

**CALENDAR ITEM
C38**

A 7
S 2

10/19/12
W 26571
D. Oetzel

GENERAL LEASE - DREDGING

APPLICANT:

Porto Bello Association
P.O. Box 1173
Novato, California 94948

AREA, LAND TYPE, AND LOCATION:

Sovereign land legislatively granted to the city of San Rafael with minerals reserved to the State, located on the northern shoreline of the San Rafael Canal at the Porto Bello Association marina off of Point San Pedro in the city of San Rafael, Marin County.

AUTHORIZED USE:

Maintenance dredge a maximum of 20,000 cubic yards of material over the term of the lease at the Porto Bello condominium complex 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 all other U.S. Army Corps of Engineers approved sites.

LEASE TERM:

10 years, beginning October 19, 2012

CONSIDERATION:

No monetary consideration is due for the lease because there is no commercial benefit from the project and the dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. The purpose of the project is to maintain safe, and navigable depths for vessels accessing the Porto Bello Association marina.
2. The staff recommends that the Commission find that 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; California Code of Regulations, Title 14, section 15304, subdivision (g).

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

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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 OBTAINED:

None

FURTHER APPROVALS REQUIRED:

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

EXHIBIT:

- A. Location and Site Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304, subdivision (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 section 6370, et seq.

AUTHORIZATION:

Authorize the issuance of a 10-year (General Lease – Dredging) to Porto Bello Association, beginning October 19, 2012, to dredge a maximum of 20,000 cubic yards of material during the lease term in the San Rafael Canal at the Porto Bello Association marina to maintain a navigable depth. Dredged material will be disposed of at the U.S. Army Corps of Engineers'

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designated disposal site SF-10 (San Pablo Bay) and/or all other U.S. Army Corps of Engineers' approved sites. Such permitted activity is contingent upon the Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, State, and local governments. No monetary consideration is due for the lease because there is no commercial benefit from the project and the dredged material may not be sold.

EXHIBIT A

W 26571

LAND DESCRIPTION

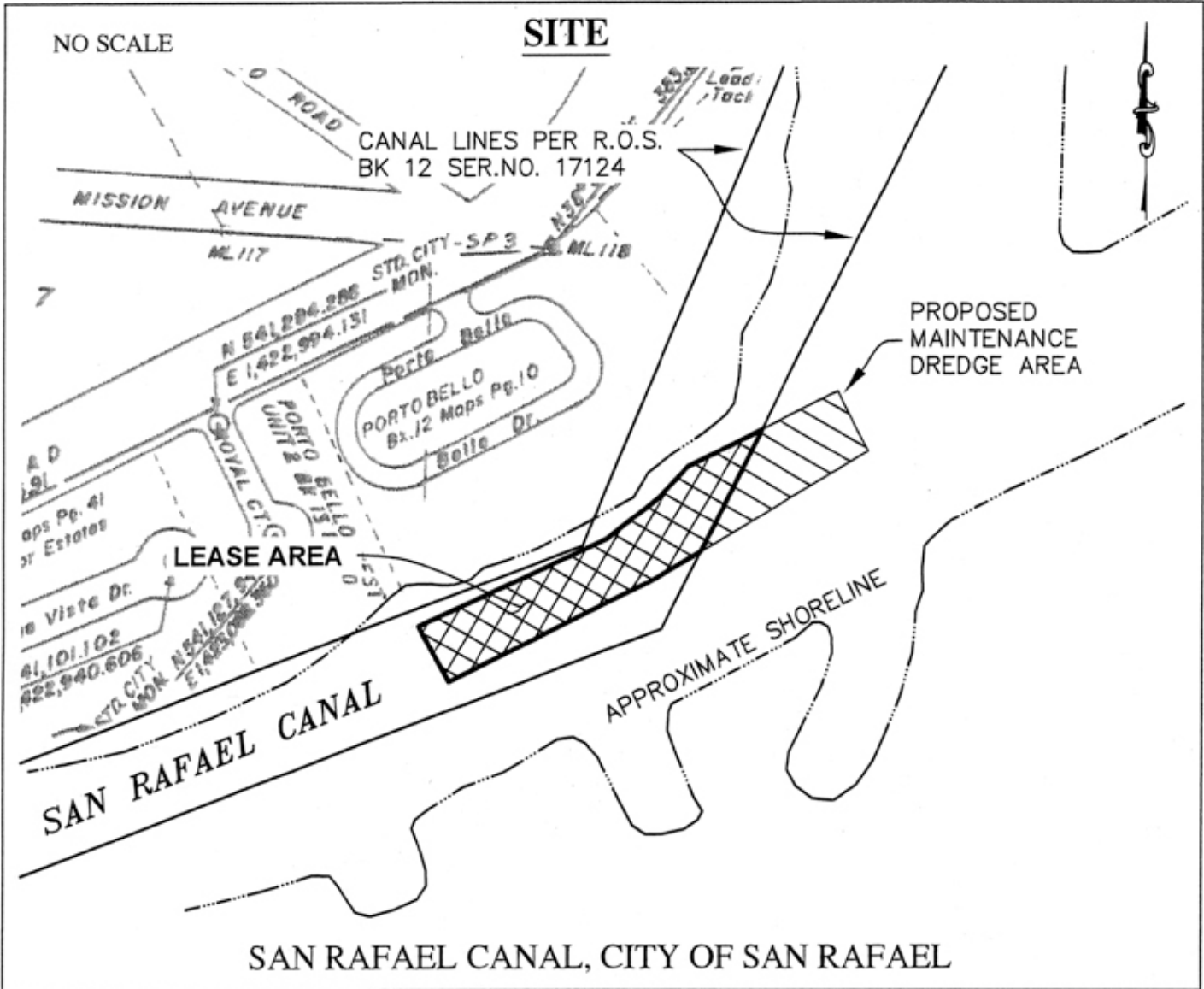
A parcel of tide and submerged land lying in the bed of San Rafael Canal, adjacent to BTLC Lots 6 and 7, Section 2, Township 1 North, Range 6 West, M.D.M., as shown on that map titled "Map No. 2 of Salt Marsh and Tide Lands Situate in the County of Marin State of California", on file at the California State Lands Commission, County of Marin, State of California, described as follows:

BEGINNING at a point on the right bank of the San Rafael Canal as shown on that map titled "Resurvey of the San Rafael Canal as shown on "Map No. 2 of the Salt Marsh and Tide Lands Situate in the County of Marin" as originally surveyed under the direction of G.F. Allardt in 1870", filed in Book 12, Page 25, Serial No. 17124, Official Surveys of said County on May 14, 1974, said point lying distant N 26°38'26" E 107.52 feet from Board of Tideland Commissioners San Rafael Canal Station 8 as shown on said map; thence along said right bank N 26°38'26" E 169.60 feet; thence leaving said right bank S 63°25'26" W 102.20 feet; thence S 43°37'51" W 53.42 feet; thence S 51°28'56" W 82.27 feet; thence S 65°13'17" W 258.38 feet; thence S 28°50'34" E 78.32 feet; thence N 63°45'16" E 280.68 feet; thence N 59°10'04" E 71.80 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 9/19/2012 by the California State Lands Commission Boundary Unit.





MAP SOURCE: USGS QUAD

Exhibit B

W 26571
 PORTO BELLO
 ASSOCIATION
 GENERAL LEASE -
 DREDGING
 MARIN COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.