

**CALENDAR ITEM
C25**

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12/03/08
PRC 8219.9
D. Oetzel

DREDGING LEASE

LESSEE/APPLICANT:

City of Emeryville
1333 Park Avenue
Emeryville, California 94608

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State, located in San Francisco Bay within the city of Emeryville Access Channel, Emeryville, Alameda County.

AUTHORIZED USE:

Maintenance dredge a maximum of 130,000 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 as the dredging will enhance navigation in San Francisco Bay. The dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. On June 27, 2000, the Commission authorized the issuance of a ten-year dredging lease to the city of Emeryville (City) to remove a maximum of 49,471 cubic yards of material. The City has reached its authorized volume limitation and has requested that the existing lease be terminated and has submitted an application for a new dredging lease.
2. The current dredging project is needed to maintain safe vessel depths in San Francisco Bay within the access channel that provides ingress and

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egress to the Emeryville Marina, Emeryville Sportfishing and the Emery Cove Yacht Harbor.

3. Because sedimentation buildup within the access channel has caused vessels to run aground on a regular basis, the City 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 signed a letter of non-objection that allowed the City to dredge prior to Commission consideration.
4. **Termination of Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. **Issuance of New Lease:** 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.

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 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

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission

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EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF LEASE: 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).

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 TERMINATION OF DREDGING LEASE NO. PRC 8219.9, EFFECTIVE OCTOBER 27, 2008, ISSUED TO THE CITY OF EMERYVILLE

AUTHORIZE THE ISSUANCE OF A TEN YEAR DREDGING LEASE TO CITY OF EMERYVILLE, BEGINNING OCTOBER 28, 2008, TO DREDGE A MAXIMUM OF 130,000 CUBIC YARDS OF MATERIAL DURING THE LEASE TERM WITHIN SAN FRANCISCO BAY AT THE CITY OF EMERYVILLE ACCESS CHANNEL, 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

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CONSIDERATION WILL BE CHARGED AS THE DREDGING PROJECT WILL RESULT IN A PUBLIC BENEFIT. THE DREDGED MATERIAL MAY NOT BE SOLD.