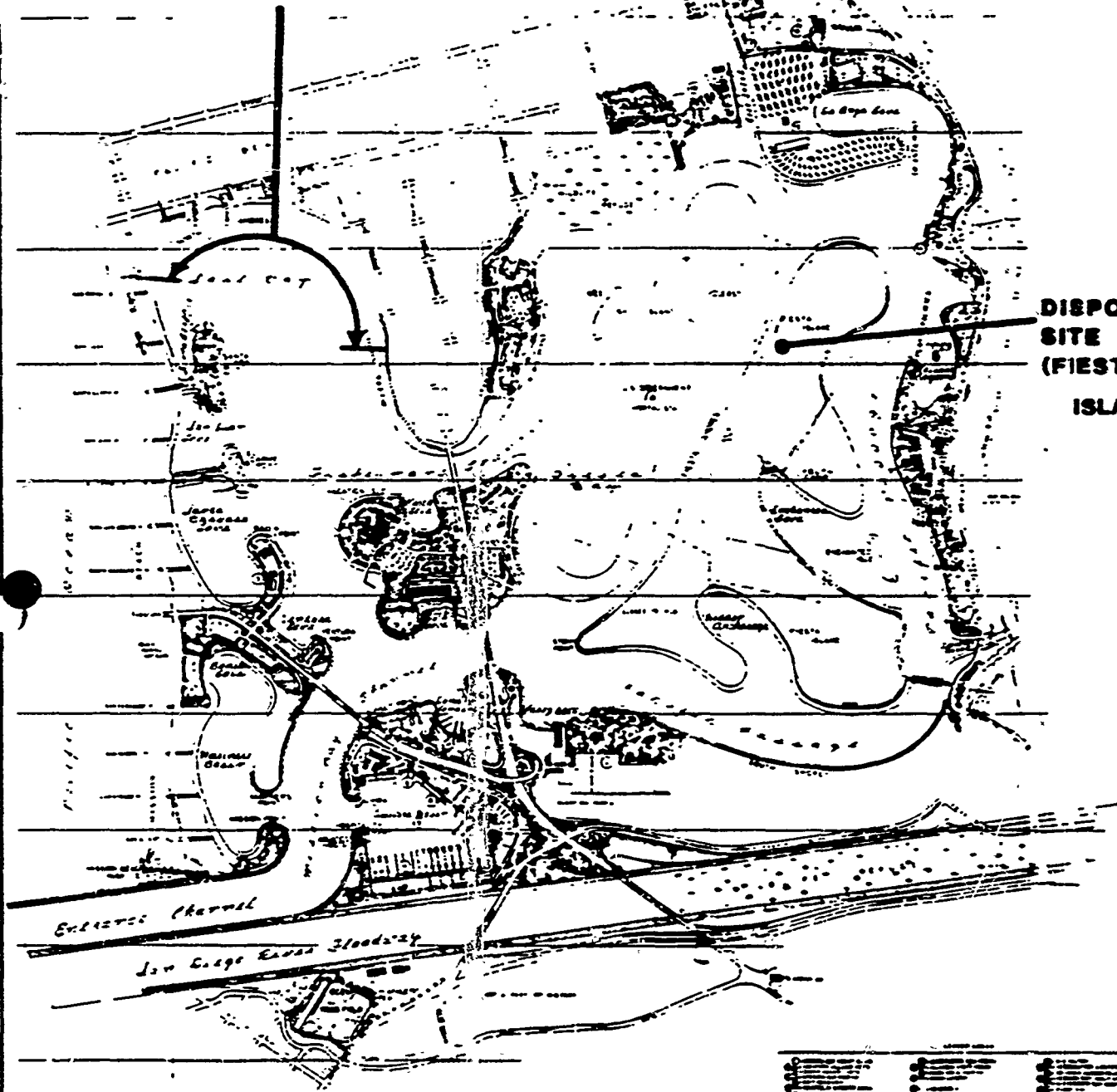


EXHIBIT "A"
 WP 6907



DREDGE SITE AND BEACH DISPOSAL SITE



**DISPOSAL
SITE
(FIESTA
ISLAND)**

1984
MISSION BAY PARK



EXHIBIT "B"
WP 6907
DREDGING PERMIT

EXHIBIT "C"

April 1, 1986

File Ref: PRC 6907
WP 6907

AMENDMENT TO DREDGING PERMIT

WHEREAS, Dredging Permit PRC 6907 was issued to the City of San Diego, effective November 1, 1985 to October 31, 1986, granting permission to perform dredging in Sail Bay, an area within Mission Bay, San Diego County with spoils to be deposited on Fiesta Island and around the northern end of Sail Bay to create a public beach; and

WHEREAS, the City of San Diego has requested permission from the State Lands Commission to extend the expiration date one year;

NOW, THEREFORE, the parties hereto agree that paragraph two of Dredging Permit PRC 6907 which reads as follows:

No royalty will be assessed for material placed on Fiesta Island or at the approved public beach site as the project is for the public benefit. 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. Said permission shall be effective from November 1, 1985 through October 31, 1986.

