

MINUTE ITEM
This Calendar Item No. C19
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 2
to 0 at its 9-14-88
meeting.

CALENDAR ITEM

A 8
S 4

C 19

09/14/88
PRC 5870
Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: Napa County Flood Control and Water
Conservation District
Attn.: Harry Hamilton
Director
1195 Third Street, Rm. 201
Napa, California 94559

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in the federal
navigation channel of the Napa River and at
River Park Estates North Collector Canal,
Kennedy Park, Boat Ramp, Asylum Slough and the
Napa Seawall, Napa County.

PROPOSED LAND USE:
Dredge a maximum 630,000 cubic yards of
minerals other than oil, gas and geothermal to
maintain a navigable depth. The dredged spoils
will be disposed of on upland public agency
owned lands at Kennedy Park, Edgerly Island and
the Sanitation District, disposal site approved
by the Corps of Engineers.

TERMS OF THE PROPOSED PERMIT:
Initial Period: Three years commencing
September 14, 1988.
Royalty: No royalty charged because
the project is for public
benefit.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

CALENDAR ITEM C 19 (CONT'D)

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: 01/11/89.

OTHER PERTINENT INFORMATION:

1. A Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Army Corps of Engineers, San Francisco District. 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.
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 staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

San Francisco Bay Conservation and
Development Commission,
United States Army Corps of Engineers, and
Regional Water Quality Control Board.

EXHIBITS:

- A. Vicinity and Site Maps.
- B. Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES ARMY CORPS OF ENGINEERS, SAN FRANCISCO DISTRICT MEETS THE REQUIREMENTS OF THE CEQA AND ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE

CALENDAR ITEM C19 (CONT'D)

OF A NEGATIVE DECLARATION PURSUANT TO 14 CAL. ADM.
CODE 15225.

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE STAFF TO ISSUE TO NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 630,000 CUBIC YARDS IN THE NAPA RIVER AND IDENTIFIED ADJOINING AREAS FOR 3 YEARS COMMENCING SEPTEMBER 14, 1988 AND DISPOSAL AT THE THREE DESIGNATED CORPS APPROVED UPLAND DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED BECAUSE THE PROJECT IS FOR THE 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.

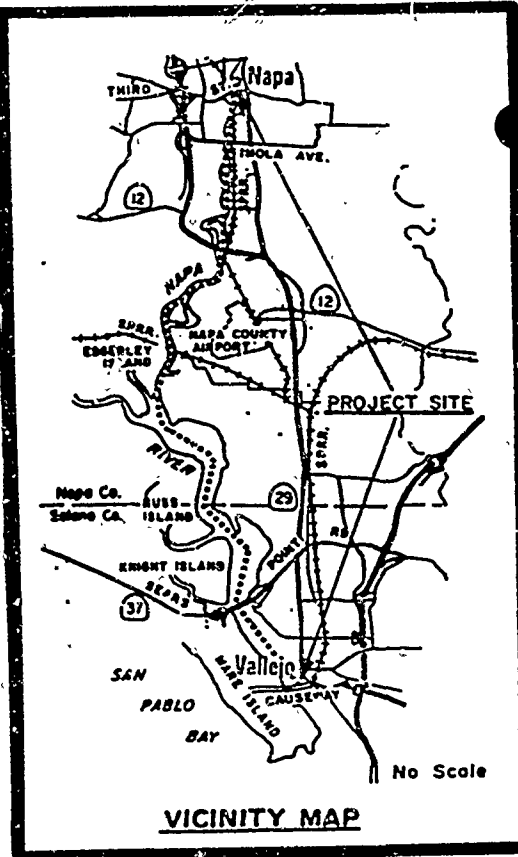
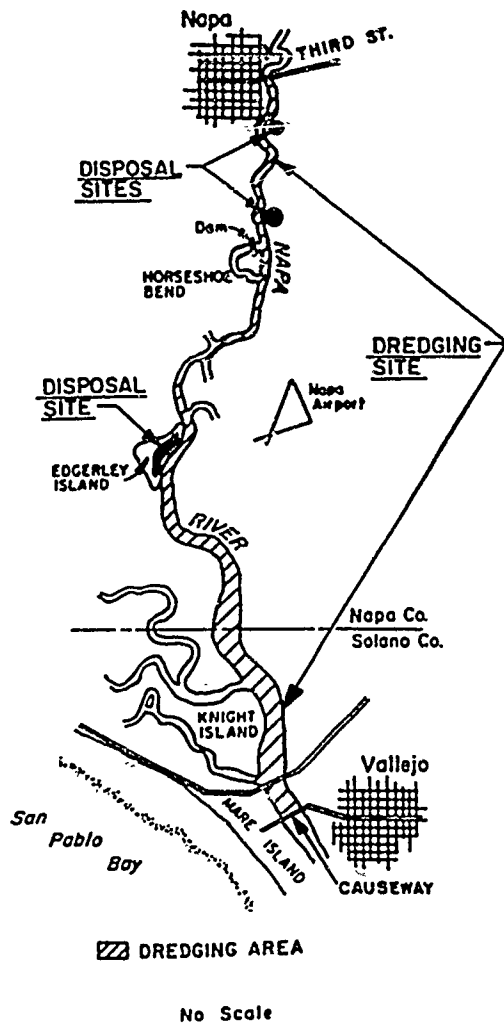


