

MINUTE ITEM
This Calendar Item No. C24
was approved as Minute Item
No. 29 by the State Lands
Commission by a vote of 3
20 at its 9-9-93
meeting.

CALENDAR ITEM

C24

A 11

S 7

09/09/93
WP 4975 PRC 4975
J Smith

MAINTENANCE DREDGING LEASE

APPLICANT:

UNOCAL Corporation
1380 San Pablo Avenue
Rodeo, California 94572

AREA, TYPE LAND AND LOCATION:

Tide and submerged lands in San Pablo Bay, Davis Point,
Contra Costa County.

LAND USE:

Maintenance dredge a maximum of 90,000 cubic yards of
material at the UNOCAL Marine Terminal at Davis Point, San
Pablo Bay. Material will be disposed of at the in-bay
Carquinez Disposal Site SF-9.

TERMS OF THE PROPOSED LEASE:

Lease Period:

September 9, 1993 through December 31, 1994.

Royalty:

No royalty shall be charged for dredged material
disposed of at the approved in-bay disposal site.

A royalty of \$0.25 per cubic yard shall be charged for
dredged material used for private benefit or commercial
sale purposes.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing costs 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.

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AB 884:
01/09/94.

OTHER PERTINENT INFORMATION:

1. 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.
2. 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 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).

Identification and evaluation of alternate disposal sites will require numerous studies which have been estimated to cost several million dollars. As ongoing in-bay disposal contributes to the eventual obsolescence of in-bay sites and exacerbates the need to develop other alternatives, a \$0.20 per cubic yard fee has been assessed by the SFBCDC to be deposited in a fund to offset the cost of needed studies.

Given the necessity of the proposed dredging in order to maintain navigability and the time constraints imposed in the interest of protecting the fishery resources, staff recommends authorization of the proposed dredging and disposal.

3. The San Francisco Bay Conservation and Development Commission (SFBCDC), a "functional equivalent agency" under Section 21080.5 of the CEQA has:

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- a. Served as the lead agency under CEQA;
- b. Considered the project described herein; and
- c. Found that the project as proposed will not have a significant effect on the environment.

Under Section 15253 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the SFBCDC in its consideration of this project.

AUTHORITY: Sections 21083 and 21087 of the CEQA.

APPROVALS OBTAINED:

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

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

- A. Location and Site Map
- B. SFBCDC Permit M74-69, Amendment No. Six

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE SFBCDC, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA, THROUGH ITS ISSUANCE OF AMENDMENT NO. SIX TO PERMIT NUMBER M74-69, HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE SFBCDC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL CODE REGS., SECTION 15253.
3. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

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4. AUTHORIZE ISSUANCE OF A DREDGING LEASE TO THE UNOCAL CORPORATION, EFFECTIVE SEPTEMBER 9, 1993 THROUGH DECEMBER 31, 1994. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 90,000 CUBIC YARDS OF MATERIAL FROM THE UNOCAL MARINE TERMINAL AT DAVIS POINT, SAN PABLO BAY, CONTRA COSTA COUNTY AND DISPOSAL AT THE CORPS/EPA APPROVED IN-BAY DISPOSAL SITE SF-9. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

