

MINUTE ITEM
This Calendar item No. 5
was approved as Minute item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 5-25-88
meeting.

CALENDAR ITEM

A 2
S 2

05

05/25/88
W 24158 PRC 7210
Martinez

DREDGING PERMIT

APPLICANT: California Department of Fish and Game
619 Second Street
Eureka, California 95501

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands at the mouth of the
Eel River at Crab Park near Mosley Island,
Humboldt County.

LAND USE: Dredge a maximum 2,700 cubic feet of material
other than oil, gas, and geothermal to remove
established Eastern Cordgrass. The material
will be removed using a backhoe or front-end
loader and transported by dump truck to an
upland portion of the State-owned Eel River
Wildlife area under the jurisdiction of the
Applicant.

TERMS OF PROPOSED PERMIT:

Initial period: One year beginning May 25,
1988.

Royalty: No royalty for material
deposited at the approved
disposal site because the
project is for public benefit.

APPLICANT STATUS:

Applicant is public agency.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Fling fee has been received.

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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: 12/06/88.

OTHER PERTINENT INFORMATION:

1. There is an urgent need to prevent further establishment of cordgrass into the Eel River Delta. The cordgrass patch established on the eastern edge of Mosley Island, north of the Humboldt County-owned Crab Park is receiving direct wave and tidal action and, as a result, large chunks of saltmarsh containing both local flora and cordgrass are sloughing off into McNulty Slough.

The concern over the spread of this cordgrass is that it will out-compete the local saltmarsh flora by forming six-foot tall, dense monotypic stands. It also has the potential for seriously impacting wildlife and the shellfish industry within Humboldt Bay. The cordgrass can colonize mud flats where no other saltmarsh plant species can grow and eventually continue to move further into the intertidal areas.

2. 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.
3. 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

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exempt under Class 7, Actions by Regulatory Agencies for Protection of Natural Resources, 14 Cal. Adm. Code 15107.

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

APPROVALS OBTAINED:

California Coastal Commission and United States Army Corps of Engineers.

EXHIBITS:

- A. Location Map.
- B. 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 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 7, PROTECTION OF NATURAL RESOURCES, 14 CAL. ADM. CODE 15104.
2. AUTHORIZE STAFF TO ISSUE TO THE DEPARTMENT OF FISH AND GAME, THE DREDGING PERMIT AUTHORIZING DREDGING A MAXIMUM 2,700 CUBIC FEET OF MATERIAL FOR THE REMOVAL OF CORDGRASS FROM THE MOUTH OF THE EEL RIVER, HUMBOLDT COUNTY AND DISPOSAL AT THE UPLAND EEL RIVER WILDLIFE SITE. THE PERMIT SHALL BE FOR A PERIOD OF ONE YEAR COMMENCING MAY 25, 1988. NO ROYALTY SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED DISPOSAL SITE BECAUSE THE PROJECT IS FOR PUBLIC BENEFIT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

