

CALENDAR ITEM

C13

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MINUTE ITEM
This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 4/6/94
meeting. ~~04/06/94~~

WP 5096
Howe

PRC5096

MAINTENANCE DREDGING LEASE

APPLICANT:

Benicia Port Terminal Company
P.O. Box 315
Benicia, California 94510

AREA, TYPE LAND AND LOCATION:

Tide and submerged lands in Carquinez Strait at the Benicia
Port Terminal Dock, City of Benicia, Solano County.

LAND USE:

Dredge a maximum 90,000 cubic yards of material annually
until December 31, 1997, for continued maintenance of
navigable depth at the Benicia Port Terminal Dock. The
dredged material will be disposed of at the United States
Army Corps of Engineers Offshore Disposal Site S.F. 9.

TERMS OF ORIGINAL LEASE:

Lease period:

Five years beginning January 1, 1989 through
December 31, 1993.

TERMS OF PROPOSED LEASE:

Lease period:

Beginning April 6, 1994 through December 31, 1997.

Royalty:

No royalty shall be charged for material placed at the
approved aquatic site. A royalty of \$0.25 per cubic
yard shall be charged for any material used for private
or commercial purposes.

PREREQUISITE AND OTHER REFERENCES:

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 3, Div. 3; Title 14, Div. 6.

AB 884:

05/01/94

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OTHER PERTINENT INFORMATION:

1. On December 13, 1988 and amended, the State Lands Commission issued a Maintenance Dredging Permit to the Benicia Port Terminal Company authorizing maintenance dredging from January 1, 1988 through December 31, 1993. Although the permit expired on December 31, 1993, the need for periodic dredging to maintain a navigable depth remains. Therefore, the applicant is requesting authorization to continue dredging for an additional period of time.
2. 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.
3. A Finding Of No Significant Impact (FONSI) was prepared and adopted for this project by the U.S. Army Corps of Engineers. The document was circulated for public review as broadly as State and local law may require 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 a Negative Declaration.

APPROVALS OBTAINED:

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

EXHIBIT:

- A. Land Description
- B. Location and Site Map
- C. FONSI/Proposed Negative Declaration
- D. Monitoring Program

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. THEREFORE, PURSUANT TO 14 CAL. CODE REGS. 15225, ADOPT SUCH FEDERAL DOCUMENT ATTACHED HERETO AS EXHIBIT "C", FOR USE IN PLACE OF A NEGATIVE DECLARATION.

CALENDAR ITEM NO. C13 (CONT'D)

2. FIND THAT THE COMMISSION HAS ALSO 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. ADOPT THE MITIGATION MONITORING PLAN, AS CONTAINED IN EXHIBIT "D", ATTACHED HERETO.
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
5. AUTHORIZE ISSUANCE OF A DREDGING PERMIT FOR THE AREA DEPICTED IN EXHIBIT "B", SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 90,000 CUBIC YARDS OF MATERIAL ANNUALLY IN CARQUINEZ STRAIT AT THE CITY OF BENICIA, SOLANO COUNTY. PERMIT SHALL BE EFFECTIVE BEGINNING APRIL 6, 1994 AND ENDING DECEMBER 31, 1997, UNLESS SOONER TERMINATED. DREDGED MATERIALS WILL BE DISPOSED OF OFFSHORE AT THE UNITED STATES ARMY CORPS OF ENGINEERS DISPOSAL SITE S.F. 9. NO ROYALTY SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED OFFSHORE SITE. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE OR COMMERCIAL PURPOSES. 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"

LAND DESCRIPTION

WP 5096

A parcel of tide and submerged land in the State-owned bed of Carquinez Strait lying immediately adjacent to and southerly of Benicia Port Terminal Company's Pier 91, and being more particularly described as follows:

BEGINNING at the southeast corner of Benicia Port Terminal Company's Pier 91; thence S 56° 38' 20" W, 1000 feet; thence S 33° 21' 40" E, 150 feet; thence N 56° 38' 20" E, 1150 feet; thence N 33° 21' 40" W, 150 feet; thence S 56° 38' 20" W, 150 feet to the point of beginning.

END OF DESCRIPTION

REVIEWED DECEMBER 2, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

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PINE LAKE

BENICIA

BENICIA
INDUSTRIES
PROPERTY



680

AREA TO BE
DREDGED

CARQUINEZ STRAIT

1000 0 1000

SCALE IN FEET

PROJECT VICINITY MAP

SHORELINE

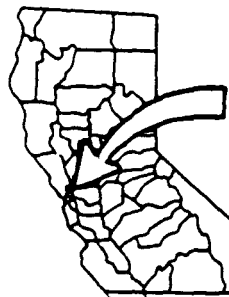
SEDIMENT
ANALYSIS
LOCATIONS

AREA TO BE DREDGED

1000'
Ebb Flood

1400'

EXHIBIT "B"
PROPOSED DREDGING
AT
BENICIA PORT TERMINAL
WP5096
BENICIA PORT TERMINAL
(APPLICANT)



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STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
 GRAY DAVIS, *Controller*
 THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, CA 95811

CHARLES WA. /
 Executive Officer

March 4, 1994
 File: WP 5096
 FONSI/ND 644

**NOTICE OF PUBLIC REVIEW
 OF A PROPOSED FINDING OF NO SIGNIFICANT IMPACT
 IN PLACE OF A NEGATIVE DECLARATION
 (SECTION 15073 CCR)**

A Finding of No Significant Impact (FONSI) is being circulated as a proposed Negative Declaration (ND) pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission Regulations (Section 2901 et seq., Title 2, California Code Regulations) for a project currently being processed by the staff of the State Lands Commission.

The San Francisco Bay Conservation and Development Commission (BCDC) will be considering this project every six months due to constraints of the applicant in response to administrative requirements of the BCDC.

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above with attention to the undersigned. All comments must be received by April 4, 1994.

Should you have any questions or need additional information, please call the undersigned at (916) 324-4715.



JUDY BROWN
 Division of Environmental
 Planning and Management

Attachment

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STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer

**PROPOSED FINDING OF NO SIGNIFICANT IMPACT (FONSI)
IN PLACE OF A NEGATIVE DECLARATION (ND)**

File: WP 5096
FONSI/ND 644

Project Title: Benicia Port Terminal Dock Maintenance Dredging

Project Proponent: Benicia Port Terminal Co.

Project Location: Benicia Port Terminal Dock, Carquinez Strait, City of Benicia, Solano County.

Project Description: Proposed dredging of a maximum of 90,000 cubic yards of material annually until December 1997, for continued maintenance of a navigable depth at the Benicia Port Terminal Dock. Dredged material will be disposed of at the United States Army Corps of Engineers in-bay disposal side S.F.9.

Contact Person: Judy Brown Telephone: (916) 324-4715

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Code Regulations).

Based upon the attached Initial Study, it has been found that:

this project will not have a significant effect on the environment.

mitigation measures included in the project will avoid potentially significant effects.

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LOG # 74

SAN FRANCISCO DISTRICT



Public Notice

Army Corps
of Engineers

NUMBER: 19547E10

DATE: 15 June 1992

Regulatory Branch
211 Main Street
San Francisco, Ca. 94105-1905

RESPONSE REQUIRED BY: 16 July 1992

Permit Manager: Bob Smith

Phone: (415)744-33

1. The Benicia Port Terminal Company (BPTC), P.O. Box 315, Benicia, California 94510 through their agent M.H. Cheney, 6630 Heartwood Drive, Oakland, California 94611 has applied to the Department of the Army (DA) for authorization to perform maintenance dredging for a 5 year period at the Benicia Industries Dock, located 2,000 feet southwest of Interstate 680 in the Carquinez Strait at the City of Benicia, Solano County, California. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. The BPTC has requested authorization to dredge 45,000 cubic yards every six months over a five year period (450,000 cubic yards total) to return the berthing area at the Benicia Industries Dock to the design depth of -39 feet MLLW (plus a two foot overdepth allowance). The six month frequency is required by the buildup of sediment at the northwest end of the pier and the required placement of ships to accommodate the fixed cargo handling equipment on the pier. Dredging would be accomplished with a clamshell dredge and the sediments would be barged to the Carquinez Site (SF-9) for disposal. The attached drawings show the areas to be dredged and typical sediment test data from past episodes (BPTC recently completed their last dredging episode).

