

MINUTE ITEM

This Calendar Item No. C23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 3
to 0 at its 2/6/89
meeting

CALENDAR ITEM

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C23

02/06/89
PRC 6708
Martinez

EXTENSION OF MAINTENANCE DREDGING PERMIT

APPLICANT: Golden Gate Bridge, Highway and
Transportation District
Box 9000 Presidio Station
San Francisco, California 94129

AREA, TYPE LAND AND LOCATION:
Ungranted sovereign lands in the natural
channel of Corte Madera Creek near Larkspur,
Marin County.

LAND USE: Dredge a maximum 90,000 cubic yards of sediment
for the purpose of maintaining safe navigation
depth for ferries going to the Larkspur Ferry
Terminal. The dredged material will be
disposed of at the Corps of Engineers approved
Alcatraz disposal site.

TERMS OF THE ORIGINAL PERMIT:
Initial Period: Effective February 1, 1988
through January 31, 1989.

Royalty: No royalty for material
disposed of at the approved
offshore site.

TERMS OF THE PROPOSED PERMIT:
Initial Period: Six months commencing
February 1, 1989.

Royalty: No royalty for material
disposed of at the approved
offshore site.

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CALENDAR ITEM NO. C 23 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. C.A.C.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 07/06/89.

OTHER PERTINENT INFORMATION:

1. On January 21, 1988, the State Lands Commission issued a Maintenance Dredging Permit to the Golden Gate Bridge, Highway and Transportation District authorizing maintenance dredging from February 1, 1988 through January 31, 1989. The District applied for a United States Army Corps of Engineers permit on February 8, 1988 but was not issued a permit by the Corps until December 14, 1988. The processing of the permit was delayed because it required inclusion of the mitigation which is attached hereto as Exhibit "C".

Because of the delay in receiving the Corps' permit, the applicant was unable to perform the authorized dredging within the time requirements of the permit issued by the SLC. Therefore, the applicant is requesting a six-month extension of the expiration date.

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.

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3. The San Francisco Bay Conservation and Development Commission (SFBCDC), a "functional equivalent agency" under Section 21080.5 of the CEQA, has:
 - a. served as the lead agency under CEQA;
 - b. considered the project described herein; and
 - c. found that the project, as proposed will not have a significant effect on the environment.
4. No local government approvals are required for the proposed project.

Under Section 1525.2 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the SFBCDC in its consideration of this project.

Authority: Sections 21083 and 21087 of the CEQA.

APPROVALS OBTAINED:

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

EXHIBITS :

- A. Vicinity and Site Map.
- B. Dredging Permit Amendment.
- C. Corps of Engineers Permits, including Mitigation.
- D. Local Jurisdiction Letter.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (SFBCDC) A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

CALENDAR ITEM NO. C23 (CONT'D)

2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE SFB CDC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL CODE REGS, SECTION 15253.
3. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET. SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
4. AUTHORIZE STAFF TO ISSUE TO GOLDEN GATE BRIDGE HIGHWAY AND TRANSPORTATION DISTRICT THE DREDGING PERMIT AMENDMENT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 90,000 CUBIC YARDS OF MATERIAL FROM THE NATURAL CHANNEL OF CORTE MADERA CREEK NEAR LARKSPUR MARIN COUNTY FOR SIX MONTHS BEGINNING FEBRUARY 1, 1989. THE SPOILS WILL BE DISPOSED OF AT THE CORPUS OF ENGINEERS APPROVED ALCATRAZ DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED AT THE OFFSHORE SITE. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE OR COMMERCIAL PURPOSES. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

