

**CALENDAR ITEM
C37**

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S 7

10/22/09
W 26330
D. Oetzel

DREDGING LEASE

APPLICANT:

The Exploratorium
3601 Lyon Street
San Francisco, California 94123

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands, with minerals reserved to the State, in San Francisco Bay at Piers 17/19 on the San Francisco waterfront, San Francisco County.

AUTHORIZED USE:

Dredge a maximum of 85,000 cubic yards of material to maintain a navigable depth. Dredged materials will be disposed of at SF-11 (Alcatraz), and/or any other U.S. Army Corps of Engineers' approved disposal site.

LEASE TERM:

Three years, beginning October 22, 2009.

CONSIDERATION:

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

OTHER PERTINENT INFORMATION:

1. The Exploratorium is a not for profit corporation that funds the Exploratorium Museum, (Museum) which provides education to members of the public about science, nature, art, and technology. The Exploratorium will be relocating from its current location at the Palace of Fine Arts in San Francisco to the San Francisco waterfront at Piers 15/17 along the Embarcadero. The move will provide a new home for the Exploratorium, as well as provide in a single facility, expansion for its exhibits, education and research programs, and administrative functions. The new facility will be the

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product of the redevelopment and rehabilitation of historic maritime structures at the site. The transaction documents between the Port of San Francisco (Port) and the Exploratorium have been approved by the Port Commissioners, but have not yet been heard by the San Francisco Board of Supervisors. The relocation of the Museum will also involve a determination by staff of the California State Lands Commission that the uses proposed by the Exploratorium are consistent with the common law Public Trust Doctrine and the Burton Act (Chapter 1333, Statutes of 1968, as amended), the City's statutory trust. Commission staff has been in discussion with Port staff and Exploratorium representatives for over 3 years on this issue.

2. As part of the Exploratorium's proposed redevelopment, Baydelta Maritime, an existing tug and tow operator who leases space inside the Pier 15 bulkhead and the south apron from the Port, will be relocated to the interior shed of Pier 17, and the tugboats will be relocated to the north apron of Pier 17. The Exploratorium proposes to conduct one episode of maintenance dredging in the Pier 17/19 water basin to complete Baydelta's move to Pier 17. While the dredging does not require approval by either the Port or the San Francisco Board of Supervisors, the Port has written a letter to Commission staff supporting the proposed dredging.
3. The dredged material has no commercial value. No monetary consideration will be charged as the project will result in a public benefit and the dredged material may not be sold.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff 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.

5. 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

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the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

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

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).

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 DREDGING LEASE TO THE EXPLORATORIUM, BEGINNING OCTOBER 22, 2009, FOR A TERM OF THREE YEARS FOR REMOVAL OF A MAXIMUM OF 85,000 CUBIC YARDS OF MATERIAL FROM SAN FRANCISCO BAY AT PIERS 17/19 ON THE SAN FRANCISCO WATERFRONT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF. DREDGED MATERIALS MAY BE DISPOSED OF AT THE U.S ARMY CORPS OF ENGINEERS' DESIGNATED DISPOSAL SITES SF-11 (ALCATRAZ), AND/OR ANY OTHER U.S. ARMY CORPS OF ENGINEERS' APPROVED SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENTS. NO

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