3. The applicant has been informed to notify the Regional Water Quality Control Board, San Francisco Bay Region, to determine the need for State water quality certification. If the State Water Resources Control Board determines that this project is consistent with the California Water Quality Control Plan, Requirements adopted by the Regional Board and Sections 301, 302, 303, 306 and 307 of the Clean Water Act, the State will issue a Certificate of Conformance with Water Quality Standards to the project proponent. Those parties concerned with any water quality problems that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 2101 Webster Street, Suite 500, Oakland, California 94612, by the close of the comment period of this public notice.

4. Corps of Engineers has assessed the environmental impacts of the action proposed in subject permit application in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations 40 CFR 1500-1508, and Corps of Engineers' Regulations 33 CFR 230 and 325. Unless otherwise stated, the Preliminary Environmental Assessment presented herein describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The Environmental Matrix and other worksheets and supporting data used in the preparation of this

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NO. 19547E10

Preliminary Environmental Assessment are on file in the Impact Analysis Section, Regulatory Branch, Corps of Engineers, 211 Main Street, San Francisco, California.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) Physical/Chemical Characteristics and Anticipated Changes

Substrate - The Benicia Port Terminal Company (BPTC) proposes to dredge approximately 45,000 cubic yards (cy) of material from their berthing area (Benicia Industries Dock) in Carquinez Strait every six (6) months, over a five (5) year period (450,000 cy total). Substrate elevations would be maintained at -39 ft MLLW, with a 2 ft overdepth allowance (-41 ft MLLW total project depth), over a 240,000 sq ft area. Department of the Army (DA) Permit No. 14059E10, issued to BPTC in June 1981, authorized maintenance dredging of 30,000 cy of sediment twice yearly for ten (10) years (total of 600,000 cy), with disposal of the dredged material at the Carquinez Strait Dredged Material Disposal Site (DMDS, SF-9). In 1984, the permit was modified to 45,000 cy twice yearly. Maintenance dredging was accomplished under this, and other authorizations in 1978

(19,500 cy), 1979 (19,700), 1980 (22,500), 1981 (24,800), 1982 (24,150 cy), 1983 (51,000 cy), 1984 (50,000 cy), 1985 (20,000 cy), 1986 (53,000 cy), 1987 (40,000 cy), 1988 (36,000 cy), 1990 (49,800), and 1991 (27,600 cy) [Phillip Plant, BPTC, 4 Jun 92].

Disposal of the dredged material at the Carquinez Strait DMDS could result in altering the bottom substrate with a layer of new sediment over a portion of the DMDS. Physical analysis of sediments dredged from the Benicia Industries Dock (BID) in 1991 resulted in 74-88.6% sand, 7.6-11.4% silt, and 3.4-14.3% clay (MEC Analytical Systems, Inc. 1991. Results of Chemical, Physical, and Bioassay Analysis on Sediments from Benicia Port Terminal Pier. 22 pp + appendix). Sediments at SF-9 were found to consist of 16.6% sand, 42.7% silt, and 38.0% clay. Previous dredged material testing completed in 1989 resulted in 23.7-27% sand, 40.2-43.3% silt, and 29.7-36.1% clay. In 1988, the dredged material consisted of 28.2-35.2% sand, 36.6-39.6% silt, and 28.2-32.2% clay, and in 1987, 20.8-29.8% sand, 32.8-33.8% silt, and 37.4-45.4% clay.

Since SF-9 is primarily a dispersive disposal site, the amount of dredged material retained at the DMDS is unknown. However, recent studies have shown that approximately 40% of discharged dredged material is retained at other in-Bay DMDS (e.g., SF-11). If this amount of material is retained at SF-9 during disposal events, it could probably be considered a minor to moderate adverse impact.

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Erosion/Sedimentation Rate -

Maintaining the berthing area of the BID at -39 ft MLLW is not likely to result in increasing the rate of sedimentation in the area, since the facility would not be deepened. As can be seen from previous dredging episodes conducted under DA Permit No. 14059E10, sedimentation rates are highly unpredictable in the area (See Substrate).

Water Quality - Dredging and disposal of dredged material at SF-9 could have short-term, adverse impacts on water quality variables, such as dissolved oxygen (DO), pH, salinity, total suspended solids (TSS), and turbidity. Turbidity near the dredging and disposal sites would likely increase because of additional TSS in the water column, and DO levels would likely decrease at the disposal site during disposal events. However, these impacts would likely be short-term, minor, and localized.

Bulk sediment chemical analyses completed by the BPTC in August 1991 with two (2) composited sediment samples from the berthing area are summarized in Attachment A. In general, levels of chemical constituents in the test sediments were below levels found in disposal site sediments. Heavy metals, oil and grease, TRPH, and sulfides were detected in varying

concentrations. No pesticides, PCB's, phenols, PAH's, or phthalate esters were detected in the dredged material or disposal site sediments. Reference sediment samples collected at SF-9 for comparative purposes are also summarized in Attachment A (MEC 1991).

Dredged material testing was previously accomplished by the BPTC in 1977, and 1981-86 using elutriate analysis methods (PN 78-1). In 1989, and 1991, bulk sediment chemical and physical analyses, as well as suspended particulate phase bioassays were completed following the guidance of PN 87-1.

Impacts to water quality at dredging and disposal sites due to chemical contaminants associated with dredged material are generally short-term and localized. Contaminants most likely stay associated with sediments during disposal events, and release into the water column is minimal. Water quality impacts associated with the disposal of dredged material at SF-9 from the BID would probably be short-term, localized, and minor to moderate.

Additional sediment sampling and testing would be required for all future dredging episodes, the results of which would be reviewed by the Corps of Engineers and RWQCB before approval and authorization of each dredging episode.

(2) Biological Characteristics
and Anticipated Changes

Endangered Species - Adult winter-run chinook salmon migrate through San Francisco Bay to spawning areas in the upper Sacramento River during the late fall and early winter. Juveniles travel downstream through the Bay and into the Pacific Ocean in the late fall as well. The movements of adult and juvenile salmon through the Bay are thought to be rapid during these migrations. Since impacts in the water column during dredged material disposal events at SF-9 are generally short-term, localized, and minor, no potentially adverse impacts to winter-run chinook salmon that might be near the DMDS are anticipated.

This Preliminary Environmental Assessment incorporates by reference the Biological Assessment for Sacramento River winter-run chinook salmon and maintenance dredging of Guadalupe Slough, NAS Moffett Field (Corps of Engineers 1991), in accordance with 50 CFR 402.12 (g). The proposed dredging of the BID with disposal of dredged material at SF-9 involves similar impacts to the winter-run of chinook salmon in San Francisco Bay; no new species have been listed or proposed and no new critical habitat has been designated or proposed for the action area; and the Biological Assessment has been supplemented with the chemical and biological testing summarized in Attachment A.

On June 5, 1991, the National Marine Fisheries Service received a petition to reclassify the winter-run of chinook salmon in the Sacramento River from threatened to endangered, and solicited biological information to ensure that the review was complete and based on the best available scientific data (56 FR 56986).