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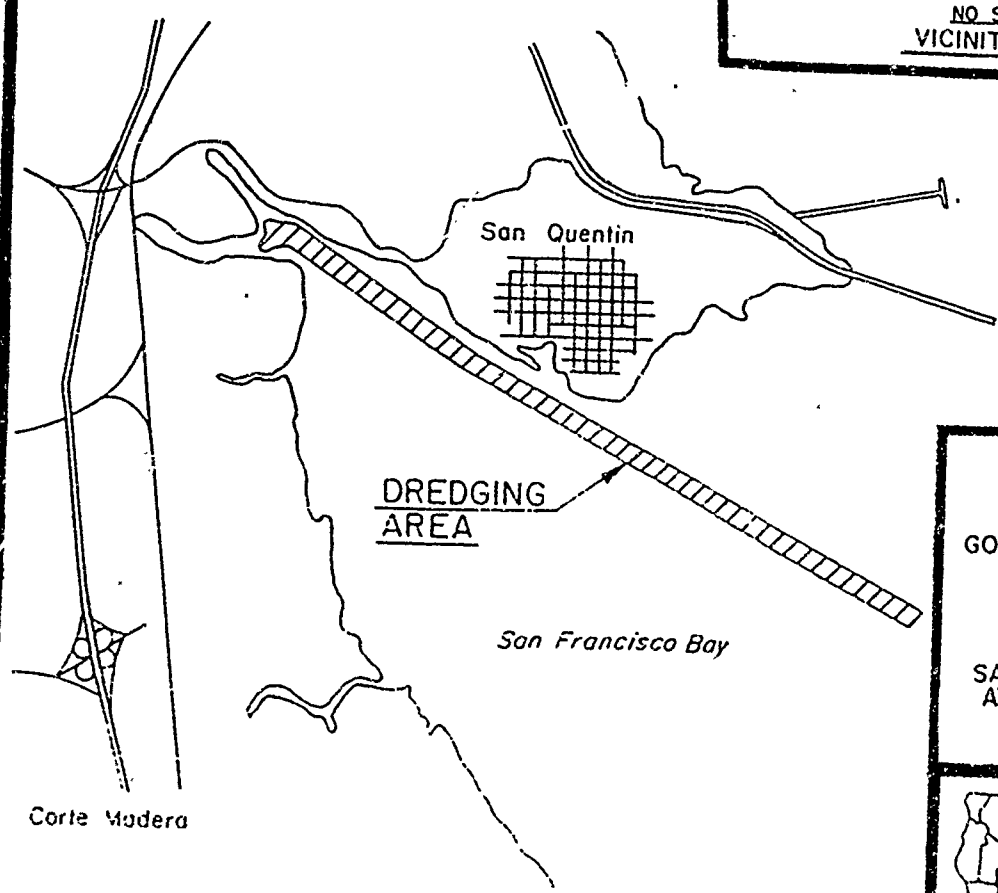
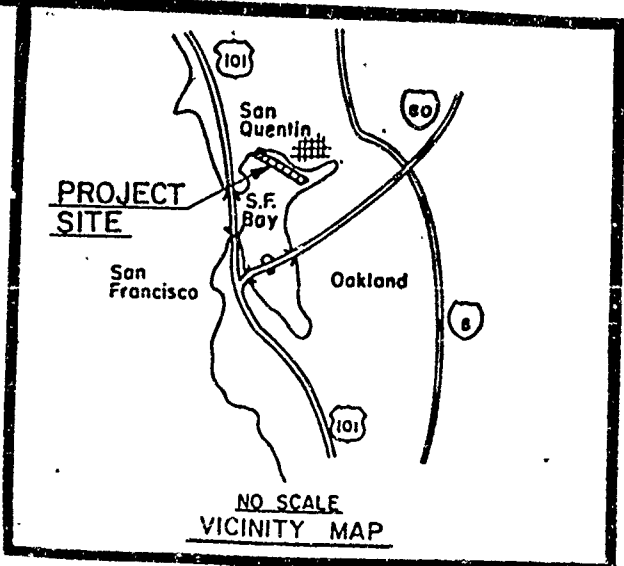


EXHIBIT "A"
DREDGING PERMIT RENEWAL
GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT
PRC 6708
SAN FRANCISCO BAY AT CORTE MADERA CREEK
MARIN COUNTY



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EXHIBIT "B"

February 1, 1989

File Ref.: PRC 6708

AMENDMENT TO DREDGING PERMIT

WHEREAS, Dredging Permit 6708 was issued to the Golden Gate Bridge, Highway and Transportation District, effective February 1, 1988 through January 31, 1989, granting permission to perform maintenance dredging in the natural channel of Corte Madera Creek near Larkspur, Marin County; and

WHEREAS, the Golden Gate Bridge, Highway and Transportation District has requested permission from the State Lands Commission to extend the expiration date six months;

NOW THEREFORE, the parties hereto agree that paragraph two of Dredging Permit PRC 6708 which reads as follows:

No royalty shall be paid for material placed at the approved offshore 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 February 1, 1988 through January 31, 1989.

