

MINUTE ITEM

This Calendar Item No. C21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 3
to 0 at its 3/26/87
meeting.

CALENDAR ITEM

C 21

A 4

S 2

03/26/87
PRC 4941
Martinez

AMENDMENT OF MAINTENANCE DREDGING PERMIT

APPLICANT: Exxon Company, U.S.A.
3400 East Second Street
Benicia, California 94510

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands adjacent to
applicant's crude oil dock, Carquinez Strait,
Solano County.

TERM OF ORIGINAL PERMIT:
Initial Period: Five years and nine months
from March 25, 1976.

Modification: Ten years from January 1,
1982.

LAND USE: Dredge a maximum 80,000 cubic yards of sediment
annually from the crude oil dock area to
maintain a navigable depth and spoils deposited
at an approved offshore disposal site.

CONSIDERATION: Royalty of \$0.15 per cubic yard for spoils
placed at the approved offshore site.

Royalty of \$0.25 per cubic yard for spoils
placed on private property or sold for
commercial benefit.

PROPOSED AMENDMENT:
No royalty charged for spoils placed at the
approved offshore disposal site.

(PAGES 94-94.11)
(ADDED 03/18/87)

-1-

CALENDAR PAGE	94
MINUTE PAGE	840

CALENDAR ITEM NO. C 21 (CONT'D)

Royalty of \$0.25 per cubic yard for spoils placed on private upland property or sold for commercial benefit.

The proposed change in royalty rate reflects the dredging policy adopted by the State Lands Commission on September 25, 1986.

All other terms and conditions of the existing permit are to remain unchanged.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

No filing or processing fees are required since the proposed amendment is in response to the newly adopted Commission policy.

STATUTORY AND OTHER REFERENCES:

- A. PRC: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

- 1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

APPROVALS OBTAINED:

No other approvals required.

EXHIBITS:

- A. Vicinity and Site Map.
- B. Amendment.
- C. Dredging Permit.

(ADDED 03/18/87)

-2-

CALENDAR PAGE	94.1
MINUTE PAGE	849

CALENDAR ITEM NO. 021 (CONT'D)

