

MINUTE ITEM
This Calendar Item No. 23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 8
to 0 at its 7-16-87
meeting.

CALENDAR ITEM

A 16

23

07/16/87
W 23686 PRC 7113
Martinez

S 8

DREDGING PERMIT

APPLICANT:

Port of San Francisco
Attn.: Randall Rossi
3100 Ferry Blvd.
San Francisco, California 94111

AREA, TYPE LAND AND LOCATION:

Granted, mineral reserve, lands in
San Francisco Bay off the Port's southern
waterfront container terminals adjacent to
Piers 80 and 90-96, City and County of
San Francisco.

PROPOSED LAND USE:

Dredge two channels (A and B) and an area (C)
adjacent to an existing channel to a maximum
depth of minus 40-foot MLLW to allow for better
angles of access to the San Francisco Container
Terminal. The proposed channels will be
additions to existing dredged channels.

Dredging of Channels A and B will require
removal of a maximum 900,000 cu. yds. of
material and Area C will require removal of a
maximum 500,000 cu. yds. The total 1,400,000
cu. yds. of dredged material will be disposed
of at an approved offshore Corps of Engineers
Disposal Site.

TERMS OF THE PROPOSED PERMIT:

Initial Period: One Year Commencing August 1,
1987.

Royalty:

No royalty for material placed
at the approved offshore site.

CALENDAR ITEM NO. 23 (CONT'D)

APPLICANT STATUS:

Grantee.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing fee have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts Land 2; Div. 13
- B. Cal Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

12/19/87.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.
2. An EIR was prepared and adopted for this project by the City and County of San Francisco. The State Lands Commission's staff has reviewed such document and have identified significant environmental impacts which involve that portion of the project the Commission will be considering for approval. These impacts and changes/mitigations which have been incorporated into the proposed project are discussed in Exhibit "C".

APPROVALS OBTAINED:

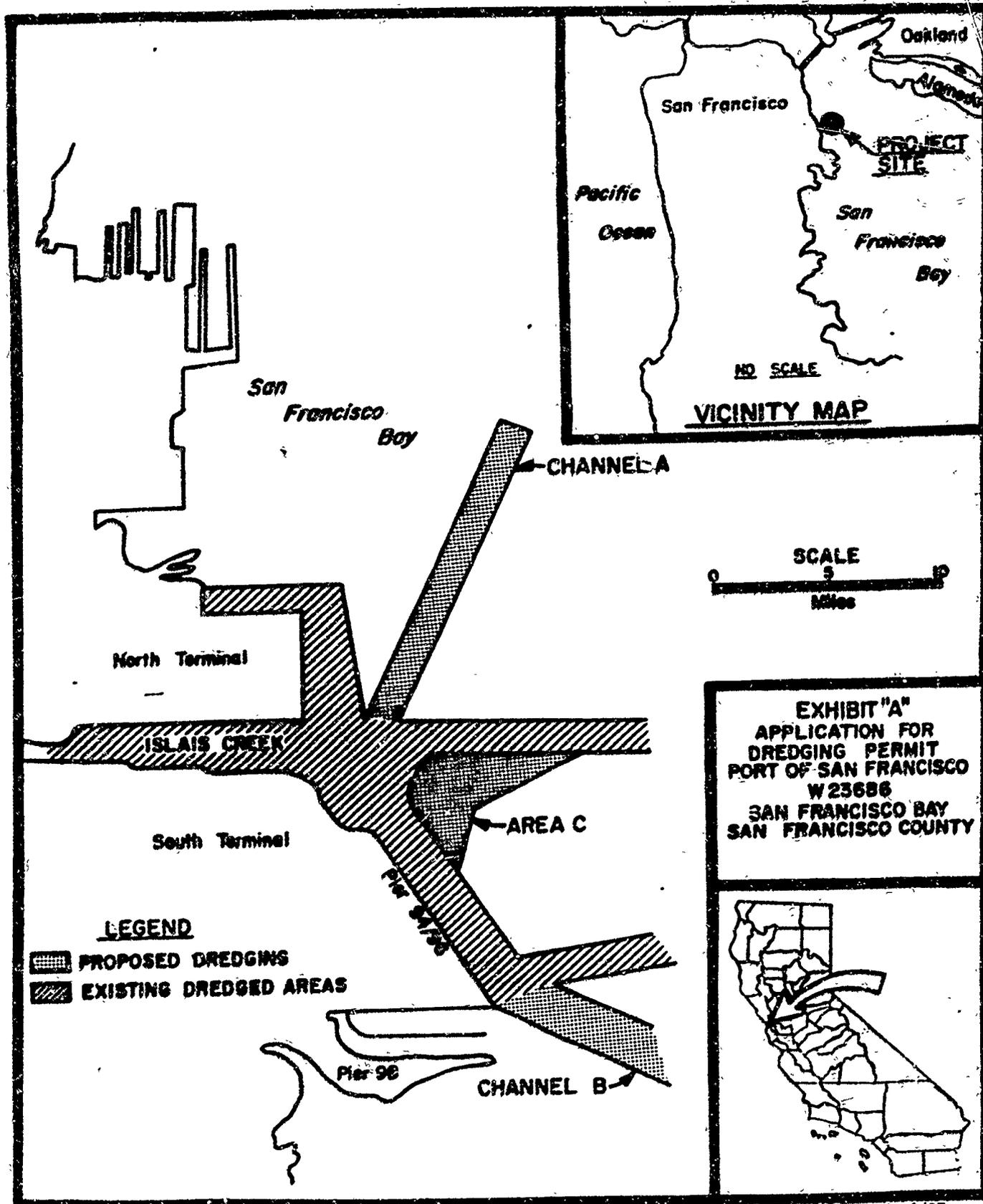
San Francisco Planning Commission.
San Francisco Bay Conservation and
Development Commission.
U. S. Army Corps of Engineers
Regional Water Quality Control Board

