

MINUTE ITEM
This Calendar Item No. C17
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 3
to 0 at its 4/26/89
meeting.

CALENDAR ITEM

A 3
S 1

C17

04/26/89
PRC 6531
Martinez

DREDGING PERMIT

APPLICANT: Yuba Sutter Disposal, Inc.
P.O. Drawer G
Marysville, California 95901

AGENT: Kit R. Burton
P.O. Box 551
Marysville, California 95901

AREA, TYPE LAND AND LOCATION:
Sovereign lands in the Yuba River east of
Marysville, Yuba County.

LAND USE: Dredge a maximum 20,000 cubic yards of material
from a gravel bar in the Yuba River. The
material will be used for road repair on the
adjacent upland owned by the applicant.

TERMS OF THE PROPOSED PERMIT:
Initial Period: Two months effective July 1,
1989.

Royalty: \$0.30 per cubic yard for
material used on the private
upland as approved.

PREREQUISITE FEES AND EXPENSES:
Filing and processing fees have been received.

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: 08/09/89.

CALENDAR ITEM NO. C17 (CONT'D)

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to PRC 6370 et seq. Based upon the staffs 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.
2. A Negative Declaration was prepared and adopted for this project by the county of Yuba. Commission staff has reviewed such document and believes that it complies with the requirements of the CEQA.
3. The Dept. of Fish and Game has issued a permit restricting the dredging to July 1 through August 31, 1989.
4. Staff believes the use of the material on the adjacent privately owned upland is not subject to competitive bid leasing, because the material is being extracted for the applicant's own use, not for resale, and the project is a limited term operation to remove a small amount of material.

APPROVALS OBTAINED:

Dept. of Fish and Game.
County of Yuba.
State Reclamation Board.

EXHIBITS:

- A. Vicinity and Site Map.
- B. Dredging Permit.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF YUBA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

CALENDAR ITEM NO. C17 (CONT'D)

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PRC 6370 ET SEQ.
4. AUTHORIZE STAFF TO ISSUE TO YUBA SUTTER DISPOSAL, INC. THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 20,000 CUBIC YARDS OF MATERIAL FROM THE YUBA RIVER FOR TWO MONTHS BEGINNING JULY 1, 1989 THROUGH AUGUST 31, 1989. THE SPOILS WILL BE USED FOR ROAD REPAIR ON THE ADJACENT UPLAND OWNED BY THE APPLICANT. A ROYALTY OF \$0.30 PER CUBIC YARD WILL BE CHARGED FOR THE MATERIAL USED ON THE PRIVATE UPLAND. SUCH PERMITTED ACTIVITY IS CONTIGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL STATE AND LOCAL GOVERNMENT AGENCIES.

(ADDED 04/24/89)

