

MINUTE ITEM

This Calendar Item No. 39
was approved as Minute Item
No. 39 by the State Lands
Commission by a vote of 2
to 0 at its 11/29/84
meeting.

CALENDAR ITEM

A 11
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11/29/84
WP 5805 PRC 5805
Graber

TEN-YEAR DREDGING PERMIT

APPLICANT: Chevron U.S.A.
P. O. Box 1272
Richmond, California 95814

PROPOSED AUTHORIZATION:

Approval of a ten-year dredging permit to dredge up to 1,000,000 cubic yards combined total of material per year from Point Orient and Richmond Long Wharves, and an additional 93,000 cubic yards of new dredging for a one-year period at the Point Orient Wharf for pier modification, City of Richmond, Contra Costa County.

AREA, TYPE LAND AND LOCATION:

Submerged lands in the bed of San Francisco Bay at the Richmond Long Wharf and the Point Orient Wharf, City of Richmond, Contra Costa County.

LAND USE:

Dredge up to 1,000,000 cubic yards combined total volume of material per year from the Wharf areas to deepen the basins for larger oil tanker vessels which dock and offload oil with spoils to be deposited at the United States Army Corps of Engineers (C.O.E.) Disposal Site S.F. 11 near Alcatraz, and 93,000 cubic yards of material in new dredging for a one-year period for pier modification at the Point Orient Wharf.

TERMS OF PROPOSED PERMIT:

Initial period 10-years for maintenance dredging and one year for new dredging.

CALENDAR ITEM NO. 39 (CONT'D)

CONSIDERATION: A royalty of \$0.15 per cubic yard will be charged for spoils placed at the C.O.E. Disposal Site S.F. 11. A royalty of \$0.25 per cubic yard will be charged for spoils placed on private property or sold for commercial benefit.

PREREQUISITE CONDITIONS:
Filing fee and processing fee received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C. 6303, 6307 and 21065.
B. 14 Cal. Adm. Code 15304(g) CEQA Guidelines
2 Cal. Adm. Code 2905, 2901 and 2954.

OTHER AUTHORIZATIONS:
BCDC, Fish and Game, U.S. Army Corps of Engineers.

AD 884: 12/19/84.

OTHER PERTINENT INFORMATION:
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.

This project was approved by the Lead Agency, the San Francisco Bay Conservation and Development Commission, in an administrative permit, and has been determined to have no significant effect on the environment. The Bay Commission's findings are contained in that permit. The State Lands Commission staff concurs with the BCDC determination that the project complies with the requirements of CEQA.

EXHIBITS:
A. Site Map.
B. Site Map.
C. Site Map.
D. BCDC Permit.

CALENDAR ITEM NO. 3 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE LEAD AGENCY FOR THIS ACTIVITY, THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION HAS DETERMINED BY ADMINISTRATIVE PERMIT THAT THE PROPOSED ACTIVITY AS APPROVED WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THAT PERMIT.
2. CONCUR WITH THE LEAD AGENCY'S DETERMINATION THAT THE PROJECT AS APPROVED WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY, AS PROPOSED, IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370 ET. SEQ.
4. AUTHORIZE THE STAFF TO ISSUE TO CHEVRON U.S.A. THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE COMMISSION. SAID PERMISSION SHALL BE ISSUED ON CONSIDERATION OF A ROYALTY OF \$0.15 PER CUBIC YARD TO BE CHARGED FOR SPOILS PLACED AT THE CORPS OF ENGINEERS DISPOSAL SITE S.F. 11, AND A ROYALTY OF \$0.25 PER CUBIC YARD FOR SPOILS PLACED ON PRIVATE PROPERTY OR SOLD FOR COMMERCIAL BENEFIT. SAID PERMIT SHALL BE FOR A PERIOD OF TEN-YEARS FROM DECEMBER 1, 1984, FOR MAINTENANCE DREDGING AND SHALL ALLOW A MAXIMUM OF 1,000,000 CUBIC YARDS COMBINED TOTAL PER YEAR AND 93,000 CUBIC YARDS OF NEW DREDGING FOR ONE-YEAR OF SAND, SILT, CLAY AND GRAVEL: EXCLUDING BUT NOT LIMITED TO OIL, GAS AND GEOTHERMAL FROM AN AREA OF SUBMERGED LANDS AT THE POINT ORIENT AND RICHMOND LONG WHARF IN THE COUNTY OF CONTRA COSTA, SAID AREA AS DESCRIBED IN EXHIBIT "A" AND "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF. MATERIALS TO BE DREDGED SHALL BE DEPOSITED ON PUBLICLY OWNED DISPOSAL SITES APPROVED BY ALL APPLICABLE REGULATORY AGENCIES.