On October 3, 1991 the U.S. Fish and Wildlife Service published a proposed rule to add the delta smelt to the List of Endangered and Threatened Wildlife and Plants (56 FR 50075-50084). The smelt is endemic to the upper Sacramento-San Joaquin estuary in San Francisco Bay (55 FR 52852-52853). Critical habitat for the smelt has been proposed that would extend from the Carquinez Bridge upstream to include portions of the Sacramento River and San Joaquin River. Since the smelt is found primarily in Suisun Bay and Suisun Marsh upstream from SF-9, adverse impacts are not expected from disposal of the dredged material. Impacts to smelt associated with the dredging operation at the BID are unknown at this time.

Habitat for Fish and Other Aquatic Organisms - The removal of 45,000 cy of bottom sediment twice a year near the BID would have short-term, adverse impacts on fishes and fish habitat by temporarily increasing TSS in the water column, and possibly decreasing DO levels during dredging operations. However, conditions in the water column at the dredge site would likely return to pre-dredging conditions shortly after completion of the dredging operation. The removal of bottom sediments would also result in the loss of benthic organisms at the dredge site.

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Disposal of the dredged material from the BID at the Carquinez Strait DMDS could have short-term, adverse impacts on fishes and fish habitat. These impacts could include localized, increased turbidity due to additional TSS in the water column, and decreased DO levels. Water column impacts due to dredged material disposal events at SF-9 are generally temporary, and conditions usually return to ambient within minutes to hours following disposal. Therefore, these impacts are likely to be minor.

Impacts to the benthic community at SF-9 due to the disposal of BID sediments could include direct burial, substrate alteration, and possible chemical contaminant uptake from those sediments with elevated concentrations of heavy metals. Suspended particulate phase bioassays completed by the BPTC with two (2) composited samples of dredged material collected in 1991 are summarized in Attachment A. The tests resulted in EC50 and LC50 values >100%. A bioassay with reference sediments collected at SF-9 was also completed, resulting in EC50 and LC50 values >100%. These values represent the concentration of dredged material in the suspended particulate phase which produced a 50% reduction in normal development (EC50) and survival (LC50), respectively, of

test organisms (oyster larvae, Crassostrea gigas). Since <50% mortality or abnormal development of oyster larvae was observed in the bioassays, no potentially adverse impacts in the water column would be expected from disposal of the dredged material at SF-9.

Heavy metals in the dredged material could potentially bioaccumulate in the tissues of bottom dwelling organisms at SF-9. However, since the Carquinez Strait DMDS is primarily a dispersive disposal site, and the amount of material retained at the site is likely to be less than 40%, adverse impacts to the benthic community would probably be minimal.

b. IMPACTS ON RESOURCES OUTSIDE
THE AQUATIC ECOSYSTEM

(1) Physical Characteristics and Anticipated Changes

Air Quality - Short-term, adverse impacts to air quality could be expected as a result of the dredging operation at the BID, and the barging of the dredged material to SF-9. However, these impacts are likely to be minor and localized.

Noise Conditions - Short-term, adverse impacts on noise conditions in the local area could be expected from the operation of dredging equipment, with an expected increase in ambient noise levels.

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(2) Socioeconomic Characteristics and Anticipated Changes

Aesthetic Quality - Dredging equipment and barges are frequently seen vessels in San Francisco Bay, so no impacts to visual resources are expected from the dredging operation at the BID. Disposal of dredged material at the Carquinez Strait DMDS, and the resultant turbidity plume following each disposal event, could have short-term, adverse impacts on visual resources in the area. Turbidity plumes associated with disposal events at SF-9 generally last only minutes to hours. Therefore, this impact is considered to be minimal.

Economics - Dredging at the BID would likely have major, long-term beneficial impacts for the permit applicant (BPTC) and City of Benicia. By providing adequate approach and berthing facilities, BPTC could ensure that ships transporting cargo (primarily cars and petroleum coke) to the BID are efficiently utilized. Operation of the BID would in turn benefit the economy of the local community.

Recreational Opportunities - Disposal of dredged material at the Carquinez Strait DMDS could have short-term, adverse impacts on recreationists using the area for boating and other activities. However, any such conflicts during disposal events are likely to be minor.

Recreational Fishing - See Recreational Opportunities.

Transportation (Navigation) - Annual maintenance dredging of the BID would have major, long-term beneficial impacts on navigation by providing safe approach and berthing operations for vessels using the facility (300 per month). However, the actual dredging and disposal operations would have short-term, minor adverse impacts on navigation at the BID and in Carquinez Strait.

(3) Historic - Cultural Characteristics and Anticipated Changes

The area around the BID was dredged as recently as October 1991, and previously in 1982-89 to -39 feet MLLW. Given that the area has been previously dredged to depths equal those requested in the subject permit application, it is unlikely any historic properties are present at the site. If any archaeological resources were encountered during the dredging operation, the Corps of Engineers would consult with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

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d. SUMMARY OF CUMULATIVE
IMPACTS

Dredging and disposal of sediments from the BID at the Carquinez Strait DMDS would cumulatively contribute to the resuspension of sediments in the San Francisco Bay system. The contribution of 450,000 cy of sediment to this process over a 5-year period could probably be considered a minor to moderate adverse impact.

e. CONCLUSIONS AND
RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for subject permit application. The Environmental Assessment for the proposed action has, however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

5. Evaluation of this activity's impact on the public interest will also include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act, 33 U.S.C. Section 1344(b).

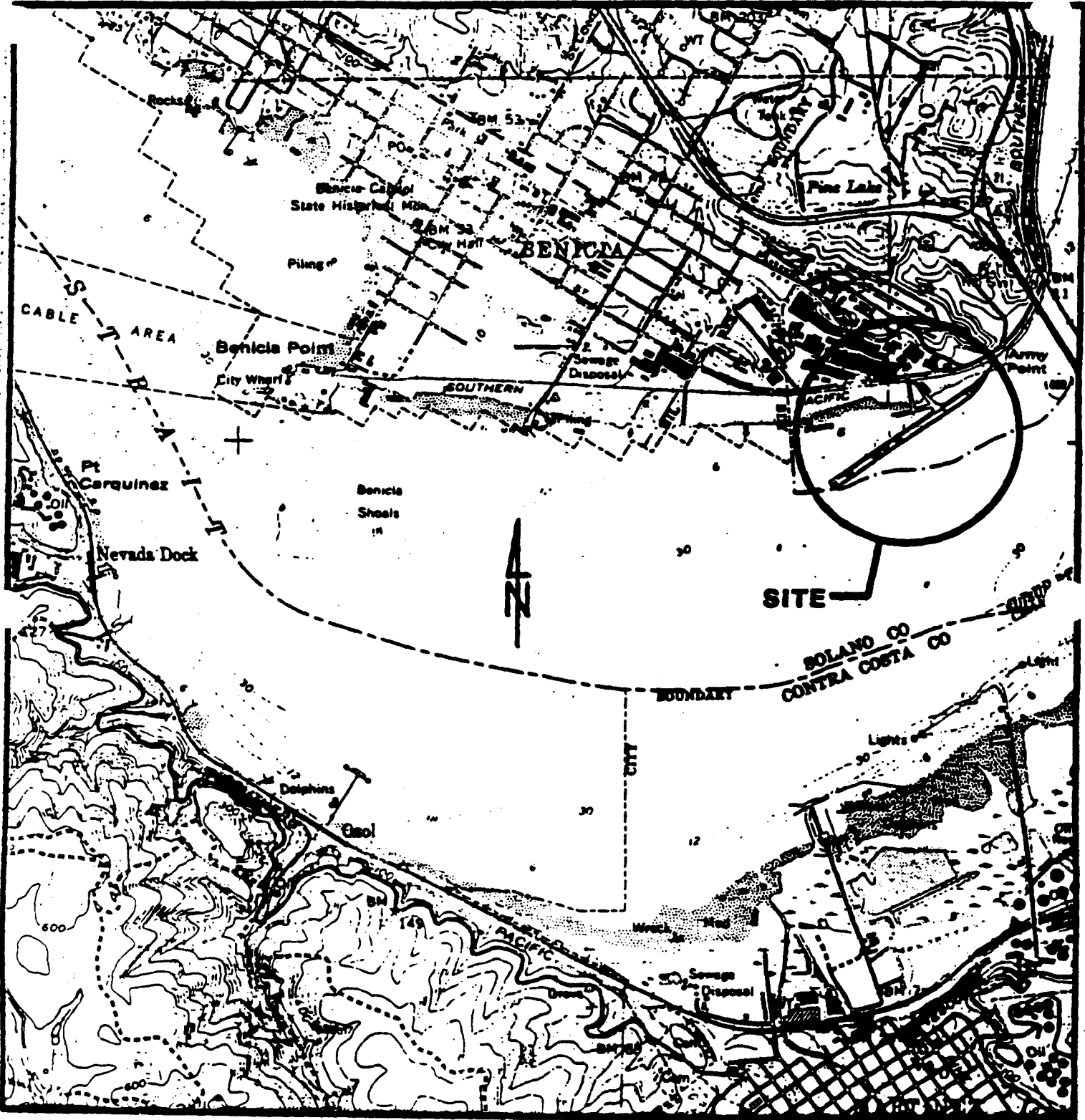
6. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**PUBLIC NOTICE
NO. 19547E10**

