

MINUTE ITEM

This Calendar Item No C32 was approved as Minute Item No 32 by the California State Lands Commission by a vote Of 3 to 0 at its 01/29/09 Meeting.

**CALENDAR ITEM
C32**

A 6

01/29/09
PRC 7235
PRC 8449.9
D. Oetzel

S 2

**ACCEPTANCE OF QUITCLAIM (PRC 8449) AND ISSUANCE OF A
NEW DREDGING LEASE (PRC 7235)**

APPLICANT:

City of Petaluma
11 English Street
Petaluma, California 94952

AREA, LAND TYPE, AND LOCATION:

Sovereign lands located at Petaluma Marina, Sonoma County.

AUTHORIZED USE:

Maintenance dredge a maximum of 25,303 cubic yards of material annually from Petaluma Marina in the city of Petaluma, Sonoma County. Dredged sediments will be placed at the U.S. Army Corps of Engineers designated upland Disposal Site at the Petaluma City Dredge Disposal Area and/or Winter Island.

LEASE TERM:

Ten years, beginning January 29, 2009.

CONSIDERATION:

No royalty will be charged as the project will result in a public benefit. The dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. The 25,303 annual cubic yard dredging project is part of a larger dredging project consisting of 38,303 cubic yards annually removed at the Petaluma Marina. The dredging and disposal of the remaining 13,000 annual cubic yards was previously authorized by the Commission at its August 10, 1988 meeting under Lease No. PRC 7235.1, a General Lease-Public Agency Use with a 30-year term.

CALENDAR ITEM NO. **C32** (CONT'D)

2. On February 21, 2003, the Commission authorized issuance of a Dredging Lease to the City of Petaluma to dredge 24,000 cubic yards of material annually. The lease will expire on February 17, 2013. The City of Petaluma is now applying for a new dredging lease to remove additional accumulated sediments that impede safe navigation.

3. **Termination of Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, Section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, Sections 15060(c)(3) and 15378.

4. **Issuance of a New Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land Title 14, California code of Regulations, section 15304(g).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
San Francisco Bay Conservation and Development Commission
Regional Water Quality Control Board.

EXHIBIT:

- A. Location and Site Map

CALENDAR ITEM NO. **C32** (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF A NEW LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304(G).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

ACCEPTANCE OF QUITCLAIM, EFFECTIVE JANUARY 28, 2009, OF LEASE NO. PRC 8449.9, A DREDGING LEASE, ISSUED TO THE CITY OF PETALUMA.

ISSUANCE OF A DREDGING LEASE TO THE CITY OF PETALUMA BEGINNING JANUARY 29, 2009, FOR A TERM OF TEN YEARS, FOR DREDGING A MAXIMUM OF 25,303 CUBIC YARDS OF MATERIAL ANNUALLY ON THE LANDS IN THE PETALUMA MARINA AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF. DREDGED MATERIALS WILL BE DISPOSED OF AT THE U.S. ARMY CORPS OF ENGINEERS DESIGNATED UPLAND DISPOSAL SITE AT THE PETALUMA CITY DREDGE DISPOSAL AREA AND/OR WINTER ISLAND. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR

CALENDAR ITEM NO. **C32** (CONT'D)

LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS. NO MONETARY CONSIDERATION SHALL BE CHARGED, AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT. THE DREDGED MATERIAL MAY NOT BE SOLD.