

MINUTE ITEM
This Calendar Item No. 007
was approved as Minute Item
No. 7 by the State Lands
Commission by a vote of 3
to 0 at its 12192
meeting.

CALENDAR ITEM

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PRC 7481

Dugal

DREDGING PERMIT

APPLICANT:

City of Emeryville
2200 Powell Street, 12th Floor
Emeryville, California 94608

AREA, TYPE LAND AND LOCATION:

Granted land, with mineral reservation, in San Francisco Bay
at the City of Emeryville Marina, Alameda County.

LAND USE:

Dredge a maximum of 3,000 cubic yards of material to
maintain a navigable depth. The permittee has proposed
disposal of the dredge material at the Corps of
Engineers/EPA-approved Alcatraz Aquatic Disposal Site SF-11.

TERMS OF PROPOSED PERMIT:

Initial period:

One (1) year beginning December 12, 1991.

Royalty:

No charge for aquatic disposal; \$0.25 per cubic yard
for any material sold or used for commercial purposes.

Additional Fee:

A fee of \$0.25 per cubic yard for any dredged material
disposed of at any site in San Francisco Bay,
including, but not limited to, SF-11, to offset the
cost of studies necessary to develop non-Bay disposal
sites for future use.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Processing costs have been received.

CALENDAR ITEM NO. 07 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

06/27/92

OTHER PERTINENT INFORMATION:

1. At its December 12, 1990 meeting (Minute Item No. 24), the Commission authorized issuance of a one-year dredging permit to the City of Emeryville to dredge a maximum of 40,000 cubic yards of material for the purpose of maintaining a navigable depth. The City was unable to complete the dredging within the permit period due to time window restrictions imposed by the National Marine Fisheries Service (NMFS). The City has approximately 3,000 yards of material yet to dredge.

The City has applied to the Commission for a new one-year permit in order to complete the dredging.

2. An environmental analysis was prepared, circulated, and adopted for this project through the regulatory program of the San Francisco Bay Conservation and Development Commission (SFBCDC) which has been certified by the Secretary for Resources as meeting the requirements of P.R.C. 21080.5 for a functional equivalent agency. The document concluded that the project, as defined, will have no significant environmental effects.

The SFBCDC, as Lead Agency, consulted with the responsible agencies, as required by CEQA Guidelines Section 15253, and determined that the project, as approved, would have a significant effect on the environment. The SFBCDC, as Lead Agency, approved the project on February 16, 1990. The staff of the State Lands Commission has reviewed the SFBCDC's environmental analysis and believes that the conditions have been met for the Commission, as a Responsible Agency, to use the document as a substitute for a Negative Declaration as provided under CEQA Guidelines, Section 15253.

CALENDAR ITEM NO. C 0 7 (CONT'D)

3. The Permittee will adhere to all time restrictions imposed by National Marine Fishery Service (NMFS), U. S. Fish and Wildlife Service, and California Department of Fish and Game.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.
5. Water quality testing has been performed pursuant to the Corps of Engineers and California Regional Water Quality Control Board permitting requirements. The test results indicate that the materials are suitable for disposal at SF-11, as proposed.
6. Questions have been raised about continuing disposal of dredged material in San Francisco Bay. It is anticipated the currently approved in-Bay sites will reach capacity within ten years. However, the current lack of suitable upland disposal sites or EPA/Corps-approved offshore disposal sites severely limits the options available for disposal.

Through participation in the Federal/State Joint Long-Term Management Study being conducted to identify and evaluate site options for the disposal of material dredged from San Francisco Bay, the State Lands Commission has emphasized the need to focus on the selection of upland and ocean disposal site(s). This need has also been expressed by the San Francisco Bay Conservation and Development Commission (SFBCDC).

Identification and evaluation of alternate disposal sites will require numerous studies which have been estimated to cost several million dollars. As ongoing in-Bay disposal contributes to the eventual obsolescence of in-Bay sites and the need to develop other alternatives, a fee will be charged as a condition to the proposed permit to be deposited in a fund to offset the cost of needed studies.

CALENDAR ITEM NO. C 0 7 (CONT'D)

APPROVALS OBTAINED:

SFBCDC and Regional Water Quality Board.

FURTHER APPROVALS REQUIRED:

The United States Army Corps of Engineers.

EXHIBIT:

A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS WAS PREPARED, CIRCULATED, AND ADOPTED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION UNDER ITS CERTIFIED STATE REGULATORY PROGRAM [CEQA GUIDELINES SECTION 15251(H)]; THAT THE CONDITIONS SPECIFIED IN GUIDELINES SECTION 15253 HAVE BEEN MET AND PURSUANT TO GUIDELINES SECTION 15253(A), THE COMMISSION, AS A RESPONSIBLE AGENCY, ADOPTS THAT ENVIRONMENTAL ANALYSIS AS A SUBSTITUTE FOR A NEGATIVE DECLARATION.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS AND HAS DETERMINED THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE STAFF TO ISSUE TO THE CITY OF EMERYVILLE, THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION. THE PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 3,000 CUBIC YARDS OF MATERIAL FROM SAN FRANCISCO BAY AT EMERYVILLE, ALAMEDA COUNTY, FOR ONE YEAR BEGINNING DECEMBER 12, 1991. IT IS PREFERRED THAT DREDGED MATERIALS SHALL BE DISPOSED OF AT AN UPLAND OR EPA/CORPS OF ENGINEERS-APPROVED OFFSHORE OCEAN DISPOSAL SITE. IN THE ABSENCE OF AVAILABILITY OF SUCH SITES, THE MATERIAL MAY BE DISPOSED OF AT THE CORPS OF ENGINEERS-APPROVED ALCATRAZ DISPOSAL SITE, SF-11. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AS APPROVED. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES. A FEE OF \$0.25 WILL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED AT AN IN-BAY DISPOSAL SITE, INCLUDING SF-11. THIS MONEY WILL BE PLACED IN A SEPARATE FUND TO OFFSET COSTS OF STUDIES NECESSARY TO