Shall be amended to read:

No royalty shall be paid for material placed at the approved offshore 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 February 1, 1989 through July 31, 1989.

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February 1, 1989

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: GOLDEN GATE BRIDGE, HIGHWAY AND
TRANSPORTATION DISTRICT

By _____

Title: _____

Date: _____

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EXHIBIT "C"

DEPARTMENT OF THE ARMY PERMIT

Permittee Golden Gate Bridge
Highway and Transportation District

Permit No. 17486N47

Issuing Office San Francisco District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To maintenance dredge, one time only, 90,000 cubic yards by clamshell a 120 foot by 4400 foot channel and turning basin to a planned depth of 10.5 (MLLW) plus an overdepth tolerance of 2 feet at the center of the existing Larkspur Ferry Boat channel. In accordance with the attached drawings: marked "EMERGENCY MAINTENANCE DREDGING OF FERRY CHANNEL IN LARKSPUR FERRY CHANNEL

Project Location:

Larkspur, Marin County at Corte Madera Creek

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 9 December 1991. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Work shall take place between November 1 and April 1.

SEE ATTACHED PAGE FOR SPECIAL CONDITIONS

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Carney J. Campion
(PERMITTEE) CARNEY J. CAMPION, GENERAL
MANAGER, GOLDEN GATE BRIDGE, HIGHWAY
AND TRANSPORTATION DISTRICT

12-14-88
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Galen H. Yanagihara
(DISTRICT ENGINEER)
GALEN H. YANAGIHARA
COL. CE

8 Dec 88
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 325.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Carney J. Campion

(PERMITEE) CARNEY J. CAMPION, GENERAL
MANAGER. GOLDEN GATE BRIDGE HIGHWAY

12-14-88

(DATE)

STATE OF CALIFORNIA
COUNTY OF San Francisco

On this 14th day of December in the year
1988, before me

Dorothy M. McGraw, a Notary Public, State of California,
duly commissioned and sworn, personally appeared
Carney J. Campion,

personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that he executed the same.

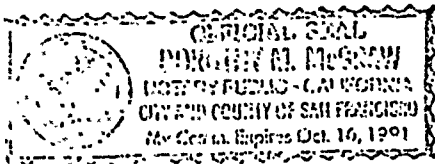
IN WITNESS WHEREOF I have hereunto set my hand and affixed
my official seal in the _____ City and _____ County of
San Francisco, California on the date set forth above

in this certificate.

Dorothy M. McGraw

Notary Public, State of California
October 16, 1991

My commission expires _____



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Cowdery's Form No. 32—Acknowledgement to Notary Public-Individuals (c.c. sec. 1189.)

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DREDGING PERMIT SPECIAL CONDITIONS

1. That the permittee shall, when utilizing San Francisco Disposal Site No. 11 (Alcatraz), dispose of only dredged sediments (no debris) by random distribution. The disposal site is a circular area of radius 1000 feet with center located at latitude 37 49'17"N and longitude 122 25'23"W. The specific disposal location within the dump site will be determined by the District Engineer once the dredging plan is submitted by the permittee. The permittee shall notify the Coast Guard Vessel Traffic Service via radio on channel 13 five minutes in advance of actual departure. The notification shall include the Corps of Engineers permit number authorizing the disposal at the site.

2. That the permittee shall, as directed by the District Engineer under the authority pursuant to the policies and procedures of 33 CFR 325.7, modify disposal schedules and/or monthly disposal quantities for each dredging episode.

3. That the permittee shall submit a Dredging Operation Plan for the areas of planned work to Chief, Construction-Operations Division, Attn: Regulatory Branch, US Army, Corps of Engineers, 211 Main St., San Francisco, California 94105-1905, for review a least 15 working days prior to the commencement of the proposed activity. The operation plan shall address, at a minimum, the following items:

A. A debris management plan which shall indicate measures to be taken to ensure that no solid debris recovered during dredging or any authorized construction/demolition operation is disposed of at the approved dredge material aquatic disposal site or in other waters under the Corps jurisdiction. At a minimum, the plan shall include the source and expected type of debris, the separation and disposal method and debris disposal site, the schedule of the operation, and the project site containment method to be used if floatable debris is involved. The District Engineer may require additional information as necessary subject to the specific permit operation.

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B. The dredging operation plan shall include the name and telephone number of the dredging contractor, the scheduled start date, the dredging equipment identification name/number and the bin/barge capacities.

