

**CALENDAR ITEM
C27**

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12/10/10
PRC 7160
D. Oetzel

DREDGING LEASE

APPLICANT:

Lowrie Yacht Harbor Inc.
40 Point San Pedro Road
San Rafael, California 94901

AREA, LAND TYPE, AND LOCATION:

Sovereign lands legislatively granted to the City of San Rafael with minerals reserved to the State, located within San Rafael Canal, city of San Rafael, Marin County.

AUTHORIZED USE:

Maintenance dredge a maximum of 15,000 cubic yards of material over the term of the lease 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 site SF-10 (San Pablo Bay), and/or other U.S. Army Corps of Engineers' approved sites

LEASE TERM:

10 years, beginning December 10, 2010.

CONSIDERATION:

No monetary consideration will be charged as there is no commercial benefit from the project and the dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. On October 20, 2003, the Commission authorized a five-year Dredging Lease with the City of San Rafael for the maintenance dredging of the San Rafael Canal to maintain the safe navigation of vessels using the Lowrie Yacht Harbor. That lease expired on October 19, 2008. Lowrie Yacht Harbor is now requesting a new dredging lease.

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2. The tide and submerged lands within San Rafael Canal were legislatively granted in trust to the City of San Rafael pursuant to Chapter 83, Statutes of 1923, as amended, with minerals reserved to the State.
3. The portion of the current dredging project that is the subject of this proposed lease is part of a larger project involving the removal of a total of 100,000 cubic yards from Lowrie Yacht Harbor and the San Rafael Canal. That portion of the larger project that extends southward from the Lowrie Yacht Harbor into the San Rafael Canal is the subject of this lease. The remainder of the project area is outside of the Commission's leasing jurisdiction.
4. The current dredging project is needed to maintain safe boating depths in San Rafael Canal, which provides access to Lowrie Yacht Harbor.
5. Pursuant to the Commission's delegation of authority and 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.

6. 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 staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

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

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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).

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 Lowrie Yacht Harbor, beginning December 10, 2010, to dredge a maximum of 15,000 cubic yards of material during the lease term within San Rafael Canal at the entrance to Lowrie Yacht Harbor 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 site 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 there is no commercial benefit from the project and the dredged material may not be sold.