

MINUTE ITEM

This Calendar Item No. 19
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 2
to 0 at its 12/12/89
meeting.

CALENDAR ITEM

A 4, 11
S 2, 7

19

12/12/89
W 24427 PRC 7358
Martinez

MAINTENANCE DREDGING PERMIT

APPLICANT: Pacific Gas & Electric Co.
Attn.: Mark Oliver
123 Mission St., Room H-2046X
San Francisco, CA 94106

AREA, TYPE LAND AND LOCATION:
Ungranted sovereign lands in Suisun Bay at
Pittsburg, Contra Costa County.

LAND USE: Dredge a maximum 20,000 cubic yards of material
from the existing channel directly north of the
main fuel oil loading dock of the Pittsburg
Power Plant. The material will be disposed of
at the Corps/EPA approved Carquinez Straits
Aquatic Disposal Site SF-9 west of the power
plant.

The purpose of the project is to maintain a
navigable depth for ship access to the dock.

TERMS OF THE PROPOSED PERMIT:
One year beginning December 1, 1989.

Royalty: No charge for aquatic disposal.

PREREQUISITE TERMS, FEES AND EXPENSES:
Filing and processing fees have been received.

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.

CALENDAR ITEM NO. 19 (CONT'D)

AB 884: 03/28/90.

OTHER PERTINENT INFORMATION:

1. The existing dock at the Power Plant is currently under lease from the Commission to PG&E.
2. Testing performed, pursuant to United States Army Corps of Engineers and Water Quality Control Board permitting, found the material to be suitable for aquatic disposal as proposed.
3. Permittee shall provide a bond or other security device acceptable to the State in an amount determined by the cost of the project.
4. A Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Army Corps of Engineers. The document was circulated for public review as required by State and local law and notice was given meeting the standards in 14 Cal. Code Regs. 15072(a). Therefore, pursuant to 14 Cal. Code Regs. 15225, the staff recommends the use of the federal FONSI in place of the Negative Declaration.

APPROVALS REQUIRED:

United States Army Corps of Engineers,
Department of Fish and Game, and Regional Water
Quality Control Board.

EXHIBITS:

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

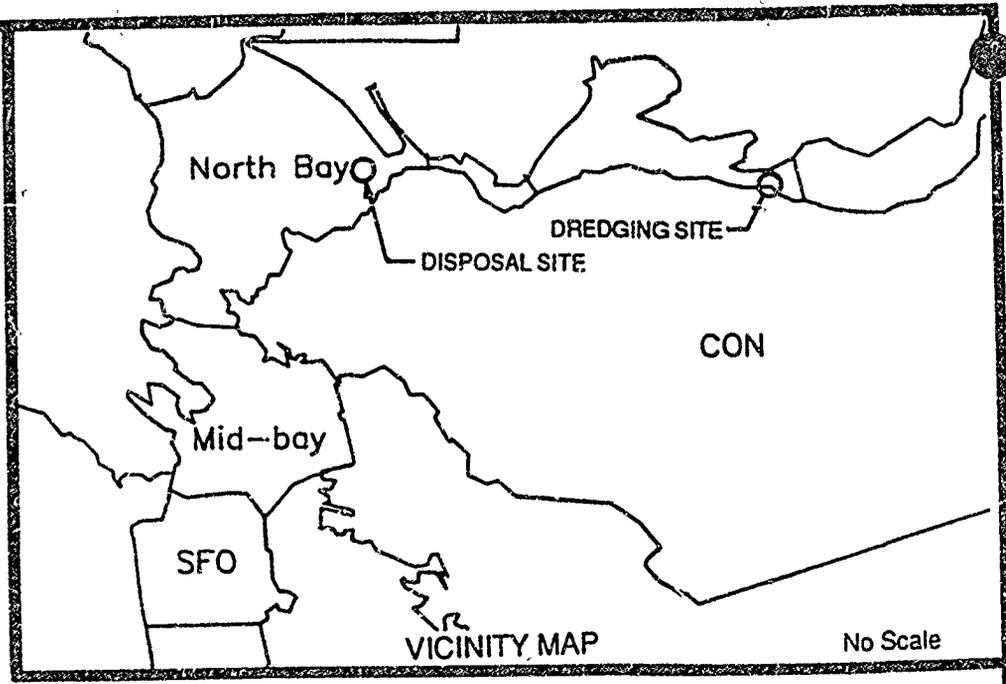
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQR THEREFORE PURSUANT TO 14 CAL. CODE REGS. 15225 ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF THE NEGATIVE DECLARATION.