Shall be amended to read:

No royalty will be assessed for material placed on Fiesta Island or at the approved public beach site as the project is for the public benefit. 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. Said permission shall be effective from November 1, 1985 through October 31, 1987.

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 SAN DIEGO

BY _____

TITLE _____

DATE _____

Mailed in Triplicate

Attachments: EXHIBITS "A" & "B"

0379L

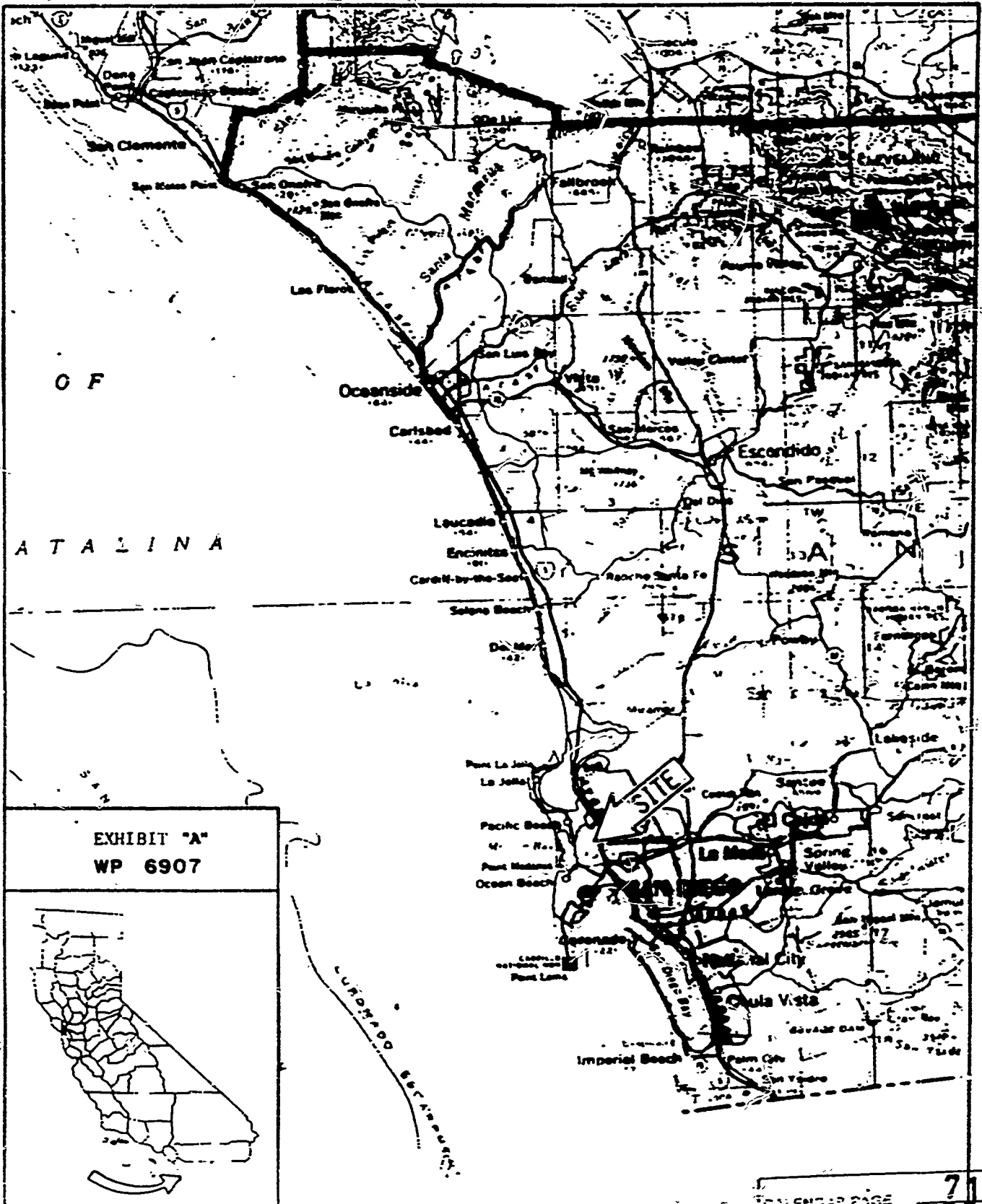
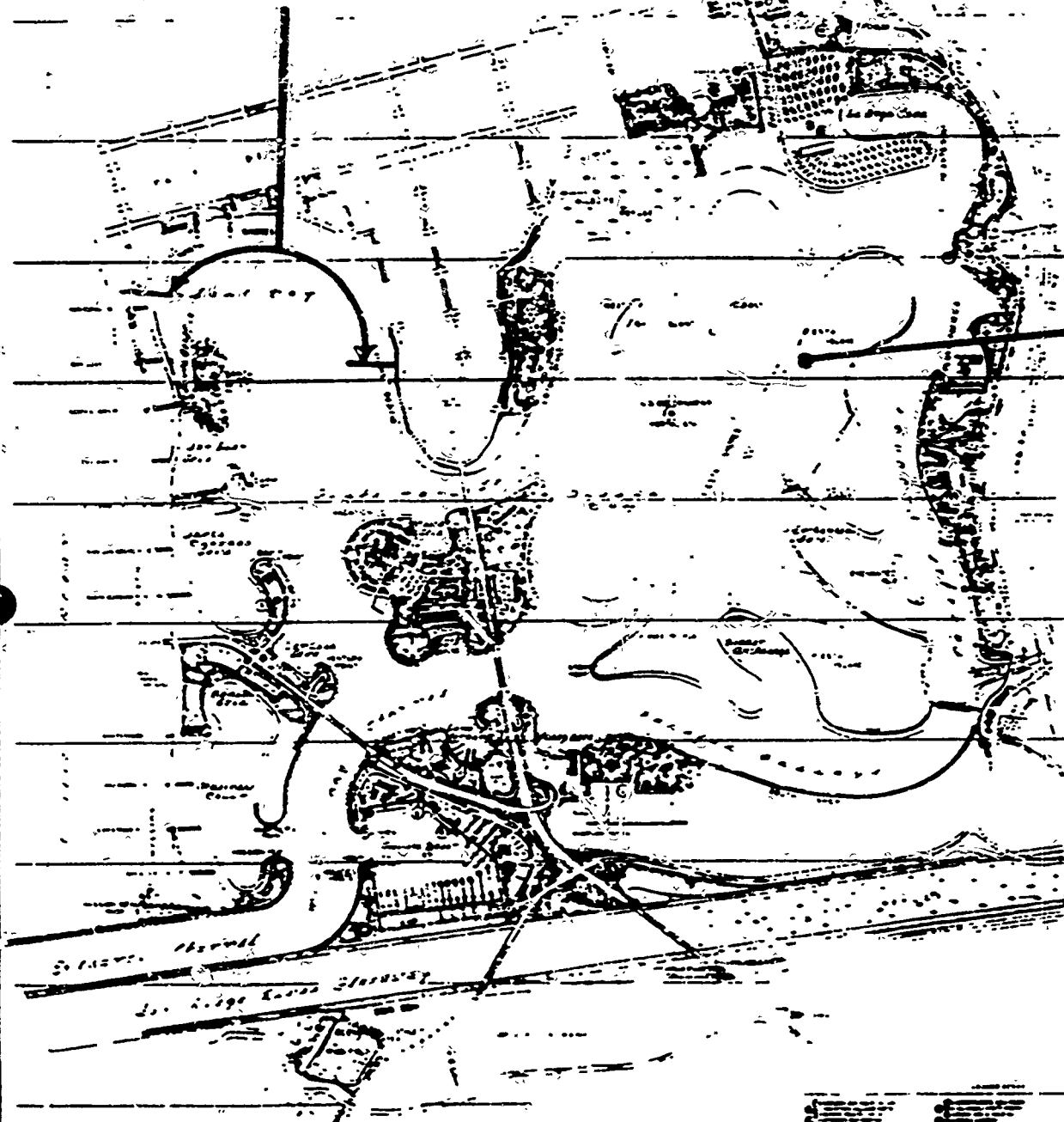


EXHIBIT "A"
WP 6907



DREDGE SITE AND BEACH DISPOSAL SITE



**DISPOSAL
SITE
(FIESTA
ISLAND)**

1984

MISSION BAY PARK



EXHIBIT "3"

WP 6907

DREDGING PERMIT

CALENDAR PAGE 72
PERMITS PAGE 757

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

EXHIBIT "D"

October 8, 1985

File Ref: W 23205

City of San Diego
Parks and Recreation Department
Attn: Edward Firkins
Balboa Park Club, Balboa Park
San Diego, California 92101

Gentlemen:

Pursuant to your application dated August 5, 1985, and by the authorization of the State Lands Commission on October 24, 1985 you are hereby granted permission to dredge, during the term of the permit, 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 from an area of granted tide and submerged lands in Sail Bay, San Diego 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 deposit 205,000 cubic yards of material onto Fiesta Island and 270,000 cubic yards of material around the northern end of Sail Bay to create a public beach.