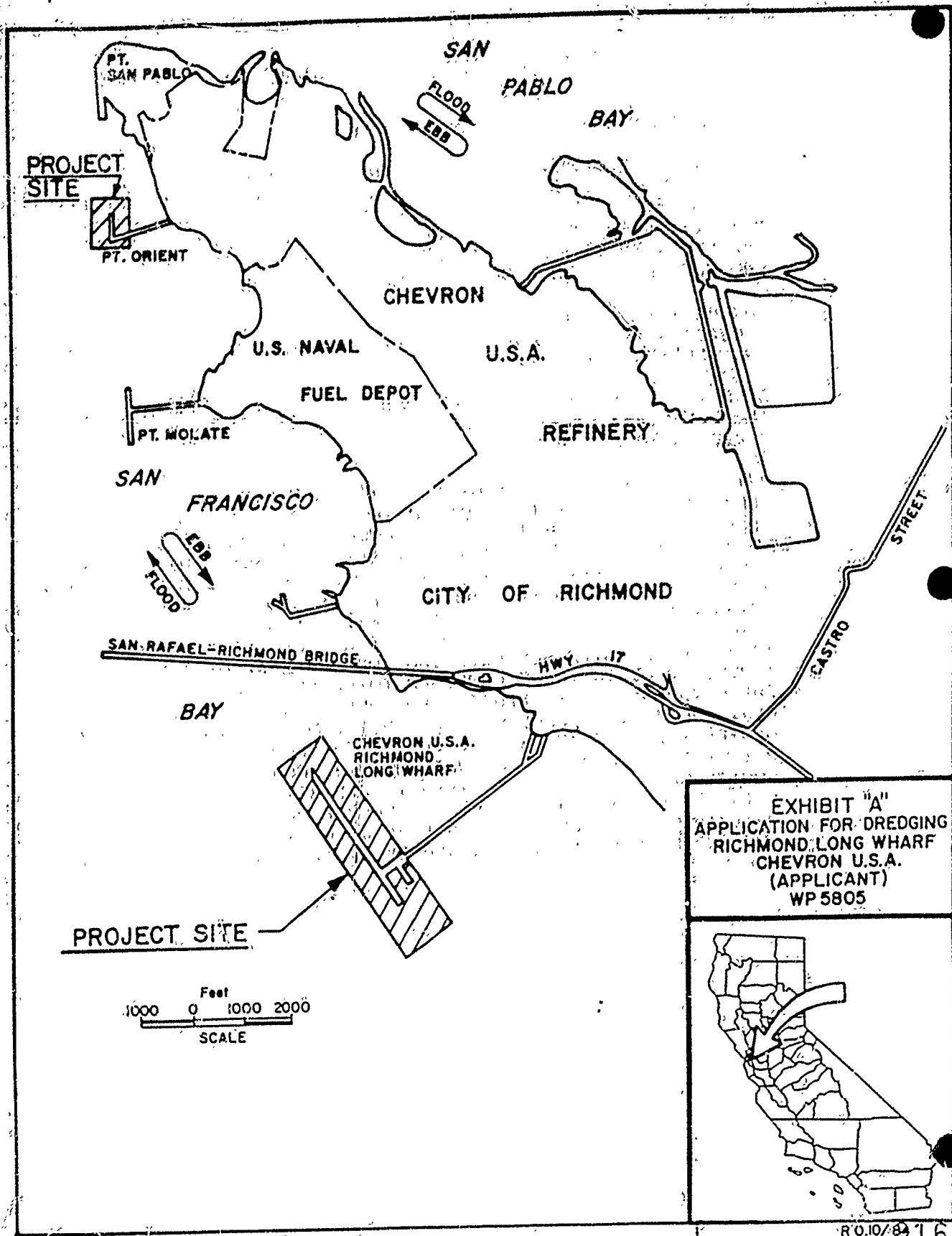
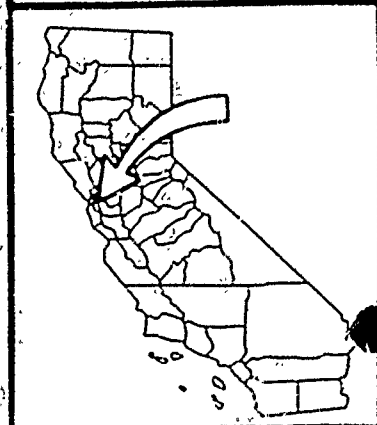


