

MINUTE ITEM

This Calendar Item No. CO9
was approved as Minute Item
No. 9 by the State Lands
Commission by a vote of 2
to 0 at its 11-5-91
meeting.

CALENDAR ITEM

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C O 9

11/06/91
PRC 7466
Dugal

DREDGING PERMIT

APPLICANT:

City of Benicia
250 East "L" Street
Benicia, California 94510

AREA, TYPE LAND AND LOCATION:

Ungranted sovereign lands in Carquinez Strait at the
entrance to Benicia Marina, Solano County.

LAND USE:

Dredge a maximum 120,000 cubic yards of material for the
purpose of maintaining a navigable depth. The Applicant
has proposed disposal of the dredged material at the Corps
of Engineers approved Carquinez Strait Aquatic Disposal
Site SF-9.

TERMS OF THE PROPOSED PERMIT:

Initial Period:

One year beginning November 6, 1991.

Royalty:

No charge because the project is by a public agency for
public benefit.

\$0.25 per cubic yard for any material used for private
benefit or commercial sale purposes.

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-9, to offset the
cost of studies necessary to develop non-Bay disposal
sites for future use.

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:

04/02/92

BACKGROUND:

At the October 29, 1990 Commission meeting, the Commission approved issuance of a one-year dredging permit, effective November 1, 1990, to the City of Benicia to dredge a maximum of 120,000 cubic yards of material for the purpose of maintaining a navigable depth.

The City has not dredged any material due to delays in obtaining authorization from the Regional Water Quality Control Board. The Board has now waived all objections to the issuance of a permit authorizing the proposed project.

The City has obtained permit extensions from the United States Army Corps of Engineers and SFBCDC.

OTHER PERTINENT INFORMATION:

1. 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-9 as proposed.
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) and it has proposed legislation to authorize the San Francisco Bay Regional Dredging Plan.

Identification and evaluation of alternate disposal sites will require numerous studies at a cost of several million dollars. Because ongoing in-Bay disposal contributes to the eventual obsolescence of in-Bay sites and 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 document was prepared, circulated, and adopted for this project as a substitute for a Negative Declaration in a regulatory program of the SFBCDC which has been certified by the Secretary for Resources as meeting the requirements of P.R.C. 21080.5, which 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 February 16, 1990. The staff for the State Lands Commission has reviewed the environmental analysis document and believes that the conditions have been met for the Commission, as Responsible Agency, to use the document as a substitute for a Negative Declaration as provided under CEQA Guidelines, Section 15253.

4. The proposed dredging shall be conducted within the time limits established by the U. S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS).

APPROVALS REQUIRED:

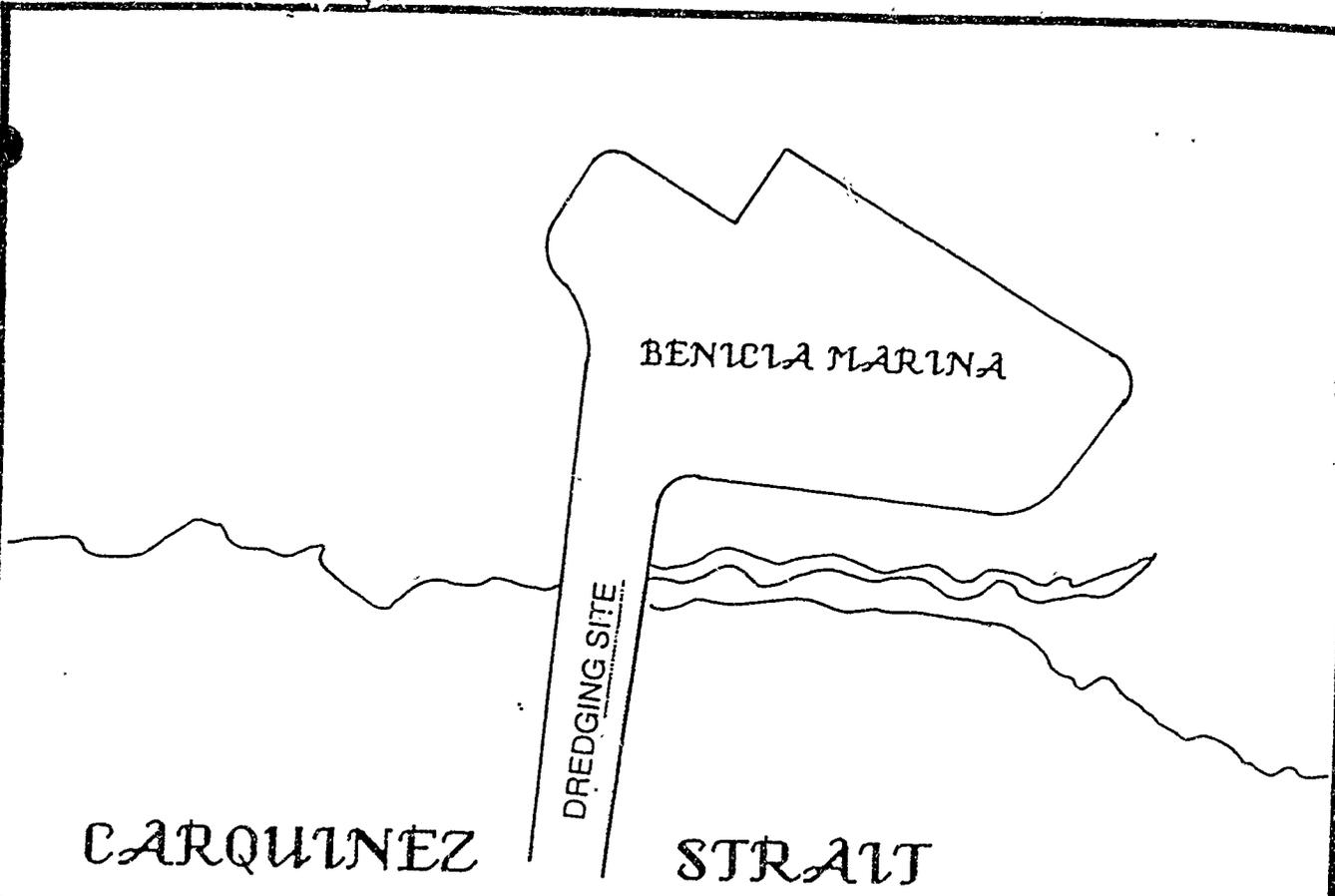
United States Army Corps of Engineers, SFBCDC, Regional Water Quality Control Board, and City of Benicia.

EXHIBIT:

A. Vicinity and Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT 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)], AND THAT THE CONDITIONS SPECIFIED IN GUIDELINES SECTION 15253 HAVE BEEN MET; AND THAT PURSUANT TO GUIDELINE SECTION 15253(a), THE COMMISSION, AS A RESPONSIBLE AGENCY, SHALL USE THAT ENVIRONMENTAL ANALYSIS DOCUMENT AS A SUBSTITUTE FOR A NEGATIVE DECLARATION.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS DOCUMENT.
3. AUTHORIZE STAFF TO ISSUE TO THE CITY OF BENICIA THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION. THE PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 120,000 CUBIC YARDS OF MATERIAL FROM CARQUINEZ STRAIT, SOLANO COUNTY, FOR ONE YEAR WITHIN THE TIME LIMITS ESTABLISHED BY THE U. S. FISH AND WILDLIFE SERVICE AND THE NMFS, BEGINNING NOVEMBER 6, 1991. 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 DISPOSED OF AT THE CORPS OF ENGINEERS APPROVED CARQUINEZ STRAIT DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AS APPROVED. A ROYALTY OF \$0.25 PER CUBIC SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES. A FEE OF \$0.25 WILL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED AT IN-BAY DISPOSAL SITES. THIS MONEY WILL 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.



PREPARED SEPTEMBER 25, 1990 BY LLB.

No Scale

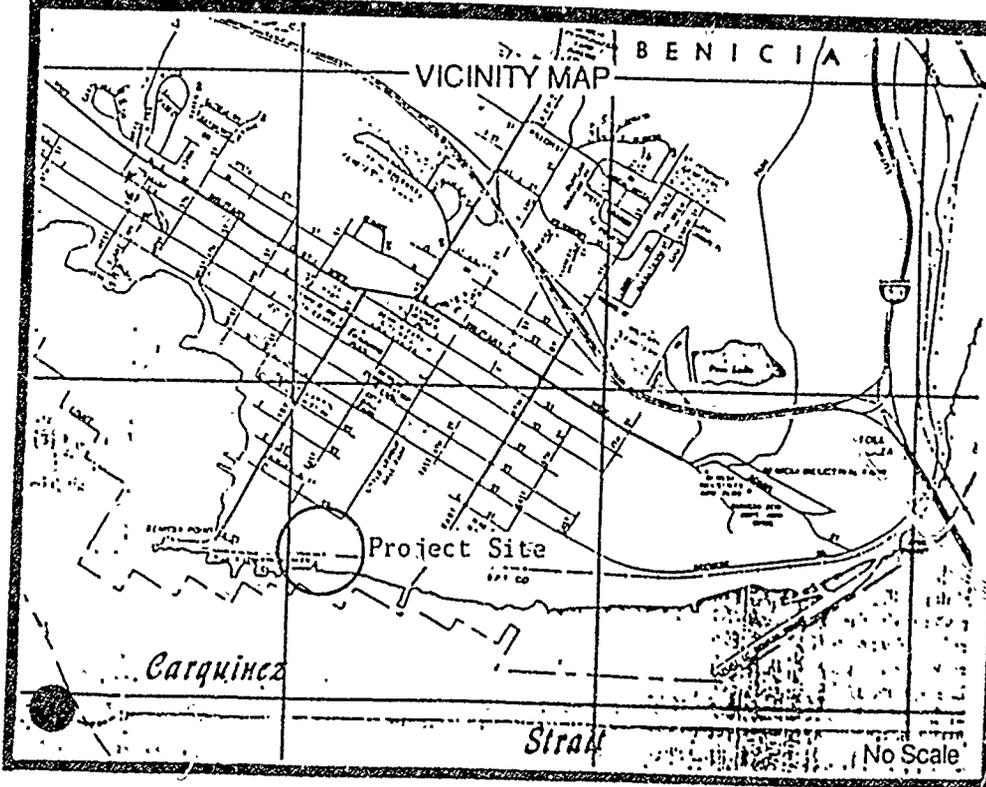


EXHIBIT "A"
 Application For
 Dredging Permit
 CITY OF BENICIA
 CARQUINEZ STRAIT
 SOLANO COUNTY
 PRC 7466