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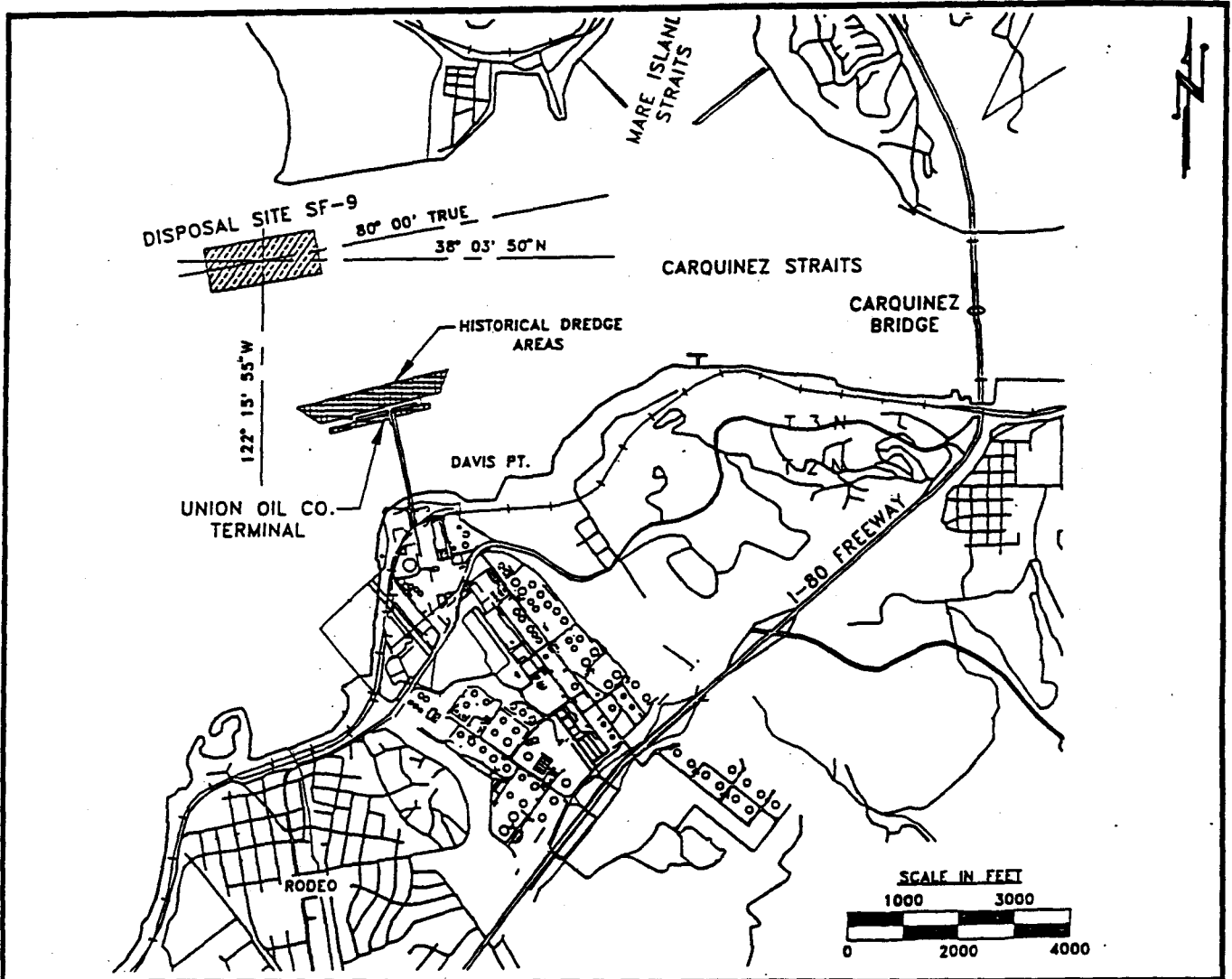


EXHIBIT "A"
 WP 4975
 Dredging Lease
 Application
 UNOCAL
 CONTRA COSTA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, 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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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94102-6080
PHONE: (415) 557-3686



Permittees' Copy

PERMIT NO. M74-69
(Issued on October 1, 1974, As
Amended Through July 13, 1993)
AMENDMENT NO. SIX

Unocal Refining & Marketing Division
Unocal Corporation
1380 San Pablo Avenue
Rodeo, California 94572

ATTENTION: Kenneth Guziac,
Project Manager

Gentlemen:

I. Authorization

I/ You are hereby authorized to dredge approximately 90,000 cubic yards of bay mud and silt from the ship approach and berthing areas adjacent to your Refinery Marine Terminal in San Pablo Bay between the Cities of Rodeo and Crockett in Contra Costa County and deposit the material in the V/S Army Corps of Engineers approved disposal site (Area No. 1) down stream of the Carquinez Strait Bridge.

A. Subject to the conditions stated below, the permittee, Unocal Corporation, is hereby authorized to do the following: (1) dredge up to 90,000 cubic yards of material until December 31, 1994, at the Unocal Marine Terminal at Davis Point, adjacent to Unocal's Marine Terminal in San Pablo Bay, between the Cities of Rodeo and Crockett, in Contra Costa County; and (2) dispose of the material at the Carquinez disposal site (SF-9).

B. This authority is generally pursuant to and limited by your application dated August 12, 1974, and your letters dated September 23, 1974, December 30, 1974, October 11, 1979, October 18, 1984, July 20, 1990 and April 16, 1993, requesting Amendments Nos. One, Two, Three, Four, Five, and Six, respectively.

C. Work authorized herein must be diligently prosecuted to completion and must be completed by December 31, 1974, or this amended permit will expire and become null and void. Work authorized by Amendment No. Six must be completed by December 31, 1994. Reasonable extensions of time can be granted by further amendment of the permit where application is made prior to expiration.