EXHIBIT "A"
APPLICATION FOR DREDGING
RICHMOND LONG WHARF
CHEVRON U.S.A.
(APPLICANT)
WP 5805



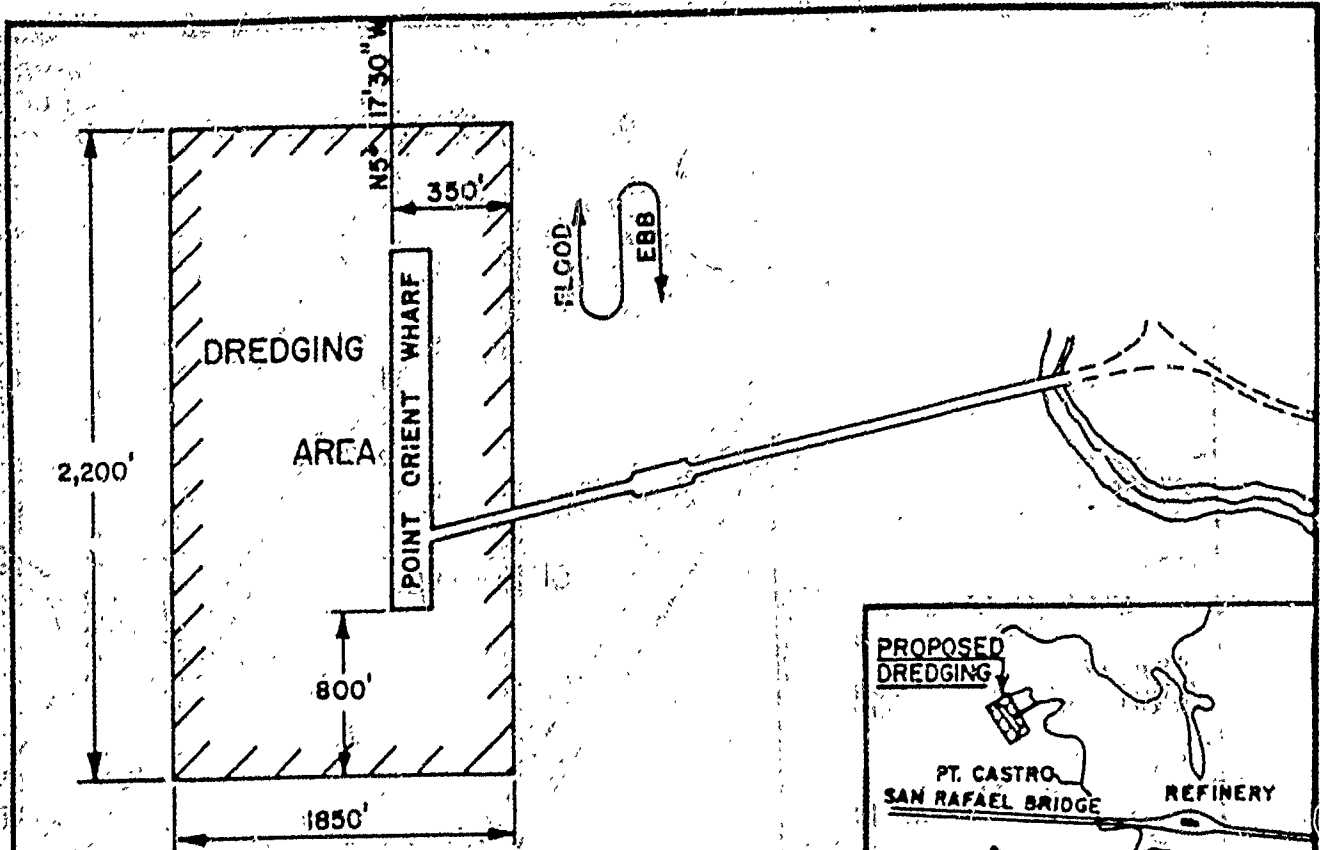
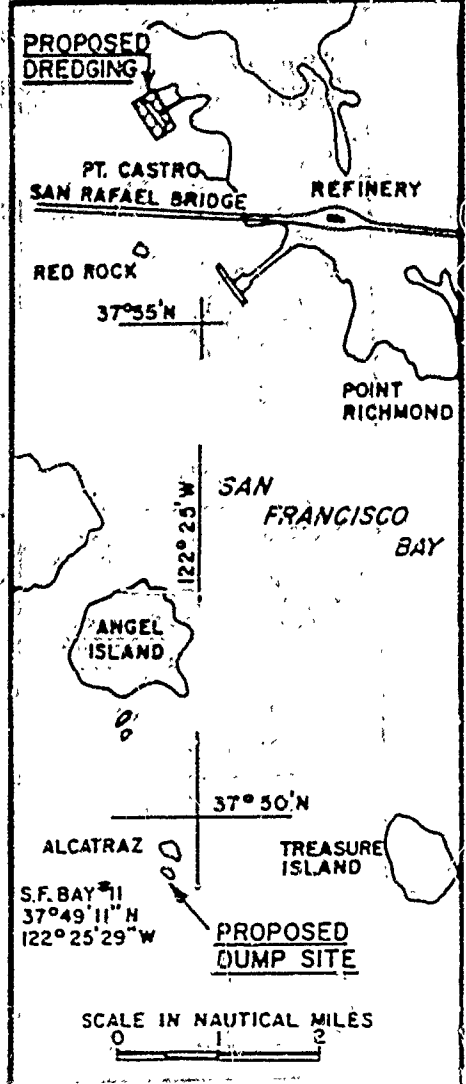


