MINUTE ITEM
This Calendar Item No. C38 was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM
C38

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08/17/04
W25895
D. Oetzel

DREDGING LEASE

APPLICANT:
Tesoro Refining & Marketing Company (Tesoro)
150 Solano Way
Martinez, CA 94533

LAND TYPE, AND LOCATION:
Sovereign lands in the Carquinez Strait at the Avon and Amorco wharfs, Contra Costa County.

AUTHORIZED USE:
Dredge a maximum of 20,000 cubic yards of material annually over five years to maintain a navigable depth at the Amorco wharf. Dredge a maximum of 10,000 cubic yards at the Avon wharf until December 31, 2004. The dredged material will be initially dewatered at either the Waterfront Yard and/or the Marina Vista Yard, both adjacent to the Suisun Bay. Tesoro represents that the material will finally be disposed at an approved location at the Avon Refinery. If material is to be disposed at any other approved site, applicant shall notify CSLC of such.

LEASE TERM:
For the Amorco wharf: five years beginning August 17, 2004. For the Avon wharf: until December 31, 2004.

CONSIDERATION:
No royalty will be charged for material disposed at an approved site. Twenty-five cents ($0.25) per cubic yard will be charged for any material sold for commercial purposes or used for private benefit.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304(g). Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission, San Francisco Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

United States Corps of Engineers.

EXHIBIT:

A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304(g).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE, AS CONDITIONED, TO TESORO REFINERY & MARKETING COMPANY FOR DREDGING A MAXIMUM OF 20,000 CUBIC YARDS OF MATERIAL ANNUALLY IN THE CARQUINEZ STRAIT AT THE AVON WHARF BEGINNING AUGUST 17, 2004, AND EXTENDING THROUGH AUGUST 16, 2009; AND FOR DREDGING A MAXIMUM OF 10,000 CUBIC YARDS OF MATERIAL FROM THE CARQUINEZ STRAIT AT THE AVON WHARF BEGINNING AUGUST 17, 2004, AND EXTENDING THROUGH DECEMBER 31, 2004. THE AVON AND AMORCO WHARFS ARE SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF. THE DREDGED MATERIAL MAY BE INITIALLY DEWATERED AT EITHER THE WATERFRONT YARD AND/OR THE MARINA VISTA YARD, BOTH ADJACENT TO THE SUISUN BAY. THE MATERIAL WILL FINALLY BE DISPOSED, BASED ON REQUIRED CONSTITUENT TESTING, AT THE AVON REFINERY. IF MATERIAL IS TO BE DISPOSED AT ANY OTHER APPROVED SITE, APPLICANT SHALL NOTIFY CSLC OF SUCH. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT PROVIDING COPIES OF AND ITS COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS. NO ROYALTY WILL BE CHARGED FOR MATERIAL DISPOSED AT AN APPROVED SITE. TWENTY-FIVE CENTS ($0.25) PER CUBIC YARD WILL BE CHARGED FOR ANY MATERIAL SOLD FOR COMMERCIAL PURPOSES OR USED FOR PRIVATE BENEFIT.