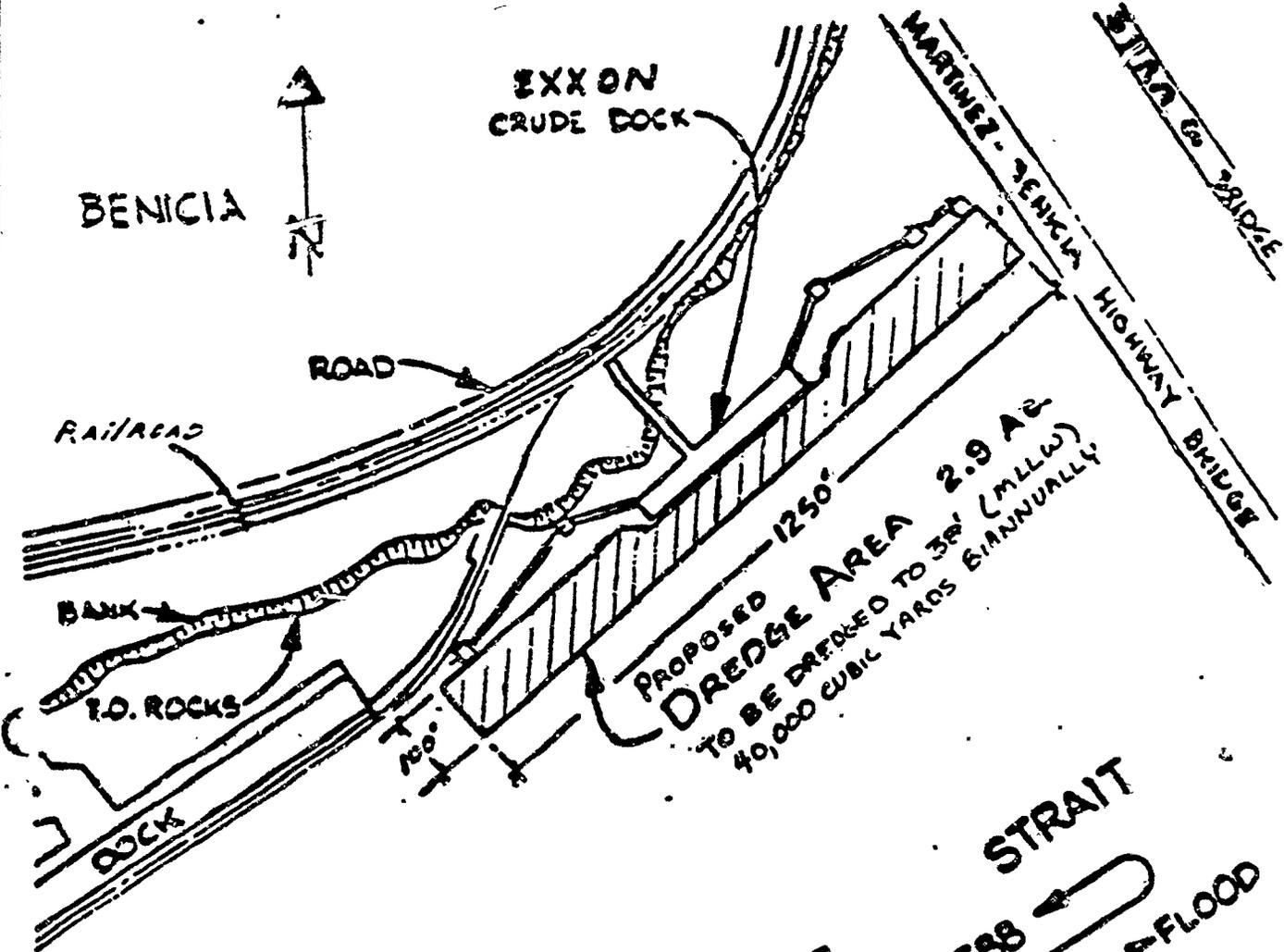
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE STAFF TO ISSUE TO EXXON COMPANY, U.S.A. THE DREDGING PERMIT AMENDMENT ATTACHED AS EXHIBIT "C". SAID AMENDMENT CHANGES THE ROYALTY RATE TO BE CHARGED AS REFLECTED IN THE DREDGING POLICY OF THE STATE LANDS COMMISSION ADOPTED SEPTEMBER 25, 1986. ALL OTHER TERMS AND CONDITIONS OF THE EXISTING PERMIT ARE TO REMAIN UNCHANGED.

(ADDED 03/18/87)

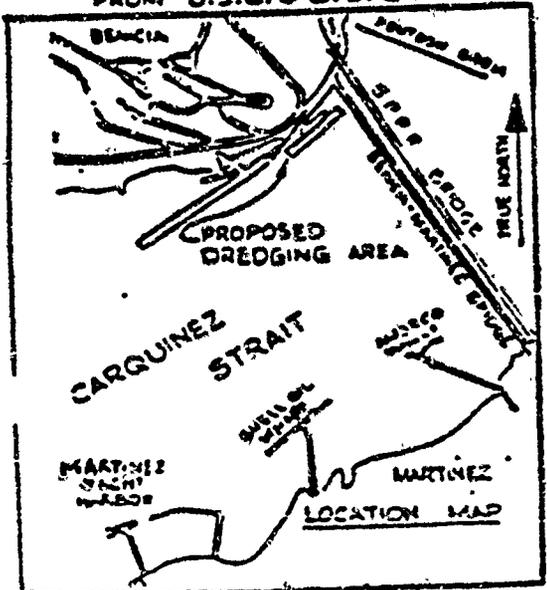
-3-

CALENDAR PAGE	94.2
MINUTE PAGE	842



CARQUINEZ STRAIT
EBB → FLOOD

FROM U.S.C. & G.S. CHART #5534



PLAN
SCALE OF FEET



EXHIBIT "A"
PRC 4941.1
PROPOSED MAINTENANCE DREDGING
IN CARQUINEZ STRAIT
AT EXXON'S CRUDE DOCK
IN BENICIA

SOLANO COUNTY CALENDAR PAGE	94.3
MINUTE PAGE	843

"B"

