MINUTE ITEM
This Calendar Item No. C06
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 3
to 2 at its 1/8/92
meeting.

CALENDAR ITEM

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01/08/92
PRC 7483
Dugal

DREDGING PERMIT

Permittee:
Port of Oakland
530 Water Street
Oakland, California 94604

AREA, TYPE LAND AND LOCATION:
Granted mineral reservation lands at the Port of Oakland Middle Harbor, Alameda County.

LAND USE:
Dredge a maximum 60,000 cubic yards of material to maintain navigability at the American Presidents Line Terminal berths 60-63. The Permittee has proposed to dispose of the dredged material at the Alcatraz Corps/EPA-approved aquatic disposal site SF-11.

TERMS OF PROPOSED PERMIT:
Initial period:
One (1) year beginning December 12, 1991.

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, SF-11, to offset the cost of studies necessary to develop non-bay disposal sites for future use.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Processing costs have been received.

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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:

06/26/92

OTHER PERTINENT INFORMATION:

1. At its December 12, 1990 meeting (Minute Item No. 26), the Commission authorized issuance of a one-year dredging permit to the Port of Oakland to dredge a maximum of 120,000 cubic yards of material for the purpose of maintaining a navigable depth. To date, the Port has dredged less than half the permitted volume due to rate estimates of the volume of material to be dredged not having been met.

   The Port has now applied to the Commission for a new one-year dredging permit in order to complete the dredging project.

2. An environmental analysis was prepared, circulated, and adopted for this project through the regulatory program of the San Francisco Bay Conservation and Development Commission (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.

   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.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's

consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

4. Water quality testing has been performed pursuant to the United States Army Corps of Engineers' and California Regional Water Quality Control Board's permitting requirements. The test results indicate that the materials are suitable for disposal at SF-11, as proposed.

5. 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 Strategy 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, 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.

APPROVALS OBTAINED:

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

EXHIBIT:

A. Site Map

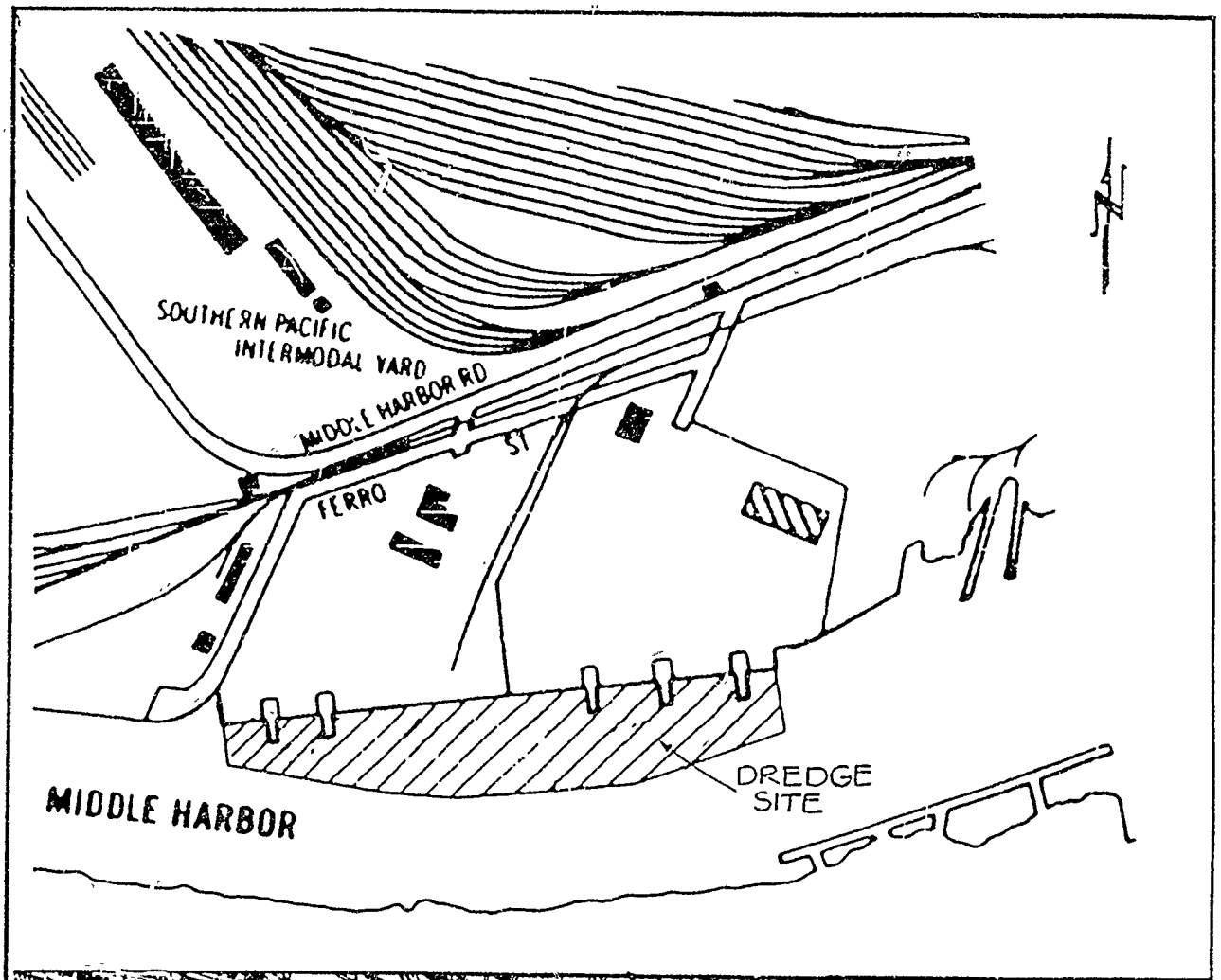
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS, PERMIT 76-90, AMENDMENT NO. SEVEN, 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(b) 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. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