7. The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to: Lieutenant Colonel Leonard E. Cardoza, District Engineer, Attention: Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Bob Smith of our office (telephone 415-744-3324, extension 237). Details on any changes of a minor nature which are made in the final permit action will be provided on request.

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PURPOSE: BERTH MAINTENCE

DATUM: MLLW

BENICIA, CALIF.

SW/4 CARQUINEZ STRAIT 15' QUADRANGLE
N3800—W12207.5/7.5

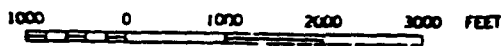
PROPOSED DREDGING

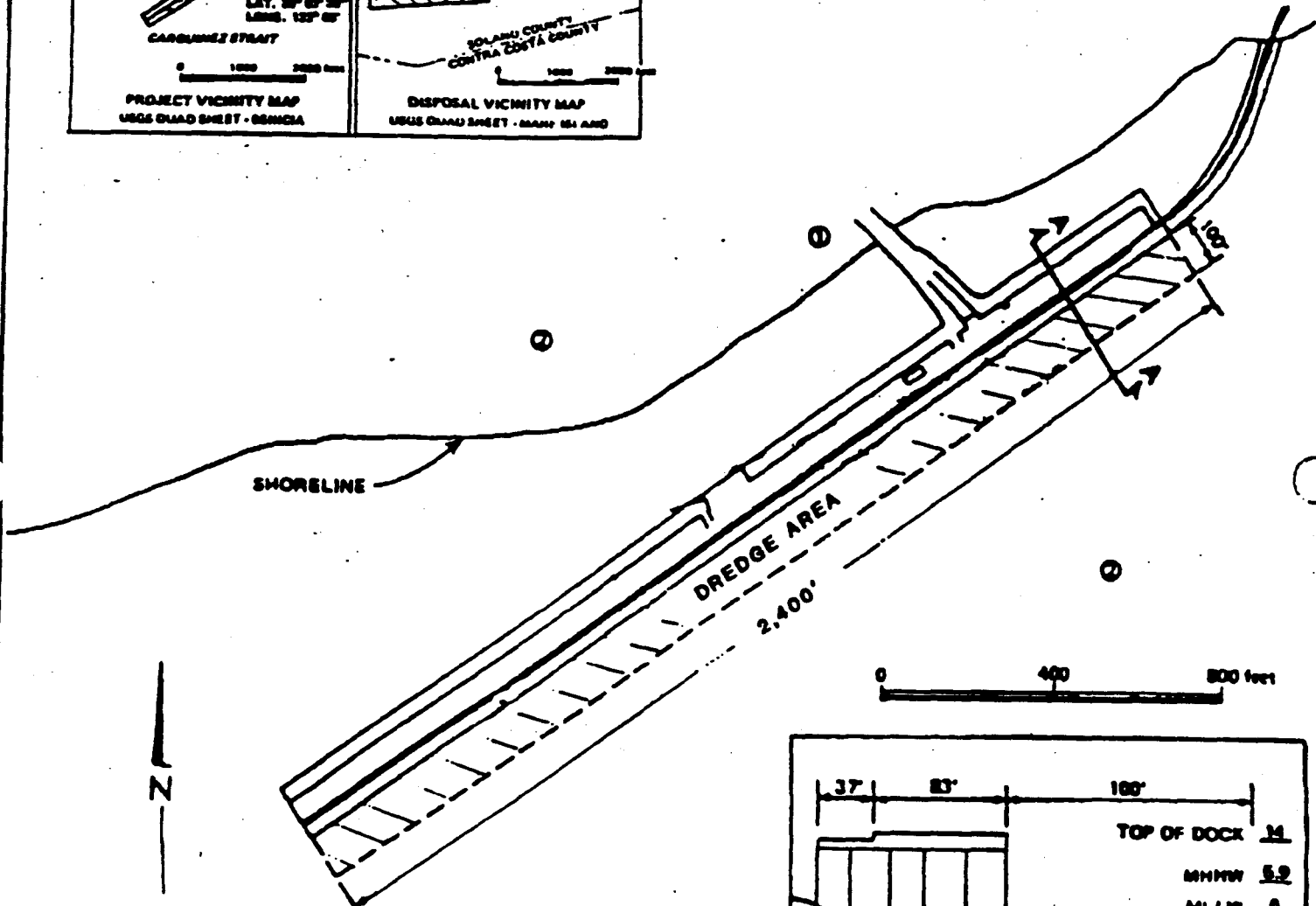
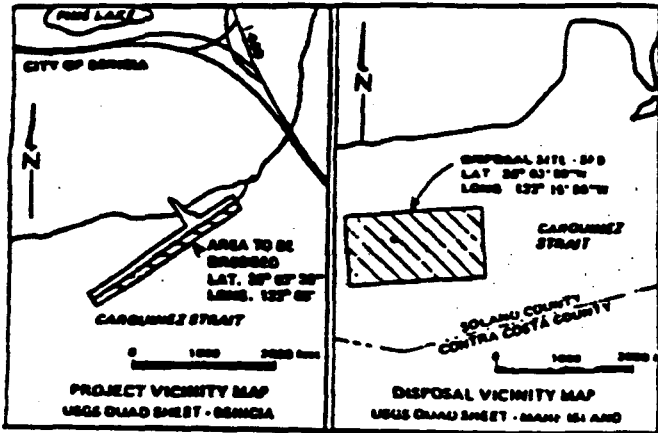
IN: CARQUINEZ STRAIT

AT BENICIA PAGE 68

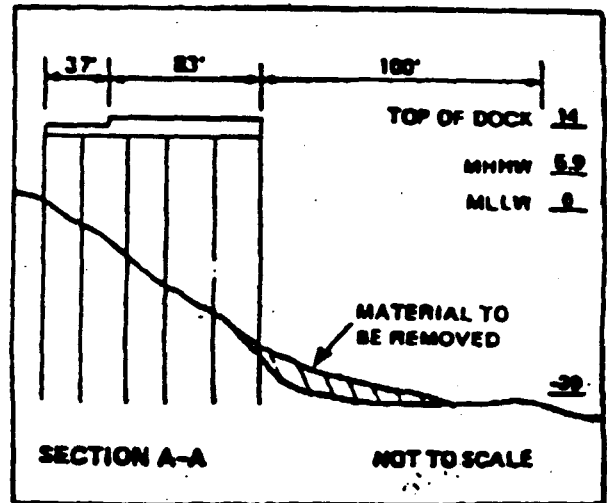
COUNTY: SOLANO
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APPLICANT: BENICIA INDUSTRIES





NOTE: APPROXIMATELY 45,000 CUBIC YARDS OF CLAYEY SILTS (BAY MUD) TO BE REMOVED BY CLAMSHELL AND BARGE AND DEPOSITED AT DISPOSAL SITE SP9 IN CARQUINEZ STRAIT ANNUALLY.