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
NAPA COUNTY FLOOD
CONTROL & WATER
CONSERVATION DISTRICT
PRC 5870
NAPA RIVER
NAPA & SOLANO
COUNTIES



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"B"

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



September 14, 1988

File Ref.: PRC 5870

Napa County Flood Control and
Water Conservation District
Attn: Harry Hamilton, Director
1195 Third Street, Room 201
Napa CA 94559

Gentlemen:

Pursuant to your request received June 11, 1988 and by the authorization of the State Lands Commission in September, 1988 you are hereby granted permission to dredge, during the term of the permit a maximum 630,000 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 tide and submerged lands in the Napa River and at River Park Estates North Collector Canal, Kennedy Park, Boat Ramp, Asylum Slough and the Napa Seawall, Napa County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to dispose of the spoils on upland public agency owned lands at Kennedy Park, Edgerly Island and the Sanitation District disposal site approved by the U. S. Army Corps of Engineers.

No royalty shall be paid for material placed at the approved disposal sites because the project is for public benefit. A royalty of \$0.25 per cubic yard shall be charged for any material used for private or commercial purposes. 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 September 14, 1988 through September 13, 1991.

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 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.

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, 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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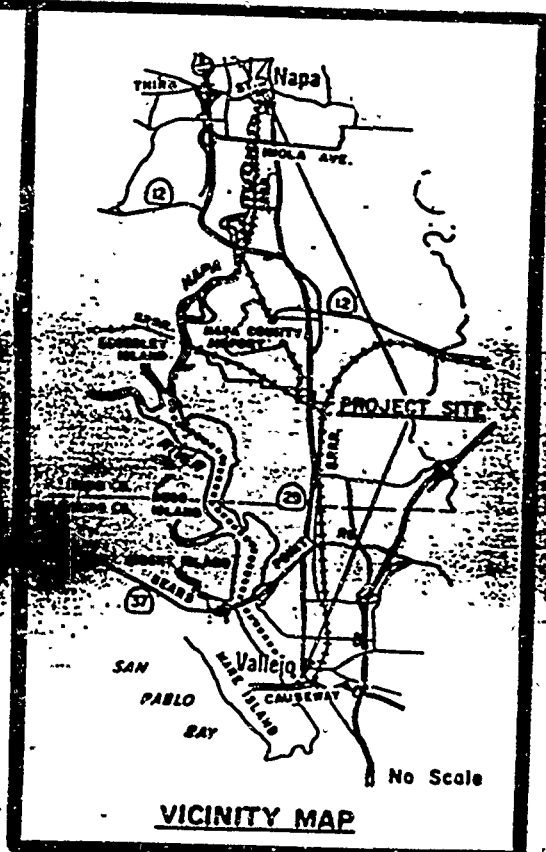
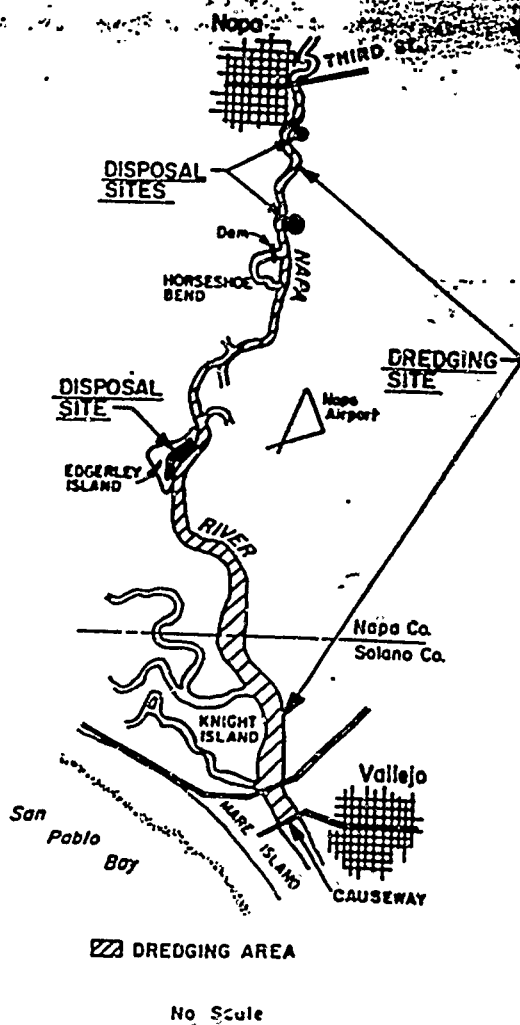


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