April 1, 1987

File Ref.: PRC 4941

AMENDMENT TO DREDGING PERMIT

WHEREAS, Dredging Permit PRC 4941 was issued to Exxon Company, U.S.A., effective January 1, 1982 to December 31, 1991, granting permission to perform maintenance dredging in Carquinez Strait, Solano County with spoils to be deposited at an approved offshore site; and

WHEREAS, Exxon Company, U.S.A. has requested a change in the royalty rate to reflect the current dredging policy of the State Lands Commission;

NOW, THEREFORE, the parties hereto agree that paragraph two of Dredging Permit PRC 4941 which reads as follows:

A royalty of \$0.15 per cubic yard will be assessed for material removed from State-owned land and placed at the COE disposal site, and a royalty of \$0.25 per cubic yard shall be paid for material placed on private property or used for any private or commercial benefit. The state reserves the right to review and adjust the royalty rates on the fifth anniversary of this permit. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State and local government laws, rules and regulations. Said permission shall be effective from January 1, 1982 through December 31, 1991.

Shall be amended to read:

Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State and local government laws, rules and regulations. Said permission shall be effective from January 1, 1982, through December 31, 1991. From and after April 1, 1987, no royalty will be assessed for material removed from State-owned land and placed at the COE disposal site, and a royalty of \$0.25 per cubic yard shall be paid for material placed on private upland property or used for any private or commercial benefit. The state reserves the right to review and adjust the royalty rates on the fifth anniversary of this permit.

Except as herein modified, all other terms and conditions of the permit shall remain in effect.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

W. M. THOMPSON, Chief
Extractive Development Program

Date: _____

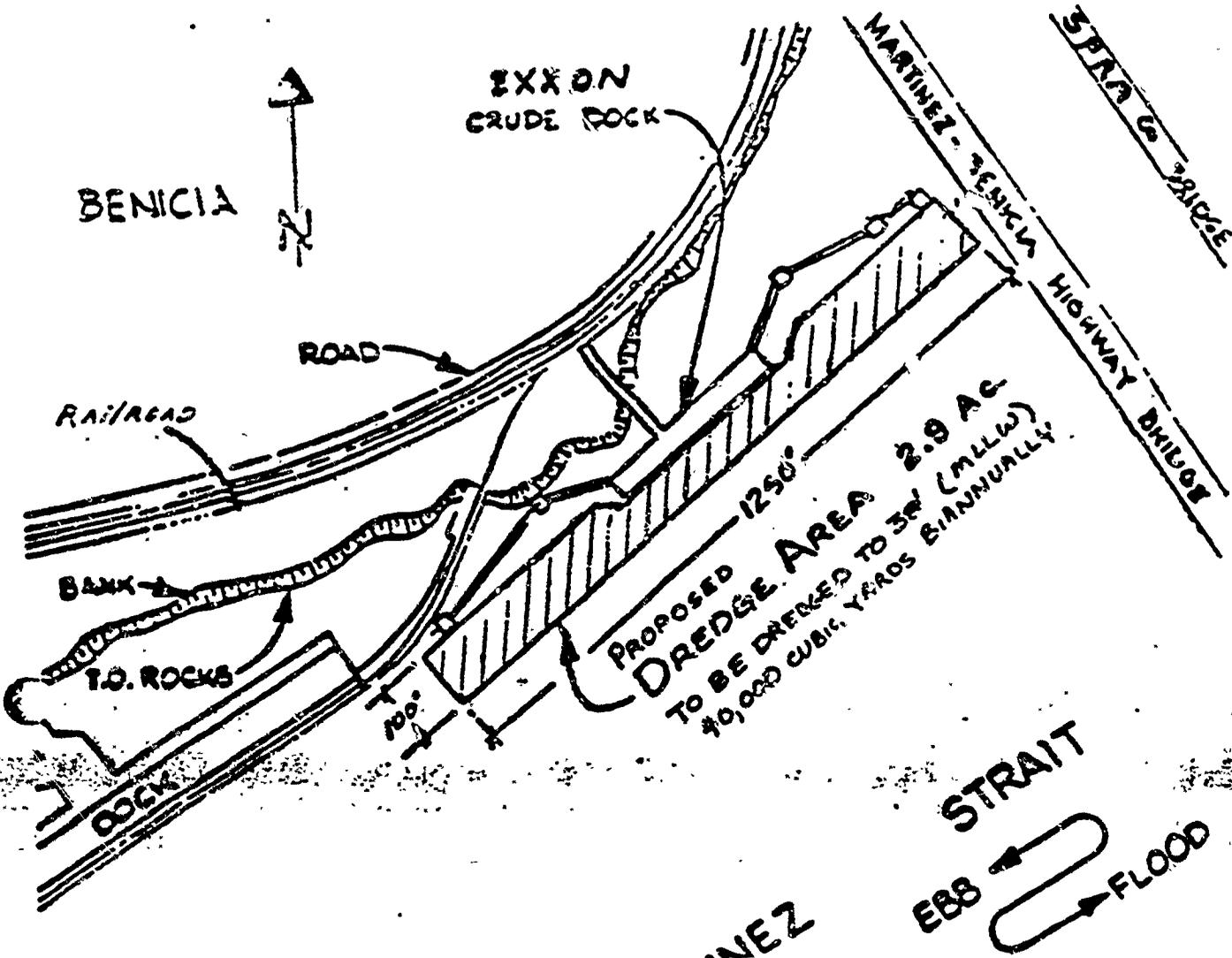
ACCEPTED: EXXON COMPANY, U.S.A.