EXHIBIT "B"
APPLICATION FOR DREDGING
POINT ORIENT WHARF
CHEVRON U.S.A.
(APPLICANT)
WP 5805



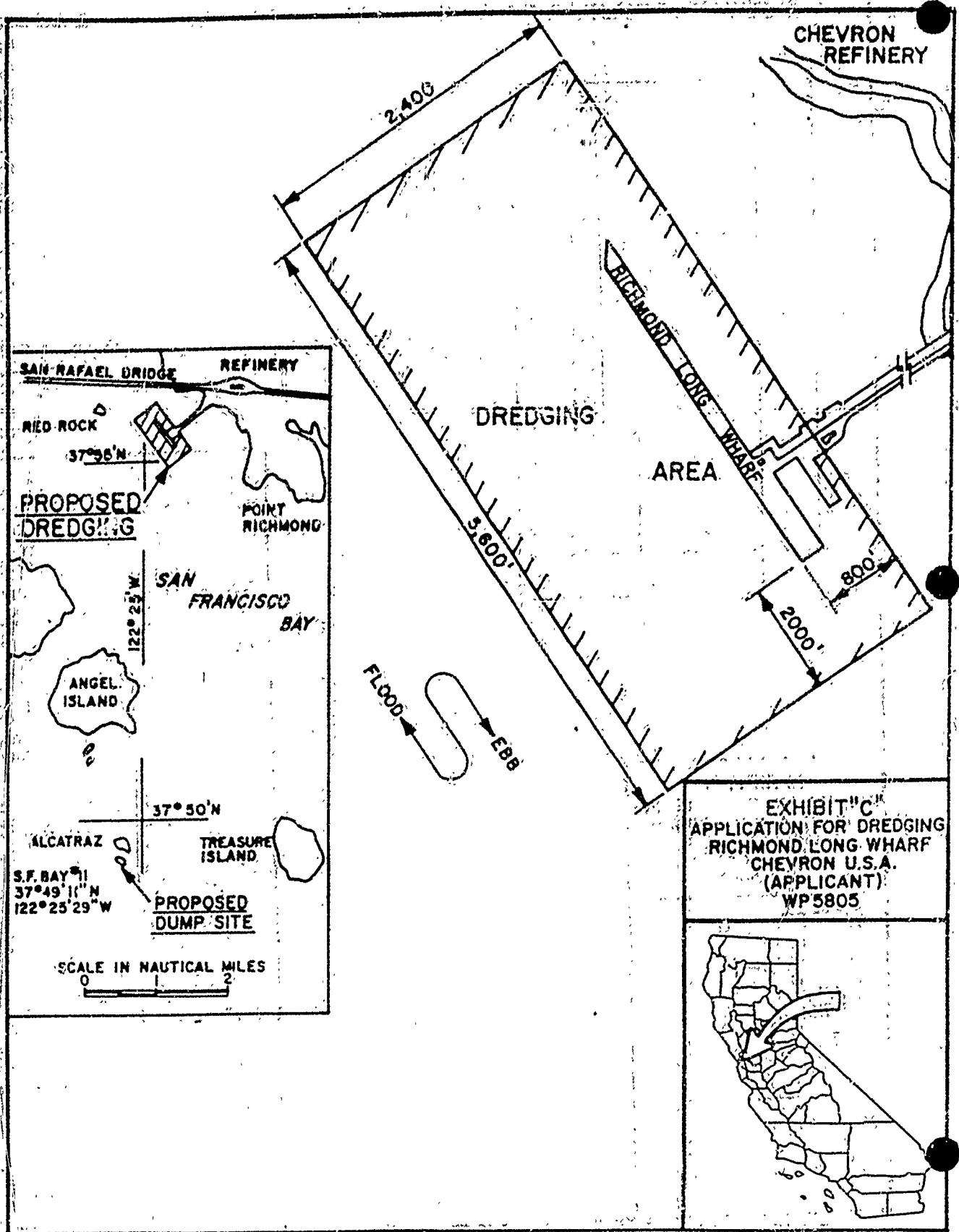


EXHIBIT "C"
APPLICATION FOR DREDGING
RICHMOND LONG WHARF
CHEVRON U.S.A.
(APPLICANT)
WP5805



RC 10/84 318
2556

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

30 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 337-3484



PERMIT NO. M84-43

September 13, 1984

Chevron U.S.A., Inc.
P. O. Box 1272
Richmond, California 94802

ATTENTION: J. B. Krider

Gentlemen:

I. Authorization

A. Subject to the conditions stated below, the permittee, Chevron U.S.A., Inc., is hereby authorized to do the following:

Location: In the Bay, at the Chevron U.S.A., Inc., Richmond Refinery, at the Point Orient Wharf and the Long Wharf, in the City of Richmond, Contra Costa County, and at the Corps of Engineers disposal site near Alcatraz Island, in the City and County of San Francisco.