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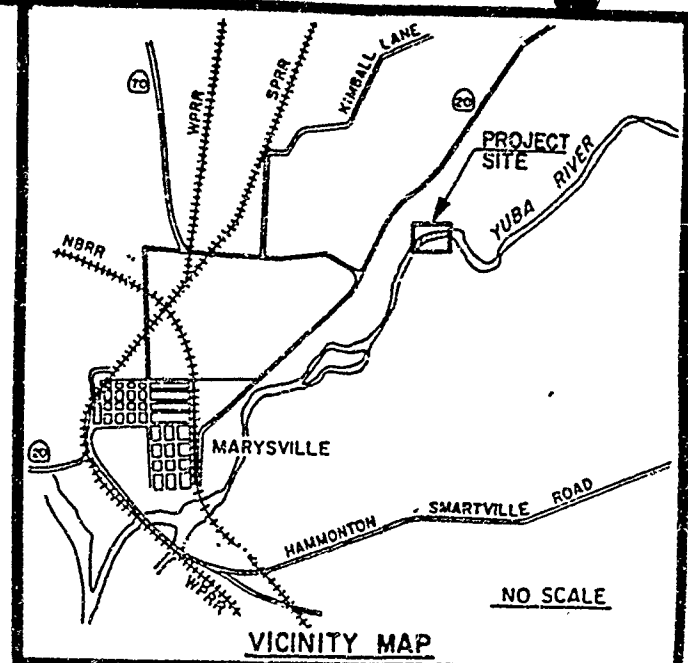
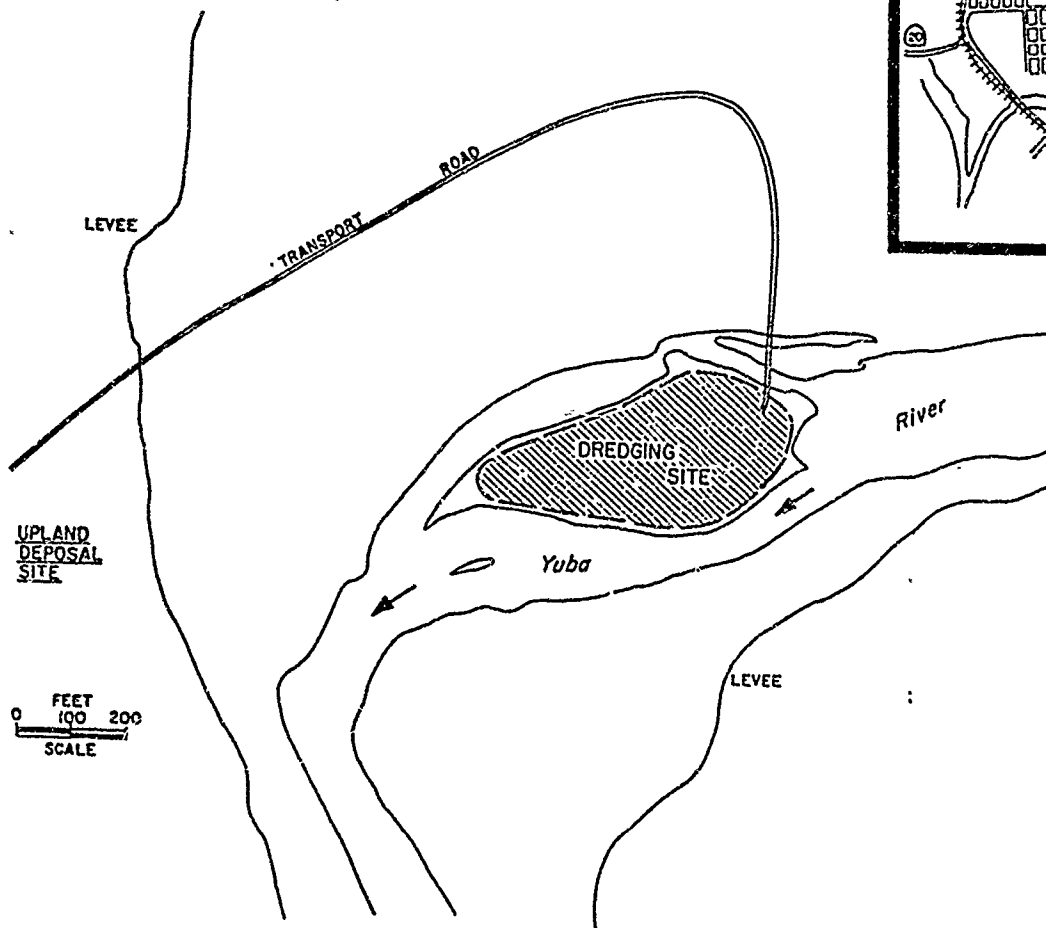


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 YUBA SUTTER
 DISPOSAL INC.
 PRC 6531
 YUBA RIVER
 YUBA COUNTY



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STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

April 26, 1989

File Ref.: PRC 6531

Yuba Sutter Disposal, Inc.
P. O. Drawer G
Marysville CA 95901

Gentlemen:

Pursuant to the authorization of the State Lands Commission on April 26, 1989, you are hereby granted permission to dredge, during the term of the permit, a maximum 20,000 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 sovereign lands in the Yuba River east of Marysville, Yuba County as designated in Exhibit "A" attached hereto, which are by this reference expressly made a part hereof. Said permission includes the right to use the dredged material for road repair on the adjacent upland owned by the Permittee.