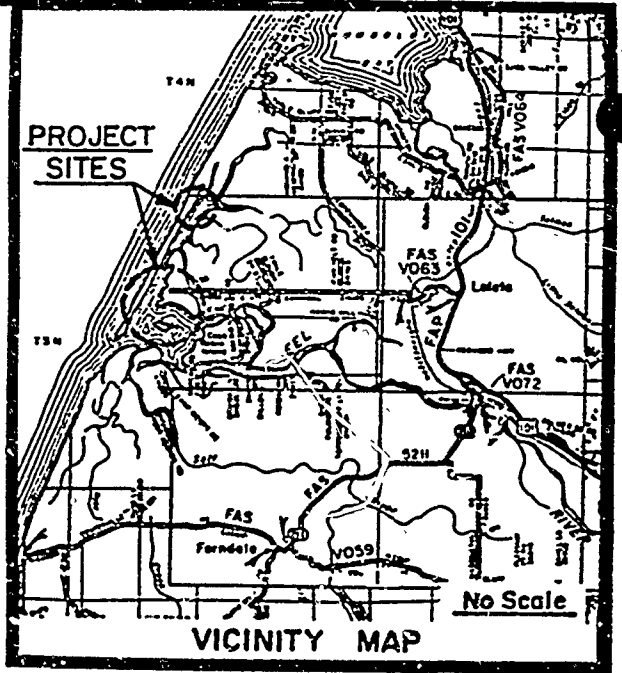
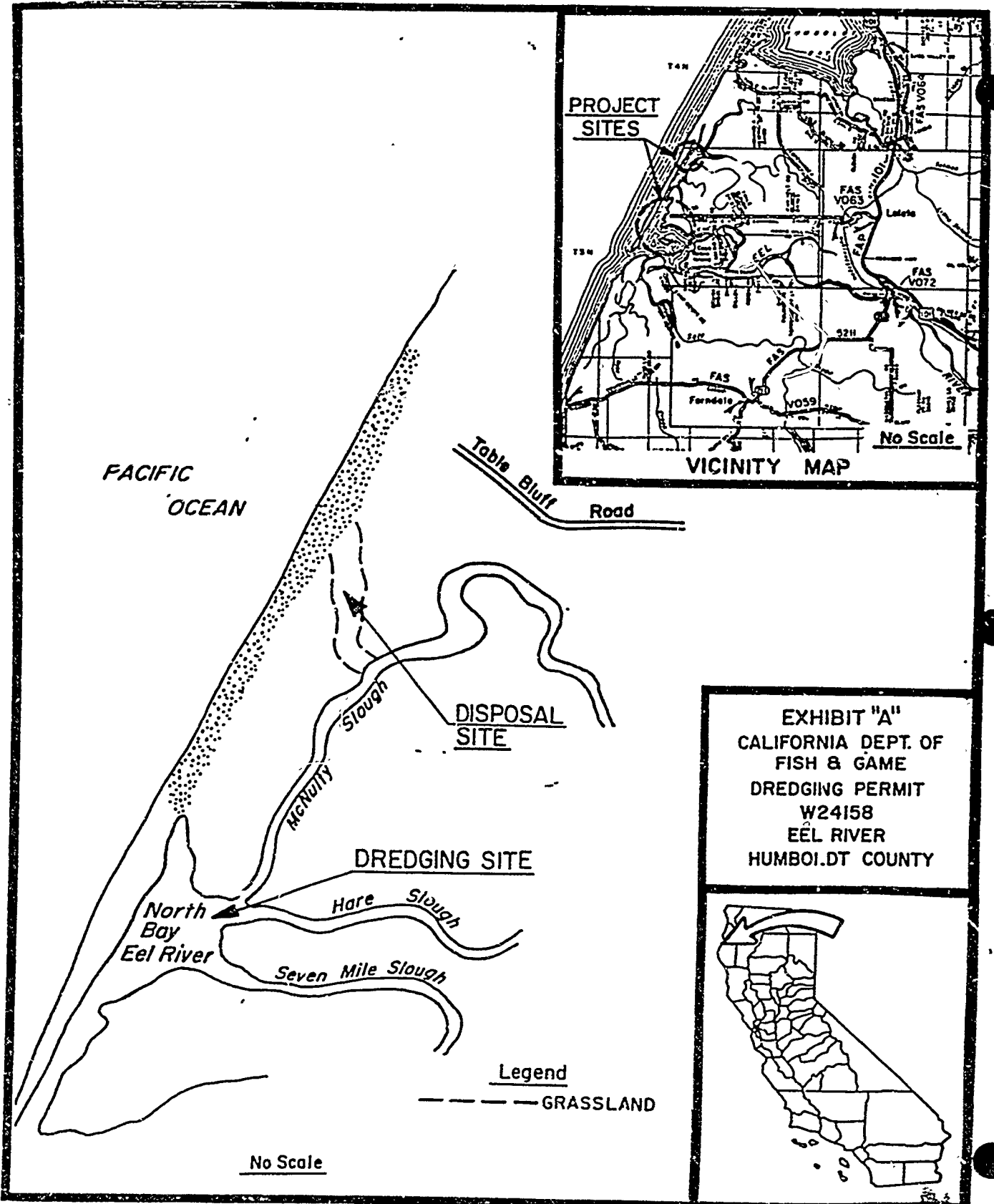


EXHIBIT "A"
 CALIFORNIA DEPT. OF
 FISH & GAME
 DREDGING PERMIT
 W24158
 EEL RIVER
 HUMBOLDT COUNTY



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EXHIBIT "B"

STATE OF CALIFORNIA—STATE LANDS COMMISSION

GEORGE

JIAN, Governor

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



May 25, 1988

File Ref.: W 24158

California Department of Fish and Game
619 Second Street
Eureka CA 95501

Gentlemen:

Pursuant to your application received May 6, 1988 and by the authorization of the State Lands Commission in May, 1988 you are hereby granted permission to dredge, during the term of the permit, a maximum 2,700 cubic feet of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal from an area of tide and submerged lands at the mouth of the Eel River near Mosley Island, Humboldt 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 at the upland portion of the state-owned Eel River Wildlife area under the jurisdiction of the Permittee.

No royalty shall be paid for material placed at the approved disposal site. A royalty of \$0.25 per cubic yard shall be paid for any material 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 May 25, 1988 through May 24, 1989.

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.

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It is hereby agreed that, pursuant to Public Resources Code Section 6224, any instalments 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.