Description: (1) Maintenance dredge 1,000,000 cubic yards of sediment per year; and (2) dispose of the dredge materials at the federally-approved Corps of Engineers' disposal site near Alcatraz Island. The permit will be limited to a five-year period and the proposed dredging at the Long Wharf area will be coordinated with the Corps of Engineers' projects to dredge the permittee's maneuvering area, part of the John F. Baldwin Ship Channel project approved by the Commission as Consistency Determination No. CN 7-84 on June 7, 1984.

B. This authority is generally pursuant to and limited by your application dated April 24, 1984, as amended August 1, 1984, including all accompanying and subsequent exhibits and correspondence, and all conditions of this permit.

EXHIBIT D

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C. Work authorized herein must commence prior to January 1, 1985, or this permit will lapse and become null and void. Such work must also be diligently prosecuted to completion and must be completed within five years of commencement or by January 1, 1990, whichever is earlier, unless an extension of time is granted by amendment of the permit.

II. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. The project authorized by this permit involves all routine dredging, of whatever amount, as defined in Regulation Section 10122(a)(1), and the deposit of dredged spoils in a dumping grounds in the amounts and manner and at the times set in any specific policy adopted by the U. S. Army District Engineer, San Francisco District, and/or Sacramento District, and by the California Regional Water Quality Control Board, San Francisco Bay Region, as defined in Regulation Section 10122(a)(3), and thus is a "minor repair or improvement" for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10530(a).

B. The project authorized by this permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that the dredging is necessary to restore adequate operating depth for ships and the spoils will be deposited at a federally-approved dumping grounds.

C. The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Pursuant to Regulation Section 10910, the project authorized by this permit is categorically exempt from the requirement to prepare an environmental impact report.

E. Pursuant to Regulation Section 10542, this project was listed with the Commission on September 6, 1984.

III. Conditions

A. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

B. The attached Notice of Completion shall be returned to the Commission within 30 days following completion of the work.

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C. Work must be performed in the precise manner and at the precise locations indicated in your application as such may have been modified by the terms of the permit and any plans approved in writing by or on behalf of the Commission.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

E. The rights derived from this permit are assignable as provided herein. An assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the application for this permit and the permit itself and agrees to be bound by all terms and conditions of the permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the permit.

F. Unless otherwise provided in this permit, all the terms and conditions of this permit shall remain effective for so long as the permit remains in effect or for so long as any use or construction authorized by this permit exists, whichever is longer.

G. Unless otherwise provided in this permit, the terms and conditions of this permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

H. Unless otherwise provided in this permit, any work authorized herein shall be completed within the time limits specified in this permit, or, if no time limits are specified, within three years. If the work is not completed by the date specified in the permit, or, if no date is specified, within three years from the date of the permit, the permit shall become null and void. If a permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

I. Except as otherwise noted, violation of any of the terms of this permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the permit has been effectively assigned. If the permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this permit shall be removed by the permittee or its assignee if the permit has been assigned.

J. This permit shall not take effect unless the permittee executes the original of this permit and returns it to the Commission within ten days after the date of the issuance of the permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

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Chevron U.S.A., Inc.
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K. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAttee-Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this permit.

L. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction up to the line of highest tidal action.

M. Unless the Commission directs otherwise, this permit shall become null and void, if any term, standard condition, or special condition of this permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this permit becomes null and void, any fill or structures placed in reliance on this permit shall be subject to removal by the permittee or its assignee if the permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

ALAN R. PENDLETON
Executive Director

Enc.

ARP/LP/mm

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section

Receipt acknowledged, contents understood and agreed to:

Executed at _____ Applicant _____

On _____ By: _____

Title _____

DATE RECEIVED
MAR 27 1984

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