C. The plan shall also include a discussion of the proposed dredging operation as governed under DREDGED SEDIMENT DISPOSAL REQUIREMENT FOR OPEN-WATER DISCHARGE IN SAN FRANCISCO BAY, (12/11/87). The discussion shall include an identification of the project type (maintenance or new work), the quantity of material to be removed, the upcoming episode's design depth along with the case of the last dredging episode and it's design depth. The specific operations/procedures to be used are to be identified along with detailed drawings/specifications of the grid or centrifugal pump system incorporated into the dredging operation.

4. That the permittee shall submit a copy of the Before Dredging Survey to Chief, Construction-Operations Division, Attn: Regulatory Branch, US Army, Corps of Engineers, 211 Main St., San Francisco, California 94105-1905, for review at least 15 working days prior to commencement of dredging. The survey shall be accurate to one tenth (0.1) of a foot and is to show the areas to be dredged including over-depth allowance, existing depths, and total quantity to be dredged (separated by project and over-depth). The survey is to be signed by the permittee certifying as to its accuracy.

5. That the permittee shall submit a copy of the After Dredge Survey to Chief, Construction-Operations Division, Attn: Regulatory Branch, US Army, Corps of Engineers, 211 Main St., San Francisco, California 94105-1905, within 15 working days of completion of dredging. The survey shall be accurate to one tenth (0.1) of a foot and is to show the areas dredged, depths and total quantity dredged (indicate project and over-depth). The permittee shall substantiate the total quantity dredged by including calculations used to determine the total dredged quantity from the volume difference (in cubic yards) between the Before and After Dredging Survey. The survey is to signed by the permittee certifying as to its accuracy.

Special Conditions for Larkspur Ferry Dredging

1. You shall conduct an erosion study for at least 3 years according to the attached scope of work titled "Proposal-Erosion Study, Corte Madera Ecological Reserve", commencing 1 Jan 1989.
2. The amount of mitigation acreage (a maximum of .2 acres) shall be determined by the results of the erosion study, the analysis of which shall be completed by June 1992.
3. The mitigation shall consist of the creation of marsh suitable for clapper rail habitat, specifically a pickle-weed/cordgrass wetland with tidal sloughs, at an appropriate site adjacent to Heerdt-Muzzi Marsh. The marsh design shall receive prior approval from the District Engineer in consultation with the Fish and Wildlife Service.
4. The creation of the marsh shall include:
 - (1) The wetland area at the correct elevation to support pickle-weed and cordgrass and several sinuous tidal sloughs and modeled after the prototypical Clapper Rail habitat now present at Heerdt Marsh.
 - (2) The planting of a 50/50 mixture of pickle weed and cordgrass that will produce 80% cover 2 years after planting, and after it is mature (a maximum of 5 years), have the ability to support at least one nesting pair of Clapper Rails.
 - (3) A monitoring report shall be submitted to the District Engineer every 6 months for up to 5 years after the initial grading and planting of the mitigation site to determine the marsh success.
 - (4) If after 2 years the planting has not produced 80% cover, an acknowledged "expert(s)" on wetland restoration and Clapper Rail habitat shall study the site and determine the reason for its failure and recommend remedial measures to correct the problem. After approval from the District Engineer, these measures shall be then instituted immediately in order to achieve the success stated in the previous paragraph.
5. The marsh mitigation site shall then be protected in perpetuity by being deeded to California Fish and Game to become part of the Heerdt-Muzzi Marsh Ecological Reserve.



"D"

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

January 26, 1989

Ms. Linda Martinez
Dredging Coordinator
State Lands Commission
1807 - 13th St.
Sacramento, CA 95814

Subject: WP 6708, LARKSPUR FERRY CHANNEL DREDGING

Dear Ms. Martinez:

The District has obtained all necessary permits from those agencies having jurisdiction for the dredging of the Larkspur Ferry Channel. These permits included:

1. BCDC
2. Corps of Engineers
3. Regional Water Quality Control Board
4. State Lands Commission

To our knowledge, these are all of the permits necessary for the project and in any case the District is exempt by authority of Government Code Sections 53090 and 53091 from regulations by city and counties.

Sincerely,

Duncan J. Patterson / DL

Duncan J. Patterson, P.E.
Senior Engineer

DJP/dl

c:

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