

MINUTE ITEM
This Calendar Item No. C21
was approved as Minute Item
No. C21 by the State Lands
Commission by a vote of 2
to 0 at its 10/29/90
meeting.

MINUTE ITEM

C21

10/29/90
PRC 3414A
Martinez

DREDGING PERMIT

Charles Warren, Executive Officer, presented Calendar Items 17, 20, 21, and 22, all pertaining to permits for dredging and deposition of dredged spoils. Mr. Warren reported that he agreed with the Bay Planning Coalition and with the consent of the Applicants themselves, that the mitigation fee would be collected, but would be held in trust in the event the Bay Planning Coalition could convince the Commission to abandon its present policy.

The Commission voted 2-0 to approve the items subject to the conditions.

Attachment: Calendar Item C21.

A 11

S 7

CALENDAR PAGE _____
MINUTE PAGE 3167

MINUTE ITEM
This Calendar Item No. C21
was approved as Minute Item
No. 621 by the State Lands
Commission by a vote of 2
to 0 on its 10/29/90
meeting.

CALENDAR ITEM

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C 2 1

10/29/90
PRC 3414A
Martinez

DREDGING PERMIT

APPLICANT: Pacific Refining Co.
P. O. Box 68
Hercules, California 94547

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in San Pablo Bay at
Hercules, Contra Costa County.

LAND USE: Dredge a maximum 200,000 cubic yards of
material to maintain a navigable depth at the
existing Pacific Refining Co. marine terminal
and berthing area.

The Applicant has proposed disposal of the
dredged material at the San Pablo Bay, Corps'
EPA-approved Disposal Site SF-10.

TERMS OF PROPOSED PERMIT:

Initial Period: One year beginning
November 1, 1990.

Royalty: No charge for aquatic
disposal.

Additional Fee: A fee of \$0.25 per cubic yard
for any dredged material
disposed of at any site in
San Francisco Bay, including
but not limited to SF-10, to
offset cost of studies
necessary to develop non-Bay
disposal sites for future use.

CALENDAR ITEM NO. C 2 1 (CONT'D)

PREREQUISITE TERMS, FEES AND EXPENSES:

Filing fee and processing fees have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 5, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 05/01/91.

OTHER PERTINENT INFORMATION:

1. The existing berthing area occupies lands under State Lands Commission (SLC) jurisdiction. A lease authorizing use of the lands has been issued by the SLC to Pacific Refining.
2. Water quality testing performed pursuant to the Corps of Engineers and California Regional Water Quality Control Board permitting requirements found the materials to be suitable for disposal at SF-10 as proposed.
3. Questions have been raised about continuing to dispose of dredged material in San Francisco Bay. It is anticipated the currently approved in-Bay sites will reach capacity within ten years. In recognition of the need to develop other alternatives, a fee will be charged as a condition to the proposed permit to be deposited in a fund to offset the cost of needed studies.
4. A finding of No Significant Impact (FONSI) was prepared and adopted for this project by the Corps. The document was circulated for public review as broadly as State and local law requires 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 OBTAINED:

United States Army Corps of Engineers, Regional
Water Quality Control Board, and SFBCDC.

EXHIBIT:

A. Vicinity and Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT PREPARED AND ADOPTED FOR THIS PROJECT BY THE U. S. ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQA AND ADOPT, PURSUANT TO 14 CAL. CODE REGS. 15225, SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE STAFF TO ISSUE TO PACIFIC REFINING COMPANY THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION. THE PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 200,000 CUBIC YARDS OF MATERIAL FROM SAN PABLO BAY, CONTRA COSTA COUNTY FOR ONE YEAR BEGINNING NOVEMBER 1, 1990. IT IS PREFERRED THAT DREDGED MATERIALS SHALL BE DISPOSED OF AT AN UP LAND OR EPA/CORPS OF ENGINEERS APPROVED OFFSHORE OCEAN DISPOSAL SITE. IN THE ABSENCE OF AVAILABILITY OF SUCH SITES, THE MATERIAL MAY BE DISPOSED OF AT THE CORPS OF ENGINEERS SAN PABLO BAY DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AT THE APPROVED AQUATIC DISPOSAL SITE. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL SOLD OR USED FOR COMMERCIAL PURPOSES. A FEE OF \$0.25 WILL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED AT IN-BAY DISPOSAL SITES, TO BE PLACED IN A SEPARATE FUND TO OFFSET COSTS OF STUDIES NECESSARY TO IDENTIFY AND ANALYZE ALTERNATIVE DISPOSAL SITES. THE PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, AND LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

CARQUINEZ STRAIT

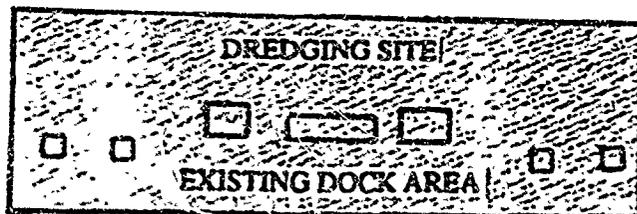
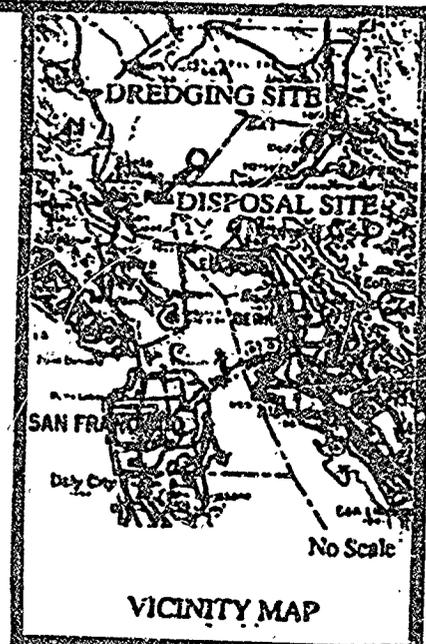


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
PACIFIC REFINING CO.
PRC 3414A
SAN PABLO BAY
CONTRA COSTA COUNTY



No Scale

REVIEWED OCTOBER 4, 1990 BY LLB.