

**CALENDAR ITEM  
C24**

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12/03/08  
PRC 7479.9  
D. Oetzel

**DREDGING LEASE**

**APPLICANT:**

Emery Cove Marina Condominium Association  
3300 Powell Street, #101  
Emeryville, California 94608

**AREA, LAND TYPE, AND LOCATION:**

Legislatively granted sovereign lands, with minerals reserved to the State, located in San Francisco Bay at the Emery Cove Yacht Harbor, in the city of Emeryville, Alameda County.

**AUTHORIZED USE:**

Maintenance dredge a maximum of 150,000 cubic yards of material over ten years to maintain a navigable depth. Dredged material will be disposed of at the United States Army Corps of Engineers' designated site at SF-11 (Alcatraz).

**LEASE TERM:**

Ten years, beginning October 28, 2008.

**CONSIDERATION:**

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

**OTHER PERTINENT INFORMATION:**

1. The current dredging project is needed to maintain safe vessel depths in the San Francisco Bay at the Emery Cove Yacht Harbor (Yacht Harbor), which berths 457 vessels.
2. Because sedimentation buildup within the Yacht Harbor has caused vessels to run aground on a regular basis, Emery Cove Marina Condominium Association (Association) sought permission to dredge prior to the scheduled Commission meeting in order to remedy the unsafe existing conditions. On October 28, 2008, staff provided a letter of non-

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objection that allowed the Association to dredge prior to Commission consideration. The Association has signed and accepted the terms of the non-objection letter.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the 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.

4. 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:**

U.S. Army Corps of Engineers  
Regional Water Quality Control Board

**APPROVALS REQUIRED:**

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 THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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 TEN YEAR DREDGING LEASE TO EMERY COVE MARINA CONDOMINIUM ASSOCIATION, BEGINNING OCTOBER 28, 2008, TO DREDGE A MAXIMUM OF 150,000 CUBIC YARDS OF MATERIAL DURING THE LEASE TERM WITHIN SAN FRANCISCO BAY AT THE EMERY COVE YACHT HARBOR, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF. DREDGED MATERIAL WILL BE DISPOSED OF AT THE UNITED STATES ARMY CORPS OF ENGINEERS' DESIGNATED SITE AT SF-11 (ALCATRAZ). SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENTS, NO MONETARY CONSIDERATION WILL BE CHARGED AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT AND THE DREDGED MATERIAL MAY NOT BE SOLD.