MINUTE ITEM
This Calendar Item No. C22 was approved as Minute Item No. 22 by the State Lands Commission by a vote of 2 to 0 at its 10/29/90 meeting.

MINUTE ITEM

C22

10/29/90
PRC 6759
Martinez

DREDGING PERMIT

Charles Warren, Executive Officer, presented Calendar Items 17, 20, 21, and 22, all pertaining to permits for dredging and deposition of dredged spoils. Mr. Warren reported that he agreed with the Bay Planning Coalition and with the consent of the Applicants themselves, that the mitigation fee would be collected, but would be held in trust in the event the Bay Planning Coalition could convince the Commission to abandon its present policy.

The Commission voted 2-0 to approve the items subject to the conditions.

Attachment: Calendar Item C22.

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MINUTE ITEM
This Calendar Item No. C22
was approved as Minute Item
No. C22 by the State Lands
Commission by a vote of 3
to 0 at its 10/29/90
meeting.

CALENDAR ITEM

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10/29/90
PRC 6759
Martinez

AMENDMENT OF DREDGING PERMIT

APPLICANT:
Southwest Marine, Inc.
P. O. Box 7644
San Francisco, California 94120-7644

AREA, TYPE LAND LOCATION:
Granted mineral reservation lands in San Francisco Bay at Southwest Marine, Inc., City and County of San Francisco.

LAND USE:
Dredge a maximum 212,000 cubic yards of material from berthing areas B, C1, D and G at Southwest Marine for the purpose of maintaining navigation. The applicant has proposed disposal of the dredged material at the Corps/EPA approved Alcatraz Disposal Site SF-11.

TERMS OF THE ORIGINAL PERMIT:
Initial Period: One year beginning July 11, 1989.

Royalty: No charge for aquatic disposal.

TERMS OF THE PROPOSED PERMIT:
Initial Period: July 11, 1990 through October 30, 1992.

Royalty: No charge for aquatic disposal.

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-11 to offset cost of studies necessary to develop non-Bay disposal sites for future use.

PREREQUISITE TERMS, FEES AND EXPENSES:
Filing and processing fees have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 04/24/91.

OTHER PERTINENT INFORMATION:
1. The extension in time within which to complete the project is required because of schedule delays due to time restrictions required to protect Pacific herring spawning and interruptions caused by the San Francisco earthquake.

2. Water quality testing performed pursuant to the Corps of Engineers and California Regional Water Quality Control Board permitting requirements found the materials to be suitable for disposal at SF-11 as proposed.

3. Questions have been raised about continuing to dispose 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 Study 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 concurrence with San Francisco Bay Conservation and Development Commission (SFBCDC) and its proposed legislation to authorize to 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 obsolescense of in-Bay sites, and 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.

4. 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.

5. A finding of No Significant Impact (FONSI) was prepared and adopted for this project by the Corps. The document was circulated for public review as broadly as State and local law requires and notice was given meeting the standards in 14 Cal. Code Regs. 15072(a). Therefore, pursuant to 14 Cal. Code Regs. 15225, the staff recommends the use of the federal FONSI in place of the Negative Declaration.

CALENDAR ITEM NO. C 2 2 (CONT'D)

APPROVALS OBTAINED:

United States Army Corps of Engineers, San Francisco Bay Conservation, Development Commission, and Regional Water Quality Control Board.

EXHIBIT:

A. Vicinity and Site Map.

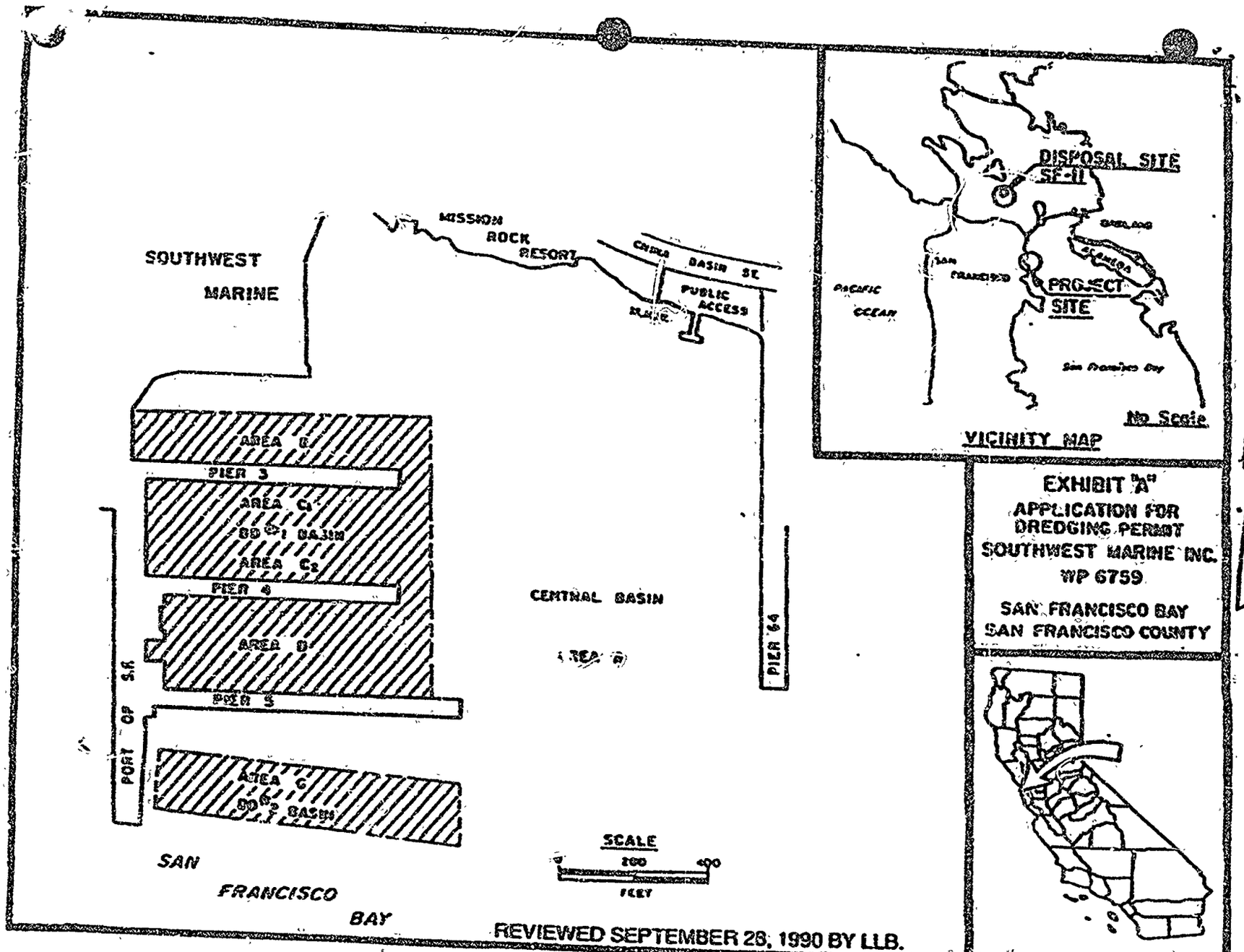
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT PREPARED AND ADOPTED FOR THIS PROJECT BY THE U. S. ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQA AND ADOPT, PURSUANT TO 14 CAL. CODE REGS. 15225, SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. AUTHORIZE STAFF TO ISSUE TO SOUTHWEST MARINE THE DREDGING PERMIT AMENDMENT ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION. THE PERMIT AMENDMENT SHALL ALLOW DREDGING A MAXIMUM 212,000 CUBIC YARDS OF MATERIAL FROM JULY 11, 1990 THROUGH OCTOBER 30, 1992 FROM SAN FRANCISCO BAY, CITY AND COUNTY OF SAN FRANCISCO.

IT IS PREFERRED THAT DREDGED MATERIAL SHALL BE DISPOSED OF AT ANY 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 DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AT THE APPROVED AQUATIC DISPOSAL 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 SHALL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED AT IN-BAY DISPOSAL SITES, 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 APPLICANT'S COMPLIANCE WITH APPLICABLE PERMIT, RECOMMENDATIONS AND LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



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