

MINUTE ITEM
This Calendar Item No. 25
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 3
to 0 at its 5/30/87
meeting.

CALENDAR ITEM

A 11

25

05/28/87
PRC 5805
Martinez

S 7

AMENDMENT OF MAINTENANCE DREDGING PERMIT

APPLICANT: Chevron U.S.A., Inc.
Richmond Refinery
P. O. Box 1272
Richmond, California 94802

AREA, TYPE LAND AND LOCATION:
Submerged lands in the bed of San Francisco Bay
at the Richmond Long Wharf and the Point Orient
Wharf, City of Richmond, Contra Costa County.

TERM OF CURRENT PERMIT:
Ten years commencing December 1, 1984.

LAND USE: Dredge a maximum 1,000,000 cubic yards combined
total volume of material annually from the
wharf areas to deepen the basins for larger oil
tanker vessels which dock and offload oil.
Spoils are disposed of offshore at the
United States Army Corps of Engineers Disposal
Site S.F. 11.

CONSIDERATION: Royalty of \$0.15 per cubic yard for spoils
placed at the approved United States Army Corps
of Engineers 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 United States Corps of
Engineers Site.

CALENDAR ITEM NO. 25 (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 current 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. P.R.C.: 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.

CALENDAR ITEM NO. 25 (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 CHEVRON U.S.A., INC. 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.

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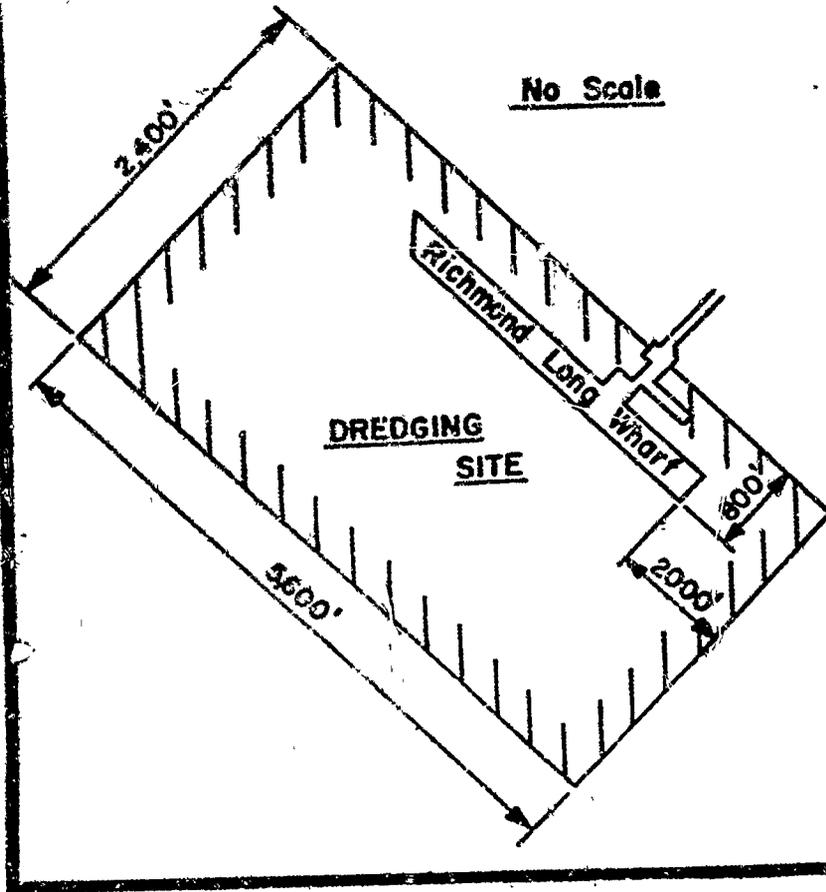
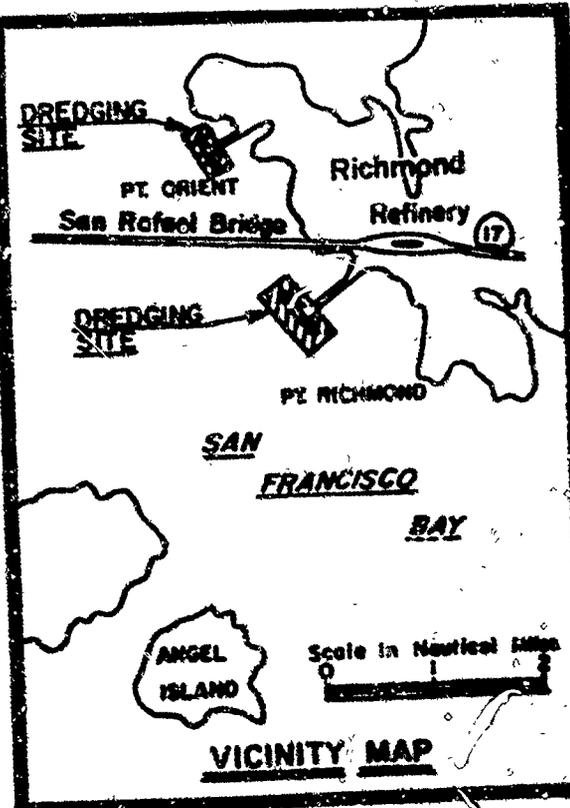
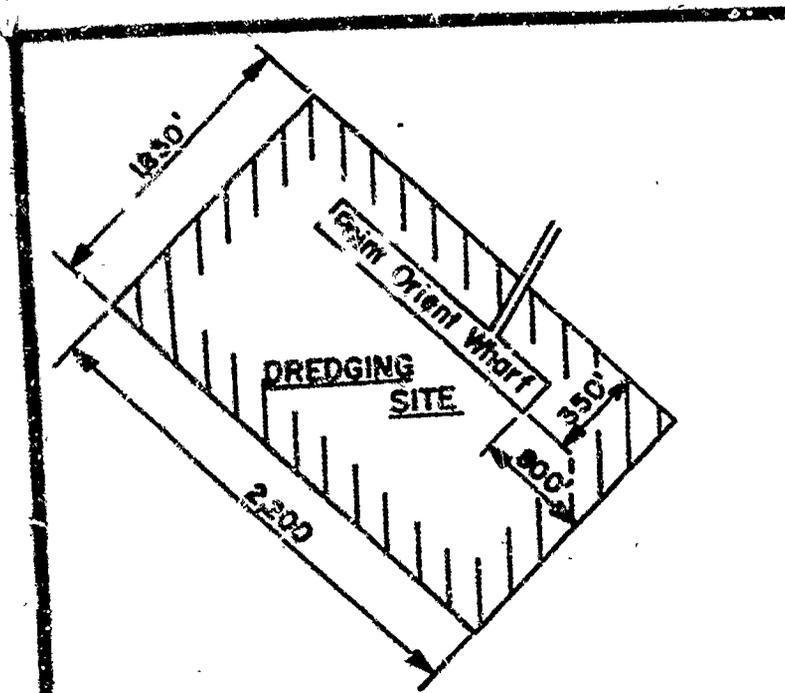


