

MINUTE ITEM
This Calendar Item No. 61
was approved as Minute Item
No. 61 by the State Lands
Commission by a vote of 3
to 0 at its 7/10/89
meeting.

CALENDAR ITEM
61

DATE RECEIVED
07/10/89
W 24287 PRC 7322
Martinez

A 10

S 5

DREDGING PERMIT

APPLICANT: Delta Bay Club, Inc.
Attn.: Robert Gile
922 West Brannan Island Road
Isleton, CA 95641

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands on the San Joaquin
River at Andrus Island; Sacramento County.

PROPOSED LAND USE:
Dredge a maximum 450 cubic yards of material
with a clamshell dredge to remove a build-up of
silt near the downstream end of an existing
marina operated by the applicant.

The dredged material will be transported by
barge to an upstream loading ramp where it will
be trucked and disposed of at an adjacent
upland site owned by the applicant.

TERMS OF PROPOSED PERMIT:

Initial Period: One year beginning July 1,
1989.

Royalty: \$0.25 per cubic yard for
material disposed of at the
approved upland site.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees have been received.

MINUTE
of the Board of
State Lands and
Conservation
January 2, 1990

CALENDAR ITEM NO. 61 (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: 01/02/90.

OTHER PERTINENT INFORMATION:

1. 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.
2. Pursuant to the Commission's delegation of Authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 4(g), maintenance dredging, where the spoil is deposited in spoil area authorized by all applicable State and Federal regulatory agencies, 14 Cal. Code Regs. 15104.

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

3. The applicant has received approval of the project from the Brannan Andrus Levee Maintenance District which is the only local authorization required. District approval included sediment quality testing as required by the Water Quality Control Board.

APPROVALS OBTAINED:

United States Army Corps of Engineers,, United States Coast Guard, Regional Water Quality Control Board, and Brannan Andrus Levee Maintenance District.

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NOTES

- EXHIBITS: A. Location and Site 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. CODE REGS. 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 4, MAINTENANCE DREDGING 14 CAL. CODE REGS. 15104.
2. AUTHORIZE STAFF TO ISSUE TO DELTA BAY CLUB, INC. THE DREDGING PERMIT AUTHORIZING DREDGING A MAXIMUM 450 CUBIC YARDS OF MATERIAL FOR ONE YEAR BEGINNING JULY 1, 1989 FROM THE SAN JOAQUIN RIVER AT ANDRUS ISLAND, SACRAMENTO COUNTY AND DISPOSAL OF THE MATERIAL ON THE ADJACENT UPLAND. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED UPLAND SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS AND LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

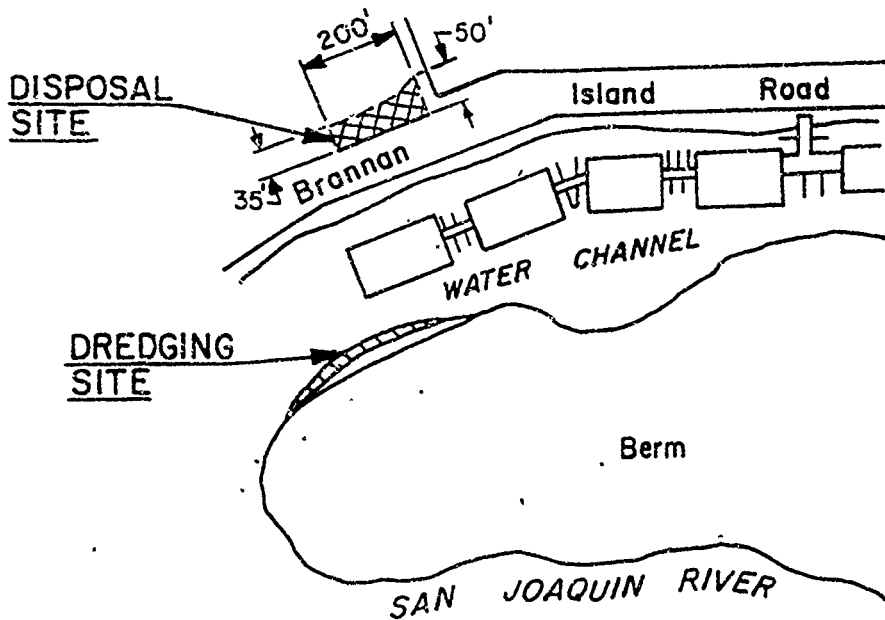
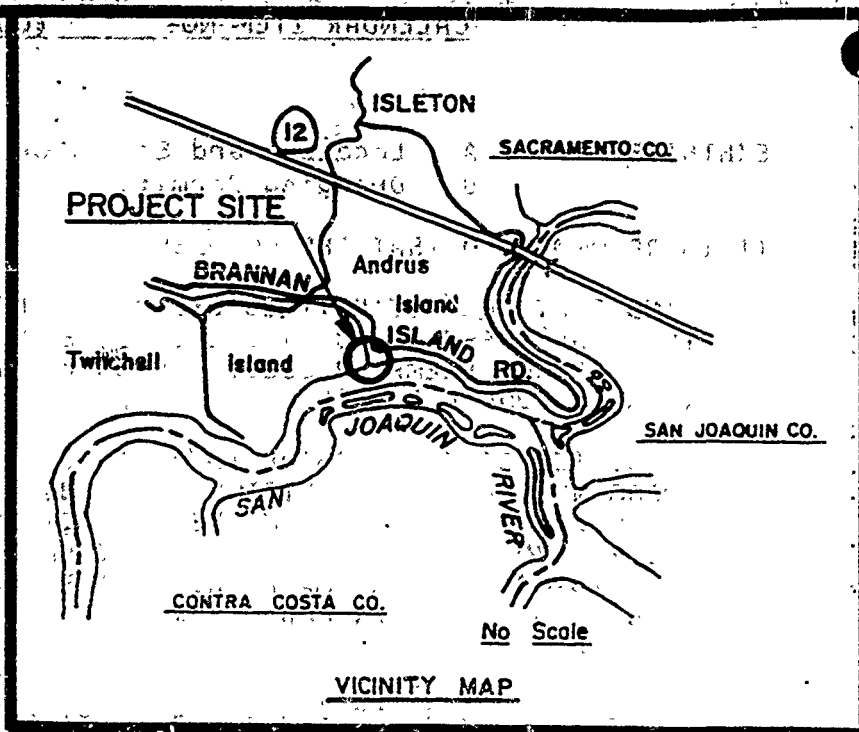


