

MINUTE ITEM

This Calendar Item No. C52 was approved as Minute Item No. 52 by the California State Lands Commission by a vote of 2 - to 0 at its 12-08-05 meeting.

**CALENDAR ITEM
C52**

A 11
S 7

12/08/05
PRC 8551
D. Oetzel

AMENDMENT OF DREDGING LEASE

APPLICANT/LESSEE:

Tesoro Refining & Marketing Company
150 Solano Way
Martinez, CA 94533

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Carquinez Strait at the Avon and Amorco Wharfs, Contra Costa County.

AUTHORIZED USE:

Dredge a maximum of 20,000 cubic yards of material annually over five years to maintain a navigable depth at the Amorco wharf. Dredge a maximum of 10,000 cubic yards at the Avon wharf until December 31, 2004. The dredged material will be initially dewatered at either the Waterfront Yard and/or the Marina Vista Yard, both adjacent to the Suisun Bay. Tesoro represents that the material will finally be disposed at an approved location at the Avon Refinery. If material is to be disposed at any other approved site, Applicant shall notify CSLC of such.

LEASE TERM:

For the Amorco Wharf: five years beginning August 17, 2004. For the Avon Wharf: August 17, 2004, until December 31, 2004.

PROPOSED AMENDMENT:

Extend the lease term to dredge 10,000 cubic yards annually at Avon wharf to August 16, 2009. The material dredged from Avon wharf will be deposited at the, Waterfront Yard, a reclamation site adjacent to the Suisun Bay.

CONSIDERATION:

No royalty will be charged for material disposed at an approved site. \$0.25 per cubic yard for any material used for private benefit or commercial sale purposes.

CALENDAR ITEM NO. C52 (CONT'D)

OTHER PERTINENT INFORMATION:

On September 19, 2003, the San Francisco Bay Conservation and Development Commission (BCDC) granted Permit No. M02-58, under its certified program. (Title 14, California Code of Regulations, section 15251(h)).

Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b) have been met for the Commission to use the environmental analysis document certified by the BCDC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

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 OBTAINED:

United States Corps of Engineers, San Francisco Bay Regional Water Quality Control Board, San Francisco Bay Conservation and Development Commission.

EXHIBIT:

A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (SF BCDC PERMIT #M02-58) WAS ADOPTED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (h)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN BCDC'S DETERMINATION