A royalty of \$0.30 per cubic yard of materials dredged shall be paid to the State as required herein. 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 July 1, 1989 through August 31, 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 30.9 NC). 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 (1-1/2%) 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 person 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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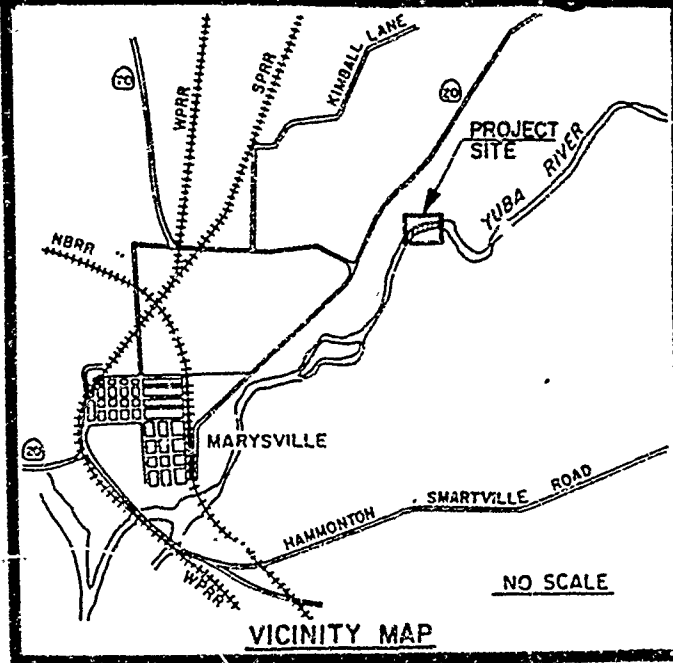
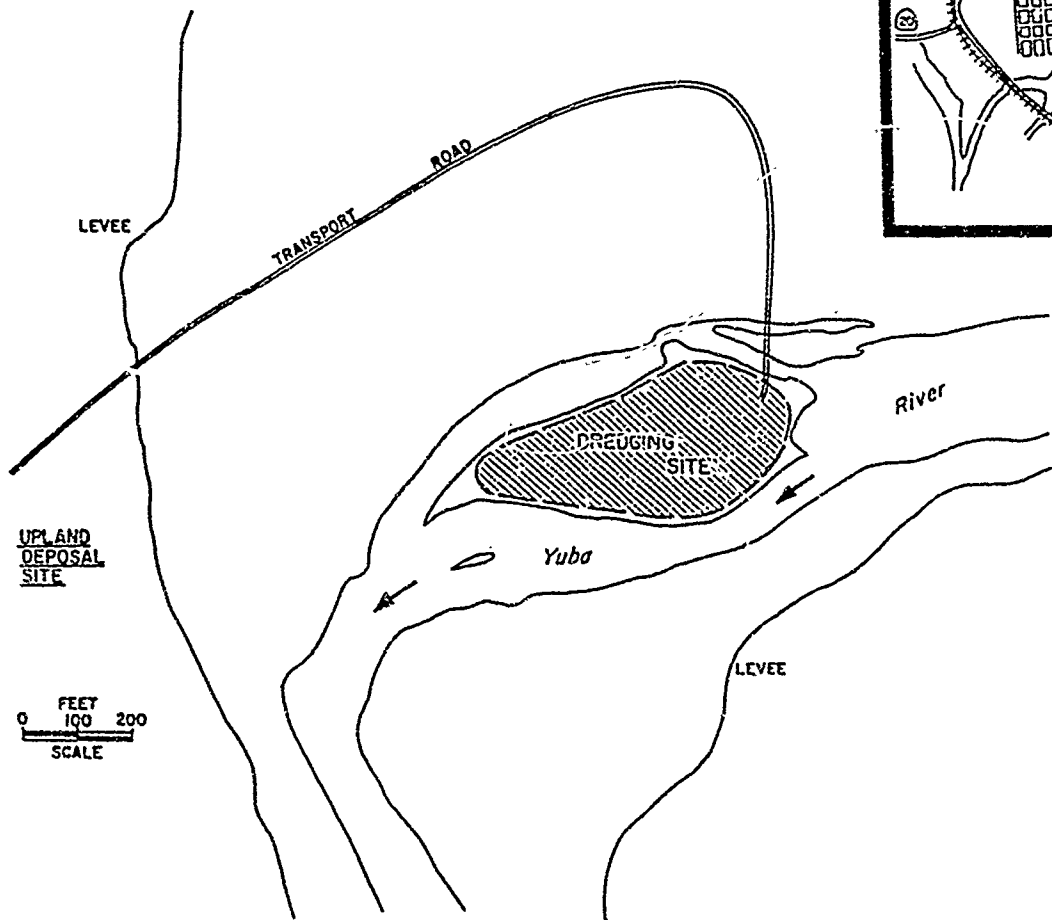


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 YUBA SUTTER
 DISPOSAL INC.
 PRC 6531
 YUBA RIVER
 YUBA COUNTY



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"C"

NOTICE OF DETERMINATION

TO: X State Clearinghouse FROM: COUNTY OF YUBA
 1400 10th Street, Room 121 Planning & Building Services Dept.
 Sacramento, CA 95814 938 14th Street
 or Marysville, CA 95901
X County Clerk
 County of Yuba

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Yuba-Sutter Disposal, Inc. CONDITIONAL USE PERMIT 88-20/Reclamation Plan 88-02
 Project Title Case No.

