

MINUTE ITEM
This Calendar Item No. C21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 2
to 0 at its 9/14/88
meeting.

CALENDAR ITEM

A 80

C21

09/14/88

W 24129 PRC 7243

S 40

Martinez

DREDGING PERMIT

APPLICANT: San Diego Unified Port District
Attn: John Wilbur
3165 Pacific Hwy.
San Diego, California 92101

AREA, TYPE LAND AND LOCATION:
Granted mineral reserve lands in San Diego Bay
at Chula Vista Harbor, San Diego County.

PROPOSED LAND USE:
Dredge a maximum 155,000 cubic yards of
minerals other than oil, gas and geothermal as
part of a public berthing facility construction
project. The spoils will be disposed of at EPA
approved ocean disposal site LA-5.

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.

STATUTORY AND OTHER REFERENCE:
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: 02/05/89.

CALENDAR ITEM NO. C 21 (CONT'D)

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, Los Angeles 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.

APPROVALS REQUIRED:

Regional Water Quality Control Board and
United States Army Corps of Engineers

EXHIBITS:

- A. Vicinity and Site Map.
- 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, LOS ANGELES DISTRICT MEETS THE REQUIREMENTS OF THE CEQA AND ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE 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. AUTHORIZE STAFF TO ISSUE TO SAN DIEGO UNIFIED PORT DISTRICT THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 155,000 CUBIC YARDS OF MATERIAL FROM SAN DIEGO BAY AT CHULA VISTA HARBOR, SAN DIEGO COUNTY FOR ONE YEAR COMMENCING SEPTEMBER 14, 1988 AND DISPOSAL AT EPA APPROVED DISPOSAL SITE LA-5. NO ROYALTY SHALL BE CHARGED BECAUSE THE PROJECT IS FOR PUBLIC BENEFIT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

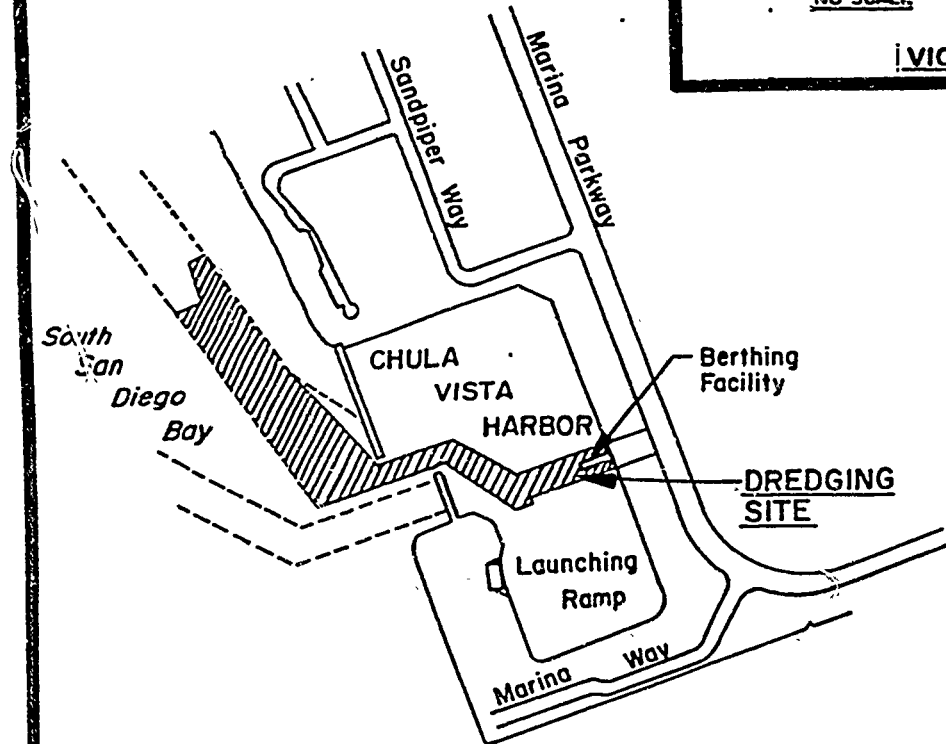
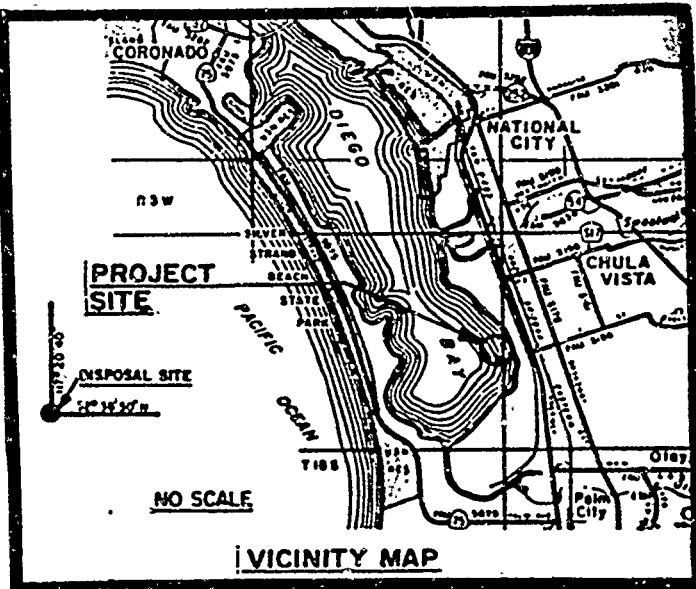