PURPOSE: MAINTENANCE OF BERTHING AREA
 DATUM: MEAN LOWER LOW WATER
 ADJACENT PROPERTY OWNERS:
 ① CITY OF BENICIA
 ② STATE OF CALIFORNIA LANDS COMMISSION

PROPOSED DREDGING AND DISPOSAL
 IN CARQUINEZ STRAIT
 AT BENICIA, CALIFORNIA
 COUNTY OF SOLANO, STATE OF CALIFORNIA
 APP. BY BENICIA PORT TERMINAL COMPANY
 SHEET 2 OF 2
 CALENDAR PAGE 69
 3 JAN 92

Attachment A

SUMMARY OF SEDIMENT CHARACTERIZATION Benicia Loading Pier

	Comp 1A	Comp 1B	Carpinez Sediment	Detection Achieved	Limit Tier II (2)
Grain size (%)					
Sand	54.6	7.4	16.6		
Silt	7.6	11.4	42.7		
Clay	3.4	14.3	38.0		
Solids (%) (Dry WL)	24.0	52	53.0		0.1
Total Organic Carbon (%)	0.34	0.67	1.37		0.1
Sulfides (mg/kg)					
Total	<0.119	13.5	177		0.5
Water Soluble	<0.119	<0.192	<0.189		0.1
Organotins (ug/Kg)					
Tributyltin	<1.19	<1.92	13.6	1.0	1.0
Dibutyltin	<1.19	<1.92	16.4	1.0	1.0
Monobutyltin	<1.19	<1.92	<1.89	1.0	1.0
Oil & Grease (mg/kg)					
TRPH (mg/Kg)	7.86	18.1	23		0.1
Cyanide	<0.060	<0.096	<0.094	0.09	0.1
Metals (mg/Kg)					
Cadmium (Cd)	0.219	0.306	0.513		0.1
Chromium (Cr)	40.6	64.0	71.3		0.1
Copper (Cu)	15.4	36.2	57.5		0.1
Lead (Pb)	6.95	16.0	20.6		0.1
Nickel (Ni)	51.0	71.5	74.9		0.1
Silver (Ag)	<0.009	0.188	0.532	0.08	0.1
Zinc (Zn)	6.70	3.60	6.96		2.0
Arsenic (As)	5.12	11.8	13.8		0.1
Mercury (Hg)	0.090	0.187	0.251		0.02
Selenium (Se)	1.56	2.33	3.58		0.1
Pesticides and PCBs (ug/kg)					
4,4' - DDD	ND	ND	ND	2	1
4,4' - DDE	ND	ND	ND	2	0.5
4,4' - DDT	ND	ND	ND	2	1
Aldrin	ND	ND	ND	2	0.5
alpha-BHC	ND	ND	ND	2	0.5-1.0
beta BHC	ND	ND	ND	2	0.5-1.0
Chlordane	ND	ND	ND	25	5
delta BHC	ND	ND	ND	2	0.5-1.0
Dieldrin	ND	ND	ND	2	0.5
Endosulfan I	ND	ND	ND	10	2
Endosulfan II	ND	ND	ND	2	0.5
Endosulfan Sulfate	ND	ND	ND	25	10
Endrin	ND	ND	ND	2	0.5
Endrin Aldehyde	ND	ND	ND	10	
Heptachlor	ND	ND	ND	2	
Heptachlor Epoxide	ND	ND	ND	10	
gamma-BHC	ND	ND	ND	2	0.5-1.0
Toxaphene	ND	ND	ND	25	30
PCB 1016	ND	ND	ND	20	20
PCB 1221	ND	ND	ND	20	20
PCB 1232	ND	ND	ND	20	20
PCB 1242	ND	ND	ND	20	20
PCB 1248	ND	ND	ND	20	20
PCB 1254	ND	ND	ND	20	20
PCB 1260	ND	ND	ND	20	20

(1) All chemical analyses are given as dry weight basis unless noted.

(2) Detection limits are given as wet weight basis since the dry weight values are arithmetically derived.

(3) Detection limits required by RWOCB

ND = None Detected at the achieved detection limit

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Attachment A

SUMMARY OF SEDIMENT CHARACTERIZATION Benicia Loading Pier

	Comp IA	Comp IB	Carcinogen Sediment	Detection Achieved	Limit Tier II (2)
Phenols (µg/kg)					
4-Chloro-3-Methylphenol	ND	ND	ND	10	
2-Chlorophenol	ND	ND	ND	10	
2, 4-Dichlorophenol	ND	ND	ND	10	20
2, 4-Dimethylphenol	ND	ND	ND	10	100
2,4-Dinitrophenol	ND	ND	ND	50	
2-Methyl-4,6-Dinitrophenol	ND	ND	ND	50	
2-Nitrophenol	ND	ND	ND	10	
4-Nitrophenol	ND	ND	ND	50	
Pentachlorophenol	ND	ND	ND	100	100
Phenol	ND	ND	ND	10	20
2,4,6-Trichlorophenol	ND	ND	ND	10	
PAHs (µg/kg)					
Acenaphthene	ND	ND	ND	20	20
Acenaphthylene	ND	ND	ND	20	20
Anthracene	ND	ND	ND	20	20
Benzo (A) Anthracene	ND	ND	ND	20	20
Benzo (A) Pyrene	ND	ND	ND	20	20
Benzo (B) Fluoranthene	ND	ND	ND	20	20
Benzo (G,H,I) Perylene	ND	ND	ND	20	20
Benzo (K) Fluoranthene	ND	ND	ND	20	20
Chrysene	ND	ND	ND	20	20
Dibenzo (A,H) Anthracene	ND	ND	ND	20	20
Fluoranthene	ND	ND	ND	20	20
Fluorene	ND	ND	ND	20	20
Indeno (1,2,3-CD) Pyrene	ND	ND	ND	20	20
Naphthalene	ND	ND	ND	20	20
Phenanthrene	ND	ND	ND	20	20
Pyrene	ND	ND	ND	20	20
Total					
Phthalate Esters (µg/kg)					
Bis(2-Ethylhexyl) Phthalate	ND	ND	ND	50	
Butyl Benzyl Phthalate	ND	ND	ND	2.5	
Di-N-Butyl Phthalate	ND	ND	ND	9	
Diethyl Phthalate	ND	ND	ND	12	
Dimethyl Phthalate	ND	ND	ND	7.3	
Di-N-Octyl Phthalate	ND	ND	ND	75	

(1) All chemical analyses are given as dry weight basis.

(2) Detection limits are given as wet weight basis since the dry weight values are arithmetically derived

(3) Detection limits required by RWQCB

ND = None Detected at the achieved detection limit

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Attachment A

Crassostrea gigas SUMMARY OF RESULTS

Concentration (%)	Mean total Embryes/ml	% Treatment Mortality	LC50 (%)	95% CI	% Abnormality	EC50 (%)	95% CL	NOEC (%)	LOEC (%)
Initial Counts	30.0	NA			-				
Carquinez Seawater	23.0	NA			2.3				
Saline	28.9	0.0			1.4				
Carquinez (Reference) Sediment			>100			> 100		100	>100
1	23.2	0.0			0.6				
10	24.5	0.0			1.4				
50	24.2	0.0			1.1				
100	21.8	5.2			1.8				
Test 1A			> 100%			> 100		100	>100
1	24.0	0.0			2.5				
10	24.2	0.0			1.9				
50	22.1	4.1			1.2				
100	22.4	2.6			1.5				
Test 1B			>100			> 100		100	> 100
1	24.1	0.0			1.4				
10	21.3	7.2			1.6				
50	22.7	1.4			2.1				
100	19.7	14.2			1.4				
Copper - Cu²⁺ (µg/L)									
Initial Counts	36.0	NA			NA				
Control	30.2	NA	3.5	2.2-5.8	4.9	15.6	13.7-18.0	<0.18	0.18
0.18	24.7*	18.4			6.5				
0.56	17.8*	41.1			3.7				
3.2	16.5*	45.3			6.9				
10	12.0*	60.3			9.4*				
32	8.9*	70.7			97.0*				

* Statistically significant from control.
 LC50: Lethal concentration for 50% of the organisms.
 EC50: Effective concentration for 50% of the organisms.
 NOEC: No Observable Effect Concentration.
 LOEC: Lowest Observable Effect Concentration.
 CI: Confidence Limits.

