

MINUTE ITEM

This Calendar Item No. C66 was approved as Minute Item No. 66 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM
C66

A 12
S 9

06/26/06
PRC 7540
D. Oetzel

RESCIND PRIOR AUTHORIZATION AND AMEND
DREDGING LEASE

LESSEE/APPLICANT:

City of Berkeley – Office of Capital Projects
1947 Center Street, 4th Floor
Berkeley, CA 94704

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands with minerals reserved to the State; located in San Francisco Bay at the Berkeley Marina, Alameda County.

AUTHORIZED USE:

On February 17, 2005, the Commission authorized the dredging of 252 cubic yards of material at Docks H-I to maintain a navigable depth over five years, beginning March 1, 2005 (Item No.36); dredged material will be disposed at an authorized upland disposal site. On April 17, 2006, the Commission authorized the dredging of 8,750 cubic yards at Docks A-E to maintain a navigable depth over five years, beginning April 18, 2006 (Item No.47); dredged material to be disposed at the United States Army Corps of Engineers designated disposal site SF-11 (Alcatraz).

LEASE TERM:

Five years, beginning March 1, 2005, for the dredging of 252 cubic yards of material at Docks H-I; five years, beginning April 18, 2006, for the dredging of 8,750 cubic yards of material at Docks A-E.

PROPOSED AMENDMENT:

Authorize the dredging of 8,890 cubic yards of material at Docks A-E to maintain a navigable depth. Dredged material for Docks A-E will be disposed at the United States Army Corps of Engineers designated disposal site SF-11 (Alcatraz). The dredged material may not be sold.

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CONSIDERATION:

No monetary consideration will be charged. The dredged material will not be sold.

OTHER PERTINENT INFORMATION:

1. On April 17, 2006, the Commission approved an amendment to the City's dredging lease, which authorized the dredging of 8,750 cubic yards of material from Docks A-E. Subsequently, the City applied for an additional 140 cubic yards of material be dredged at the same docks, although the prior amendment had not yet been executed. Therefore, in the interest of efficiency, staff is recommending the rescission of the previous lease amendment authorization and the issuing of a new lease amendment for dredging the combined volume of 8,890 cubic yards at Docks A-E.
2. The material at Docks A-E is to be removed from near the toe of the adjacent shoreline slope to facilitate the construction of two gangway abutments/retaining walls. In so doing, the project is expected to enhance and maintain the navigability of the Berkeley Marina.
3. Rescind prior authorization of Minute Item No. 47, adopted by the Commission on April 17, 2006: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

4. Authorize the new lease amendment: 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 2, California Code of Regulations, section 2905 (d)(4).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905 (d)(4).

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5. 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:

The city of Berkeley

APPROVALS REQUIRED:

San Francisco Bay Regional Water Quality Control Board
U.S. Army Corps of Engineers
San Francisco Bay Conservation and Development Commission

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RESCIND PRIOR AUTHORIZATION OF MINUTE ITEM NO. 47, ADOPTED BY THE COMMISSION ON APRIL 17, 2006: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(C)(3) BECAUSE THE ACTIVITY IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(4). 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.

CALENDAR ITEM NO. C66 (CONT'D)

