MINUTE ITEM
This Calendar Item No. C15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 3
to Ø at its 12/17/92
meeting.

CALENDAR ITEM

C15

A 4

S 2

12/17/92
PRC 7466
J. Ludlow

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 the Benicia Marina, Solano County

LAND USE:
Dredge a maximum 50,000 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 aquatic Carquinez Strait Disposal Site SF-9.

TERMS OF PROPOSED PERMIT:

Permit period:
Thirty (30) months beginning December 17, 1992.

Royalty:
No royalty shall be charged for aquatic disposal.

$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 the studies necessary to develop non-Bay disposal sites for future use.

(ADDED pgs. 91 - 91.5)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing fee 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:
04/07/93

BACKGROUND:
At its 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.

Because the City had not dredged any material due to delays in obtaining required authorization from the Regional Water Quality Control Board, the Commission, on November 5, 1991, approved a permit to the City for an additional year, effective November 6, 1991.

CURRENT SITUATION:
It is the City's desire to perform maintenance dredging at the entrance to the Benicia Marina as an on-going project, removing 20,000 cubic yards of material annually for the purpose of continually maintaining a navigable depth. The S.F.B.C.D.C. has amended their permit to authorize the City to perform 20,000 cubic yards or less of annual maintenance dredging within the marina areas known as the Outer Channel, the fuel dock/basin area, and the berthing areas,..... for a 30-month period commencing no later than May 1, 1993, with a maximum of no more than 50,000 cubic yards.

The City has also obtained a permit extension from the United States Army Corps of Engineers.

OTHER PERTINENT INFORMATION:
1. 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.

2. Water quality testing performed pursuant to the Corps of Engineers and the California Water Quality Control Board permitting requirements, found the materials to be suitable for disposal at SF-9 as proposed.

3. 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) 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 of the proposed permit to be deposited in a fund to offset the cost of the needed studies.

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), as well as other authorizing agencies.

APPROVALS OBTAINED:
United States Army Corps of Engineers, Water Quality Control Board (1 year), and SFBCDC.

FURTHER APPROVALS REQUIRED:
Water Quality Control Board and State Lands Commission

EXHIBIT:
A: Vicinity and Site Map

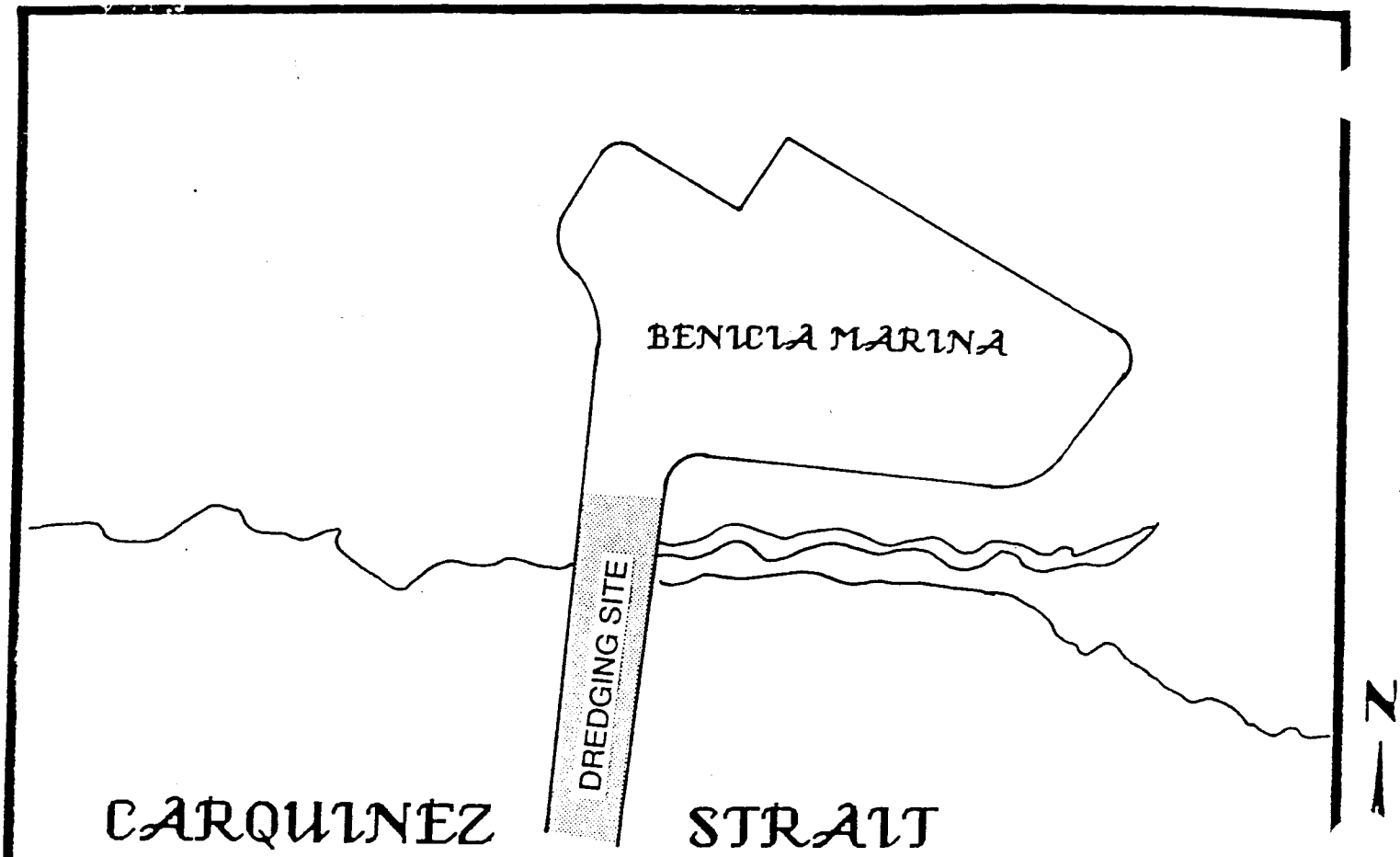
IT IS RECOMMENDED THAT THE COMMISSION:

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 ISSUANCE TO THE CITY OF BENICIA OF A 30-MONTH MAINTENANCE DREDGING PERMIT NO. PRC 7466 BEGINNING DECEMBER 17, 1992. THE PERMIT SHALL ALLOW DREDGING UP TO 20,000 CUBIC YARDS ANNUALLY WITH A MAXIMUM VOLUME OF 50,000

CUBIC YARDS OF MATERIAL, FROM CARQUINEZ STRAIT, SOLANO COUNTY, WITHIN THE TIME LIMITS ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE AND THE NMFS. IT IS PREFERRED THAT THE DREDGED MATERIALS SHALL BE DISPOSED OF AT AN UPLAND SITE 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 AQUATIC DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AS APPROVED. A ROYALTY OF $0.25 PER CUBIC YARD 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. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.



PREPARED SEPTEMBER 25, 1990 BY LLB.

No Scale

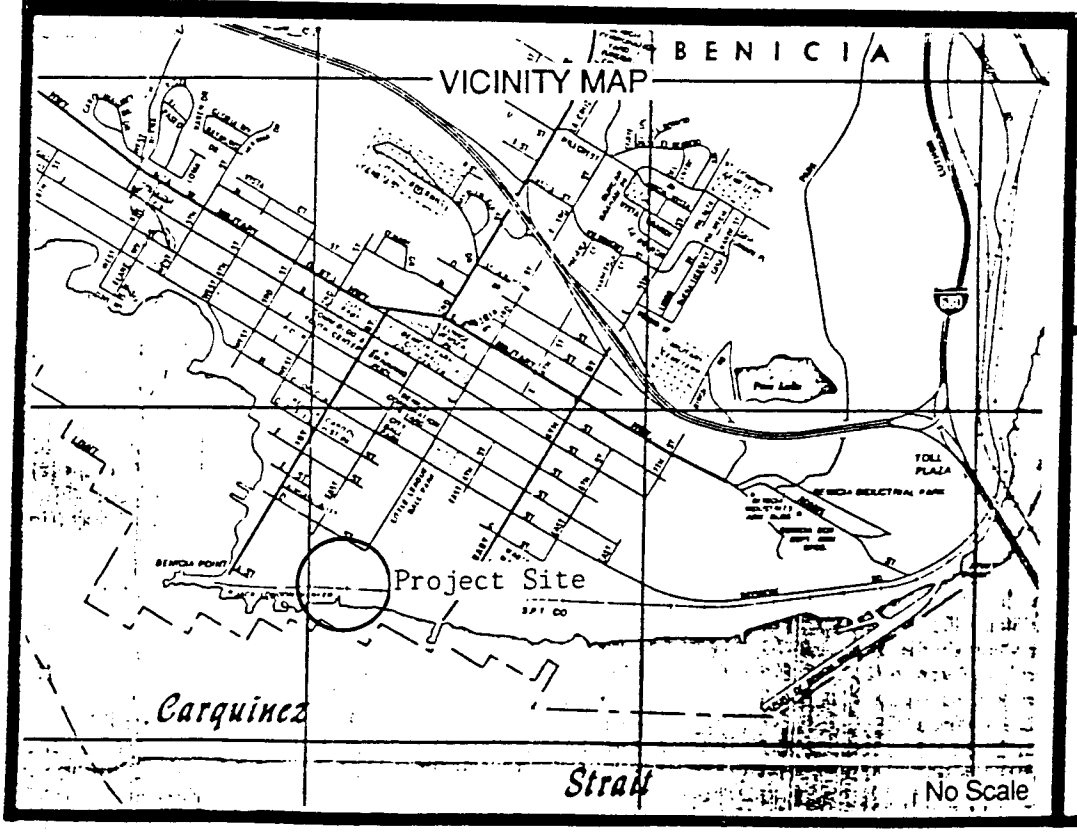


EXHIBIT "A"
Application For
Dredging Permit
CITY OF BENICIA
CARQUINEZ STRAIT
SOLANO COUNTY
W 24528