

MINUTE ITEM

This Calendar Item No. C16
was approved as Minute Item
No. 16 by the State Lands
Commission by a vote of 3
to 0 at its 4/6/94
meeting.

CALENDAR ITEM

C16

A 8
S 4

04/06/94
W 24963
Howe
PRC7757

DREDGING LEASE

APPLICANT:

Marina Homeowners Association
1007 Driftwood Ct.
Suisun City, California 94585

AREA, TYPE LAND AND LOCATION:

Tide and submerged lands.

LAND USE:

Maintenance dredging of 33,525 cubic yards of material from
Suisun Slough, Solano County.

PROPOSED LEASE TERMS:

Lease period:

One year beginning April 7, 1994.

Royalty:

No royalty will be charged.

\$0.25 per cubic yard for any material used for private
benefit or commercial sale purposes.

PREREQUISITE AND OTHER REFERENCES:

Filing fee and processing fee 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: N/A

OTHER PERTINENT INFORMATION:

1. The entire project involves a total of 90,000 cubic
yards to be dredged, but only 33,525 yards will be
taken from State owned land.

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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 Negative Declaration was prepared and adopted for this project by the City of Suisun City (Negative Declaration for the Marina Homeowners' Association Maintenance Dredging Project, SCH 93053027). The State Lands Commission staff has reviewed such document.
4. Dredged material shall be placed at the Corps of Engineers designated upland disposal site at Pierce Island.
5. A Mitigation Monitoring Plan was not prepared by the City of Suisun City for this project.

APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission,
Regional Water Quality Control Board, City of Suisun City.

FURTHER APPROVALS REQUIRED:

State Lands Commission, United States Army Corps of
Engineers.

EXHIBITS:

- A. Site Map
- B. Location Map
- C. Negative Declaration/City Resolution/Notice of
Determination

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY SUISUN CITY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

CALENDAR ITEM NO. C16 (CONT'D)

3. AUTHORIZE ISSUANCE OF A DREDGING LEASE TO THE MARINA HOMEOWNER'S ASSOCIATION EFFECTIVE APRIL 7, 1994 THROUGH APRIL 6, 1995. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 33,525 CUBIC YARDS OF MATERIAL FROM SUISUN SLOUGH, IN THE CITY OF SUISUN CITY, SOLANO COUNTY WITH DISPOSAL AT THE CORPS OF ENGINEERS' PIERCE ISLAND SITE, AS AUTHORIZED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS.

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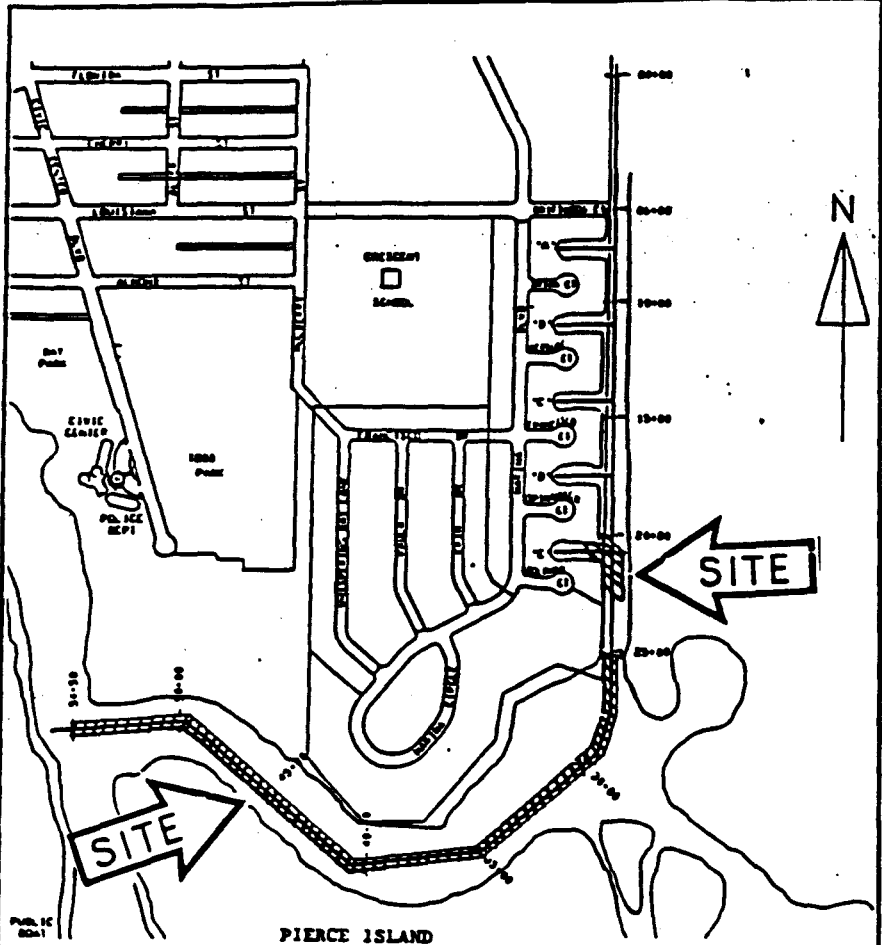


