

MINUTE ITEM
This Calendar Item No. 33
was approved as Minute Item
No. 33 by the State Lands
Commission by a vote of 2
to 0 at its 3-2-88
meeting.

CALENDAR ITEM

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03/02/88
WP 5823 PRC 5823
Martinez

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MAINTENANCE DREDGING PERMIT

APPLICANT:

Mega Northwest Corp.
Attn.: John Hayne
29652 Jeans Road
Veneta, Oregon 97487

AREA, TYPE LAND AND LOCATION:

Tide and submerged lands in the Klamath River
approximately 1/4 mile west of U.S. 101,
Del Norte County.

LAND USE:

Dredge a maximum 500 cubic yards annually for
five years for the purpose of maintaining an
existing channel between the Klamath River and
the Sportman R.V. Park. The dredged material
will be disposed of on the adjacent upland
owned by the Applicant.

TERMS OF THE PROPOSED PERMIT:

Initial Period: Five Years commencing March 1,
1988.

Royalty: \$0.25 per cubic yard.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing fee 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 884:

07/16/88.

CALENDAR ITEM NO. 33 (CONT'D)

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 C.E.Q.A. review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
2. A Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Army Corps of Engineers. The document was circulated for public review as broadly as State and local law may require and notice was given meeting the standards in 14 Cal. Adm. Code 15072(a). Therefore, pursuant to 14 Cal. Adm. Code 15225, the staff recommends the use of the Federal FONSI in place of a Negative Declaration.

APPROVALS REQUIRED:

United States Army Corps of Engineers.
California Coastal Commission.
Department of Fish and Game.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT PREPARED AND ADOPTED FOR THIS PROJECT BY THE U.S. ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE C.E.Q.A. AND ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION PURSUANT TO 14 CAL. ADM. CODE 15225.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET. SEQ.
3. AUTHORIZE STAFF TO ISSUE TO MEGA NORTHWEST CORP. THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 500 CUBIC YARDS ANNUALLY

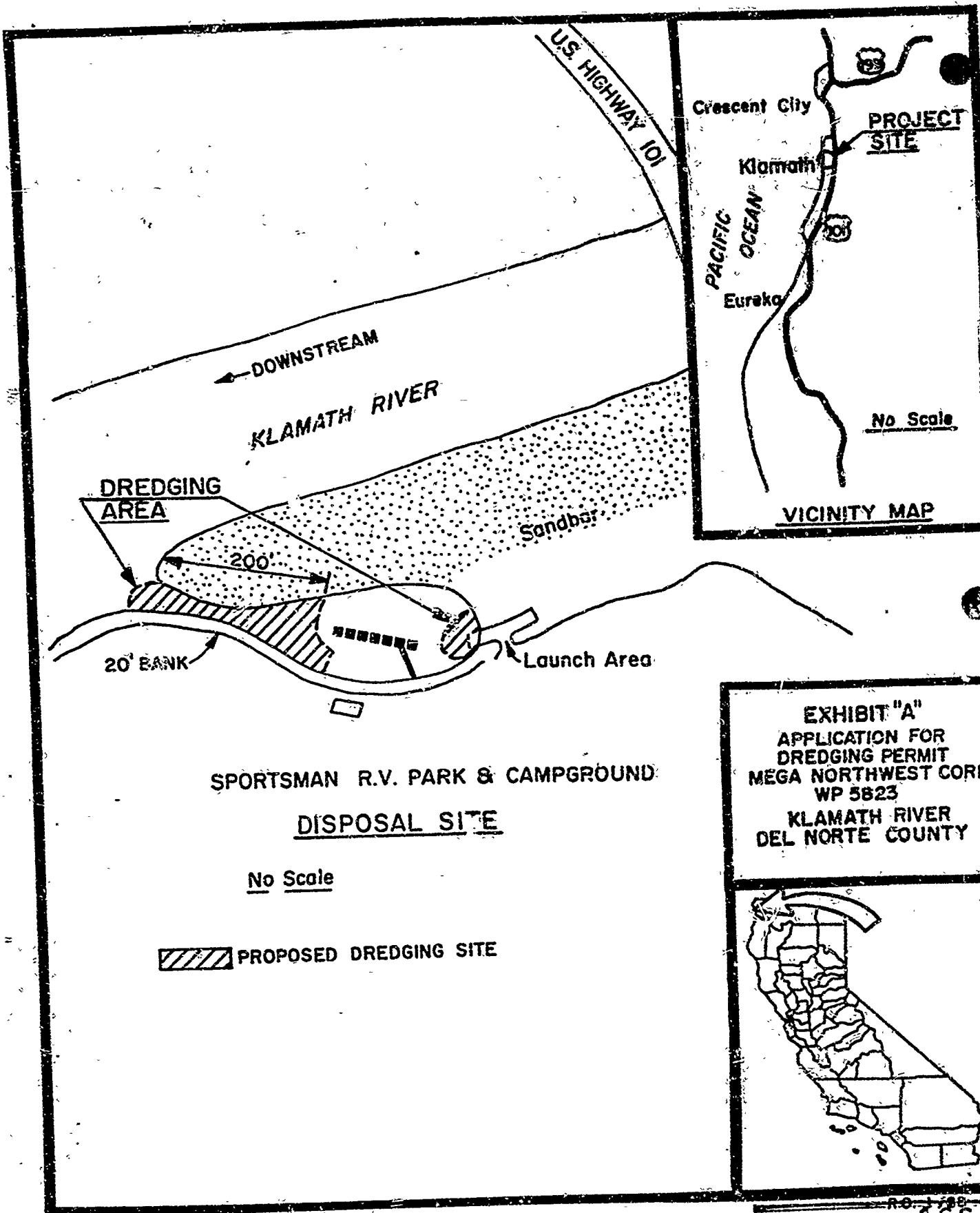
(REVISED 02/29/88)

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CALENDAR ITEM NO. 33 (CONT'D)

FOR FIVE YEARS COMMENCING MARCH 1, 1988 FROM THE KLAMATH RIVER AT SPORTMAN R.V. PARK, DEL NORTE COUNTY AND DISPOSAL AT THE ADJACENT UPLAND. A ROYALTY OF \$0.25 SHALL BE CHARGED FOR MATERIAL DEPOSITED AT THE APPROVED UPLAND SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



March 1, 1988

File Ref.: WP 5823

Mega Northwest Corp.
Attn: John Hayne
29652 Jeans Road
Veneta OR 97487

Gentlemen:

Pursuant to your application received December 16, 1987 and by the authorization of the State Lands Commission in February, 1988 you are hereby granted permission to dredge, during the term of the permit, a maximum 500 cubic yards of sand, silt, clay, and gravel, excluding all other minerals, including, but not limited to, oil, gas and geothermal annually for five years from an area of tide and submerged lands in the Klamath River approximately 1/4 mile west of the U.S. 101 bridge, Del Norte County 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 on the adjacent upland.

A royalty of \$0.25 per cubic yard shall be paid for material placed at the approved upland disposal site 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 March 1, 1988 through February 28, 1993.

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.

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March 1, 1988

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, operation 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 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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