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
SAN DIEGO UNIFIED
PORT DISTRICT
W24129
SAN DIEGO BAY
SAN DIEGO COUNTY



CALENDAR PAGE **B.O. 8/29**
 MINUTE PAGE **2721**

STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

September 14, 1988

File Ref.: W.24129

San Diego Unified Port District
 Attn: John Wilbur
 3165 Pacific Hwy.
 San Diego, CA 92101

Gentlemen:

Pursuant to your request received July 5, 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 155,000 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 mineral reserve lands in San Diego Bay at Chula Vista Harbor, San Diego 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 at the approved EPA ocean disposal site LA-5.

No royalty shall be paid for material placed at the approved offshore disposal site. 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.

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 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 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: _____

CALENDAR PAGE	137
MINUTE PAGE	2723

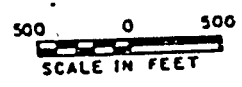
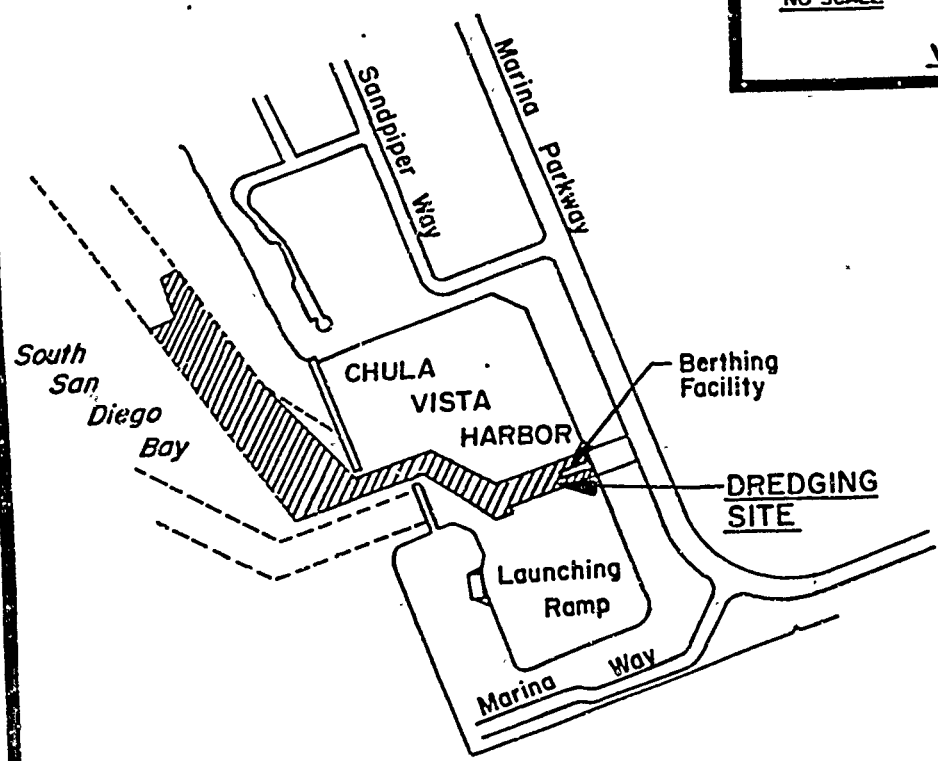
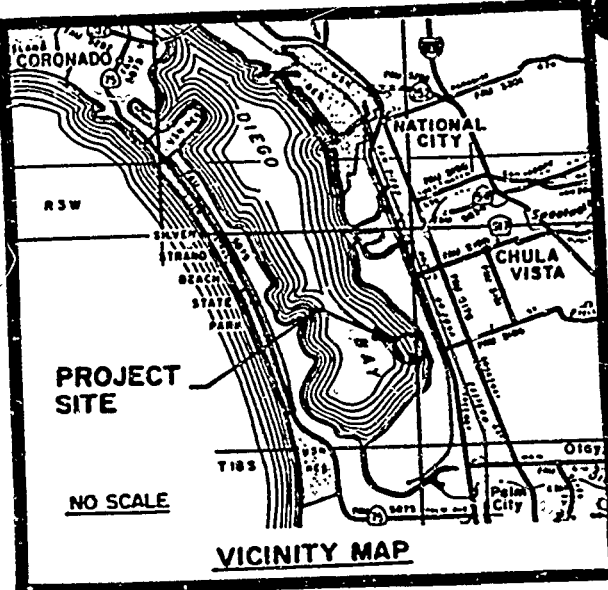


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT,
SAN DIEGO UNIFIED
PORT DISTRICT
W 24129'
SAN DIEGO BAY
SAN DIEGO COUNTY.