EXHIBIT "A"
 Site Map W 24963
 Marina Homeowners Assn.
 Suisun City
 Suisun Slough
 Solano County

PURPOSE: RE-ESTABLISH WATERWAY TO NAVIGABLE DEPTH DAYTON HILL ADJ. PROPERTY OWNERS (SEE ATTACHED SHEETS)	PLAN VIEW N.T.S. MARINA HOMEOWNERS ASSOC. 1807 BRITWOOD CT. SUISUN CITY, CA 94585	PROPOSED MAINTENANCE DREDGING IN CHANNEL ADJ. TO SUISUN SLOUGH AT SUISUN CITY, CA COUNTY OF SOLANO APPL. BY: JAMES E. CAUSEY SHEET OF DATE: 9-07-92
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NOTE:
 THIS EXHIBIT IS NOT A SURVEY, NOR DOES ANY LINE APPEARING HEREON REPRESENT A BOUNDARY LINE.

NOTE:
 THIS EXHIBIT IS SOLELY FOR PURPOSE OF GENERALLY DEFINING THE LEASE PREMISE, 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.

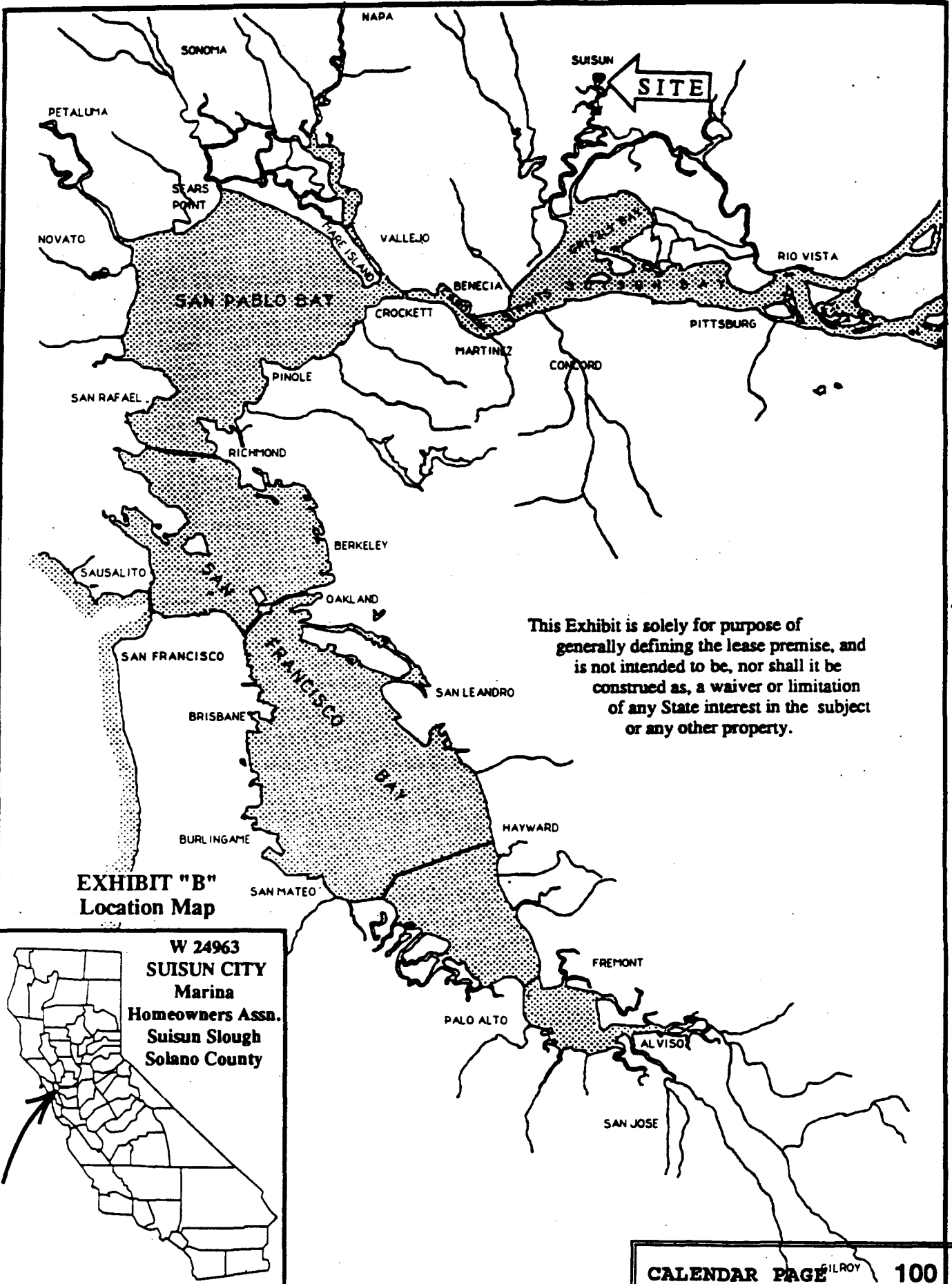


EXHIBIT "B"
Location Map

W 24963
SUISUN CITY
Marina
Homeowners Assn.
Suisun Slough
Solano County

CITY OF SUISUN CITY**NEGATIVE DECLARATION****PROJECT DESCRIPTION:**

Marina Subdivision Homeowners' Association Maintenance Dredging Project, located at the terminus of Driftwood Court, east of its intersection with Marina Boulevard. The project area is bounded by Route 12 to the north, the Hill Slough Wildlife Preserve to the east, Whispering Bay to the south, and existing residential development to the west. Approximately 46 residential lots in the Marina Subdivision back onto an existing manmade channel created in 1965. This project consists of the maintenance dredging of approximately 100,000 cubic yards of material and disposing it on Pierce Island, a Corps of Engineers' approved upland disposal site. The island is located due south and adjacent to the project area. The existing channel will not be expanded or deepened beyond its original configuration.

EVALUATION:

The attached initial study has been prepared by staff of the Suisun City Redevelopment Agency. The proposed dredging equipment is exempt from Bay Area Air Pollution Control District emission standards. The anticipated noise from a small dredge is approximately 80db at 150 feet from the dredge. This has not been identified as a significant impact. Furthermore, only the project proponents will be impacted by the noise. Four potential impacts have been identified and found not to be significant. These impacts are:

- 1) The impact of the proposed dredge quantities on the holding capacity of Pierce Island. The capacity of the island is 660,000 cubic yards. Approximately 74,000 cubic yards were deposited on the island during the 1990 dredging of the federal channel. Allowing the placement of this material on the island will hasten the time to remove material from the island from 25 years to 15 years. This is a significant impact, if not mitigated by the homeowners' association financial contributions towards removing the material from the island. The homeowners' association is required by the City to form a dredge maintenance district or annex into a dredge maintenance district prior to project implementation, to cover the proportional costs of removing dredge material from the island. Payment of its fair share of providing maintenance on the island by the association will mitigate this impact.
- 2) The potential impact of contaminated dredge spoils. The Redevelopment Agency conducted soils tests with Whispering Bay channel in 1990. These results can be found

in Table 3.4, pages 3-14, in the environmental impact report for the construction of the Suisun Channel marinas (SCH #90030178), and are hereby incorporated by reference. Tests were performed in accordance with California Administrative Code Title 22, Div. 4, Chapter 30. Testing was also done by the project proponents, and is hereby incorporated by reference (PACE Laboratories Project No. 430701.505, dated July 16, 1993). The test results were reviewed by the Regional Water Quality Board. The Board has stated that the sediment contamination levels are acceptable for placement on the island. No elevated levels of pesticides, metals or petroleum products were detected. There is no historical evidence to suggest that hazardous materials were disposed of in the Marina subdivision channel. Therefore, no additional testing is being required by the Redevelopment Agency at this time.

- 3) The potential impact to rare and endangered species. The proposed dredging will occur within existing waterways. No work will occur within vegetated tidal zones. No wetland vegetation is proposed for disturbance or removal. No rare or endangered fauna exist within the areas proposed to be dredged. However, the project proponent has agreed that the dredging will occur only between the months of August and November. Therefore, the project will not have an impact to rare and endangered flora or fauna.
- 4) The potential impact to water quality. The Corps of Engineers and the State Department of Fish and Game do not consider the temporary turbidity caused during hydraulic dredging to be a significant impact. The Regional Water Quality Board has previously issued a permit for water discharge from Pierce Island. Any discharge must comply with the permit conditions. Past discharges from Pierce Island have had lower turbidity than the receiving waters.

