

MINUTE ITEM

This Calendar Item No. C22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 0 at its 12-12-90
meeting.

CALENDAR ITEM

A 13

C 22

S 9

PRC 7479

12/12/90

W 24618

Martinez

DREDGING PERMIT

APPLICANT:

Emery Cove Marina
c/o Winzler & Kelly, Consulting Engineers
150 Spear Street, Suite 525
San Francisco, California 94105

AREA, TYPE LAND AND LOCATION:

Granted mineral reservation lands in
San Francisco Bay at Emery Cove Marina and the
entrance channel to the marina, Alameda County.

LAND USE:

Dredge a maximum 40,000 cubic yards of material
to maintain a navigable depth. The Applicant
has proposed disposal of the dredged material
at the Corps/EPA-approved Alcatraz Disposal
Site SF-11.

TERMS OF PROPOSED PERMIT:

Initial period: One (1) year beginning
December 12, 1990.

Royalty: No charge for aquatic
disposal.
\$0.25 per cubic yard for any
material sold or used for
commercial purposes.

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Additional Fee: \$0.25 per cubic yard for any dredged material disposed of at any site in San Francisco Bay, including, but not limited to, SF-11 to offset the cost of studies necessary to develop non-Bay disposal sites for future use.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:
Filing fee and processing costs have been received.

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:

05/08/91.

OTHER PERTINENT INFORMATION:

1. Water quality testing has been performed, pursuant to the Corps of Engineers and California Regional Water Quality Control Board permitting requirements. The test results indicate that the materials are suitable for disposal at SF-11 as proposed.
2. Questions have been raised about continuing disposal of dredged material in San Francisco Bay. It is anticipated the currently approved in-bay sites will reach capacity within ten years. However, the current lack of suitable upland disposal sites or EPA/Corps-approved off-shore disposal sites severely limits the options available for disposal.

Through participation in the Federal/State Joint Long-Term Management Study being conducted to identify and evaluate site options for the disposal of material dredged from San Francisco Bay, the State Lands Commission has emphasized the need to focus on the selection of upland and ocean

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disposal site(s). This need has also been expressed by the San Francisco Bay Conservation and Development Commission (SFBCDC).

Identification and evaluation of alternate disposal sites will require numerous studies which have been estimated to cost several million dollars. Because ongoing in-Bay disposal contributes to the eventual obsolescence of in-Bay sites and exacerbates the need to develop other alternatives, a fee will be charged as a condition to the proposed permit to be deposited in a fund to offset the cost of needed studies.

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 laws, 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:

United States Army Corps of Engineers and
Regional Water Quality Control Board.

EXHIBIT:

A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THE FINDING OF NO SIGNIFICANT IMPACT (FONSI) PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES ARMY CORPS OF ENGINEERS MEETS THE REQUIREMENTS OF THE CEQA AND, THEREFORE, PURSUANT TO 14 CAL. CODE REGS. 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF THE NEGATIVE DECLARATION.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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3. AUTHORIZE STAFF TO ISSUE TO EMERY COVE MARINA THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION. THE PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 40,000 CUBIC YARDS OF MATERIAL FROM SAN FRANCISCO BAY AT EMERY COVE MARINA, ALAMEDA COUNTY, FOR ONE YEAR BEGINNING DECEMBER 12, 1990. IT IS PREFERRED THAT DREDGED MATERIALS SHALL BE DISPOSED OF AT AN UPLAND OR EPA/CORPS OF ENGINEERS-APPROVED OFFSHORE OCEAN DISPOSAL SITE. IN THE ABSENCE OF AVAILABILITY OF SUCH SITES, THE MATERIAL MAY BE DISPOSED OF AT THE CORPS OF ENGINEERS APPROVED ALCATRAZ DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AS APPROVED. A ROYALTY OF \$0.25 PER CUBIC SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES. A FEE OF \$0.25 WILL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED IN IN-BAY DISPOSAL SITES. THIS MONEY WILL BE PLACED IN A SEPARATE FUND TO OFFSET COSTS OF STUDIES NECESSARY TO IDENTIFY AND ANALYZE ALTERNATIVE DISPOSAL SITES. THE PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATION, AND LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

SAN FRANCISCO BAY

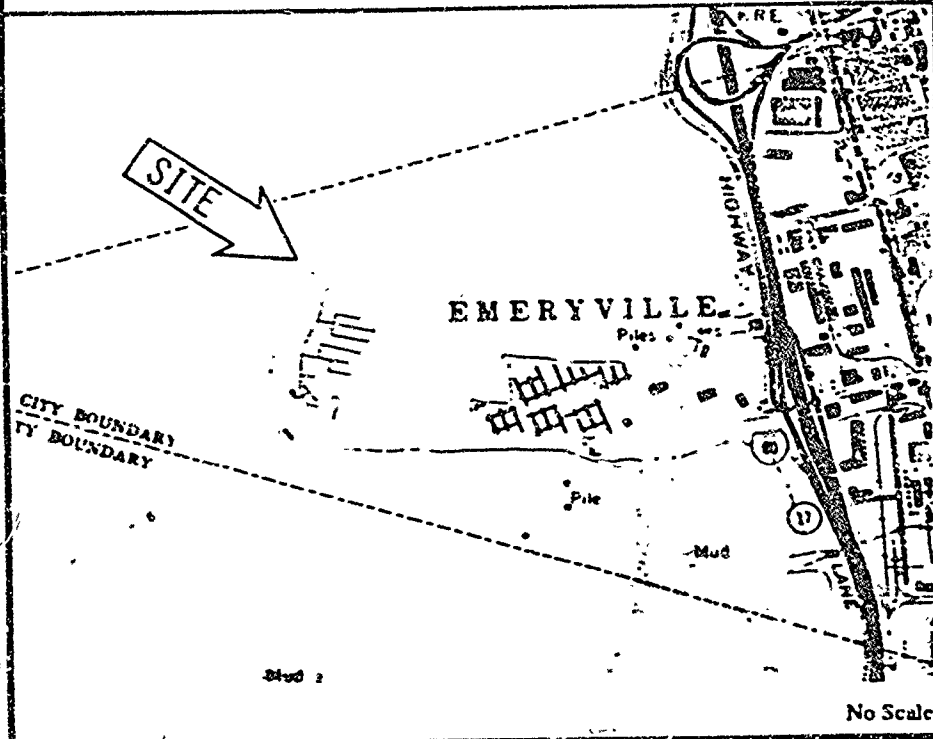
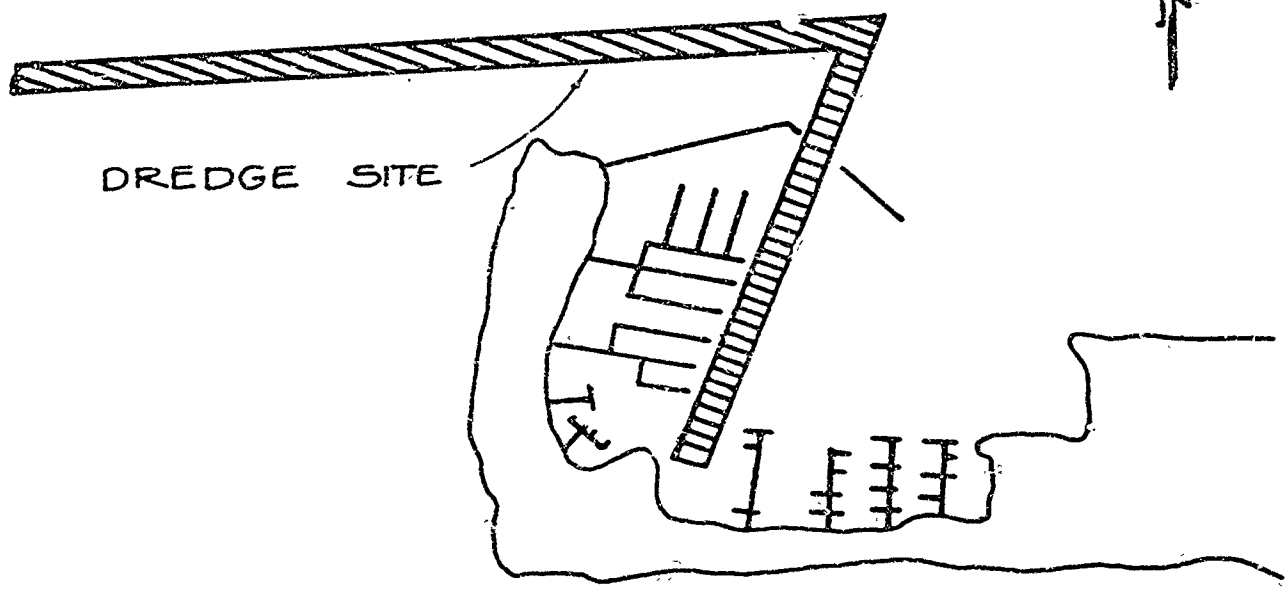


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
EMERY COVE MARINA
W 24618
SAN FRANCISCO BAY
ALAMEDA COUNTY