By: _____

Title: _____

Date: _____

CALENDAR PAGE	94-4
MINUTE PAGE	844



CARQUINEZ STRAIT
 EBB FLOOD
 PLAN
 SCALE OF FEET

FROM U.S.C. & G.S. CHART #5534

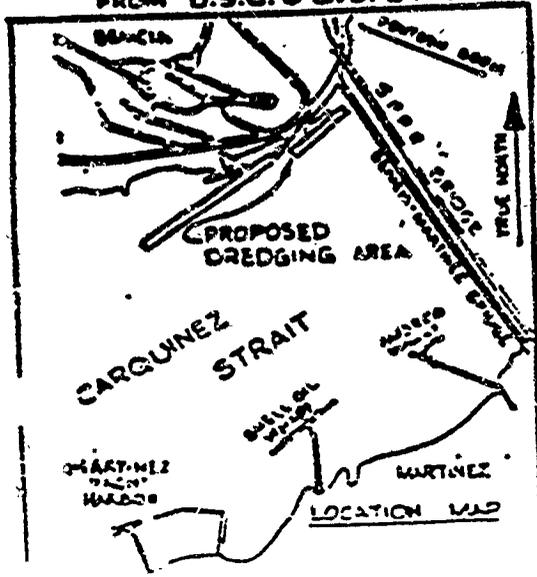


EXHIBIT "A"
 PRC 4941.1
 PROPOSED MAINTENANCE DREDGING
 IN CARQUINEZ STRAIT
 AT EXXON'S CRUDE DOCK
 IN BENICIA

SOLANO COUNTY	94.5
RENDAR PAGE	845
MINUTE PAGE	

"C"

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

STATE LANDS COMMISSION

KENNETH CORY, Controller
MIKE CURR, Lieutenant Governor
MARY ANN GRAVES, Director of Finance

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, California 95814

CLAIRE T. DEDRICK
Executive Officer

April 22, 1982

File Ref.: PRC 4941.1

Exxon Company, U.S.A.
3400 East Second Street
Benicia, California 94510
Attention: L. C. Worley