ENVIRONMENTAL DETERMINATION:

Based on this Initial Study prepared by the Planning Division of the City of Suisun City, it has been determined that the above project *WILL NOT* create adverse environmental impacts. Therefore, this negative declaration has been prepared.

City of Suisun City Environmental Checklist

(To be completed by Staff as part of the Initial Study)

A. BACKGROUND.

1. Project Title: Marina Homeowners' Maintenance Dredging
2. File Number: EA 93-01
3. Parcel Number(s): Various.
4. Staff Member: Larch McNeill, Senior Planner

B. ENVIRONMENTAL IMPACTS.

	YES	MAYBE	NO
1. EARTH. WILL THE PROPOSAL RESULT IN:			
a. Unstable earth conditions or changes in geologic substructures?			X
b. Substantial excavation, filling, displacement, compaction or other disturbance of the soil?			X
c. Substantial erosion or siltation of surface soils, or the shoreline or channel of a stream or slough?			X
d. Increased exposure of people or property to geologic hazards?			X
2. AIR. WILL THE PROPOSAL RESULT IN:			
a. Substantial air emissions or deterioration of ambient air quality?			X
b. The creation of objectionable odors?			X
c. Significant alteration of air movement, moisture, or temperature either locally or regionally?			

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	YES	MAYBE	NO
3. WATER. WILL THE PROPOSAL RESULT IN:			
a. Substantial changes in currents, or the course of water movements, or the amount of surface water in any water body?			X
b. Substantial alterations in absorption rates, drainage patterns, or the rate and amount of surface water runoff?			X
c. Substantial modification in the course or flow or ponding of flood waters?			X
d. Significant adverse effects on the quality of any surface body of water?			X
e. Significant change in the quality, quantity, or flow characteristics of ground waters?			X
f. Substantial reduction in the amount of water otherwise available for public water supplies?			X
g. Exposure of people or property to water-related hazards?			X
4. PLANT & ANIMAL LIFE. WILL THE PROPOSAL RESULT IN:			
a. Substantial change in the diversity of species, or number of any unique, rare, or endangered plants or animals?			X
b. Reduction in the number of any unique, rare, or endangered plants or animals?			X
c. Introduction of exotic plants or animals, or barriers, to the substantial detriment of existing species?			X
d. Significant deterioration of existing plant or animal habitat?			X
5. NATURAL RESOURCES. WILL THE PROPOSAL RESULT IN A SUBSTANTIAL INCREASE IN THE RATE OF USE OR DEPLETION OF ANY NATURAL RESOURCE?			X
6. CULTURAL RESOURCES. WILL THE PROPOSAL RESULT IN THE DIRECT OR INDIRECT ALTERATION OR DESTRUCTION OF A SIGNIFICANT ARCHAEOLOGICAL OR HISTORICAL SITE, OBJECT, STRUCTURE, OR BUILDING?			X
7. NOISE. WILL THE PROPOSAL RESULT IN:			
a. Significant increase in existing ambient noise levels?			X
b. Exposure of people to noise levels above those desirable for the intended use?			X

	YES	MAYBE	NO
8. VISION. WILL THE PROPOSAL RESULT IN:			
a. Obstruction of any scenic view or creation of a significant negative aesthetic effect?			X
b. Creation or reflection of substantial new light or glare?			X
9. HEALTH & SAFETY. WILL THE PROPOSAL RESULT IN:			
a. Creation of a potential public health hazard or involve the production, use or disposal of materials which pose a hazard to people, animals or plants?			X
b. A risk of an explosion or the release of hazardous substances in the event of an upset or accident?			X
c. Possible interference with an emergency access or evacuation plan?			X
10. LAND USE/COMMUNITY. WILL THE PROPOSAL RESULT IN:			
a. An inducement to substantial growth in the surrounding area?			X
b. Significant displacement of people or the disruption of an established neighborhood or community?			X
c. Substantial conflict with established recreational, educational, religious or scientific uses of an area?			X
d. Substantial reduction in the prime agricultural acreage, use or productivity?			X
11. ENERGY. WILL THE PROPOSAL RESULT IN:			
a. Inefficient utilization of energy?			X
b. Substantial increase in demand upon existing sources of energy?			X
12. CIRCULATION. WILL THE PROPOSAL RESULT IN:			
a. Generation of substantial additional traffic such that existing levels of service will deteriorate?			X
b. Significant demand for additional off-site parking or transportation facilities?			X
c. Significant alteration to present patterns of circulation?			X
d. Elimination of possibility for future circulation system improvements to meet potential demand?			X

