

**CALENDAR ITEM
C22**

A 4
S 2

10/16/08
PRC 5096.9
D. Oetzel

**TERMINATION AND ISSUANCE OF A
NEW DREDGING LEASE**

LESSEE/APPLICANT:

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

AREA, LAND TYPE, AND LOCATION:

Sovereign lands located in the Carquinez Strait at the Port of Benicia wharf, Solano County.

AUTHORIZED USE:

Dredge a maximum of 90,000 cubic yards of material annually to maintain a navigable depth. Dredged materials will be disposed of at United States Army Corps of Engineers (USACE) designated disposal sites SF-9 (Carquinez Strait), SF-10 (San Pablo Bay), SF-11 (Alcatraz), SF-DODS (Deep Ocean Disposal Site), and USACE approved upland disposal sites at Montezuma Wetland LLC, Van Sickle Island, Hamilton Wetlands Project, and any other approved upland sites that may become available.

LEASE TERM:

Ten years, beginning October 16, 2008.

CONSIDERATION:

No monetary consideration will be charged as the project will result in a public benefit as the dredging will enhance water-related commerce and navigation in San Francisco Bay, and deposition of material at approved wetland restoration sites will augment the productivity and biodiversity of flora and fauna in the Bay. The dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. On November 13, 2003, the Commission authorized issuance of a five year Dredging Lease to Benicia Port Terminal Company to remove 90,000 cubic yards of material annually. The lease will expire on November 12, 2008. The Applicant is now applying for a

CALENDAR ITEM NO. **C22** (CONT'D)

new dredging lease for future maintenance dredging. The dredging is necessary to maintain a navigable depth at the berth for vessels that serve Benicia Port Terminal Company.

2. **Termination of Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, Section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, Sections 15060(c)(3) and 15378.

3. 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 14, California Code of Regulations, section 15304(g).

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

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

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

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission.

EXHIBIT:

A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. **C22** (CONT'D)

CEQA FINDING:

TERMINATION OF LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304(G).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE TERMINATION, EFFECTIVE OCTOBER 15, 2008, OF LEASE NO. PRC 5096.9, A DREDGING LEASE, ISSUED TO BENICIA PORT TERMINAL COMPANY.

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO BENICIA PORT TERMINAL COMPANY, BEGINNING OCTOBER 16, 2008, FOR A TERM OF TEN YEARS FOR DREDGING A MAXIMUM OF 90,000 CUBIC YARDS OF MATERIAL ANNUALLY FROM THE CARQUINEZ STRAIT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF. DREDGED MATERIALS MAY BE DISPOSED OF AT THE U.S ARMY CORPS OF ENGINEERS DESIGNATED DISPOSAL SITES SF-9 (CARQUINEZ STRAIT), SF-10 (SAN PABLO BAY), SF-11 (ALCATRAZ), SF-DODS (DEEP OCEAN DISPOSAL SITE), OR THE ARMY CORPS OF ENGINEERS APPROVED UPLAND DISPOSAL SITES AT MONTEZUMA WETLAND LLC, VAN SICKLE ISLAND, HAMILTON WETLANDS PROJECT OR ANY OTHER APPROVED UPLAND DISPOSAL SITES THAT MAY BECOME AVAILABLE. SUCH

CALENDAR ITEM NO. **C22** (CONT'D)

PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS. NO MONETARY CONSIDERATION SHALL BE CHARGED AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT. THE DREDGED MATERIAL MAY NOT BE SOLD.