

MINUTE ITEM
This Calendar Item No. 07
was approved as Minute Item
No. 07 by the State Lands
Commission by a vote of 3
to 0 at its 5/23/91
meeting.

CALENDAR ITEM

A 12

S 9

07

05/23/91
W 2469C
Martinez

PRC 7540

DREDGING PERMIT

APPLICANT:

City of Berkeley
Engineering Division
2001 Addison Street, 3rd Floor
Berkeley, California 94704

AREA, TYPE LAND AND LOCATION:

Granted mineral reservation lands in San Francisco Bay at
Berkeley Harbor, Alameda County.

LAND USE:

Dredge a maximum 54,500 cubic yards of material from the
City of Berkeley public marina to maintain a navigable
depth. The material will be deposited at the EPA/Corps-
approved in-bay disposal sites SF11-Alcatraz.

TERMS OF PROPOSED PERMIT:

Initial period:

One (1) year beginning May 24, 1991.

Royalty:

No charge for aquatic disposal and public benefit
project; \$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, SF-11, to offset costs 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 3, Div. 3; Title 14, Div. 6.

AB 884:

21/11/91

OTHER PERTINENT INFORMATION:

1. Sediment testing was performed pursuant to the United States Army 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 at SF-11.
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).

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; however, a fee, to be deposited in a fund to offset the cost of needed studies, is charged as a condition to the proposed permit.

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 15263, and determined that the project, as approved, would not have a significant effect on the environment. 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

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 NEGATIVE DECLARATION.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS.
3. AUTHORIZE STAFF TO ISSUE TO THE CITY OF BERKELEY, A DREDGING PERMIT FOR ONE YEAR BEGINNING MAY 24, 1991, AUTHORIZING DREDGING A MAXIMUM 54,500 CUBIC YARDS OF MATERIAL FROM SAN FRANCISCO BAY AT BERKELEY HARBOR, LAMEDA COUNTY. IT IS PREFERRED THAT DREDGED MATERIALS SHALL BE DISPOSED OF AT AN UPLAND OR EPA/CORPS-APPROVED OFFSHORE OCEAN DISPOSAL SITE. IN THE ABSENCE OF AVAILABILITY OF SUCH SITES, THE MATERIAL MAY BE DISPOSED OF AT THE EPA/CORPS-APPROVED SF-11. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AT THE APPROVED AQUATIC SITE. A ROYALTY OF \$0.25 PER CUBIC YARD