	YES	MAYBE	NO
e. Increase in traffic hazards for any mode of travel?			X
f. Inadequate means of escape or evacuation in an emergency?			X
13. PUBLIC SERVICES. WILL THE PROPOSAL HAVE A SIGNIFICANT EFFECT UPON, OR RESULT IN A NEED FOR, NEW OR ALTERED GOVERNMENTAL SERVICES (FIRE OR POLICE PROTECTION, SCHOOLS, RECREATIONAL FACILITIES, PUBLIC FACILITIES MAINTENANCE, HEALTH OR SOCIAL SERVICES, ETC.)?	X		
14. UTILITIES. WILL THE PROPOSAL RESULT IN A NEED FOR NEW, OR SUBSTANTIALLY ALTERED, UTILITY SYSTEMS (POWER, NATURAL GAS WATER, SEWER, SOLID WASTE DISPOSAL, STORM WATER DRAINAGE, COMMUNICATIONS, ETC.)?			X
15. PLAN CONFORMITY. IS THE PROPOSAL INCONSISTENT WITH:			X
a. The Suisun City General Plan or any related Specific Plan?			X
b. The plans or policies of any other agencies having jurisdiction?			X
16. MANDATORY FINDINGS OF SIGNIFICANCE.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goal?			X
c. Does the project have impacts which are individually limited, but cumulatively considerable? (The incremental effects of an individual project may be considerable when viewed in relation to the effects of past, current, and probably future projects.)		X	
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X

C. DISCUSSION OF ENVIRONMENTAL ASSESSMENT.

Explanations for "yes" and "maybe" answers are as follows:

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13. Public Services Pierce Island is used for the disposal of dredge spoils from the Suisun City public marina and the federal channel. Use of the island for this project will shorten the time between offhauling dredged material from the island from 25 to 15 years. This could be a significant impact, if not mitigated by providing funding for the offhaul of the deposited dredge material once the island reaches capacity. The City is requiring the homeowners' to enter into a funding mechanism for reparing the island as a dredge material repository prior to placing any dredge material on the island.

16.c. Mandatory findings of significance. This project will have a cumulative effect on the holding capacity of Pierce Island; however, this is not considered to be a significant impact, as the homeowners' are required to enter into a funding mechanism to cover the homeowners' proportionate share of the cost of removing the dried dredge material from the island when the island reaches capacity.

D. DETERMINATION and FINDINGS.

On the basis of this Initial Study:

- ☒ I find that the proposed project *WILL NOT* have a significant effect on the environment, and a *DRAFT NEGATIVE DECLARATION* will be prepared.

DATE

September 30, 1993

THOMAS E. BLAND
PLANNING DIRECTOR

(mne/gdc)

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RESOLUTION No. 93-105

A RESOLUTION OF THE SUISUN CITY COUNCIL APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE WATERFRONT HOMEOWNERS' DREDGING PROJECT

WHEREAS, the Waterfront Homeowners' are securing the necessary permits to perform maintenance dredging in the channel adjacent to their properties; and,

WHEREAS, a Negative Declaration of Environmental Impact has been prepared for project; and

WHEREAS, the Planning Commission has recommended that the City Council approve of the subject negative declaration, after due consideration of the facts presented; and

WHEREAS, the City Council has considered this negative declaration at a Public Hearing after giving notice as required by law; and

WHEREAS, a report by City Staff was presented and made a part of the records of said hearing; and

WHEREAS, the City Council finds that the proposed negative declaration has been prepared according to the requirements of the California Environmental Quality Act; and

WHEREAS, based on evidence presented at the City Council Public Hearing by City Staff, the applicant, and the public, the following Findings are hereby made:

- 1) No substantial changes are proposed and no changes in the circumstances under which the project is being undertaken have occurred that will require the consideration of additional environmental impacts that have not already been considered in the initial study or negative declaration.
- 2) The draft negative declaration was circulated to the Department of Fish and Game for comment. No comments were received from the Department.
- 3) In order to protect the delta smelt, the applicants have modified their project description to state that dredging will only take place between August and December of any given year.
- 4) In order to mitigate the significant loss of disposal capacity on the Island, the properties benefitting from such activity shall form or annex into a dredge benefit assessment district.

