MINUTE ITEM
This Calendar Item No. C23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 3
to 0 at its 12-12-90
meeting.

CALENDAR ITEM

A 9
S 2

C 23

PRC 7480

12/12/90
W 24600
Martinez

DREDGING PERMIT

APPLICANT: Port Sonoma-Marin
P. O. Box 686
Novato, California 94947

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in the Petaluma River at the entrance to Port Sonoma-Marin, Sonoma County.

LAND USE: Dredge a maximum 30,000 cubic yards of material to maintain a navigable depth. The material will be resuspended and naturally returned to San Pablo Bay as a trial test of resuspension dredging.

TERMS OF PROPOSED PERMIT:

Initial period: One (1) years beginning December 12, 1990.

Royalty: No charge for aquatic disposal; $0.25 per cubic yard for any material sold or used for commercial purposes.

Additional Fee: $0.25 per cubic yard for any dredged material disposed of at any site in San Francisco Bay, including, but not

limited to, San Pablo Bay to offset cost of studies necessary to develop non-Bay disposal sites for future use.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:
Filing fee and processing costs 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.

AB 884: 06/01/91.

OTHER PERTINENT INFORMATION:

1. Water quality testing was performed pursuant to the Corps of Engineers and California Regional Water Quality Control Board permitting requirements. The test results indicate that the materials are suitable, as proposed, for disposal in San Pablo Bay.

2. Questions have been raised about continuing disposal of dredged material in San Francisco Bay. It is anticipated the currently approved in-Bay sites will reach capacity within ten years. However, the current lack of suitable upland disposal sites or EPA/Corps-approved offshore disposal sites severely limits the options available for disposal.

   Through participation in the Federal/State Joint Long-Term Management Study being conducted to identify and evaluate site options for the disposal of material dredged from San Francisco Bay, the State Lands Commission has emphasized the need to focus on the selection of upland and ocean disposal site(s). This need has also been expressed by the San Francisco Bay Conservation and Development Commission (SFBCDC).

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Identification and evaluation of alternate disposal sites will require numerous studies which have been estimated to cost several million dollars. As ongoing in-Bay disposal contributes to the eventual obsolescence of in-Bay sites and exacerbates 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.

3. An environmental analysis was prepared, circulated, and adopted for this project through the regulatory program of the SFBCDC which has been certified by the Secretary for Resources as meeting the requirements of P.R.C. 21080.5 for a functional equivalent agency. The document concluded that the project, as defined, will have no significant environmental effects within the Commission's jurisdiction or special expertise.

   The SFBCDC, as Lead Agency, consulted with the responsible agencies, as required by CEQA Guidelines Section 15253, and determined that the project, as approved, would not have a significant effect on the environment. The SFBCDC, as Lead Agency, approved the project on September 15, 1986. The staff of the State Lands Commission has reviewed the SFBCDC's environmental analysis and believes that the conditions have been met for the Commission, as a Responsible Agency, to use the document as a substitute for a Negative Declaration as provided under CEQA Guidelines, Section 15253.

APPROVALS OBTAINED:

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

EXHIBIT: A. Site Map.

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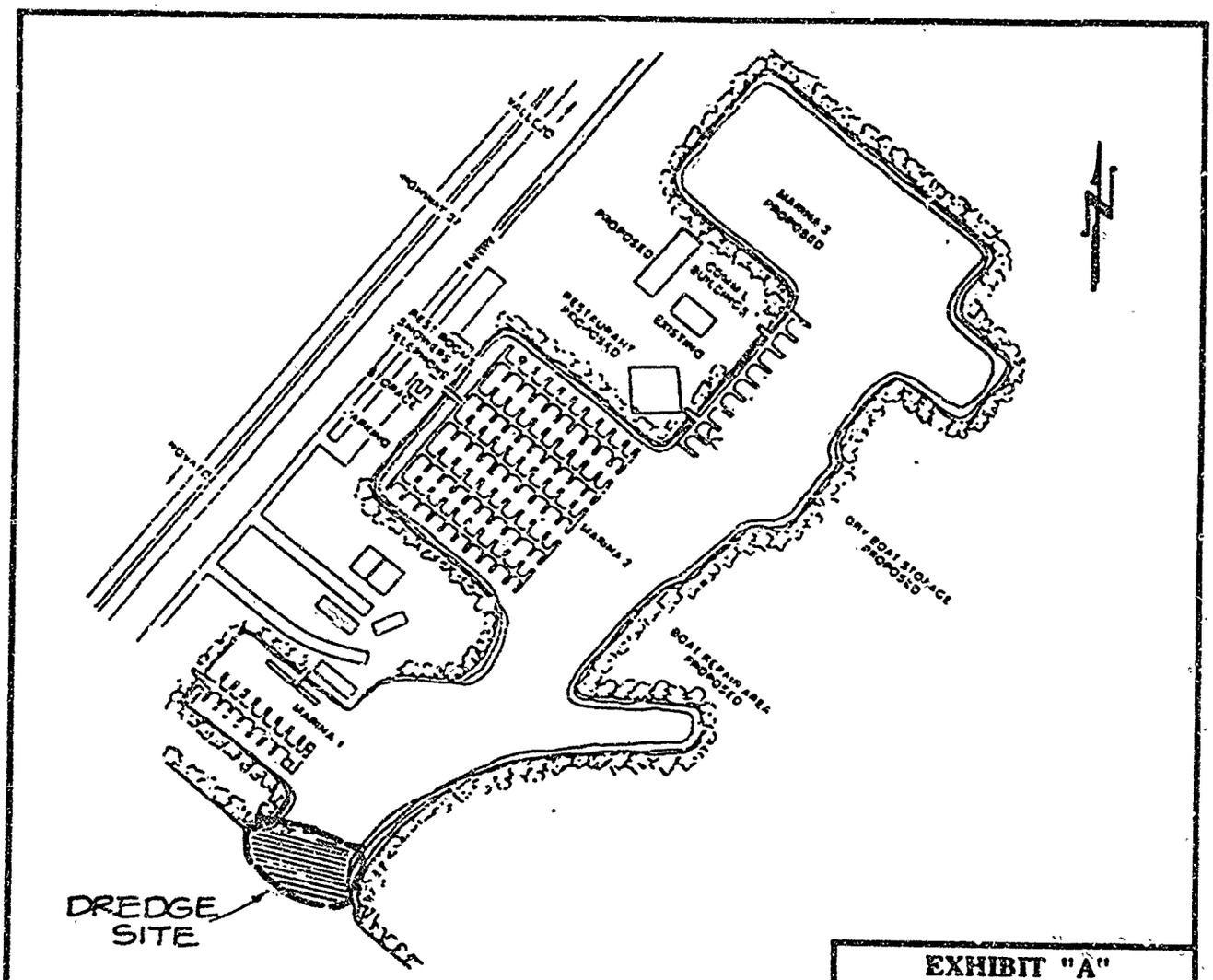
CALENDAR ITEM NO. C 23 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS WAS PREPARED, CIRCULATED, AND ADOPTED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION UNDER ITS CERTIFIED STATE REGULATORY PROGRAM [CEQA GUIDELINES SECTION 15251(h)]; THAT THE CONDITIONS SPECIFIED IN GUIDELINES SECTION 15253 HAVE BEEN MET AND PURSUANT TO GUIDELINES SECTION 15253(a), THE COMMISSION, AS A RESPONSIBLE AGENCY, ADOPTS THAT ENVIRONMENTAL ANALYSIS AS A SUBSTITUTE FOR A NEGATIVE DECLARATION.