Gentlemen:

Pursuant to your application dated June 23, 1981, and by the authorization of the State Lands Commission on April 27, 1982, you are hereby granted permission to dredge a maximum of 800,000 cubic yards, at an annual average rate of 80,000 cubic yards, of sand, silt, clay and gravel, excluding all other minerals including but not limited to oil, gas and geothermal from an area of tide and submerged lands in Carquinez Strait, Solano County, as described and designated respectively in Exhibits "A" and "B" attached hereto, which are by this reference expressly made a part hereof. Said permission includes the right to deposit said material at Corps of Engineers Disposal Site No. 9, Carquinez Strait.

A royalty of \$0.15 per cubic yard will be assessed for material removed from State-owned land and placed at the COE disposal site, and a royalty of \$0.25 per cubic yard shall be paid for material placed on private property or used for any private or commercial benefit. The State reserves the right to review and adjust the royalty rates on the fifth anniversary of this permit. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State and local government laws, rules and regulations. Said permission shall be effective from January 1, 1982 through December 31, 1991.

The permission to dredge the above-described lands is based upon information presently available to the State Lands Commission, and is given without survey

CALENDAR PAGE	946
MINUTE PAGE	846

or title determination. Such permission shall not be construed as fixing State land boundaries or as necessarily establishing the extent of the State's claim to property in the area. The State warrants neither the title to the demised premises nor any right you may have to possession or quiet enjoyment of the same.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

It is further agreed that you shall submit reports substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9 NC). It is agreed that you shall submit said forms on or before the twenty-fifth (25th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume during that quarter. The first permit quarter shall be the first three months following the effective date of this permit, and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be subject to a five percent (5%) penalty and shall bear interest at the rate of one percent (1%) per month from the date when the same was payable by the terms hereof.

It is agreed that you shall furnish the Commission with copies of final surveys or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and, at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against the State of California or any of its officers, agents or employees

CALENDAR PAGE	94.7
MINUTE PAGE	847

arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third person or entity. It is agreed that you shall, at the option of the Commission, procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified or terminated whenever the State Lands Commission deems such action to be in the best interests of the State, and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

CALENDAR PAGE	94.8
MINUTE PAGE	842

STATE OF CALIFORNIA
STATE LANDS COMMISSION

FC Everett

DONALD J. EVERITTS, Chief
Division of Energy and
Mineral Resources

6/10/82

DATE

ACCEPTED:

BY

AW Atkins

TITLE Refinery Manager

DATE May 27, 1982

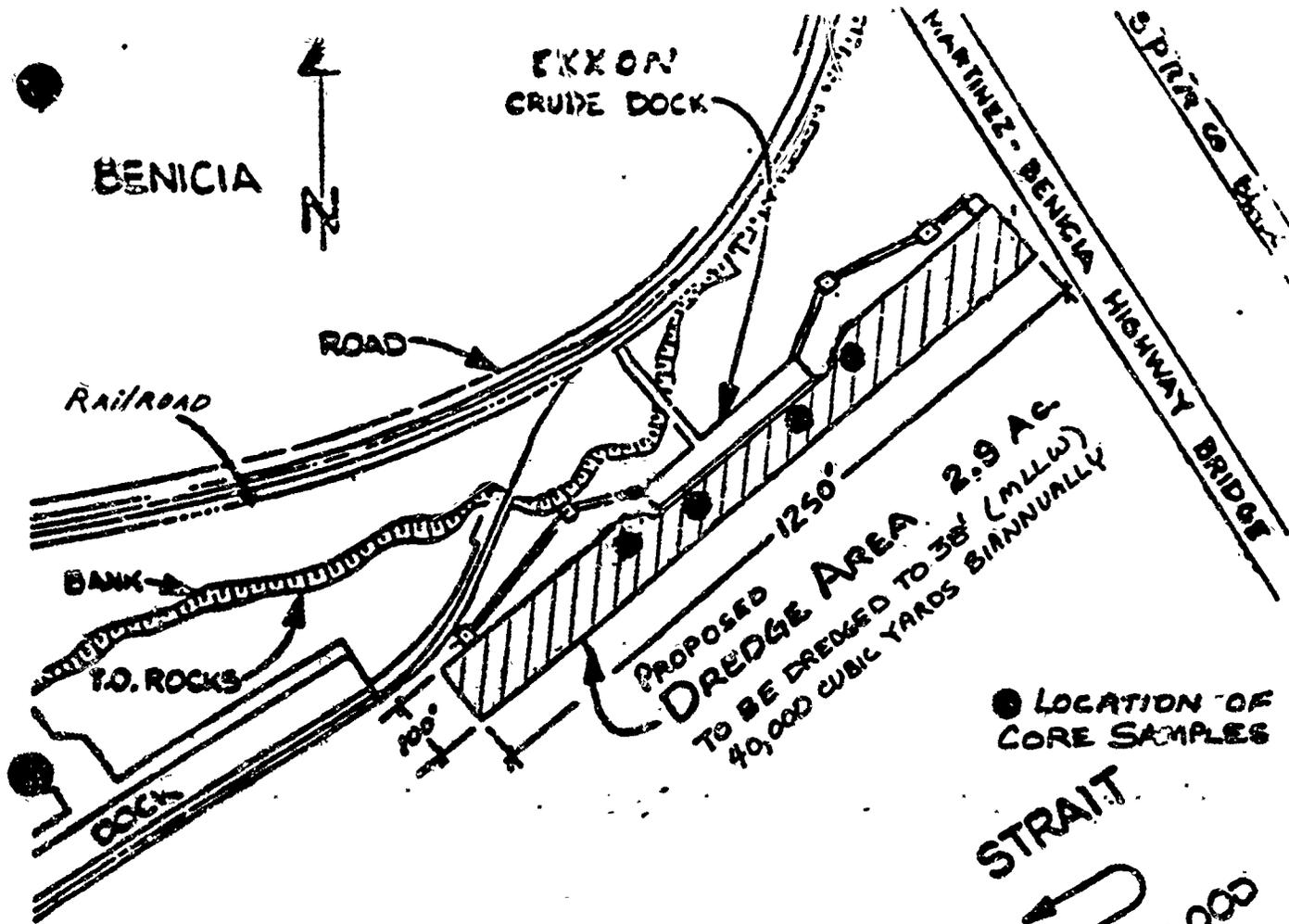
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Attachments: EXHIBITS "A" and "B"

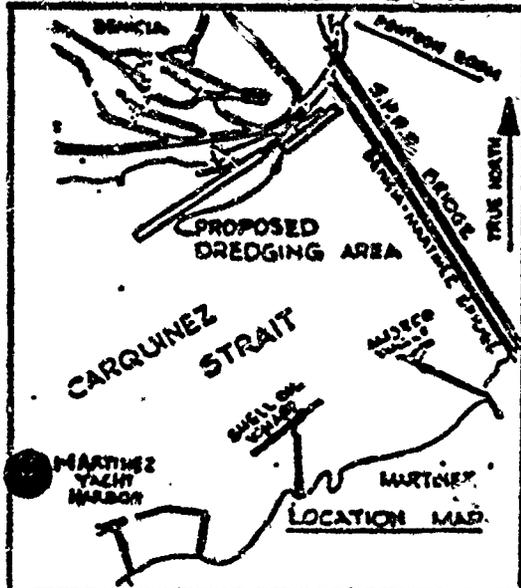
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CALENDAR PAGE	94.9
MINUTE PAGE	849



FROM U.S.C. & G.S. CHART #5534



CARQUINEZ STRAIT

PLAN
SCALE OF FEET



PROPOSED DREDGING
in CARQUINEZ STRAIT
at CITY OF BENICIA
County of SOLANO State CALIF.
Application by EXXON CORPORATION
BENICIA, REFINERY