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5). Test results were taken of the material proposed to be dredged, and found acceptable for placement on Pierce Island by the Regional Water Quality Control Board in a letter dated September 14, 1993.

6). The homeowners' will be responsible for payment of all costs in complying with the Regional Water Quality Control Board Order permitting water discharge from Pierce Island during its dredging event.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Suisun City hereby approves the subject negative declaration, with the mitigation measure as follows:

1). Prior to any dredging activity or disposal of dredge material on Pierce Island by the Waterfront Homeowners, all properties benefitting from such activity shall form or annex into a dredging benefit assessment district.

BE IT FURTHER RESOLVED THAT the City of Suisun City Council finds that this project will not have an adverse impact of any wildlife resources, when considering the record as a whole. The City Council declares that on the basis of substantial evidence, the presumption of adverse impacts is hereby rebutted.

PASSED AND ADOPTED at a special meeting of said City Council held, Tuesday, the 12th day of October, 1993, by the following vote:

AYES:	Councilmembers	<u>Day, Rundlett, Sargent, Spering</u>
NOES:	Councilmembers	<u>None</u>
ABSENT:	Councilmembers	<u>Segala</u>
ABSTAIN:	Councilmembers	<u>None</u>

WITNESS my hand and the seal of the said City this 12th day of October, 1993.

Sharon Ventura
SHARON VENTURA, City Clerk

CERTIFICATION:
I, SHARON VENTURA, City Clerk of the City of Suisun City, and ex-officio Clerk of the City Council of said City, do hereby certify that the above and foregoing is a full, true and correct copy of a resolution duly introduced, passed and adopted by the said City Council at a regular meeting thereof on Tuesday, the 12th day of October, 1993.

WITNESS my hand and seal of the said City this 13th day of October, 1993.

Sharon Ventura
Sharon Ventura, City Clerk

Notice of Determination

TO: Office of Planning & Research
1400 Tenth Street - Room 121
Sacramento, California 95814

County Clerk - County of Solano
600 Texas Street
Fairfield, California 94533

FROM: City of Suisun City
701 Civic Center Boulevard
Suisun City, California 94585
Filed in the Solano County, State of California.

this day of: OCT 13 1993

VIRGINIA RYAN, County Clerk
By [Signature]
Deputy

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title:
Waterfront Homeowners Dredging Project - SCH # 93053027

Project Location:
East side of Marina Boulevard, south of its intersection with Route 12, and adjacent to Hill Slough, in the City of Suisun City.

Project Description:
Maintenance dredging of an existing channel through Whispering Bay. Dredge material to be placed on Pierce Island, an approved upland disposal site.

This is to advise that the City Council of Suisun City has approved the above described negative declaration on October 12, 1993 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. A mitigation measure was made a condition of approval of the project. The applicants have agreed to enter into a dredging maintenance assessment district prior to receiving approval from the City to use Pierce Island as a dredge disposal site. No mitigation monitoring report is therefore necessary.
4. A Statement of Overriding Considerations was not adopted for this project.

De Minimis Impact Finding: No evidence has been presented that the proposed project will have any potential for adverse effect on wildlife resources. (See attached Certification of Fee Exemption.)

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at City of Suisun City, 701 Civic Center Boulevard, Suisun City, California 94585.

Date Received for Filing and Posting: _____

[Signature]
Signature

Planning Director 12/13/93

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[Signature]

Certification of Fee Exemption

Office of the County Clerk
County, State of California.

OCT 13 1993

By [Signature]
Deputy
RYAN, County Clerk

Findings of Exemption:

- A. That the Initial Study adequately identified the potentially significant environmental impacts of the proposed project.
- B. That the Initial Study adequately analyzed the project features and Conditions of Approval, and properly determined that there will be no significant environmental impacts, as described below:
 - 1. The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species to drop below a self-sustaining level, threaten to eliminate a plant or animal community, reduce or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
 - 2. The project does not have the potential to achieve short-term goals at the expense of long-term goals.
 - 3. The project will not have impacts which are individually limited but are cumulatively considerable.
 - 4. The project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
- C. That the proposed Negative Declaration reflects the independent judgement of the City of Suisun City, acting as the lead agency for this project.

Certification of Fee Exemption:

I hereby certify that the City of Suisun City has made the above finding(s) and that the project will not individually or cumulatively have an adverse impact on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

[Signature]
Signature

Planning Director

Title

OCT 13 1993

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[Signature]
COUNTY CLERK