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Permit No.: 19547E10

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

1. Incorporated by reference is the Environmental Assessment (EA) for Permit Application No. 19547E10 ; dated 20 OCT 92 .
2. Factors considered in this FONSI were the aquatic ecosystem, wetland, fish and wildlife resources including threatened and endangered species, water quality, cultural resources, navigation, and agency policies.
3. Based on information gathered during the preparation of the environmental assessment and received from cooperating Federal agencies having special expertise or having jurisdiction by law, or from public, it is concluded that an Environmental Impact Statement will not be prepared.

11-12-92

Date


LEONARD E. CARDOZA
LTC, USN
Commanding

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DEPARTMENT OF THE ARMY PERMIT

Proposed Benicia Port Terminal Company

Permit No. 196-47E10

Issuing Office, San Francisco District

NOTE: This form "you" and the attachments, as used in this permit, mean the permittee or any future transferee. This form "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Dredge 45,000 cubic yards every six months at the Benicia Industries dock to maintain a design depth of -39 feet MLLW (with a two foot overdepth allowance). Dredged material shall be disposed of at the Carquinez site (SF-9). The work shall be accomplished in accordance with the attached plans and drawings labeled: "PURPOSE: BERTH MAINTENANCE, TR: CARQUINEZ STRAIT, AT: BENICIA, COUNTY: SOLANO, APPLICANT: BENICIA INDUSTRIES, in two sheets dated 3 January 1992".

Project Location: Benicia Port Industries dock located 2,000 feet southwest of interstate 680 on the Carquinez Strait at the City of Benicia, Solano County, California

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized under 1 December 1992 If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the safety authorized by this permit in good condition and in accordance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may wish a good faith transfer to a third party in compliance with General Conditions 4 below. Should you wish to abandon the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require submission of the area.
3. If you discover any previously unknown historic or archaeological resources while commencing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state procedures required to determine if the resources warrant a necessary effort or if the site is eligible for listing in the National Register of Historic Places.

DDG FORM 7221, MAR 88

EDITION OF SEP 83 IS OBSOLETE.

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4. If you call the property involved with this permit, you must obtain the signature of the true owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditional water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your information, a copy of the certification is attached if it ever takes such conditions.

6. You must allow representatives from this office to inspect the authorized facility at any time deemed necessary to ensure that it is being or has been constructed in accordance with the terms and conditions of your permit.

Special Conditions: Please refer to Pages 24, 25, 26, 27 for Special Conditions to Permit Number 19547E10.

Further Information:

1. Organizational Authority: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

() Section 404 of the Clean Water Act (33 U.S.C. 1344)

() Section 108 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1618)

2. Limits of this authorization:

a. This permit does not include the right to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not entitle any party to the property or rights of others.

d. This permit does not entitle subcontractors with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or any thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or any thereof as a result of normal or future activities undertaken by or on behalf of the District within the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures owned by the entity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

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SPECIAL CONDITIONS FOR PERMIT NO. 19547E10

1. To provide notification to the maritime community of activities affecting navigation, the permittee shall provide in writing to the Commander (COM), Eleventh Coast Guard District, 400 OceanGate Boulevard, Long Beach, California 90822-5599, the following information at least two weeks before commencing work:

- a. Name and telephone number of the project manager.
- b. Size and placement of any floating construction equipment.
- c. Radio telephone frequencies and call signs of any marine equipment.
- d. Work start and completion dates.

2. The Coast Guard Captain of the Port (COTP) of San Francisco Bay may require modifications to marine construction equipment deployment or mooring systems to safeguard navigation while work is in progress. Upon receipt of the notification to start, the Coast Guard will send a copy of the permittee's letter to the COTP for review.

3. All vessels operated for disposal of dredged material are required to participate in the Coast Guard's Vessel Traffic Control Service (VTCS). Five minutes before each departure, the permittee shall notify the VTCS by radio, via Channel 13, of the following: The permit number; name of vessel; dump scow number or identification; time of departure from dredge site; time of arrival at disposal site; time of departure from disposal site; and time of return to dredge site.

4. When utilizing the Carquinez Disposal Site (SP-9), the permittee shall dispose of all dredged material within a rectangular area, 1800 feet by 2000 feet, long axis bearing 050 true, and center at latitude 38 03'50"N; longitude 122 15'55"W. The specific location within the disposal area will be determined by the District Engineer upon receipt of the Dredging Operation Plan.

5. The permittee shall submit to Chief, Construction-Operations Division, Attn: Regulatory Branch, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105-1905, the following reports for review and comment:

a. Dredge Material Analysis: Submit at least 60 days prior to proposed commencement of any authorized successive dredging episodes, dredge material analysis (Chemical and Physical), sampling and testing information, and a Regional Water Quality Control Board water quality certification or waiver for disposal of the material.

b. Dredging Operation Plan: Submit no earlier than 60 calendar days and no later than 15 calendar days before commencement of dredging, a plan which includes the following: a copy of the dredging contract or description of work under which the contractor will do the permitted work; name and telephone numbers of the dredging contractor's representative on site; dredging start and completion dates; names of vessel; dump scow numbers or identification; bin or barge capacities; identification of work as either maintenance dredging or new dredging; discussion of proposed dredging procedures, as governed under Special Condition No. 6, with detailed drawings or specifications of the grid or centrifugal pump system; quantity of material to be removed; dredging design depth and typical cross section including overdepth; and date of last dredging episode and design depth.

c. Before Dredging Survey: Submit no earlier than 60 calendar days and no later than 15 calendar days before commencement of dredging, a survey with accuracy to one-tenth foot which delineates the following: areas to be dredged with overdepth allowances; existing depths; estimated quantities to be dredged for the project; and estimated quantities for overdepth. All surveys shall be signed by the permittee to certify their accuracy.

d. Post Dredging Survey: Submit, within 30 days of the last disposal activity (last is defined as that activity after which no further activity occurs for 30 calendar days), a survey with accuracy to one-tenth foot which delineates the following: areas dredged; dredged depths; actual quantities dredged for the project; and actual quantities for overdepth. The permittee shall substantiate the total quantity dredged by including calculations used to determine the volume difference (in cubic yards) between the Before and Post Dredging Surveys and explain any variation in quantities greater than 15% beyond the estimated quantities. All surveys shall be signed by the permittee to certify their accuracy.

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e. Disposal Site Verification Log (DSVL): Submit on a weekly basis by COB Monday, the attached log which enumerates work accomplished during the preceding week to Corps of Engineers, Regulatory Branch at the above address or FAX # (415) 744-3320, Attn: Roy Clark. The VTCS will issue a confirmation number to be included in the weekly log.

f. Solid Debris Management Plan: Submit no earlier than 60 calendar days and no later than 15 calendar days before commencement of work, a plan which describes measures to ensure that solid debris generated during any authorized demolition or construction operation is retained and properly disposed of in areas not under Corps jurisdiction. At a minimum, the plan shall include the following: source and expected type of debris; debris retrieval method; disposal method and site; schedule of disposal operations; and debris containment method to be used, if floatable debris is involved.