Larry E. Brooks (916) 741-6419
 State Clearinghouse Number Contact Person Telephone Number
 (If submitted to Clearinghouse)

Located within the stream bed of the Yuba River adjacent to the Yuba-Sutter Disposal, Inc., landfill site.

Project Location
 To excavate and remove approximately 20,000 cubic yards of sand and aggregate from an island in the Yuba River and reclaim the land by regrading.

Project Description

This is to advise that the County of Yuba, January 18, 1989
 (Date)

has approved the above described project and has made the following determinations regarding the above described project:

- 1. The project will, x will not, have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- x A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The EIR or Negative Declaration and record of Project approval may be examined at the
Yuba County Planning & Building Services Dept.,
938 14th Street, Marysville, CA 95901

- 3. Mitigation measures x were, were not, made a condition of the approval of the project.
- 4. A statement of overriding Considerations was, x was not, adopted for this project.

Date Received for Filing: JAN 20 1989

[Signature]
 Signature
Planning & Building Services Director
 Title

ENDORSED FILED
FRANCES J. FAIREY, CLERK
 BY [Signature] Deputy Clerk

PC-44

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CONDITIONAL USE PERMIT 88-20
STAFF REPORT

APPLICANT: YUBA-SUTTER DISPOSAL, INC.
P. O. Drawer G
Marysville, CA 95901

PROJECT DESCRIPTION

1. Request: To remove approximately 20,000 cubic yards of sand and gravel from an island in the Yuba River for use on roadways at the adjacent landfill.
2. Location: The island is located to the east of the Yuba-Sutter Disposal, Inc. landfill in the channel of the Yuba River, approximately 4.2 miles upstream from its confluence with the Feather River, northeast of the City of Marysville.
3. Existing Land Use and Zoning: The land use in the surrounding vicinity is agricultural. The Y.S.D.I. landfill site, to the west, was recently annexed to the City of Marysville. The zoning within the area is Exclusive Agriculture with a forty acre minimum parcel size (AE-40).
4. Project Site and Surrounding Uses: The project site is a gravel bar located at a bend in the Yuba River.

ENVIRONMENTAL DETERMINATION:

Staff has determined that the project would not result in any significant adverse environmental effects. A Negative Declaration has been prepared for adoption in accordance with the California Environmental Quality Act (CEQA).

BACKGROUND:

See attached Project Description and Reclamation Plan.

FINDINGS AND RECOMMENDATION:

The Resolution of Approval for Conditional Use Permit 88-20 and Reclamation Plan 88-02 contain the findings required by Ordinance, which staff feels support the proposed project. Staff recommends that the Planning Commission adopt a Negative Declaration and approve Conditional Use Permit 88-20 and Reclamation Plan 88-02 subject to conditions.

Attachments:

Exhibit
Project Description
Vicinity Map
Reclamation Plan 88-02
Environmental Checklist Form
Conditions of Approval
Resolution of Approval

LB:JM:jc

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ENVIRONMENTAL CHECKLIST FORM
(To be completed by the Environmental Protection Committee)

PC-13

1. BACKGROUND
 1. Name of Proponent: Yuba-Sutter Disposal, Inc.
 2. Address and phone number of Proponent:
P. O. Drawer G
Marysville, CA 95901
 3. Date of Checklist Submitted: 12-23-88
 4. Name of Proposal, if applicable:
Conditional Use Permit 88-20 & Reclamation Permit 88-02

II. ENVIRONMENTAL IMPACTS
 (Expansion of all "Yes" and "maybe" answers are required on attached sheets.)

1. <u>Earth</u> Will the proposal result in:	Yes	Maybe	No	N/A
a. Unstable earth conditions or changes in geologic structures?				KJ
b. Disturbance, displacements, compaction or over-covering of the soil?				IX
c. Change in topography or ground surface relief features?				DO
d. The destruction, covering or modification of any unique geologic or physical features?				KI
e. Any increase in wind or water erosion of soils, either on or off the site?				DO
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream, or the bed of the ocean or any bay, inlet or lake?				IX
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudflows, ground failure, or other hazards?				DO
2. <u>Air</u> Will the proposal result in:				
a. Substantial air emissions or deterioration of ambient air quality?				KJ
b. The creation of objectionable odors?				DO
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?				IX
3. <u>Water</u> Will the proposal result in:				
a. Changes in currents, or the course or direction of water movements, in other marine or fresh waters?				DO
b. Changes in salinization rates, drainage patterns, or the rate and amount of surface water runoff?				DO
c. Alterations to the course or flow of flood waters?				KJ
d. Changes in the amount of surface water in any water body?				DO
e. Discharge of substances into surface or ground water, or in any alteration of water quality including but not limited to temperature, dissolved oxygen or turbidity to cause significant deterioration?				DO
f. Alteration of the direction or rate of flow of ground waters?				DO