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 DELTA BAY CLUB INC.
 W24287
 SAN JOAQUIN RIVER
 SACRAMENTO COUNTY



"B"

STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



July 11, 1989

File Ref.: W 24287

Delta Bay Club, Inc.
Attn: Robert Gile
922 West Brennan Island Road
Isleton CA 95641

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission in July, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 450 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 on the San Joaquin River at Andrus Island, Sacramento 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 the material on the adjacent upland.

A royalty of \$0.25 per cubic yard shall be paid for material disposed of as approved. 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 11, 1989 through July 10, 1990.

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.

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STATE OF CALIFORNIA

Delta Bay Club, Inc.

July 11, 1989



It is agreed that you shall furnish the Commission with copies of final survey 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: _____, Date: _____

Title: _____

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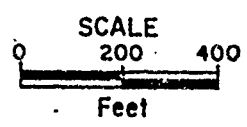
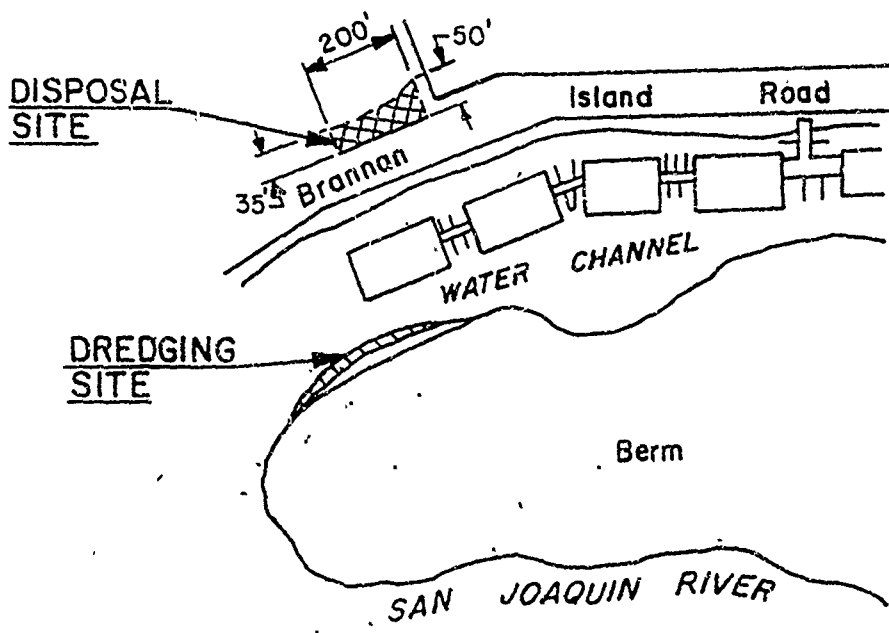
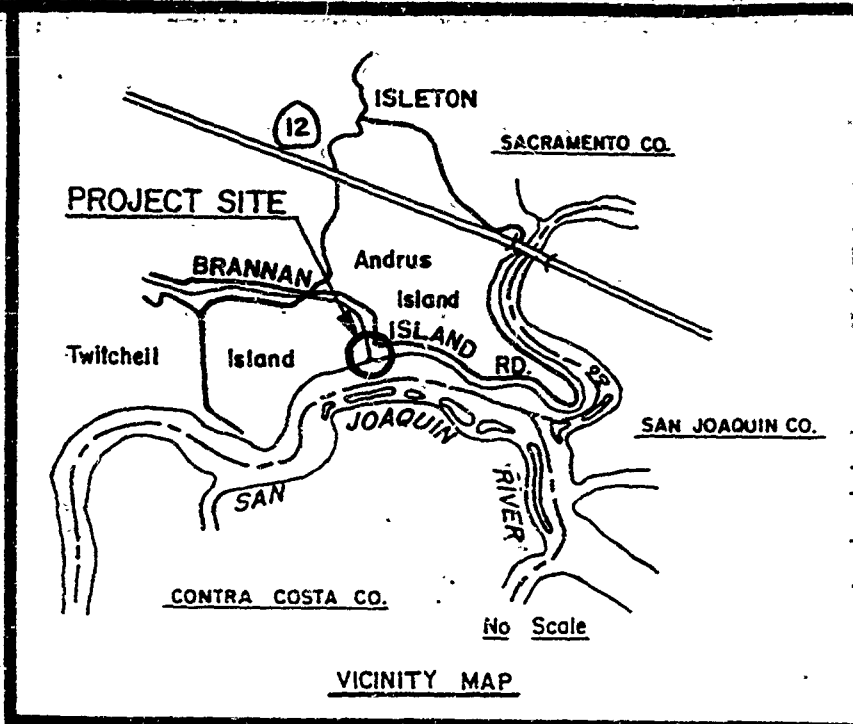


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
DELTA BAY CLUB INC.
W24287
SAN JOAQUIN RIVER
SACRAMENTO COUNTY