No royalty will be assessed for material placed on Fiesta Island or at the approved public beach site as the project is for the public benefit. 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. Said permission shall be effective from November 1, 1985 through October 31, 1986.

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 nor 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 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 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

W. M. THOMPSON, Chief
Extractive Development Program

10-24-85

DATE

ACCEPTED:

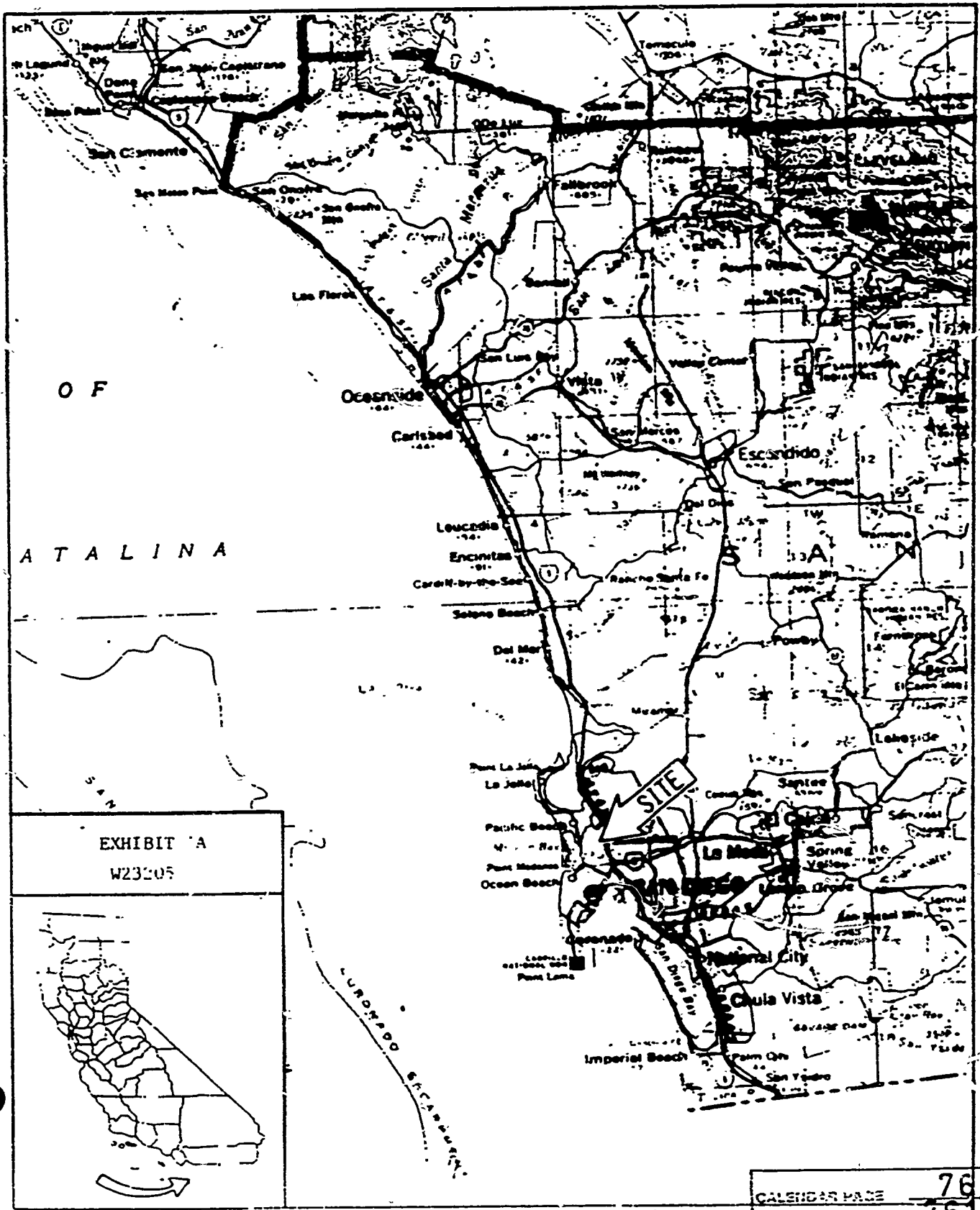
BY *[Signature]*
TITLE 10/17/85 TEST ON MOR
DATE 10/17/85