6. The permittee shall ensure that all dredged material is slurried prior to disposal to prevent any accumulation or build up of material at the disposal site. All dredged material shall be slurried in one of the following manners:

a. Dredged material will be either pumped with a centrifugal pump prior to leaving the dredge site for the disposal site; or, if the material is clamshell dredged, passed through a debris grid, with a maximum opening size of 12 inches by 12 inches which will cover the entire loading area of the dump scow. Everything that does not pass through the grid will be considered solid debris and shall be disposed of in areas outside of Corps jurisdiction. All such material shall be promptly removed from the grid at the end of each 8 hour shift or sooner.

7. The permittee, as directed by the District Engineer under authority pursuant to the policies and procedures of 33 CFR 325.7, may be required to modify disposal schedules and/or monthly disposal quantities for particular dredging episodes.

8. The permittee shall allow the dredging area and equipment to be inspected by Corps staff upon request.

9. For each dredging episode, the permittee shall be responsible for obtaining a letter of water quality certification or waiver from the Regional Water Quality Control Board (RWQCB) and authorization from the Bay Conservation and Development Commission (BCDC). Water quality certification and BCDC authorization will be a prerequisite to the District Engineer's decision to approve or disapprove specific dredging episodes pursuant to the policies and procedures of 33 CFR 325.2(b)(1)(ii) and 325.2(b)(2)(ii).

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10. For each dredging episode, the permittee shall obtain the approval of the District Engineer for formulating specific sediment testing procedures for the Dredge Material Analysis required by Special Condition No. 5a. The testing protocol will be in accordance with the testing guidelines as published by the Corps in PN 92-6 and subsequent amendments thereto.

11. For each dredging episode, the permittee shall provide a copy of the Dredge Material Analysis to the Environmental Protection Agency, Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Game (DF&G) concurrent with the RMOCE and Corps' receipt of this information. Agency comments submitted to the Corps within 15 calendar days thereafter will be given full consideration in the decision on dredged material disposal.

12. If a land, ocean, or other aquatic disposal site becomes available for use during the five year permit period, the permittee shall evaluate these disposal alternatives, taking into consideration cost, existing technology, and logistics in light of the overall project purpose to facilitate compliance with the 404(b)(1) Guidelines. This evaluation shall be submitted to the Corps at least 60 calendar days before commencement of subsequent dredging episodes. The District Engineer, upon review of this information and after consultation with other resource agencies, may direct the permittee to use such sites in lieu of or in addition to the Carquinez Disposal Site under authority of 33 CFR 325.7 and 40 CFR 230.10(a).

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION 92-113

RECOMMENDATION FOR
WATER QUALITY CERTIFICATION
BENICIA PORT TERMINAL COMPANY
MAINTENANCE DREDGING
SOLONO COUNTY

WHEREAS, The Benicia Port Terminal Company, has applied to the State for Water Quality Certification under Section 401 of the Clean Water Act for dredging of up to approximately 45,000 cubic yards every six-months. The dredged material will be disposed of at the approved Carquinez disposal site (SF-9), or at an approved sand reclamation site;

WHEREAS, the sediment to be dredged at the Benicia Port Terminal has a high sand content and,

WHEREAS, the Regional Board encourages the Benicia Port Terminal Company to examine the feasibility of transporting the dredged material to an upland site for market processing; and,

WHEREAS, the Regional Board under Section 401 of the Clean Water Act reviews permit applications to determine if the proposed activity will meet State Water Quality Certification for the proposed activity; and

WHEREAS, Water Quality Certification is a certification for an activity that requires a federal license or permit in order that there is reasonable assurance that the activity which may result in a discharge to navigable water of the United States will not violate water quality objectives (Title 23, California Code of Regulations, Section 3830 et. seq.); and

WHEREAS, The Regional Board on July 19, 1989 amended the Basin Plan for the San Francisco Bay Region in regard to their Policy on Dredging and Disposal of Dredged Sediment; and,

WHEREAS, The State Water Resources Control Board issued Resolution No. 90-10 which approved the Basin Plan Amendments with certain conditions; and,

WHEREAS, The U.S. Army Corps of Engineers, issued Public Notice No 19547E10, describing the Benicia Port Terminal Company's permit application for maintenance dredging of Port berths;

THEREFORE BE IT RESOLVED, that this Regional Board recommends that the Executive Director of the State Water Resources Control Board grant Water Quality Certification in accordance with Section 401 of the Clean Water Act and State regulations in Title 23 California Code of Regulations Section 3830 et. seq. for the Benicia Port Terminal Company dredging of approximately 45,000 cubic yards every

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six months until December 31, 1994, or a total of 180,000 cubic yards of dredged material with the following conditions:

- 1) The disposal of dredged material at the Carquinez disposal site shall be in accordance with volume targets for that disposal site as described in the Board's Basin Plan.
- 2) A feasibility report shall be filed with the Executive Officer by January 1, 1993 describing how the Benicia Port Terminal Company can reduce in-bay aquatic disposal of dredged sediment from this location through sand reclamation for reuse.
- 3) The Benicia Port Terminal Company shall conduct sediment testing and submit the results of that testing to Regional Board Executive Officer prior to the commencement of each dredging episode. Dredging of the Port shall not commence until receipt of written approval by the Executive Officer.
- 4) The Benicia Port Terminal Company shall submit reports of testing and analysis to staff of the Regional Board at the following address:

Attention Basin Planning Unit
Regional Water Quality Control Board, San Francisco Bay Area Region
2101 Webster Street, Suite 500
Oakland, CA 94612

And to the California Department of Fish and Game at the following address:

Marine Project Review Unit
Environmental Services Division
California Department of Fish and Game
411 Burgess Drive
Menlo Park, CA 94025

BE IT FURTHER RESOLVED,

- 1) This Regional Board directs the Executive Officer to transmit this resolution to the Executive Director of the State Water Resources Control Board.
- 2) I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 16, 1992.


STEVEN R. RITCHIE
Executive Officer

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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
 SAN FRANCISCO, CALIFORNIA 94102-6080
 PHONE: (415) 857-3888

BCDC Original

PERMIT NO. M75-95
 (Issued on January 20, 1976, As
 Amended Through November 17, 1993
 AMENDMENT NO. SIX

Benicia Port Terminal Company
 P.O. Box 315
 Benicia, California 94510

ATTENTION: P.B. Plant

Gentlemen:

I. Authorization

A. Subject to the conditions stated below, the permittee, Benicia Port Terminal Company, is hereby authorized to perform maintenance dredging of approximately ~~46,000~~ 30,000 cubic yards, twice a year for one six-month period, in the Bay, adjacent to Pier 95, in the City of Benicia, Solano County, and to dispose of the dredge spoils at the U.S. Army Corps of Engineers Carquinez Disposal Site.

B. This amended authority is generally pursuant to and limited by your application dated October 14, 1975, including accompanying exhibits, and your letters, dated March 29, 1976, requesting Amendment No. One, April 7, 1976, requesting Amendment No. Two, December 1, 1980, requesting Amendment No. Three, and May 7, 1984, requesting Amendment No. Four, ~~September 8, 1988, requesting Amendment No. Five, and September 7, 1993, requesting Amendment No. Six,~~ and all conditions of this amended permit.

C. Work authorized herein must be diligently prosecuted to completion and must be completed by ~~December 30, 1988~~ within six months of commencement, or this amended permit will expire and become null and void. Reasonable extensions of time can be granted by a further amendment of this amended permit where application is made prior to its expiration.

I. Special Conditions

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

A. Six-Month Permit for Dredging. The approximately 30,000 cubic yards or less of maintenance dredging authorized by this amended permit shall be completed within 6 months of the date of commencement. 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. No dredging in other areas is authorized.