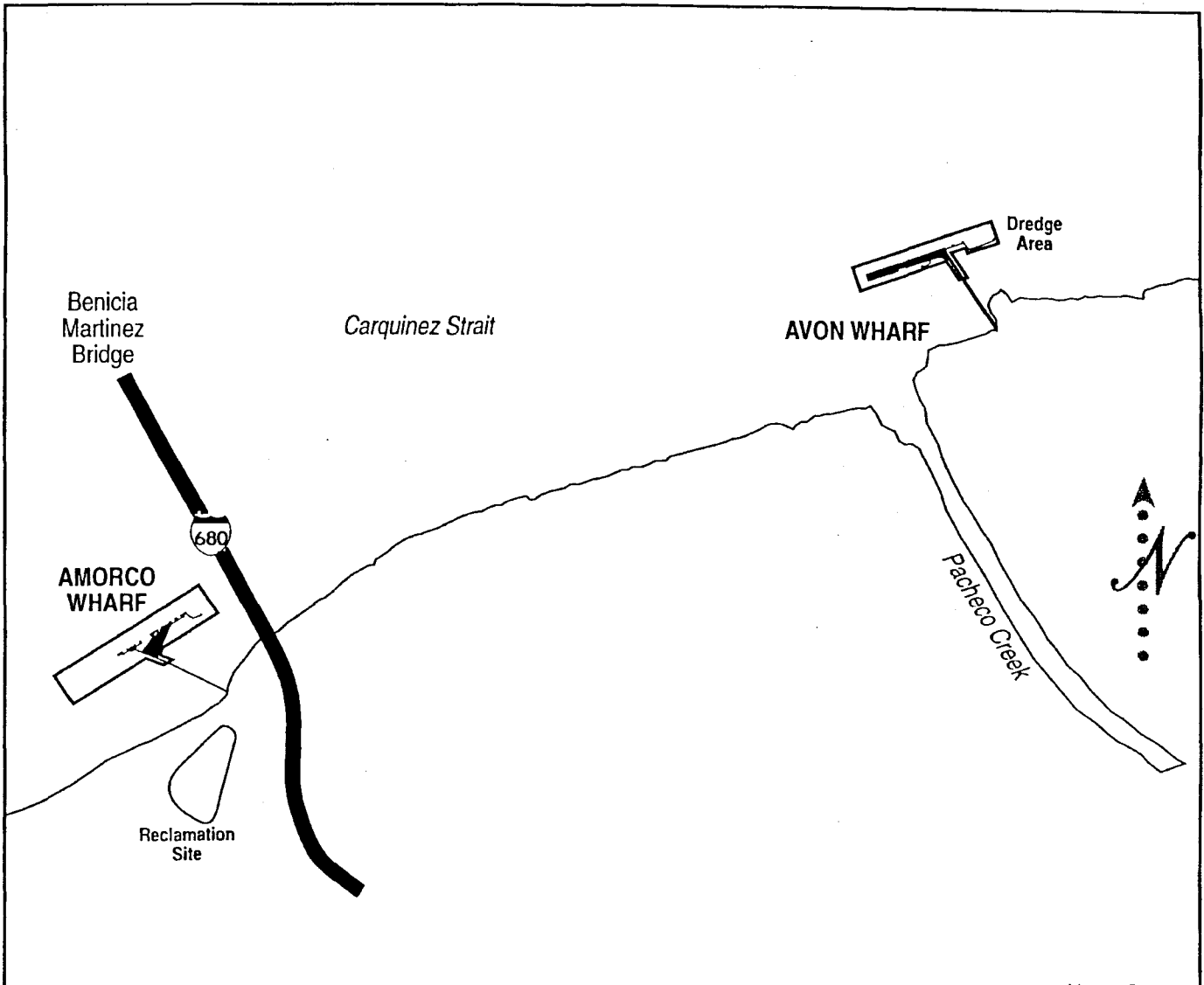
CALENDAR ITEM NO. C52 (CONT'D)

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.

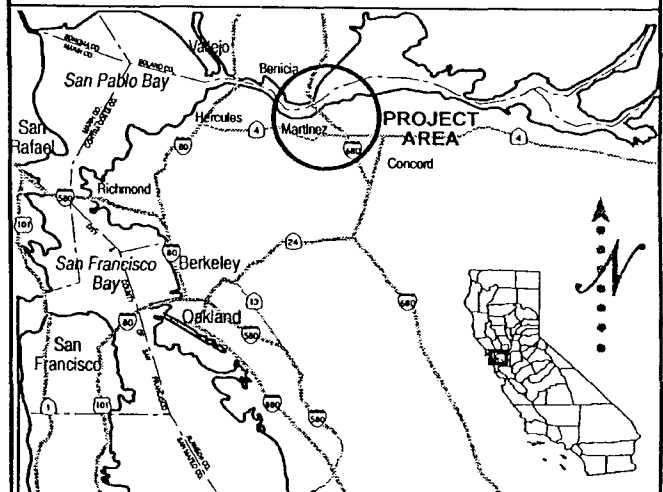
AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8551 TO EXTEND THE LEASE TERM FOR DREDGING 10,000 CUBIC YARDS ANNUALLY TO AUGUST 16, 2009, FOR LEASED LANDS AT THE AVON WHARF AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF. DREDGED MATERIAL WILL BE DEPOSITED AT THE MARINA VISTA YARD, A RECLAMATION SITE SITUATED AT THE AMORCO WHARF AREA. THE MATERIAL MAY BE SOLD. CONSIDERATION TO THE CSLC FOR MATERIAL SOLD FOR COMMERCIAL PURPOSES OR USED FOR PRIVATE BENEFIT WILL BE \$0.25 PER CUBIC YARD. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS. ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



Not to Scale

**Exhibit A
Proposed Dredging at Avon Wharf
PRC 8551**



This exhibit is solely for purposes of generally defining the lease premises and is based on unverified information provided by 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.