DATE 10/24/85
OFF
SER
JOB
SAC ADW
FILE: W 23305

Mailed in Triplicate

Attachments: EXHIBITS "A" and "B"

24581

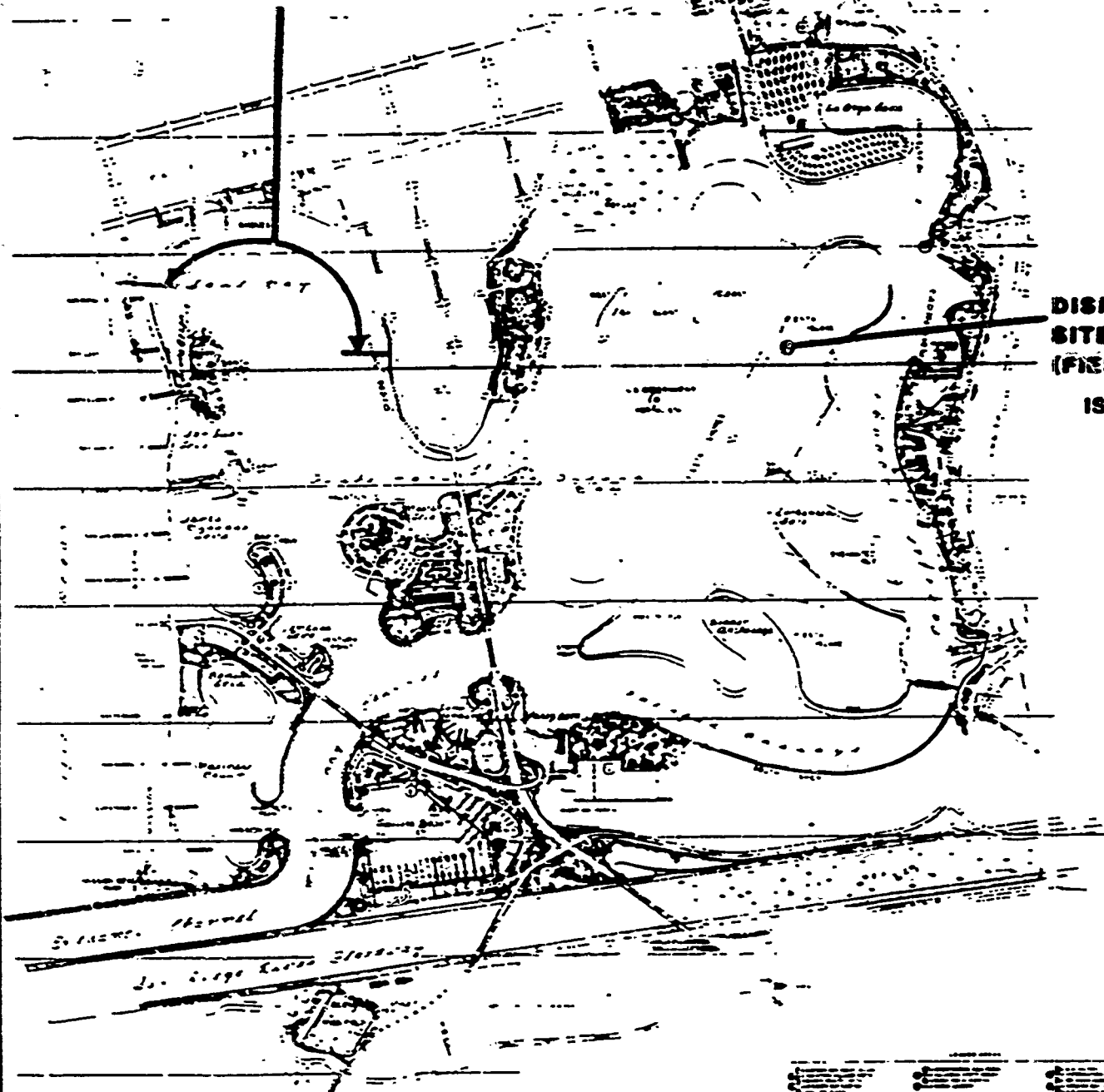


O F
A T A L I N A

EXHIBIT 'A'
W23205



DREDGE SITE AND BEACH DISPOSAL SITE



**DISPOSAL
SITE
(FIESTA
ISLAND)**

1984
MISSION BAY PARK

E

EXHIBIT "B"

W 23205

DREDGING PERMIT

CALENDAR PAGE

77

MINUTE PAGE

762