

**CALENDAR ITEM
C30**

A 6

10/29/10
PRC 8128.9

S 3

G-06-03
D. Oetzel

DREDGING LEASE

APPLICANT:

Marina Vista Improvement Club
71 Summit Avenue
San Rafael, California 94901

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands with minerals reserved to the State, San Rafael Canal, Marin County

AUTHORIZED USE:

Maintenance dredge a maximum of 5,000 cubic yards of material from the San Rafael Canal to maintain a navigable depth. Dredged material will be disposed of at the U.S. Army Corps of Engineers' designated disposal sites SF-11 (Alcatraz), SF-10 (San Pablo Bay), and/or other U.S. Army Corps of Engineers' approved sites

LEASE TERM:

10 years, beginning October 29, 2010.

CONSIDERATION:

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

OTHER PERTINENT INFORMATION:

1. On December 3, 1999, the Commission authorized a ten-year Dredging Lease with the Marina Vista Improvement Club for maintenance dredging of a maximum of 5,000 cubic yards of material from the San Rafael Creek Canal. That lease expired on December 2, 2009, and the Applicant is now requesting a new lease.
2. The current dredging project is part of a larger project involving the removal of a total of 40,000 cubic yards from the Marina Vista Canal. That

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portion of the larger project that extends southward from the mouth of the Marina Vista Canal into the San Rafael Canal is the subject of this lease. This area is within the legislative grant of the City of San Rafael (Chapter 83, Statutes of 1923, as Amended), with minerals reserved by the State. The rest of the project area is outside of the Commission's jurisdiction

- 3 The current dredging project is needed to maintain safe boating depths in San Rafael Canal which provides access to the Marina Vista Canal and the Marina Vista Improvement Club.
- 4 Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of 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
San Francisco Bay Regional Water Quality Control Board
City of San Rafael

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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).

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SIGNIFICANT LANDS INVENTORY FINDING:

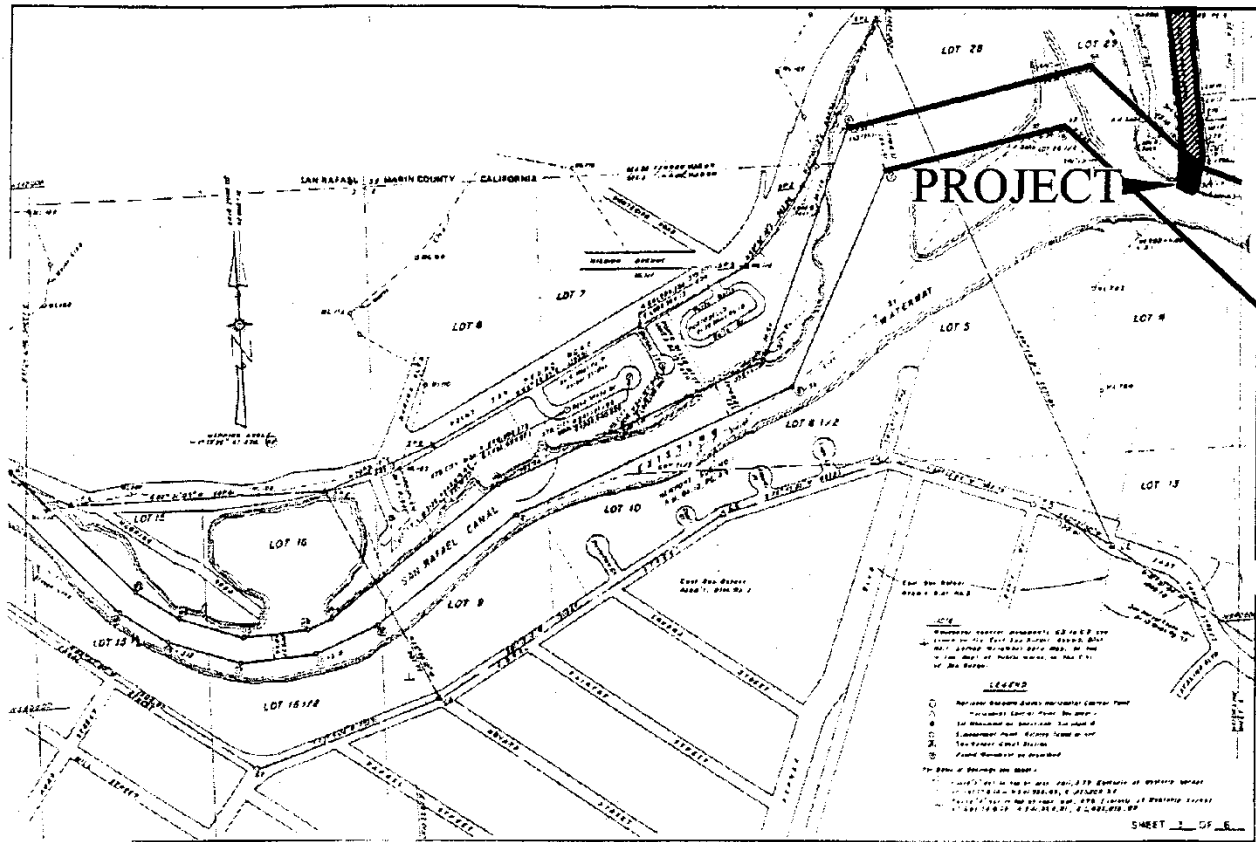
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize the issuance of a 10-year dredging lease to Marina Vista Improvement Club, beginning October 29, 2010, to dredge a maximum of 5,000 cubic yards of material during the lease term within San Rafael Creek Canal at the entrance to Marina Vista Canal as shown on Exhibit A attached and by this reference made a part hereof. Dredged material will be disposed of at the U.S. Army Corps of Engineers' designated disposal sites SF-11 (Alcatraz), SF-10 (San Pablo Bay), and/or other U. S. Army Corps of Engineers' approved sites. Such permitted activity is contingent upon applicant's compliance with applicable permits, recommendations, or limitations issued by federal, State, and local governments. No monetary consideration will be charged as the dredging project will result in a public benefit. The dredged material may not be sold.

NO SCALE

SITE MAP



NO SCALE

LOCATION MAP



Exhibit A
 PRC 8128
 Marina Vista
 Improvement Club
 Dredging
 City of San Rafael
 MARIN COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.