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II. Special Conditions

The amended authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Time Limit on Dredging. The approximately 90,000 cubic yards or less of maintenance dredging authorized by this amended permit shall be completed by December 31, 1994. This dredging time limit its consistency with the Regional Water Quality Control Board's water quality certification for this project. No further dredging is authorized by this amended permit.

B. Limits on Dredging. This amended permit authorizes maintenance dredging only. No new dredging is authorized. The amended permit authorizes dredging within area(s) as shown on Exhibit A, attached to this amended permit and incorporated by this reference herein. No dredging in other areas is authorized.

C. Dredging Report. Within thirty (30) days of completion of each dredging episode of the maintenance dredging authorized by this amended permit, the permittee shall submit to the Commission a report which contains: (1) a bathymetric map showing the location of all areas authorized to be dredged and to what depth; (2) a bathymetric map showing the actual areas dredged and to what depth, and any dredging that occurred outside the area authorized to be dredged or below the depths authorized to be dredged shall be depicted graphically on the map; (3) a vicinity map showing the disposal site; and (4) the calculated volume of the actual material dredged or disposed. The Commission reserves the right to have such report inspected by a reliable third party familiar with bathymetric mapping in order to verify the contents of the report. If a third party selected by or on behalf of the Commission indicates that the report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report that meets the requirements of this condition. If the Commission determines that the contents of the dredging report indicates that work has occurred beyond that authorized by the permit, such violation may result in the initiation of enforcement action by or on behalf of the Commission.

III. Findings and Declarations

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

A. The project authorized by this amended permit involves activities of the type defined in Regulation Section 10122(a)(1) and (c), pursuant to Regulation Section 10822, in that it involves maintenance dredging and the deposit of dredged spills in approved amounts and location, 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

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Regulation Section 1570(a) 10622(a) and an amendment to a permit, pursuant to Regulation Section 10822.

B. The project authorized by this amended permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that maintenance dredging at marine terminals is necessary to safely berth vessels at this designated port location and the deposit of spoils is in accordance with the Bay Plan's policies on dredging (page 13).

C. Pursuant to Regulation Section ~~10937(a)~~ 11501, the original and the amended project authorized by this amended permit is categorically exempt from the requirement to prepare an environmental impact report.

D. Pursuant to Regulation Section ~~10547~~ 10620, ~~the~~ the original project was listed with the Commission on September 5, 1974.

E. The project authorized by this amended permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay.

F. 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.

G. The disposal of 90,000 cubic yards of dredged material in the Bay authorized under Amendment No. Six to this amended permit is for a marine terminal, a water-related industry. Water-oriented uses such as water, related industry, are consistent with the public trust.

~~III/~~ IV. Standard 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 amended 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 and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. Work must be performed in the precise manner and at the precise locations indicated in your application and amendment requests, as such may

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have been modified by the terms of the amended 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 amended 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 and amendment requests for this amended permit and the amended permit itself and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the amended permit.

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

G. Unless otherwise provided in this amended permit, the terms and conditions of this amended 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 amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If this amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended 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 amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the amended permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee or its assignee if the amended permit has been assigned.

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

K. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-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 amended 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 amended 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 amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee or its assignee if the amended 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/CS/rr

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency, Attn: Clyde Morris, W-7-2
Department of Fish and Game
Contra Costa County Planning Department

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* * * * *

Receipt acknowledged, contents understood and agreed to:

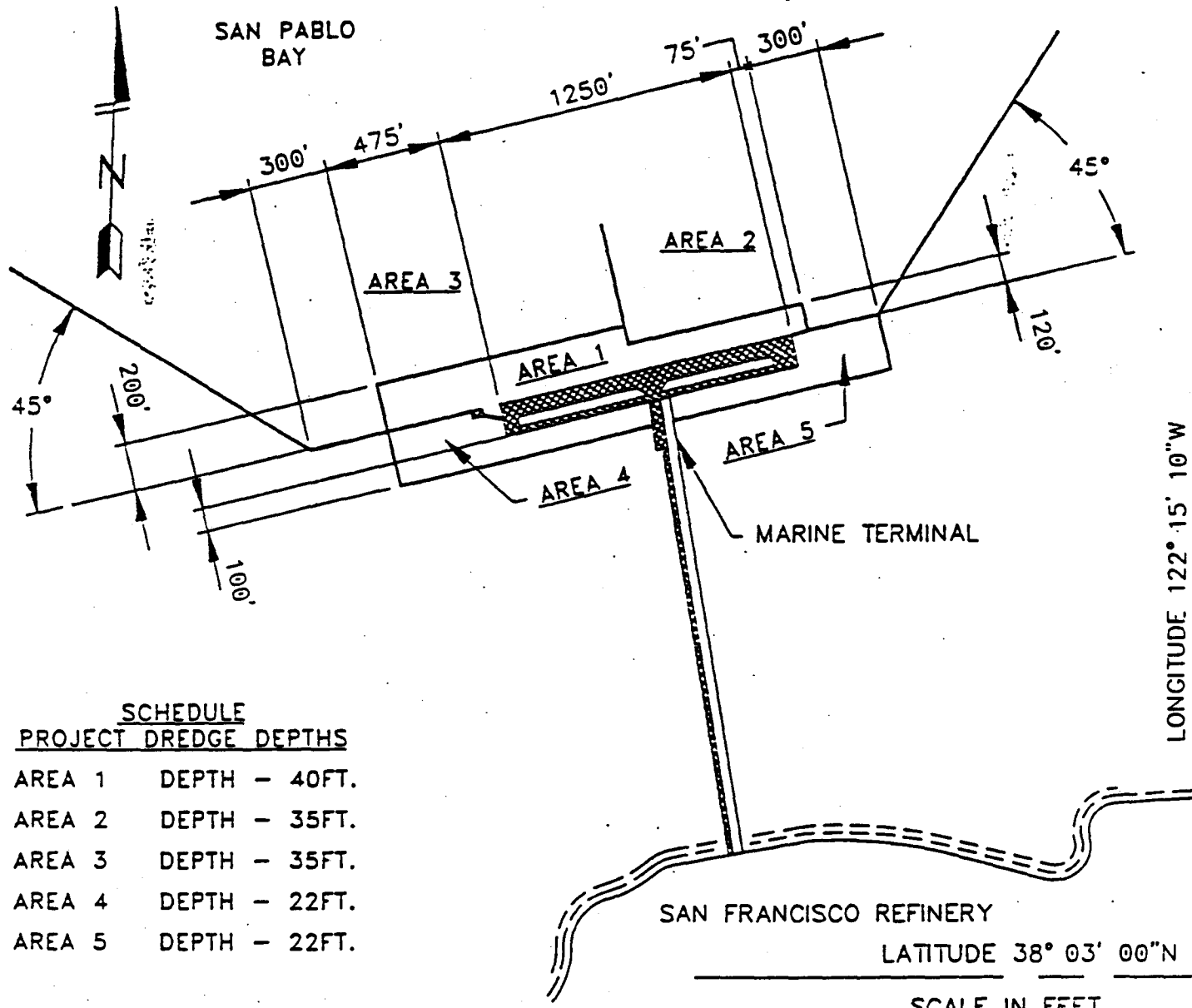
Executed at RODEO, CALIFORNIA

UNOCAL - SAN FRANCISCO REFINERY
Applicant

On JULY 27, 1993

By: 
RAND H. SWENSON
CHIEF REFINERY ENGINEER
Title

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SCHEDULE
PROJECT DREDGE DEPTHS

AREA 1	DEPTH - 40FT.
AREA 2	DEPTH - 35FT.
AREA 3	DEPTH - 35FT.
AREA 4	DEPTH - 22FT.
AREA 5	DEPTH - 22FT.

TOTAL MATERIAL TO PROJECT DEPTH IS APPROX. 90,000 CU. YD.S ANNUALLY; TO BE DEPOSITED AT DISPOSAL SITE SF-9 CARQUINEZ STRAIT.

PURPOSE: MAINTENANCE DREDGING
DATUM: MLLW

REFERENCE: USC & GS CHART 5533

ADJACENT PROPERTY OWNERS:

- ① WICKLAND OIL TERMINALS
- ② STATE LANDS COMMISSION - STATE LANDS DIVISION
- ③ SOUTHERN PACIFIC TRANSPORTATION CO.
- ④ RODEO SANITARY DISTRICT
- ⑤ LINUS CLAYES

IN: SAN PABLO BAY
AT: SAN FRANCISCO REFINERY
COUNTY: ~~COLERON~~ **CONTRA COSTA** 169
STATE: CALIFORNIA
APPLICATION BY: ~~UNION OIL~~ **UNION OIL** 2040

EXHIBIT A

SHEET 2 OF 2 DATE: