

MINUTE ITEM

This Calendar Item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 2 at its 1/26/77
meeting.

CALENDAR ITEM
22.

7/77
W 320.132
W 9925
JR

PRC 5361

MARINA SITE AND
DREDGING PERMIT

APPLICANT: Carl Bennett
Rodeo Marina
13 Pacific Avenue
Rodeo, California 94572

PROPOSED DREDGING: To perform, over a 10-year period, main-
tenance dredging of an approximate yearly
total not to exceed 10,000 cubic yards of
material from an area of tide and submerged
lands adjacent to San Pablo Bay, Contra
Costa County.

SPOILS PLACEMENT: The dredging would be accomplished by
hydraulic dredge, and the dredged material
pumped onto a barge. The material would be
transported and disposed of at San Francisco
Disposal Site 9 in the Carquinez Strait.

OWNERSHIP: The area involves disputed titles. The
final determination of titles and boundaries
may take substantial time to complete. Mr.
Bennett has indicated that further delay
will force his marina out of business. There-
fore, a no-prejudice permit is proposed
during the interim. Mr. Bennett's lessor,
A. F. Bray, has joined in the request for
the no-prejudice permit. Future settlement
of titles, rental, and royalty would be
submitted to the Commission for its review.
The no-prejudice permit will cover both the
marina and the maintenance dredging.

CONSIDERATION: Upon resolution of the title and boundaries
questions, the applicant shall be responsible
retroactively for any rental or royalties
due for the term covered by this permit for
portions that may extend upon sovereign fee
owned lands. Such rental would be at the
normal rate for the time period in question
that has been established by the Commission.
Royalties would be due at the rate of \$0.15
per cubic yard.

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ENVIRONMENTAL IMPACT:

1. An environmental Impact Report is not required. This project is within the purview of 2 Cal. Adm. Code 2907, Class 1, which exempts existing facilities.
2. This project is situated on State land identified as multiple use area, pursuant to Public Resources Code Section 6370.1, and is classified use category, Class C. Staff review indicates that there will be no significant effect upon identified environmental values. In fact, applicant has changed method of disposal in conformance with request from the Resources Agency.

OTHER PERTINENT DATA:

1. Applicant has requested permission and has received permits to perform the dredging from the following agencies:
 - a. San Francisco Bay Conservation and Development Commission Permit #77-44 issued July 1, 1977;
 - b. San Francisco Regional Water Quality Control Board Certificate #77-13 issued July 5, 1977.
2. Applicant has pending request for a permit with the U.S. Army Corps of Engineers PN 10966-52. State Lands is the last agency from which a permit is required before the Corps will issue its permit.
3. Effective period of the permit is to be July 26, 1977 to July 25, 1987.

EXHIBITS: A. Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF AN ENVIRONMENTAL IMPACT REPORT AS PROVIDED BY 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON THE ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.

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3. AUTHORIZE THE ISSUANCE OF A NO-PREJUDICE PERMIT TO CARL BENNETT FOR MARINA PURPOSES, AND TO PERFORM MAINTENANCE DREDGING NOT TO EXCEED 10,000 CUBIC YARDS PER YEAR, OVER A 10-YEAR PERIOD, FROM AN AREA OF TIDE AND SUBMERGED LANDS ADJACENT TO SAN PABLO BAY, SUCH AREA BEING DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; RENTAL AND ROYALTY SHALL BE DUE FOR ANY PORTION THAT MAY EXTEND UPON SOVEREIGN FEE OWNED LANDS; SUCH RENTAL WILL BE AT THE STANDARD RATE ESTABLISHED FOR THE TIME PERIOD IN QUESTION; ROYALTY, IF ANY, SHALL BE CHARGED AT THE RATE OF \$0.15 PER CUBIC YARD. THE PERMIT IS TO BE EFFECTIVE JULY 26, 1977 THROUGH JULY 25, 1987.

Attachment: Exhibit "A"

EXHIBIT "A"

W 9925

All right, title, and interest under the jurisdiction of the State Lands Commission within a parcel situate in the State of California, County of Contra Costa, described as follows:

Beginning at a point on the northern boundary line of the right of way of the Southern Pacific Railroad Company, at a point where the northeast boundary line of the parcel of land described in the deed to Pacific Patent Plaster Company, recorded September 25, 1890, Book 59, Deeds, page 58, intersects the said right of way, said point being the most easterly corner of said Pacific Patent Plaster Company's tract (59 D 58); thence North $69^{\circ} 30'$ East along the northern boundary line of the right of way of the Southern Pacific Railroad Company, 644.5 feet to station; thence North $13^{\circ} 15'$ East 900 feet more or less to station; thence North $61^{\circ} 15'$ West 590 feet more or less to station; thence South $41^{\circ} 36'$ West 1,420 feet more or less to station; thence South $61^{\circ} 10'$ East along the northeast boundary line of said Pacific Patent Plaster Company's tract (59 D 58), 728 feet into the point of beginning.