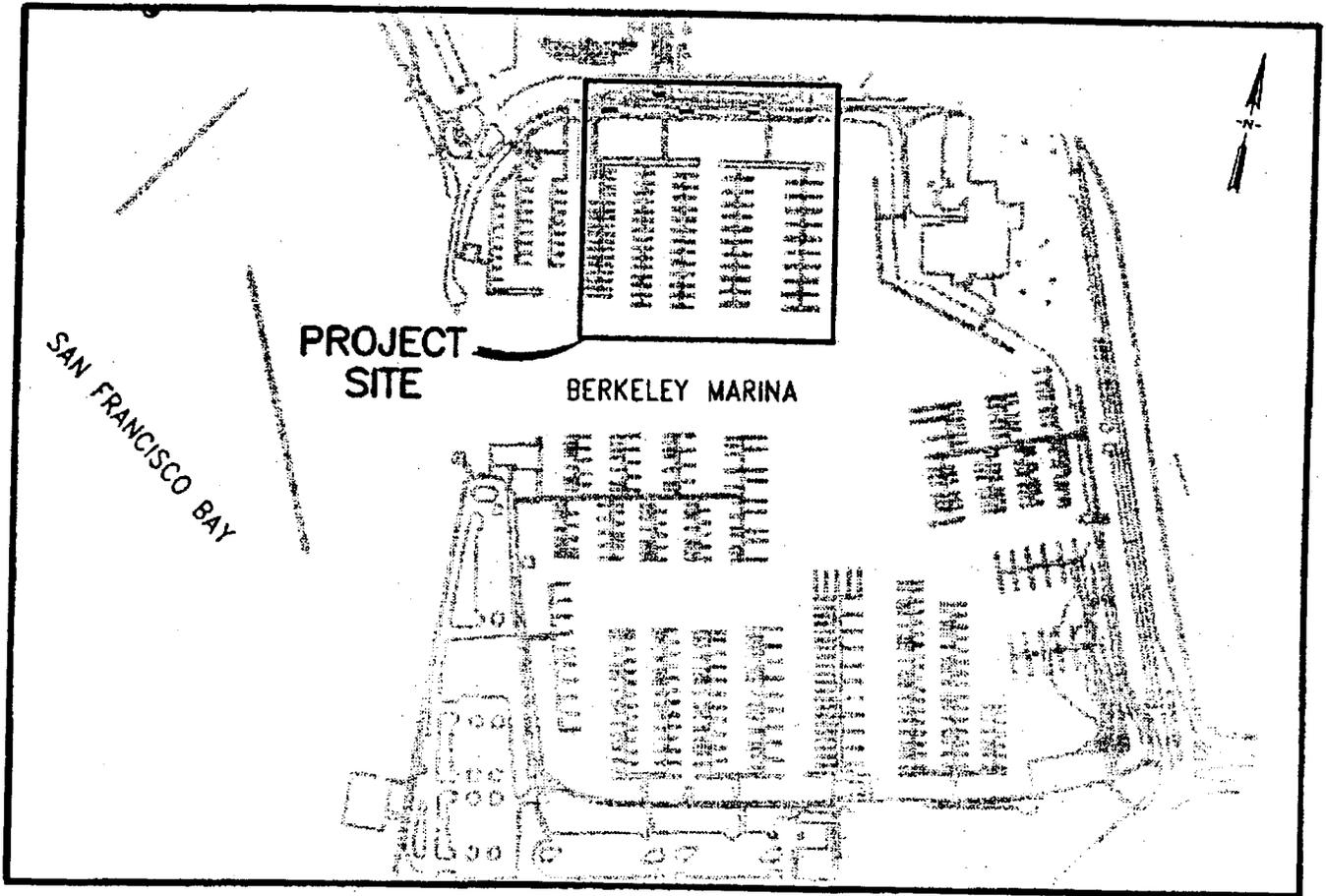
SIGNIFICANT LANDS INVENTORY FINDING:

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:

RESCIND PRIOR AUTHORIZATION OF MINUTE ITEM NO. 47, ADOPTED BY THE COMMISSION ON APRIL 17, 2006. AUTHORIZE THE DREDGING OF 8,890 CUBIC YARDS OF MATERIAL AT DOCKS A-E TO MAINTAIN A NAVIGABLE DEPTH, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF. DREDGED MATERIAL FOR DOCKS A-E WILL BE DISPOSED AT THE UNITED STATES ARMY CORPS OF ENGINEERS DESIGNATED DISPOSAL SITE SF-11 (ALCATRAZ). THE DREDGED MATERIAL MAY NOT BE SOLD. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS. NO MONETARY CONSIDERATION WILL BE CHARGED. ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

SITE MAP



LOCATION MAP

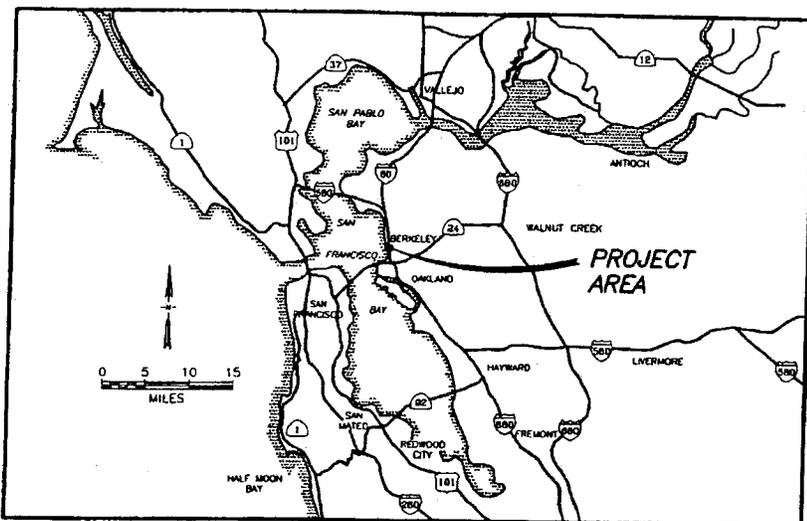


Exhibit A
WP 7540
 ALAMEDA COUNTY



This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties, and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject or any other property.

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