

MINUTE ITEM  
This Calendar Item No. 42  
was approved as Minute Item  
No. 42 by the State Lands  
Commission by a vote of 2  
to 0 at its 12/13/88  
meeting.

CALENDAR ITEM

A 4

42

12/13/88  
PRC 5096  
Martinez

S 2

RENEWAL OF MAINTENANCE DREDGING PERMIT

APPLICANT: Benicia Port Terminal Co.  
P. O. Box 315  
Benicia, CA 94510

AREA, TYPE LAND AND LOCATION: Tide and submerged lands in Carquinez Strait at the Benicia Port Terminal Dock, City of Benicia, Solano County.

LAND USE: Continue to dredge a maximum 90,000 cubic yards of material for continued maintenance of navigable depth at the Benicia Port Terminal Dock. The dredged material will be disposed of at the United States Army Corps of Engineers Offshore Disposal Site S.F. 9.

TERMS OF THE ORIGINAL PERMIT:  
Initial Period:

Effective January 1, 1983  
through December 31, 1988.

Royalty:

\$0.15 per cubic yard for spoils placed at the approved offshore Corps of Engineers Disposal Site from January 1, 1983 through March 31, 1987.

No royalty charged for spoils placed at the approved offshore Corps of Engineers Disposal Site from April 1, 1987 through December 31, 1988.

-1-

(ADDED 12/12/88 - pgs. 185-185.6)

CALENDAR PAGE	<u>185</u>
MINUTE PAGE	<u>3365</u>

CALENDAR ITEM 42 (CONT'D)

The change in royalty was a result of the amendment of the permit to reflect the dredging policy adopted by the Commission on September 25, 1986.

TERMS OF THE PROPOSED PERMIT:  
Initial Period:

Five years beginning  
January 1, 1989.

Royalty:

No royalty shall be charged for material placed at the approved offshore site. A royalty of \$0.25 per cubic yard shall be charged for any material used for private or commercial purposes.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;  
Title 14, Div. 6.

AB 884:

04/07/89.

OTHER PERTINENT INFORMATION:

1. On January 1, 1983, the State Lands Commission issued a Maintenance Dredging Permit to the Benicia Port Terminal Company authorizing maintenance dredging from January 1, 1983 through December 31, 1988. Although the permit will expire on December 31, 1988, the need for periodic dredging to maintain a navigable depth remains. Therefore, the applicant is requesting authorization to continue dredging for an additional five years.
2. 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.

CALENDAR ITEM 42 (CONT'D)

3. The San Francisco Bay Conservation and Development Commission (SFBCDC), a "functional equivalent agency" under Section 21080.5 of the CEQA, has:
  - a. served as the Lead Agency under CEQA;
  - b. considered the project described herein; and
  - c. found that the project, as proposed, will not have a significant effect on the environment.

Under Section 15252 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the SFBCDC in its consideration of this project.

Authority: Sections 21083 and 21087 of the CEQA.

APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission, United States Army Corps of Engineer.

EXHIBITS:

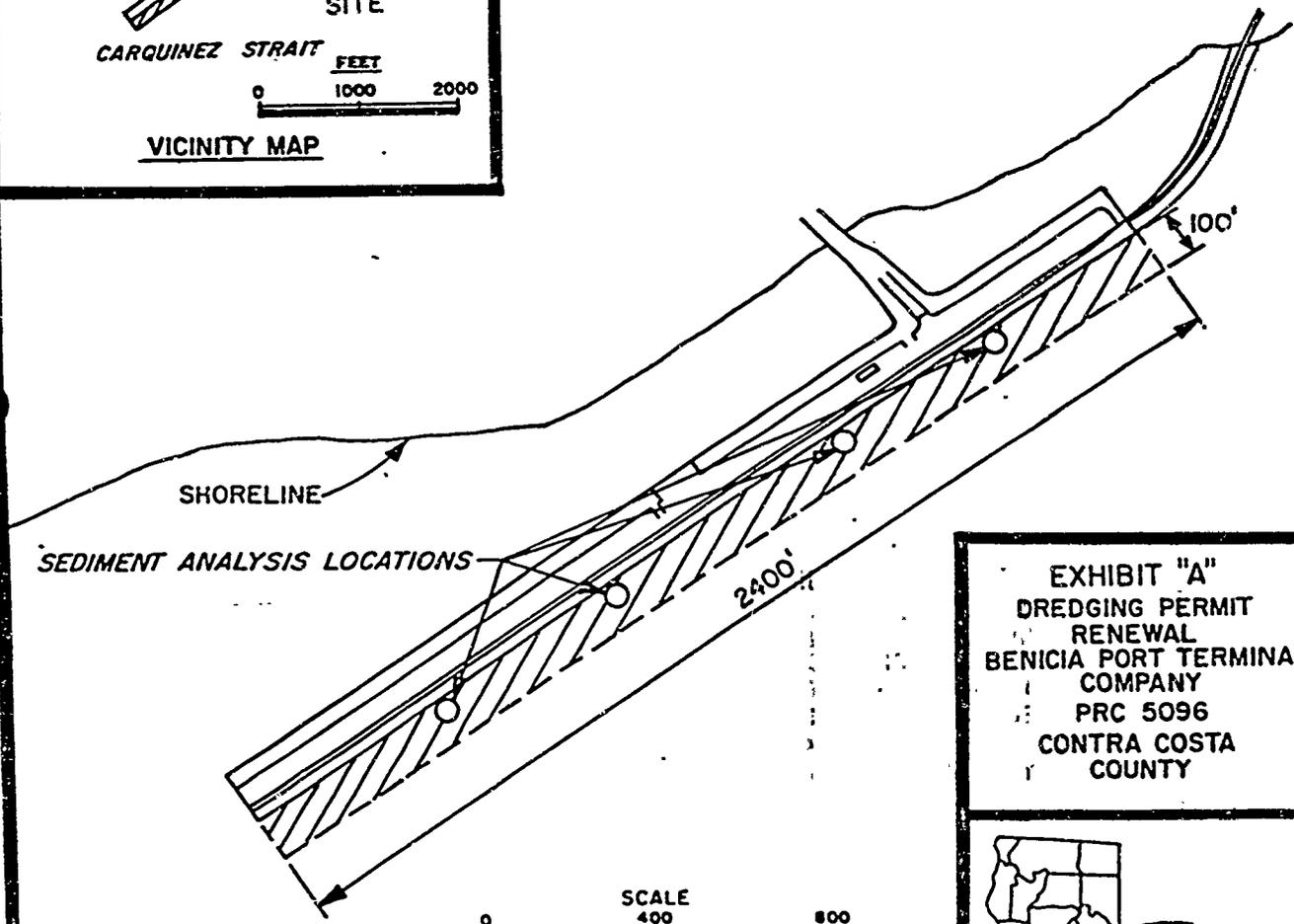
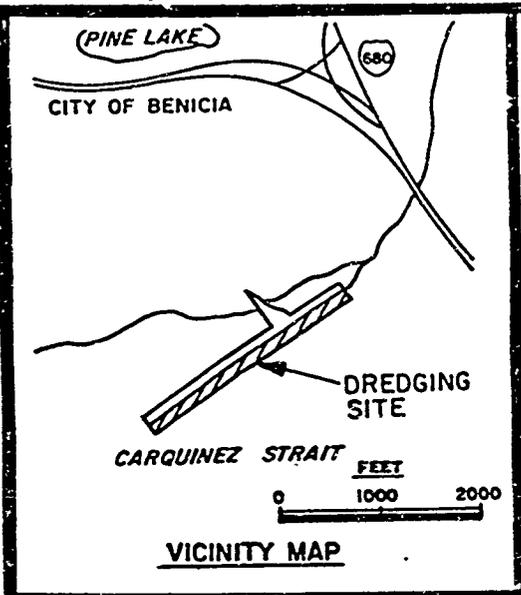
- A. Vicinity and Site Map.
- B. Renewal

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (SFBCDC), A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA HAS CONSIDERED THE PROPOSED PROJECT (PERMIT NO. M75-95, AS AMENDED) AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE SFBCDC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL. CODE REGS. SECTION 15253.

CALENDAR ITEM 42 (CONT'D)

3. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 7370, ET. SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
4. AUTHORIZE STAFF TO ISSUE TO BENICIA PORT TERMINAL COMPANY THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 90,000 CUBIC YARDS OF MATERIAL IN CARQUINEZ STRAIT AT THE CITY OF BENICIA, SOLONO COUNTY FOR FIVE YEARS BEGINNING JANUARY 1, 1989. THE SPOILS WILL BE DISPOSED OF OFFSHORE AT THE UNITED STATES ARMY CORPS OF ENGINEERS DISPOSAL SITE S.F. 9. NO ROYALTY SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED OFFSHORE SITE. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE OR COMMERCIAL PURPOSES. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



**LEGEND**

 DREDGING SITE

**EXHIBIT "A"**  
**DREDGING PERMIT**  
**RENEWAL**  
**BENICIA PORT TERMINAL**  
**COMPANY**  
**PRC 5096**  
**CONTRA COSTA**  
**COUNTY**



EXHIBIT "B"

January 1, 1989

File Ref.: PRC 5096.1

AMENDMENT TO DREDGING PERMIT

WHEREAS, Dredging Permit PRC 5096.1 was issued to the Benicia Port Terminal Company, effective January 1, 1983 through December 30, 1988, granting permission to perform maintenance dredging in Carquinez Strait, Solano County with spoils to be deposited at the U. S. Army Corps of Engineers Disposal Site S. F. 9; and:

WHEREAS, the Benicia Port Terminal Company has requested permission from the State Lands Commission to extend the expiration date five years;

NOW THEREFORE, the parties hereto agree that paragraph two of Dredging Permit PRC 5096.1 which reads as follows:

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, 1983, through December 30, 1988. From and after April 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.

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, 1989, through December 31, 1993. No royalty will be assessed for material removed from State-owned land and placed at the Corp Disposal Site. 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.

January 1, 1989

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: BENICIA PORT TERMINAL COMPANY

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CALENDAR PAGE	185
MINUTE PAGE	337