CALENDAR ITEM NO. 7.9 (CONT'D)

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. AUTHORIZE STAFF TO ISSUE TO PACIFIC GAS AND ELECTRIC CO. THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 20,000 CUBIC YARDS OF MATERIAL FROM SUISUN BAY AT PITTSBURG, CONTRA COSTA COUNTY FOR ONE YEAR BEGINNING DECEMBER 1, 1989. THE SPOILS SHALL BE DISPOSED OF AT THE UNITED STATES ARMY CORPS OF ENGINEERS APPROVED SF-9 AQUATIC DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AS APPROVED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATION AND LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



SUISUN BAY

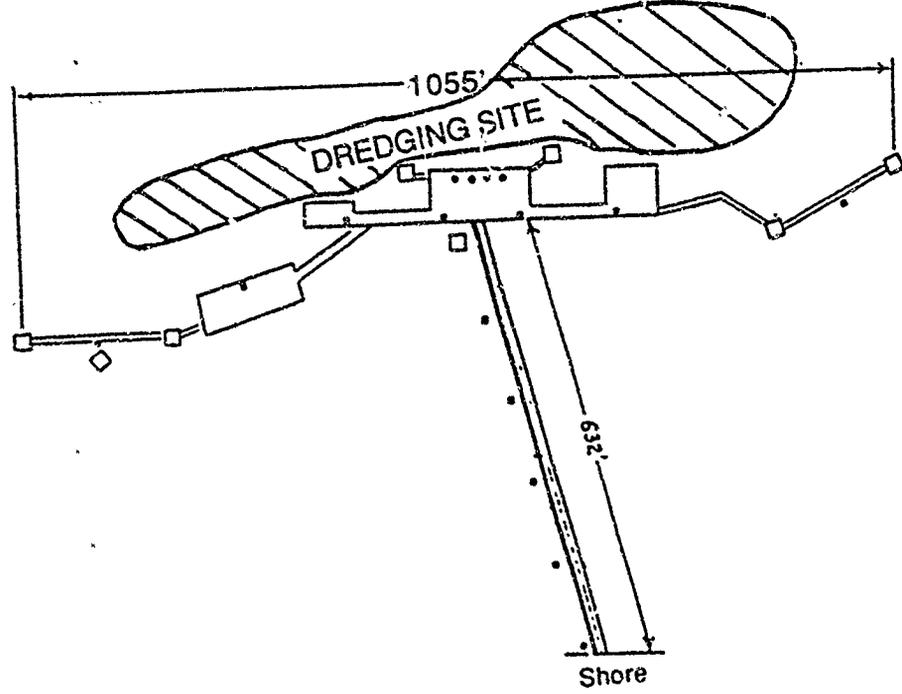


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 P.G.&E.
 W 24427
 SUISUN BAY NEAR
 PITTSBURG
 CONTRA COSTA COUNTY



No Scale

PITTSBURG POWER PLANT



STATE OF CALIFORNIA—STATE LANDS COMMISSION

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

December 15, 1989

File Ref.: W 24427

Pacific Gas & Electric Co.
Attn: Mark Oliver
123 Mission St., Room H-2046X
San Francisco CA 94106

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission in December, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 20,000 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 ungranted sovereign lands in Suisun Bay at Pittsburg, Contra Costa County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to dispose of the spoils at the Corps/EPA approved Carquinez Straits aquatic Disposal Site SF-9.

A royalty of \$0.25 per cubic yard shall be paid for material removed and disposed of as approved. 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 December 15, 1989 through December 14, 1990.

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.

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December 15, 1989

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.

Within thirty (30) days of the approval date of the issuance of this permit by the State Lands Commission, Permittee shall furnish, and maintain until released by the State, a bond or other security device acceptable to State, in the sum of \$40,000 and in favor of the State for its exclusive use and benefit, guaranteeing the faithful performance by Permittee of the terms and conditions of this permit. This requirement shall be separate from any other bonding provisions of the Public Resources Code and the regulations of the State.

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 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: _____

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