

**CALENDAR ITEM
C36**

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06/24/08
PRC 8403.9
D. Oetzel

AMENDMENT OF DREDGING LEASE

LESSEE:

City of Pittsburg
Civic Center
65 Civic Avenue
Pittsburg, California 94565

AREA, LAND TYPE, AND LOCATION:

Granted sovereign lands, with minerals reserved to the State, at the Pittsburg Marina, City of Pittsburg, Contra Costa County.

AUTHORIZED USE:

Dredge a maximum of 73,000 cubic yards of material to maintain adequate depth for safe vessel passage within three locations (George Lowy Basin, Marina Park, and Basin II) at the Pittsburg Marina. Dredged material will be disposed at the United States Army Corps of Engineers' authorized upland disposal site at Winter Island.

LEASE TERM:

Ten years, beginning June 1, 2001.

CONSIDERATION:

No royalty will be charged as the Project will result in a public benefit. The dredged material will not be sold.

PROPOSED AMENDMENT:

Acknowledge that the Dredging Lease approved by the Commission on June 18, 2002 was for a ten-year period beginning June 1, 2002, and amend the lease to expand the lease premises to include the Pittsburg Marina Boat Launch Ramp and the Sea Point Storm Drain Outfall as shown on the attached Exhibit A and authorize the disposal of dredged material at the United States Army Corps of Engineers approved site at Chipps Island. All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR ITEM NO. **C36** (CONT'D)

OTHER PERTINENT INFORMATION:

1. The City's dredging of 73,000 cubic yards of material from granted lands is a portion of a larger dredging project to remove 275, 000 cubic yards of material from lands at the Pittsburg Marina that are not under the jurisdiction of the Commission.
2. On June 18, 2002, the Commission authorized the issuance of a ten-year Dredging Lease, Lease No. PRC 8403.9, to the city of Pittsburg to maintenance dredge a maximum of 73,000 cubic yards of material from the lease premises.
3. In November and December of 2006, the city of Pittsburg dredged 1,787 cubic yards from State sovereign lands at the Pittsburg Boat Launch Ramp and the Sea Point Storm Drain Outfall that were not under lease. The City has applied to amend the lease premises to include these two areas in the lease
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land, Title 2, California Code of Regulations, section 2905 (d)(4).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code Sections 6370, et. seq. use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, Section 2954 is not applicable.

CALENDAR ITEM NO. **C36** (CONT'D)

APPROVALS OBTAINED:

United States Army Corps of Engineers
San Francisco Regional Water Quality Control Board

EXHIBIT:

A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(4) .

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8403.9 TO EXPAND THE LEASE AREA FOR MAINTENANCE DREDGING AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF AND TO AUTHORIZE CHIPPS ISLAND AS AN ADDITIONAL DISPOSAL SITE OF MATERIAL DREDGED UNDER THE AUTHORITY OF SUCH LEASE AMENDMENT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON LESSEE'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS. ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.