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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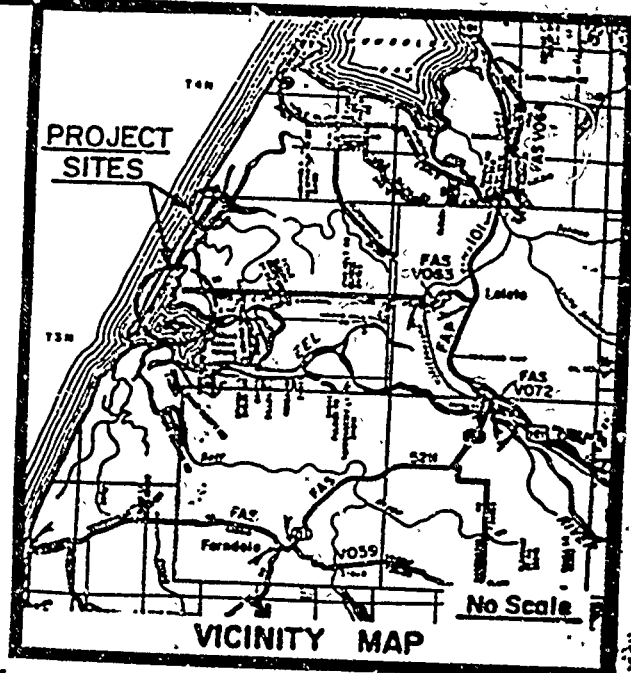
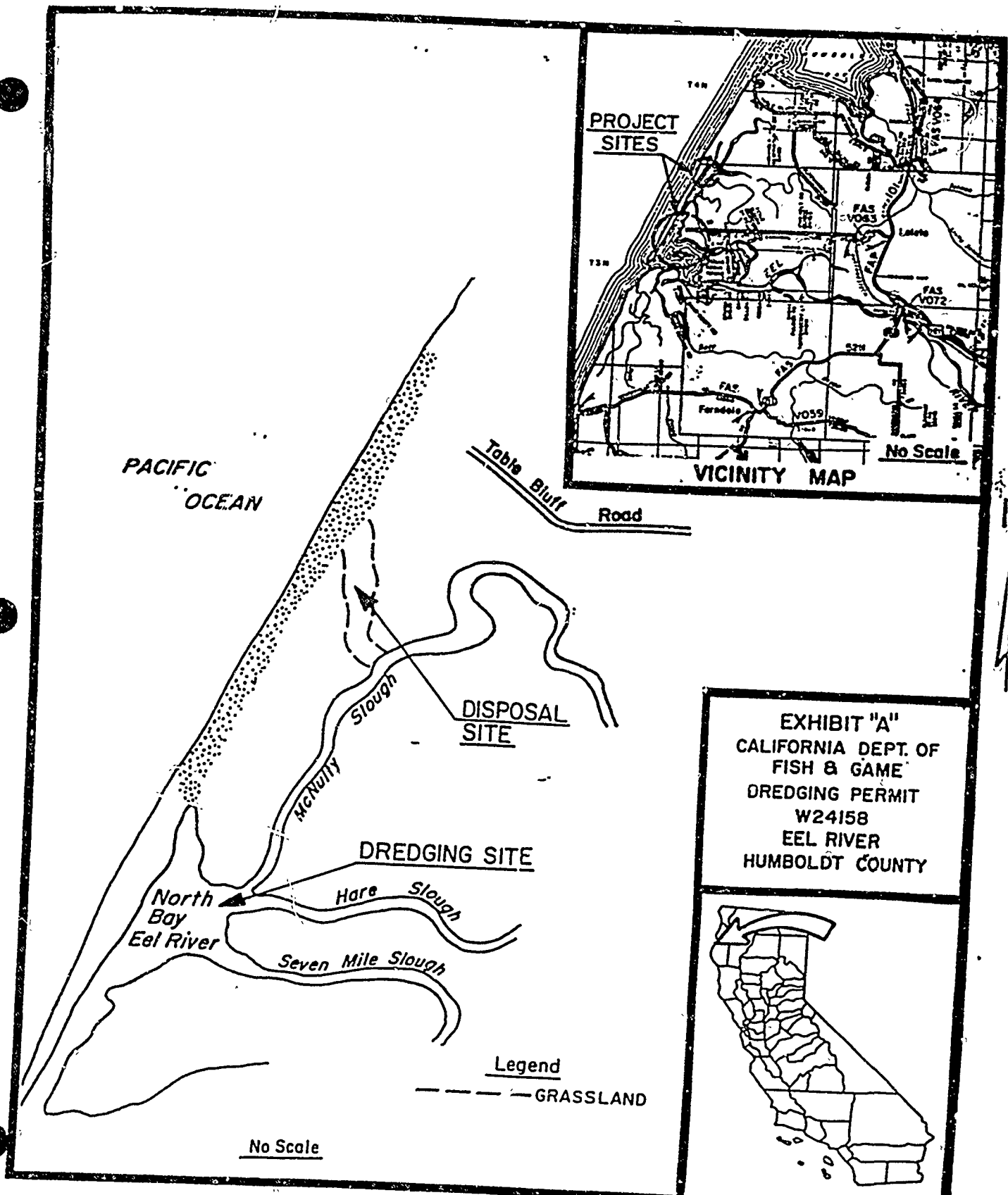


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