	Yes	Maybe	No	N/A
g. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?				KI
h. Substantial reduction in the amount of water otherwise available for public water supplies?				DO
i. Exposure of people or property to water related hazards such as floods, or mud waves?				DO
4. <u>Plant Life</u> Will the proposal result in:				
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, creepers, microflora and aquatic plants)?				KI
b. Reductions of the numbers of any unique, rare or endangered species of plants?				DO
c. Introduction of new species of plants into an area, or in a barrier to the normal reestablishment of existing species?				DO
d. Reduction in acreage of any agricultural crop?				DO
5. <u>Animal Life</u> Will the proposal result in:				
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microflora)?				KJ
b. Reductions of the numbers of any unique, rare or endangered species of animals?				DO
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?				DO
d. Deterioration to existing fish or wildlife habitat?				DO
6. <u>Noise</u> Will the proposal result in:				
a. Increases in existing noise levels?				DO
b. Exposure of people to noise levels?				DO
7. <u>Light and Glare</u> Will the proposal produce new light or glare?				DO
8. <u>Land Use</u> Will the proposal result in a substantial alteration of the present or planned land use of an area?				DO
9. <u>Natural Resources</u> Will the proposal result in:				
a. Increase in the rate of use of any natural resources?				KJ
b. Substantial depletion of any nonrenewable natural resources?				DO
10. <u>Risk of Injury</u> Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				KJ
11. <u>Population</u> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?				DO
12. <u>Housing</u> Will the proposal affect existing housing, or create a demand for additional housing?				DO
13. <u>Transportation / Circulation</u> Will the proposal result in:				
a. Generation of substantial additional vehicular movement?				DO
b. Effects on existing parking facilities, or demand for new parking?				DO
c. Substantial impact upon existing transportation systems?				KJ
d. Alterations to present patterns of circulation or movement of people and/or goods?				DO
e. Alterations to arterials, rail or air traffic?				DO
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?				IX

CUP 88-20

CASE NO. RP 88-02

14. <u>Public Services</u> Will the proposal have an effect upon, result in a need for new or altered governmental services any of the following areas:	Yes	Maybe	No	N/A
Fire protection?				KI
Police protection?				DO
Schools?				DO
Parks or other recreational facilities?				DO
Maintenance of public facilities, including roads?				DO
Other governmental services?				DO
15. <u>Energy</u> Will the proposal result in:				
Use of substantial amounts of fuel or energy?				KI
Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?				IX
16. <u>Utilities</u> Will the proposal result in a need for new systems, necessitating alterations to the following utilities:				
Power or natural gas?				DO
Communications systems?				IX
Water?				IX
Sewer or Solute tanks?				DO
Storm water drainage?				DO
Solid waste and disposal?				IX
17. <u>Human Health</u> Will the proposal result in:				
Creation of any health hazards or potential health hazard (excluding mental health)?				KJ
Exposure of people to potential health hazards?				DO
18. <u>Aesthetics</u> Will the proposal result in the obstruction of any view which is view open to the public, or will the proposal result in the least view of an aesthetically offensive site open to public view?				DO
19. <u>Recreation</u> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?				DO
20. <u>Cultural Resources / Historical</u> Will the proposal result in an alteration of a significant archeological or historical site, structure, object, or building?				KI
21. <u>Victory Findings of Significance</u>				
Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important habitats of the major periods of California history or pre-history?				KJ
Does the project have the potential to achieve short-term, to the abandonment of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definite period of time while long-term impacts will endure well into the future.)				DO
Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)				DO
Does the project have environmental effects which will cause substantial or irreversible adverse effects on human beings, either directly or indirectly?				DO

III. DISCUSSION OF ENVIRONMENTAL EVALUATION / MITIGATION MEASURES.

* Not Environmentally Significant for this Project

IV. DETERMINATION

On the basis of this initial evaluation:

We find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

We find that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because the mitigation measures described above have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.