CALENDAR ITEM NO. 23 (CONT'D)

- EXHIBITS:
- A. Vicinity and Site Map.
 - B. EIR Summary.
 - C. CEQA Findings.
 - D. Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY AND COUNTY OF SAN FRANCISCO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE CEQA FINDINGS HERETO ATTACHED AS EXHIBIT "C" IN CONNECTION WITH THE PROJECT IN COMPLIANCE WITH THE CEQA (P.R.C. SEC. 21000 ET SEQ.) AND THE STATE EIR GUIDELINES.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE STAFF TO ISSUE TO THE PORT OF SAN FRANCISCO THE DREDGING PERMIT ATTACHED AS EXHIBIT "D". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 1,400,000 CUBIC YARDS OF MATERIAL IN SAN FRANCISCO BAY AND DISPOSAL AT AN APPROVED OFFSHORE SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



R.D. 1/87

CALENDAR PAGE
 MINUTE PAGE

110
 2490

CHAPTER II. SUMMARY

The Port of San Francisco proposes the dredging of two new channels and the dredging of a third area adjacent to an existing channel in San Francisco Bay to a maximum depth of -40 feet MLLW¹ to allow improved access of deep-draft vessels to the San Francisco Container Terminal (SFCT) and to provide improved ship maneuverability and navigational safety under all tidal conditions.

The total area to be dredged would be approximately 76 acres and would involve the removal of an estimated 1.4 million cubic yards of sediment. The project would take about twelve weeks. The dredge spoils would be deposited at a site approved by the Army Corps of Engineers and the Bay Conservation and Development Commission.

Impacts

The proposed project could have water quality impacts caused by the release of toxic substances previously trapped in lower Bay sediment layers and resuspended in the water column by dredging activities. Because of this, the sediments that would be dredged have been analyzed for toxic inorganic and organic materials which might be present. Tests for materials (heavy metals, PCBs, oil and grease, pesticides and petroleum hydrocarbons) dissolving out of the sediments were all negative. Tests for these materials in the sediments themselves were all negative or showed concentrations similar to the lowest concentrations found in the Bay.

11. SUMMARY

The project could cause temporary increases in turbidity and sedimentation in the project area and at the disposal site. Benthic (bottom-dwelling) organisms would be temporarily affected by the removal of Bay muds, which serve as benthic habitat, and by sedimentation. Organisms would be expected to recolonize dredged areas in a few days to a year. Spawning herring could be affected by the dredging if it occurred during December through March.

The proposed project would add to the impacts caused by the cumulative disposal of other Bay Area dredging projects. The Army Corps of Engineers is currently evaluating the cumulative impacts of Bay Area dredge spoil disposal. An evaluation of cumulative impacts is not possible without the results of the Corps' long-term studies expected to be completed in 1990. It is expected that the Corps would take cumulative effects into account during the permit review process.

Mitigation Measures

The Port would use dredging techniques which minimize turbidity. The Port is currently involved in sedimentation studies which are expected to result in new strategies to decrease sedimentation along the San Francisco Port shoreline. Dredge spoils would be disposed of during ebb tide (when the tide recedes) in order to maximize sediment dispersion oceanward.

The Port would consult the California Department of Fish and Game on the scheduling of dredging to minimize impacts on the spawning of herring.