4. AUTHORIZE STAFF TO ISSUE TO THE PORT OF OAKLAND THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION. THE PERMIT SHALL ALLOW DREDGING A MAXIMUM 60,000 CUBIC YARDS OF MATERIAL FROM THE PORT OF OAKLAND MIDDLE HARBOR, ALAMEDA COUNTY, FOR ONE YEAR BEGINNING DECEMBER 12, 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' ALCATRAZ SITE. 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 ANY IN-BAY DISPOSAL SITE, INCLUDING SF-11, 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 APPLICANTS COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, AND LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.



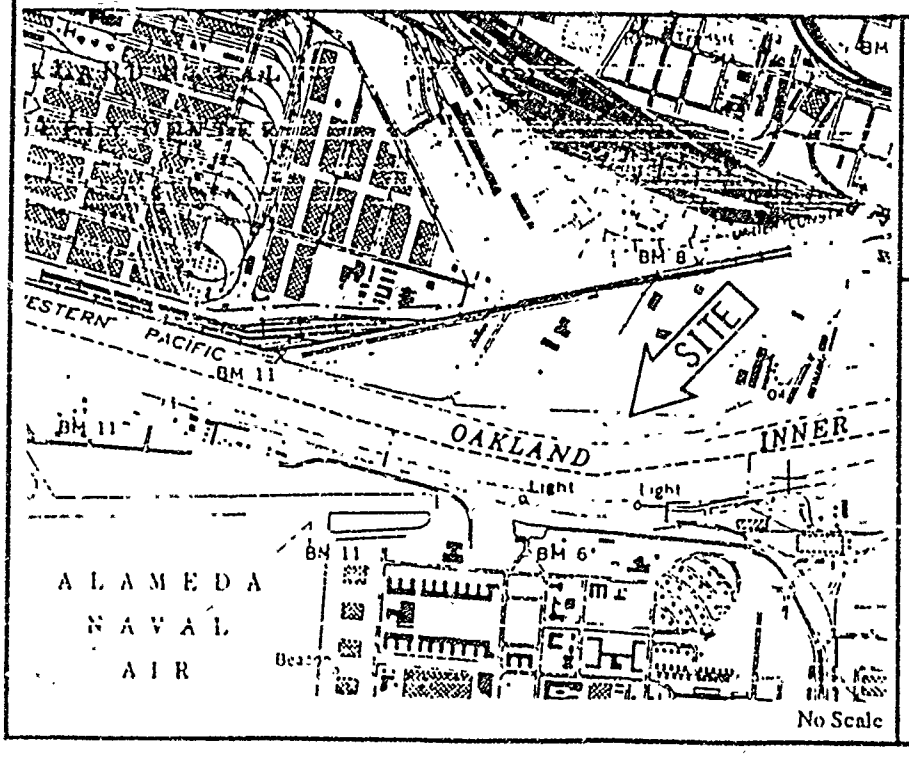


EXHIBIT "A"

APPLICATION FOR
DREDGING PERMIT
PORT OF OAKLAND
PRC 7483

OAKLAND HARBOR
ALAMEDA COUNTY

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