We find the proposed project MAY have a significant effect on the environment, and the preparation of an ENVIRONMENTAL IMPACT REPORT will be recommended to the Planning Commission.

CALENDAR PAGE 128.9
 Planning & Building Services Director
 MINUTE PAGE 1216
 December 23, 1988
 Date of Declaration PC-13

CONDITIONS OF APPROVAL

YUBA COUNTY

Owner: State Lands Commission Case: CIP 88-20
 Applicant: Yuba-Sutter Disposal, Inc. Approved: _____
 PC-9

PUBLIC WORKS CONDITIONS

NO CONDITIONS REQUIRED FOR THIS PROJECT.

DEPARTMENT OF HEALTH SERVICES - ENVIRONMENTAL HEALTH CONDITIONS

NO CONDITIONS REQUIRED FOR THIS PROJECT.

PLANNING DIVISION'S CONDITIONS

1. The use permit shall be effective the end of the ten (10) day appeal period which begins on the day following the date of approval. The expiration date of the appeal period is _____ at 5 p.m.
2. "In the event that the approval of this map is legally challenged, the County will promptly notify the applicant of any claim, action, or proceeding, and the County will cooperate fully in the defense of the matter. Once notified that a claim, action, or proceeding has been filed to attack, set aside, void, or annul an approval by the Planning Commission or the Board of Supervisors concerning the subdivision, the applicant agrees to defend, indemnify, and hold harmless the County and its agents, officers and employees."
3. The property subject to this Conditional Use Permit shall be excavated and reclaimed in accordance with the Exhibits as approved. Minor modifications to approved plans may be approved at the discretion of the Planning and Building Services Director, but any significant change on either the physical dimensions or schedule of operation shall require approval of an amended Conditional Use Permit and/or Reclamation Plan.
4. The applicant shall comply with all provisions of Chapter 11.20 of the Yuba County Ordinance Code.
5. The applicant shall comply with all applicable state and local ordinances and regulations.
6. No washing operation will be conducted on-site.
7. This Conditional Use Permit shall only be effective after the applicant has submitted copies of all permits required by the State and other agencies for the proposed project to the Planning Department i.e. Reclamation Board, Water Quality Control Board, Department of the Army, the Department of Fish and Game, etc.
8. Operations shall be conducted for the removal of up to 20,000 cubic yards of sand and gravel and will be carried out during the period 1 July through 31 August, 1989.

 Larry F. Brooks, Director
 Planning and Building Services Department

BEFORE THE PLANNING COMMISSION
 OF THE
 COUNTY OF YUBA

IN RE: RESOLUTION APPROVING
 CONDITIONAL USE PERMIT 88-20
 RECLAMATION PLAN 88-02
 (YUBA-SUTTER DISPOSAL, INC.)
 SUBJECT TO CERTAIN CONDITIONS } RESOLUTION NO. _____

WHEREAS, the Planning Commission of Yuba County has considered an application for Conditional Use Permit 88-20 and Reclamation Plan 88-02 filed by Yuba-Sutter Disposal, Inc., to excavate and remove approximately 20,000 cubic yards of sand and aggregate from an island in the Yuba River and to reclaim the land by regrading. The project is located in the AE-40 Zone within the stream bed of the Yuba River adjacent to the YSDI landfill site; and

WHEREAS, the Planning & Building Services Department has conducted an Initial Study and determined that the project could not cause or be subject to any significant adverse effects on the environment because of mitigation measures added to the project, and has given notice of preparation of a Negative Declaration in accordance with the California Environmental Quality Act, as amended; and

WHEREAS, all significant effects of the project have been substantially mitigated by project redesign and/or conditions of approval; and

WHEREAS, the Planning Commission finds after due deliberation, study and public hearing that the following circumstances exist:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood;
2. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The site for the proposed use is adequate in size and shape to accommodate said use;
4. The proposed use is consistent with the Yuba County General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Yuba County Planning Commission hereby adopts the Negative Declaration prepared for Conditional Use Permit 88-20 and Reclamation Plan 88-02; and

BE IT FURTHER RESOLVED, that Conditional Use Permit 88-20 and Reclamation Plan 88-02 are hereby approved subject to the conditions of approval which are attached hereto, unless appealed within 10 days in accordance with the Yuba County Code.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Yuba, State of California, on the _____ day of _____, by the following vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:

CALENDAR PAGE 128/10
 MAJUTE PAGE