CALENDAR PAGE	94-10
MINUTE PAGE	850

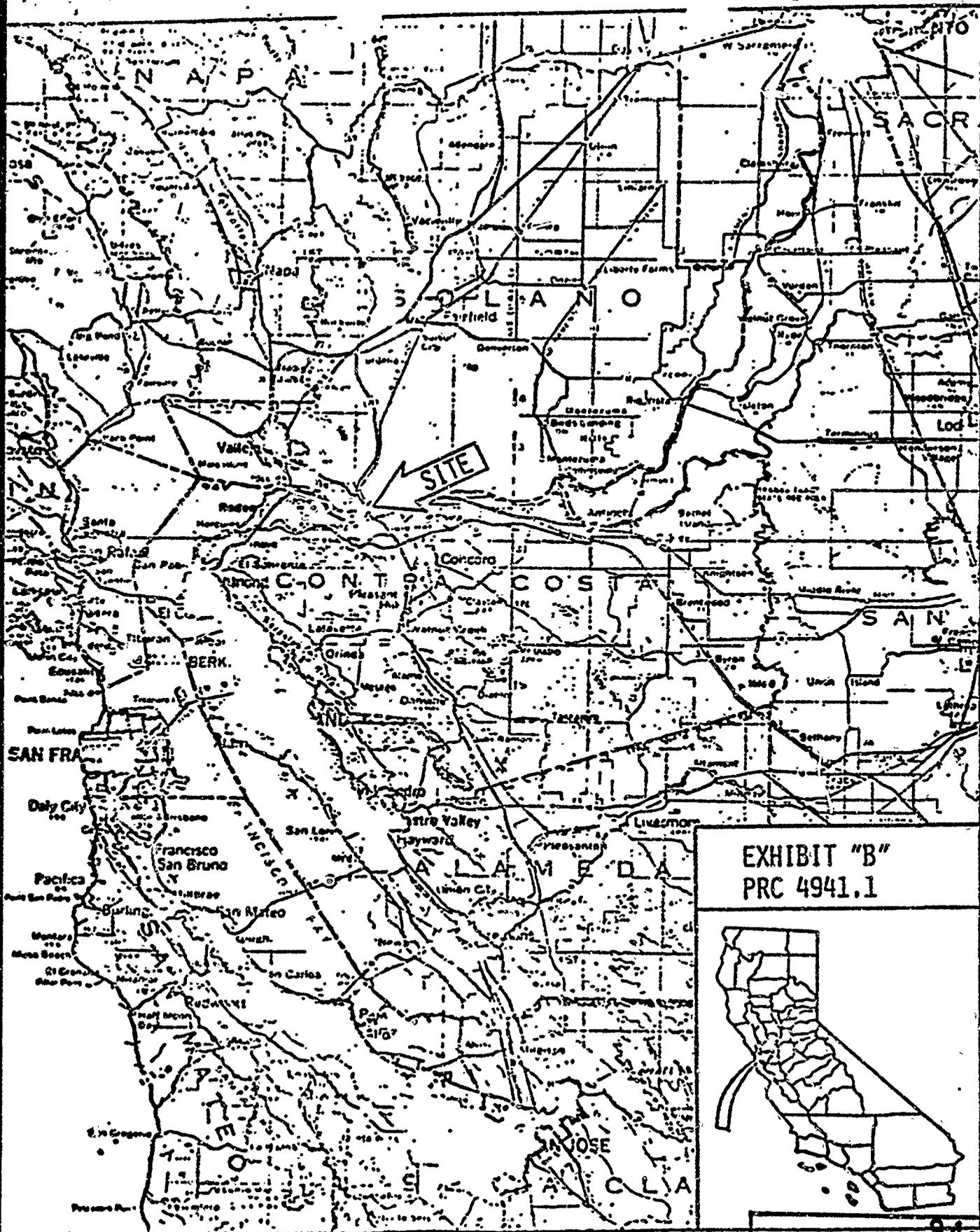


EXHIBIT "B"
 PRC 4941.1



CALENDAR PAGE	94-11
MINUTE PAGE	851