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 POINT ORIENT WHARF
 & RICHMOND LONG WHARF
 CHEVRON U.S.A.
 WP 5805
 SAN FRANCISCO BAY
 CONTRA COSTA COUNTY
 (AMENDMENT)



June 1, 1987

File Ref.: PRC 5805

AMENDMENT TO DREDGING PERMIT

WHEREAS, Dredging Permit WP 5805 was issued to Chevron U.S.A., effective December 1, 1984 to November 30, 1994, granting permission to perform maintenance dredging in San Francisco Bay at the Point Orient Wharf and the Richmond Long Wharf, Contra Costa County with spoils to be deposited at the U. S. Army Corps of Engineers Disposal Site S.F. 11; and

WHEREAS, Chevron 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 WP 5805 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 S.F. 11, 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. 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 December 1, 1984 through November 30, 1994.

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 December 1, 1984 through November 30, 1994. From and after June 1, 1987, no royalty will be assessed for material removed from State-owned land and placed at the Corps 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.

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: CHEVRON U.S.A.

By: _____

Title: _____

Date: _____

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"C"

STATE LANDS COMMISSION

KENNETH CORY, Controller
LEO T. MCCARTHY, Lieutenant Governor
JESSE R. HUFF, Director of Finance

EDWARD J. DIMICK, Governor

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, California 95814

CLAIRE T. DEHRICK
Executive Officer

October 5, 1984

File Ref.: WP 5601

Chevron U.S.A.
P. O. Box 1272
Richmond, California 94802
Attn: J. B. Krider

Gentlemen:

Pursuant to your application dated April 11, 1984 and by the authorization of the State Lands Commission on November 1984, you are hereby granted permission to dredge a maximum of 1,000,000 cubic yards combined total per year of sand, silt, clay and gravel, excluding all other minerals including but not limited to oil, gas and geothermal as required to maintain the channel from an area of submerged lands in San Francisco Bay at the Point Orient Wharf and Richmond Long Wharf, Contra Costa County, plus an additional 93,000 cubic yards for new dredging to accommodate pier modification at the Point Orient Wharf 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 The U. S. Army Corps of Engineers Disposal Site S.F. 11.

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 S.F. 11, 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. This 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 December 1, 1984 through November 31, 1994.

The permission to dredge the above-described lands is given upon information presently available to the State Lands Commission, and is given without survey or title determination. Such permission shall not be construed as fixing State land boundaries nor 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 fifteenth (15th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed 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 and one-half percent (1-1/2%) 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 employees of boats, barges, dredges, pumps, or other equipment.

Without limiting the generality of the foregoing, you shall indemnify the State of California 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 employees of boats, barges, dredges, pumps, or other equipment.

employees arising out of or connected with the actual 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.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

W. M. Thompson
for

W. M. THOMPSON, Chief
Extractive Development Program

January 10, 1985
DATE

CHEVRON U.S.A. INC.

BY *B. J. DeMaar*

TITLE Asst. Secretary

DATE OCTOBER 30, 1984

Set in Triplicate

Number of Copies _____

Number of Copies _____

J. King by P.M.

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