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Dedicated to making San Francisco Bay better	MINUTE PAGE	971
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C. Dredging Report

1. Prior Notice of Episode. The permittee shall notify the staff by telephone or in writing at least seven (7) days prior to undertaking any dredging episode. The permittee shall permit the Commission staff or representatives of other state or federal agencies to come aboard the dredge or barge associated with the dredging or disposal episode and observe the operation to ensure that the dredging or disposal activity is consistent with the dredging report required herein and the other terms and conditions of this amended permit.
2. 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 based on Mean Lower Low Water (MLLW); (2) a bathymetric map showing the actual areas dredged and to what depth based on MLLW, 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.

D. Compliance with Other Permits. The permittee shall comply with all conditions required by the Army Corps of Engineers in its Permit No. 19547E10 and shall comply with all conditions required by the Regional Water Quality Control Board in its water quality certification for this amended project.

III. Findings and Declarations

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

A. The project authorized by this amended permit, involves routine maintenance dredging within a period of 30 months and the deposit of dredged spoils in approved amounts and location, as defined in Regulation Sections 10122(a)(1) and 10122(a)(3) 10601(f) and 10602, and thus is a "minor repair or improvement" for which the Executive Director may issue (1) a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10530(a) 10622(a), and (2) an amendment to a permit, pursuant to Regulation Section 10711 10822.

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(Issued on January 20, 1976, As
Amended Through November 17, 1993
AMENDMENT NO. SIX
Bericia Port Terminal Company
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B. The project authorized by this amended permit, is consistent with the McAlister-Peris Act and with the San Francisco Bay Plan in that the dredging is necessary to maintain adequate depths for berthing and unloading commercial ships, and the disposal of the spoils is in accordance with the Bay Plan policies on dredging in that the spoils will be deposited in a designated part of the Bay where the maximum amount will be carried out the Golden Gate on the ebb tide.

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 40910 11501, the project authorized by this amended permit, is categorically exempt from the requirement to prepare an environmental impact report.

E. Pursuant to Regulation Section 40642 10620, the original project was listed with the Commission on January 15, 1976.

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 request, as such may 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 watertight. 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 request 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.

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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.

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 McAfee-Pettis 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.

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


WILLIAM TRAVIS
Acting Executive Director

Enc.
WT/CS/tr

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


* * * * *

Receipt acknowledged, contents understood and agreed to:

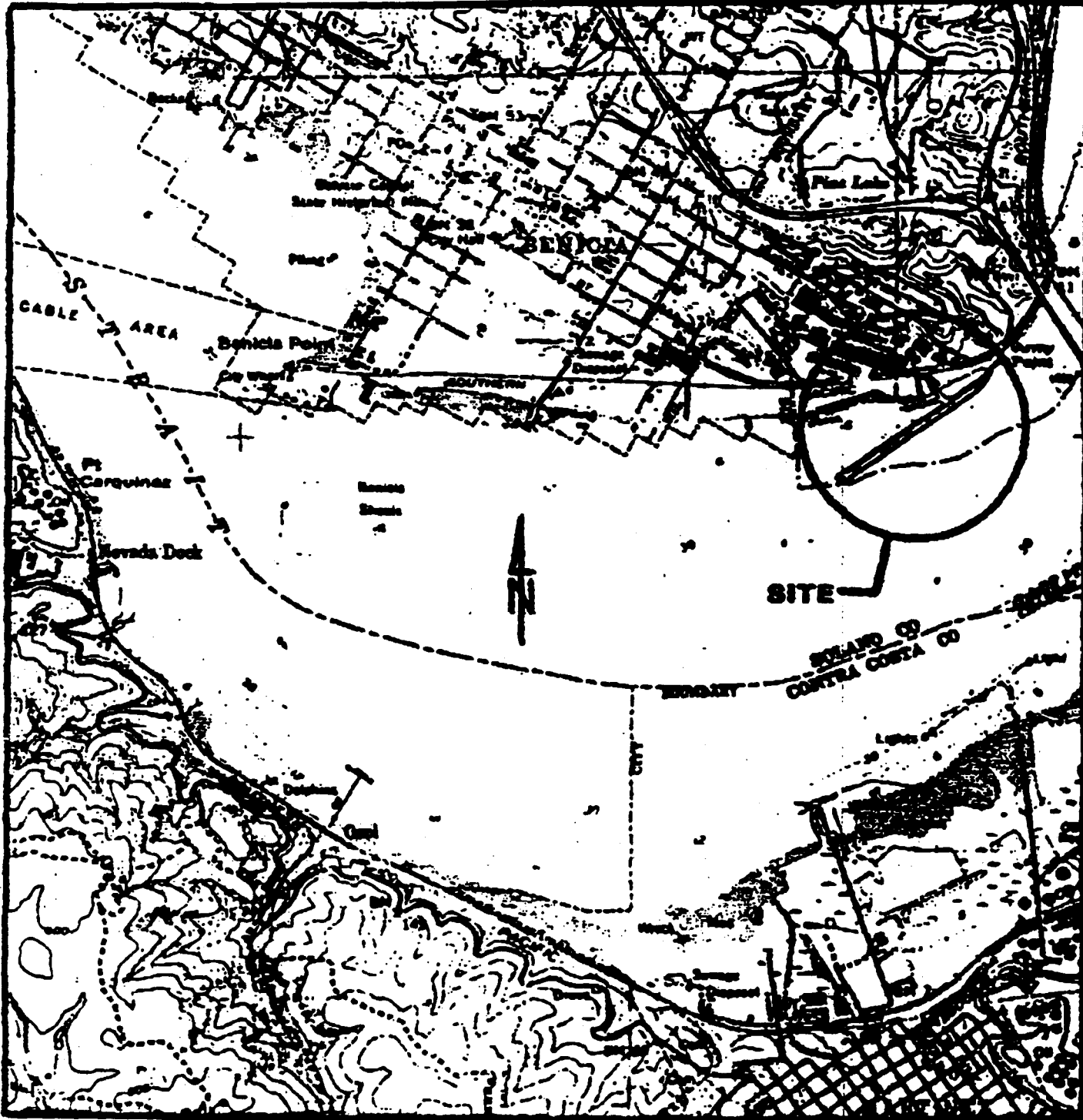
Executed at BENICIA, CA

BENICIA PORT TERMINAL CO.
Applicant

On NOVEMBER 29, 1993 By:


J.P. PLANT
Title

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PURPOSE: BERTH MAINTENCE

DATUM: MLLW

BENICIA, CALIF.

SW/4 CARQUINEZ STRAIT IN QUADRANGLE
N3800—W12207.5/7.5

PROPOSED DREDGING

IN: CARQUINEZ STRAIT

AT: BENICIA



COUNTY: SOLANO	87
CALENDAR PAGE	
APPLICANT: BENICIA INDUSTRIES	
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EXHIBIT A

EXHIBIT "D"

MONITORING PROGRAM
FONSI/ND 644
SCH 94033019

Impact: The proposed dredging of a maximum of 90,000 cubic yards of sediment at the Benicia Port Terminal Dock, Carquinez Strait, annually until December 1, 1997 and in-bay disposal may have an impact on water quality, thereby affecting the aquatic ecosystem.

Project Modification:

The applicant has prepared and submitted the results of sediment chemical analyses and suspended particulate phase bioassays in 1991 from the berthing area proposed to be dredged to the U.S. Army Corps of Engineers and the Regional Water Quality Control Board.

Applicant will prepare and submit necessary sediment analyses as directed by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board for future dredging episodes.

Monitoring:

The U.S. Army Corps of Engineers and the Regional Water Quality Control Board have reviewed the sediment samples and have determined that the sediment is acceptable for inbay disposal at SF-9, and that impacts resulting to the aquatic ecosystem would be short-term, minor, and localized.

Future dredging episodes would be reviewed and analyzed by the U. S. Army Corps of Engineers and the Regional Water Quality Control Board accordingly.