

MINUTE ITEM

This Calendar Item No. 32  
was approved as Minute Item  
No. 32 by the State Lands  
Commission by a vote of 3  
0 at its 9/27/89  
meeting.

CALENDAR

CALENDAR ITEM

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09/27/89

LSE 11. A Ch 59/1929

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Martinez

APPLICANT: C & H Sugar Co.  
Crockett Refinery  
Oakland, CA 94611

AGENT: M. H. Cheney  
6630 Heartwood Dr.  
Oakland, CA 94611

AREA, TYPE LAND AND LOCATION:  
Tide and submerged lands in Carquinez Straits  
at Crockett, Contra Costa County.

LAND USE: Dredge a maximum 1,200 cubic yards of material  
from the berthing area at the C & H wharf to  
maintain continued use of the berthing area and  
existing marine terminal.

The dredged material will be barged to the  
United States Army Corps of Engineers (Corps)  
authorized Carquinez Offshore Disposal Site  
SF-9 for disposal.

TERMS OF THE PROPOSED PERMIT:  
One year beginning October 1, 1989.

Royalty: No charge for offshore disposal.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Filing and processing fees have been received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 04/05/90.

OTHER PERTINENT INFORMATION:

- 1. The landward area adjacent to the proposed dredge site is under SLC jurisdiction and is currently under lease from the Commission to C & H until September 18, 1994.
- 2. Testing by the Corps and compliance with the Regional Water Quality Control Board have indicated that offshore disposal of the dredged material is appropriate.
- 3. A Finding Of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Army Corps of Engineers. The document was circulated for public review as required by State and local law 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 the Negative Declaration.

APPROVALS OBTAINED:

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

EXHIBITS:

- A. Vicinity and Site Map.
- B. Dredging Permit.

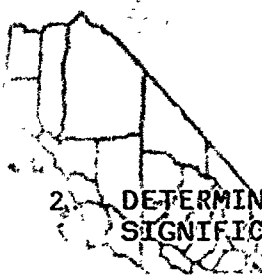
IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQA THEREFORE PURSUANT TO 14 CAL. CODE REGS. 15225 ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF THE NEGATIVE DECLARATION.

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CIVIL

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- 2. DETERMINE THAT THE PROJECT AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
- 3. AUTHORIZE STAFF TO ISSUE TO C & H SUGAR CO THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 1,200 CUBIC YARDS OF MATERIAL FROM THE CARQUINEZ STRAITS AT CROCKETT, CONTRA COSTA COUNTY FOR ONE YEAR BEGINNING OCTOBER 1, 1989. THE SPOILS SHALL BE DISPOSED OF AT THE UNITED STATES ARMY CORPS OF ENGINEERS APPROVED SF-9 DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF OFFSHORE AS APPROVED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICATION'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS AND LIMITATION ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

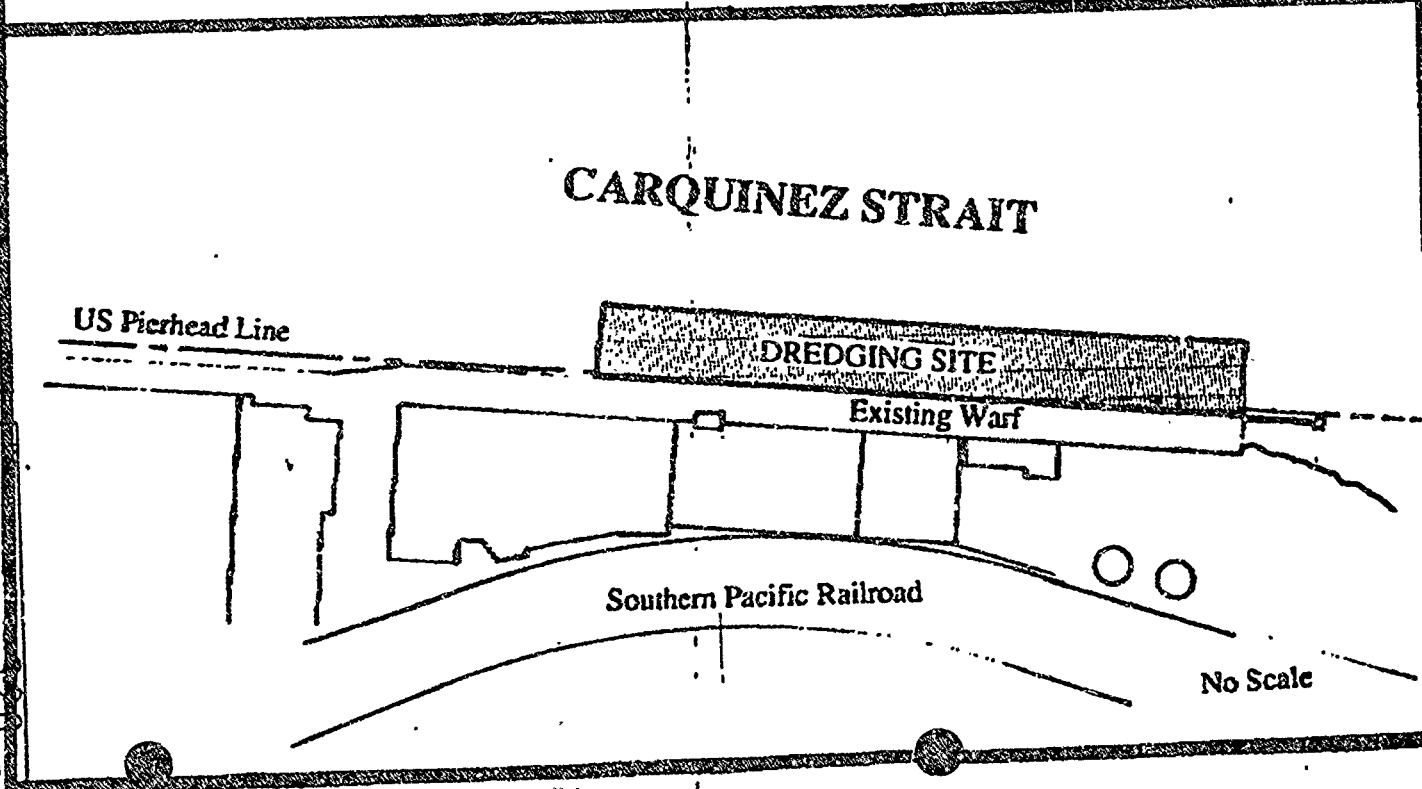
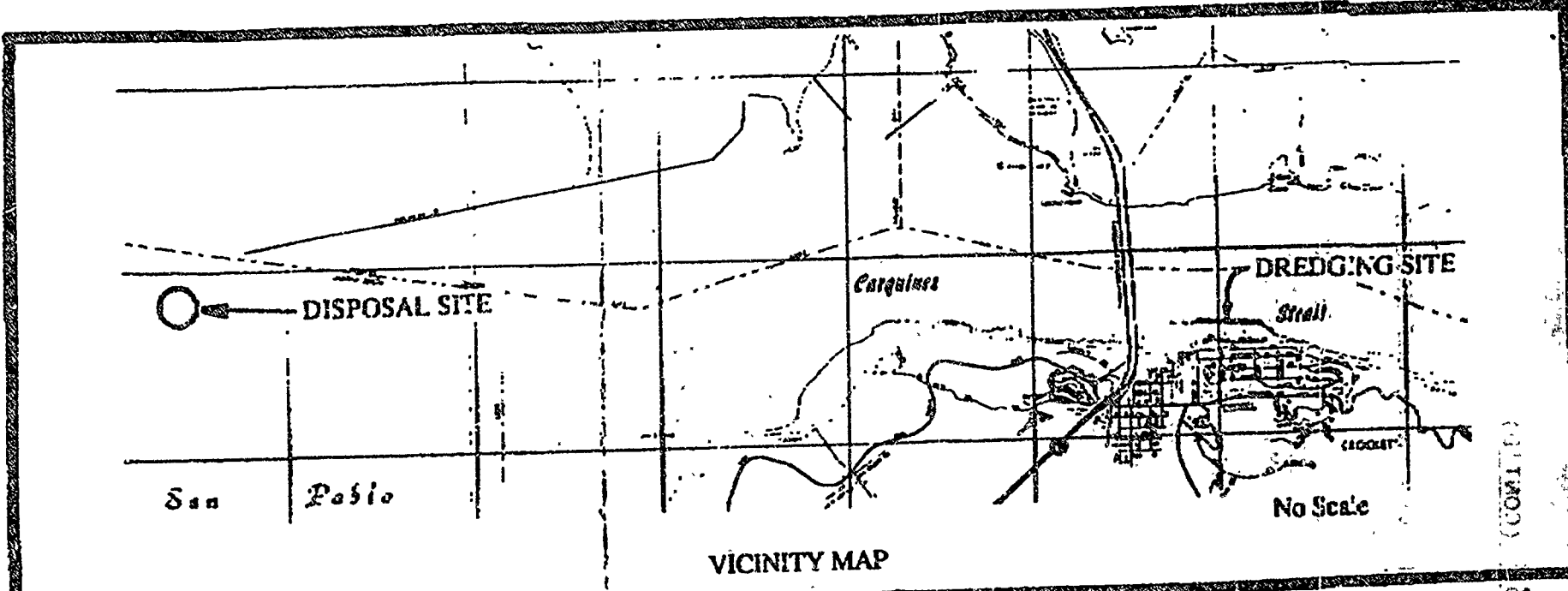


EXHIBIT "A"  
 APPLICATION FOR  
 DREDGING PERMIT  
 C & H SUGAR CO.  
 11.1 CH. 69/1929  
 CARQUINEZ STRAITS  
 CONTRA COSTA COUNTY



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C.69/15

"B"

STATE LANDS COMMISSION

1807 13TH STREET  
SACRAMENTO, CALIFORNIA 95814  
Telephone (916) 227-1100  
Director's Office



October 1, 1989

File Ref.: 11.1 Ch. 69/1929

C & H Sugar Co.  
Crockett Refinery  
Crockett CA 94525

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission in September, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 1,200 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal from an area of tide and submerged lands in the Carquinez Straits at Crockett, Contra Costa County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to deposit dredge spoils at the Corps/EPA approved Disposal Site SF-9.

No royalty shall be paid for material placed at the approved disposal site. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State, and local government laws, rules and regulations. Said permission shall be effective from October 1, 1989 through September 30, 1990.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

It is further agreed that you shall submit copies of reports or contracts with the dredging operator substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9NC). It is agreed that you shall submit said forms on or before the fifteenth (15th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed during that quarter. The first permit quarter shall be the first three months following the effective date of this permit and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be subject to a five percent (5%) penalty and shall bear interest at the rate of one and one-half percent (1½%) per month from the date when the same was payable by the terms hereof.

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It is agreed that you shall furnish the Commission with copies of surveys or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above-described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against or imposed upon the State of California or any of its officers, agents or employees, arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third persons or entity. It is agreed that you shall, at the option of the Commission, procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified or terminated, whenever the State Lands Commission deems such action to be in the best interests of the State, and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA  
STATE LANDS COMMISSION

W. M. THOMPSON, Chief  
Extractive Development Program

Date: \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_, Title: \_\_\_\_\_

Date: \_\_\_\_\_