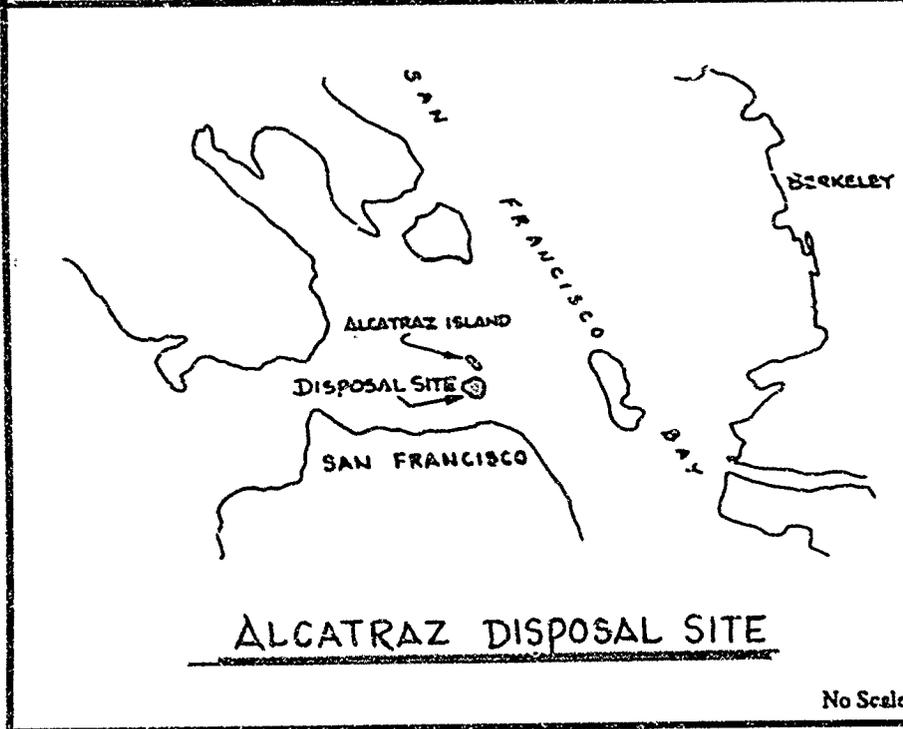
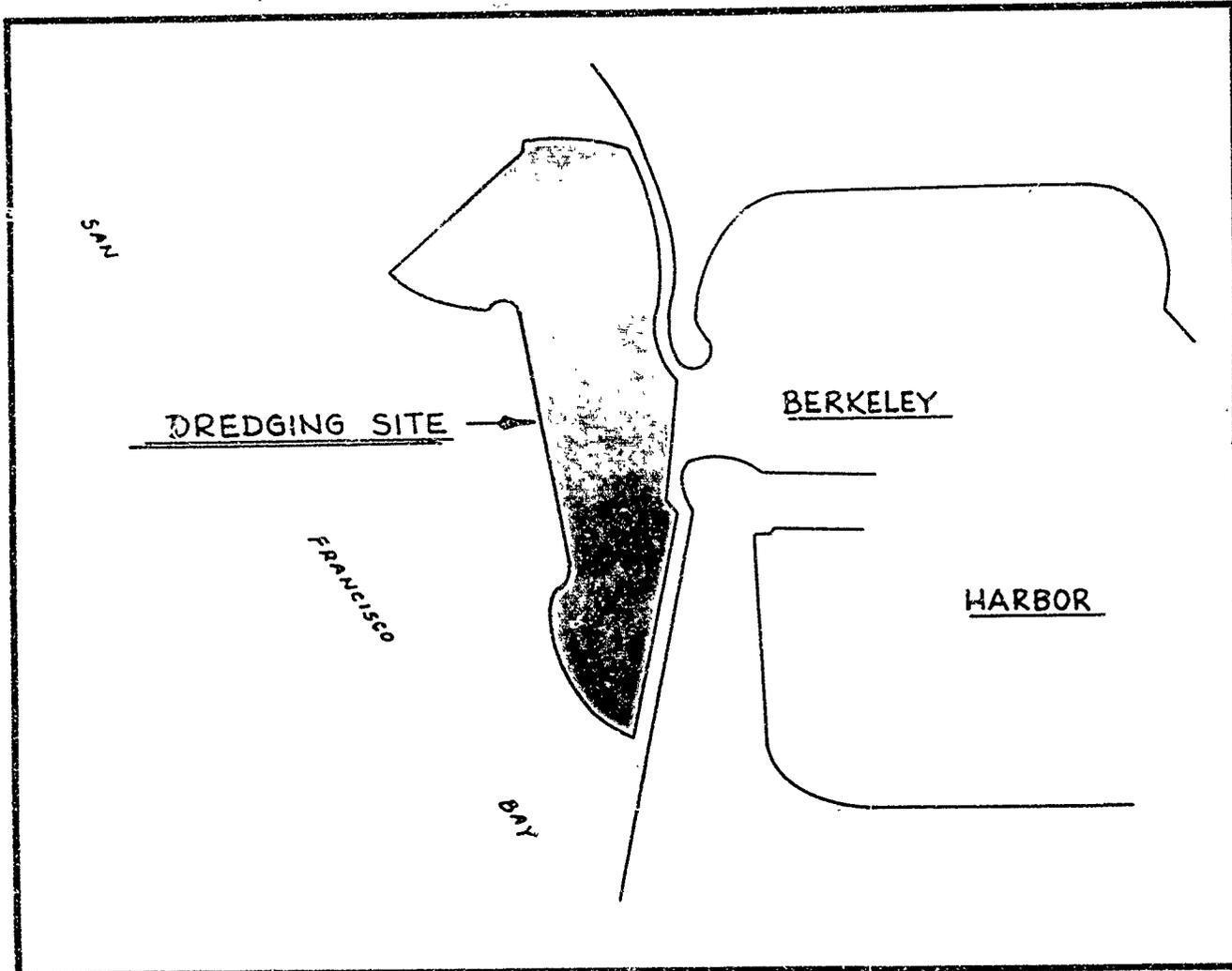
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SHALL BE CHARGED FOR ANY MATERIAL SOLD OR USED FOR COMMERCIAL PURPOSES. A FEE OF \$0.25 WILL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED AT AN IN-BAY DISPOSAL SITE, TO BE PLACED IN A SEPARATE FUND TO OFFSET COSTS OF STUDIES NECESSARY TO IDENTIFY AND ANALYZE ALTERNATIVE DISPOSAL SITES. THE PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMIT, RECOMMENDATIONS, AND LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

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ALCATRAZ DISPOSAL SITE

No Scale

EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
CITY OF BERKELEY
W 24690
SAN FRANCISCO BAY
AT BERKELEY HARBOR
ALAMEDA COUNTY



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