CALENDAR ITEM NO. C 07 (CONT'D)

IDENTIFY AND ANALYZE ALTERNATIVE DISPOSAL SITES. THE PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATION, AND LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

SAN FRANCISCO BAY

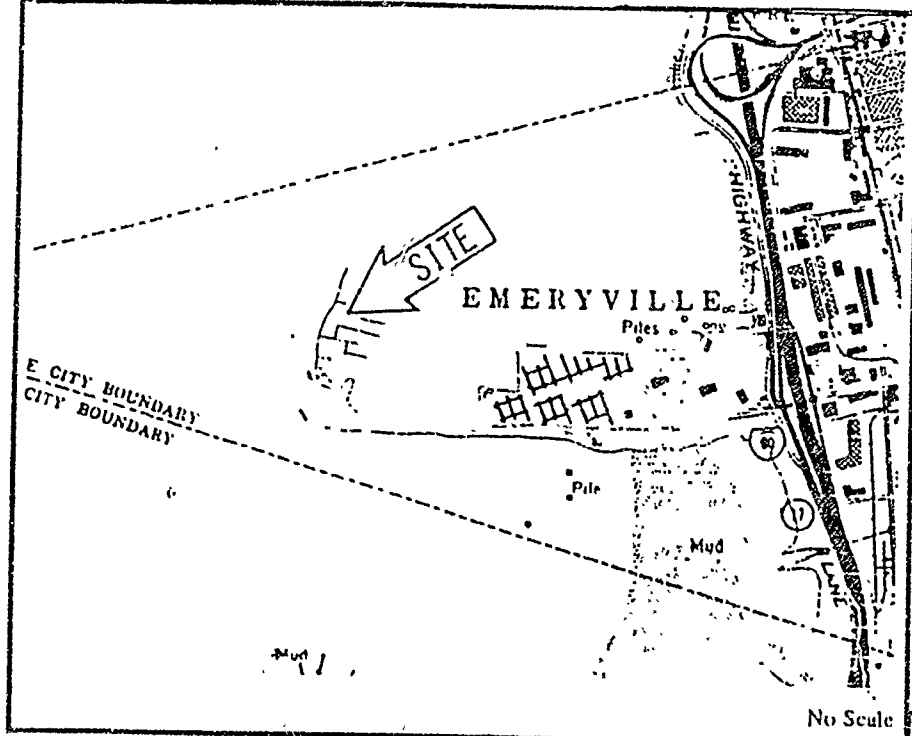
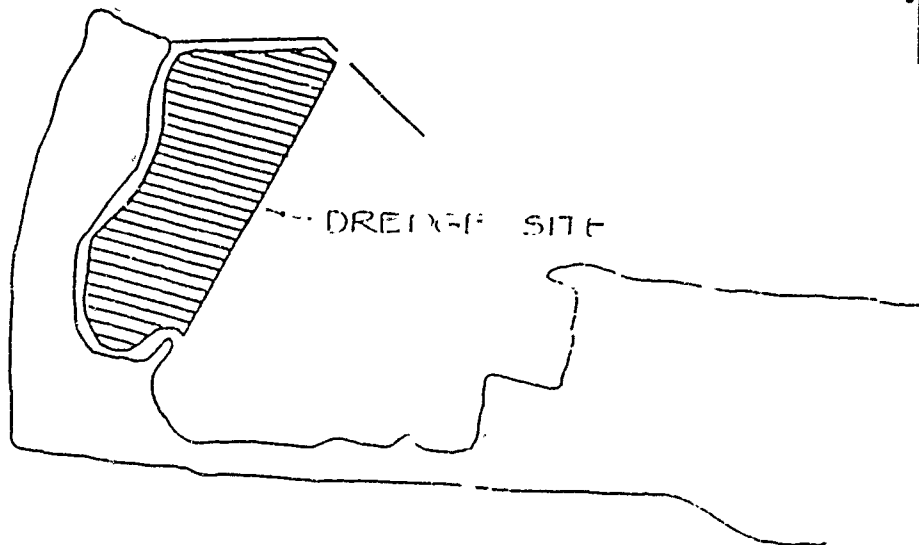


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
CITY OF EMERYVILLE
PRJ 7481
SAN FRANCISCO BAY
ALAMEDA COUNTY



CALENDAR PAGE 39
MINUTE PAGE 50