2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS AND HAS DETERMINED THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. AUTHORIZE STAFF TO ISSUE TO THE PORT SONOMA-MARIN THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION. THE PERMIT SHALL ALLOW DREDGING A MAXIMUM 30,000 CUBIC YARDS OF MATERIAL FROM THE PETALUMA RIVER AT THE ENTRANCE TO PORT SONOMA-MARIN, SONOMA COUNTY, FOR ONE YEAR BEGINNING DECEMBER 12, 1990. IT IS PREFERRED THAT DREDGED MATERIALS SHALL BE DISPOSED OF AT AN UPLAND OR EPA/CORPS OF ENGINEERS APPROVED OFFSHORE OCEAN DISPOSAL SITE. IN THE ABSENCE OF AVAILABILITY OF SUCH SITES, THE MATERIAL MAY BE RESUSPENDED INTO SAN PABLO BAY. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AT THE APPROVED AQUATIC 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 AN IN-BAY DISPOSAL SITE, TO BE PLACED IN A SEPARATE FUND TO OFFSET COSTS OF STUDIES NECESSARY TO IDENTIFY AND ANALYZE ALTERNATIVE DISPOSAL SITES. THE PERMITTED ACTIVITY IS CONTINENT UPON THE APPLICANTS COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, AND LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.



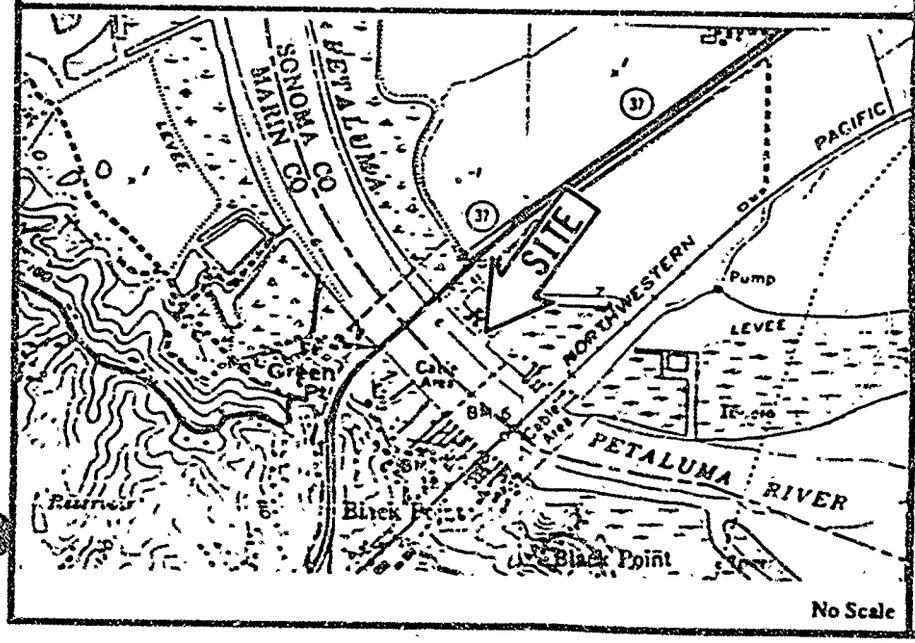


EXHIBIT "A"
APPLICATION FOR DREDGING PERMIT
PORT SONOMA - MARIN
W 24600
PETALUMA RIVER
SONOMA COUNTY

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