Alternatives

The No-Project Alternative would continue navigational conditions which limit the access options of deep draft vessels berthing at SFCT-South. Dredging of one (the southernmost) rather than two new channels would provide improved conditions for turning from the existing channel, which lines up with Islais Creek, to the SFCT-South but would not provide the navigational choice between two access channels from the north to SFCT-South. The approach from the north is used more often than the approach from the south. Tidal constraints would continue to affect the timing of berthing. Dredging a third new channel to the north of the SFCT would improve access for deep draft vessels approaching and leaving the SFCT from the north. Total dredge spoils generated by this alternative would more than double the amount of spoils generated by the proposed project. This alternative was discarded by the Port.

SUMMARY NOTE

- 1: M.L.L.W: mean lower low water. The average of the two low tides along coasts like California where the two daily low tides are unequal.

EXHIBIT "C"

CEQA FINDINGS

Herewith are presented the findings made by the State Lands Commission, pursuant to Section 15091, Title 14, California Administrative Code, on the proposed San Francisco Container Terminal Modernization Project. Only significant impacts for that portion of the project to be considered by the State Lands Commission are discussed.

1. Impact: Disposal of material at the approved offshore Corps of Engineers site has the potential for transporting and depositing contaminated sediments.

Findings: (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Corps of Engineers and S.F.B.C.D.C.).

Facts Supporting Findings:

The proposed dredging is expected to result in sediments similar to those covered by current maintenance dredging permits and deposited at approved offshore Corps of Engineers disposal sites. Areas to be maintenance dredged are sampled each year and tested for suitability for disposal. These sediments have always been found suitable for disposal.

If the sediments to be dredged in the proposed project are found to be polluted, they could not be deposited at the approved offshore Corps disposal site and land disposal at a hazardous solid waste disposal site would be necessary.

Mitigation: As part of its dredging and dredge spoils disposal permitting process the U. S. Army Corps of Engineers requires elutriate testing evaluation of the sediments proposed for dredging. Any chemically contaminated sediments are not allowed to be deposited at approved Bay dredge spoil disposal sites.

2. Impact: The habitat of benthic organisms which reside in Bay muds will be temporarily disturbed by the removal of bottom sediments and turbidity.

Findings: (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Corps of Engineers and California Department of Fish and Game).

CALENDAR PAGE

114

MINUTE PAGE

2484

Facts Supporting Findings:

Adult herring spawning in San Francisco Bay could be affected by increased turbidity. From late November to mid-March the eggs are vulnerable to siltation. Since the herring eggs are attached to solid objects which are not present in the channel, the primary effect from the proposed dredging will be smothering of eggs near the channels by sediments. If any herring eggs are present during dredging they could be killed by settling sediment and the number of herring surviving for the year in the Bay could be affected.

Mitigation: Pursuant to consultation with the Department of Fish and Game, to minimize the impacts of dredging on herring reproduction, the proposed dredging will not occur between December 1 and March 1.

To minimize turbidity, hopper dredge methods will be used when feasible and whenever possible, dredging will be scheduled to take advantage of the natural dispersive ability of wind and rough water.

STATE OF CALIFORNIA - STATE LANDS COMMISSION
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

EXHIBIT "D"

GEORGE DEUKMEJIAN, Governor



August 1, 1987

File Ref.: W 23686

Port of San Francisco
3100 Ferry Bldg.
San Francisco CA 94111

Pursuant to your application dated May 20, 1987, and by the authorization of the State Lands Commission on July 16, 1987, you are hereby granted permission to dredge, during the term of the permit, a maximum 1,400,000 cu. yds. of sand, silt, clay, and gravel, excluding all other minerals, including, but not limited to, oil, gas, and geothermal from an area of granted, mineral reserve, lands in San Francisco Bay, San Francisco County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to deposit dredge spoils at an offshore Corps of Engineers approved disposal site. Dredging shall not be performed from December 1, 1987 to March 1, 1988.

No royalty shall be paid for material placed at the approved offshore disposal site. A royalty of \$0.25 per cubic yard shall be paid for any material 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 August 1, 1987 through July 31, 1988.

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 copies of reports or contracts with the dredging operator substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9NC). 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 (1½%) per month from the date when the same was payable by the terms hereof.

CALENDAR PAGE	116
MINUTE PAGE	2486

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 or imposed upon the State of California or any of its officers, agents or employees, 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 persons 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, Chief
Extractive Development Program

DATE

ACCEPTED:

BY: _____

TITLE: _____

DATE: _____

CALENDAR PAGE	117
MINUTE PAGE	2487