

CALENDAR ITEM

C33

MINUTE ITEM
This Calendar Item No. C33
was approved as Minute Item
No. 33 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/92
meeting.

A 4

S 2

12/17/92
PRC4941 WP 4941
J. Smith

MAINTENANCE DREDGING PERMIT

APPLICANT:

Exxon Company U.S.A.
P.O. Box 5025
Thousand Oaks, California 91359

AREA, TYPE LAND AND LOCATION:

Granted mineral reservation lands in Carquinez Strait, at
the applicant's crude oil dock, Solano County.

LAND USE:

Dredge a maximum 200,000 cubic yards of sediment from the
crude oil dock area to maintain a navigable depth. The
Applicant has proposed disposal of the dredged material at
the United States Army Corps of Engineers approved Carquinez
Strait Aquatic Disposal Site No. 9.

TERMS OF PERMIT:

Permit period:
December 18, 1992 through June 1, 1995.

Royalty:

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

In-bay Disposal 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-9, to offset costs of studies necessary
to develop non-bay disposal sites for future use.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees 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:

06/05/93

OTHER PERTINENT INFORMATION:

1. Water quality testing performed pursuant to the United States Army Corps of Engineers and California Regional Water Quality Control Board (RWQCB) permitting requirements found the materials to be suitable for disposal at Carquinez Strait Aquatic Disposal Site No. 9.
2. Questions have been raised about continuing to dispose of dredged material in San Francisco Bay. However, the current lack of an EPA/Corps-approved offshore disposal site severely limits the options available for disposal.

Through participation in the Federal/State Joint Long-Term Management Strategy 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 ocean disposal or non-aquatic 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. As ongoing in-bay disposal contributed 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.

CALENDAR ITEM NO. C33 (CONT'D)

Given the necessity of the proposed dredging in order to maintain navigability and the time constraints imposed in the interest of protecting the fishery resources, staff recommends authorization of the proposed dredging and disposal.

3. The San Francisco Bay Conservation and Development Commission (SFBCDC), a "functional equivalent agency" under Section 21080.5 of the CEQA has:
 - a. Served as the lead agency under CEQA;
 - b. considered the project described herein; and
 - c. found that the project, as proposed, will not have a significant effect on the environment.

Under Section 15252 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the SFBCDC in its consideration of this project.

Authority: Sections 21083 and 21087 of the CEQA.

4. 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.

APPROVALS OBTAINED:

SFBCDC, RWQCB, and United States Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

- A. Vicinity and Site Map
- B. BCDC Permit M81-79, Amendment No. Two

CALENDAR ITEM NO. C33 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE SFBCDC, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE

SFBCDC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL CODE REGS., SECTION 15253. P.R.C. 6370, ET SEQ.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE ISSUANCE TO EXXON COMPANY U.S.A. OF A 30-MONTH MAINTENANCE DREDGING PERMIT BEGINNING APRIL 1, 1993. SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 80,000 CUBIC YARDS ANNUALLY FROM THE APPLICANT'S BENICIA DOCK REFINERY FACILITY AT CARQUINEZ STRAIT, SOLANO COUNTY. THE DREDGED MATERIAL WILL BE DISPOSED OF AT THE CARQUINEZ STRAIT AQUATIC DISPOSAL SITE NO. 9. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AT THE APPROVED AQUATIC SITE. A FEE OF \$0.25 SHALL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED AT AN IN-BAY DISPOSAL SITE, TO BE PLACED IN A SEPARATE FUND TO OFFSET COSTS OF STUDIES NECESSARY TO IDENTIFY AND ANALYZE ALTERNATIVE DISPOSAL SITES. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
 SAN FRANCISCO, CA 94102-6080
 PHONE: (415) 557-3686



Permittees' Copy

PERMIT NO. M81-79
 (Issued on December 17, 1981, As
 Amended Through November 12, 1992)
 AMENDMENT NO. TWO

Exxon Company, U.S.A.
 3400 East Second Street
 Benicia, California 94510

ATTENTION: Bruce G. Macklin

Gentlemen:

I. Authorization

A. You are hereby authorized, in the Bay, near Exxon's Crude Oil Dock in the City of Benicia, Solano County, to perform a total of 200,000 cubic yards or less of maintenance dredging consisting of approximately 40,000 cubic yards of material twice per year for a ~~five-year~~ 30-month period to maintain a safe depth for ships berthed at the dock. Disposal of the dredge material will be at the Corps of Engineers' Disposal Site No. 9 in the Carquinez Strait/ or at an approved disposal site outside of the Commission's jurisdiction.

B. This amended authority is generally pursuant to and limited by your application dated July 17, 1981, your letter dated July 15, 1988, requesting Amendment No. One, and your letter dated May 13, 1992, requesting Amendment No. Two, including ~~the~~ all accompanying exhibits, and all conditions of this amended permit.

C. Work authorized herein must commence prior to ~~June 1/1987~~ December 1, 1992, or this amended permit will lapse and become null and void. Such work must also be diligently prosecuted to completion and must be completed within ~~five-years~~ 30-months of commencement or by ~~June 1/1987~~ June 1, 1994, whichever is earlier, unless an extension of time is granted by a further amendment of ~~the~~ this amended permit. Paragraph I. C. is amended per correction letter of November 18, 1992, from BCDC (attached).

II. Special Conditions

A. Water Quality Certification. Prior to the commencement of any dredging episode authorized herein, the permittee shall obtain a water quality certification or waiver of water quality certification from the California Regional Water Quality Control Board, San Francisco Bay Region, for that episode. Failure to obtain such certification or waiver of certification prior to the commencement of the dredging episode shall terminate the Commission's authorization for that dredging episode.

PERMIT NO. M81-79
(Issued on December 17, 1981, As
Amended Through November 12, 1992)
AMENDMENT NO. TWO
Exxon Company, U.S.A.
Page 2

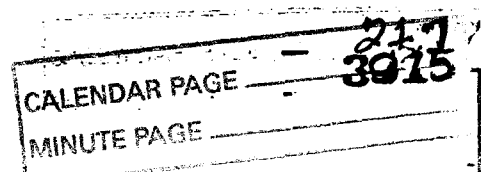
B. 30-Month Permit for Dredging. The approximately 200,000 cubic yards or less of maintenance dredging authorized by this amended permit shall be completed within 30 months of the date of issuance. No further dredging is authorized by this amended permit.

C. Limits on Dredging. This amended permit authorizes maintenance dredging only. No new dredging is authorized. The amended permit authorizes dredging within area(s) as shown on Exhibit "A". No dredging in other areas is authorized.

D. Dredging Report

1. Prior Notice of Episode. The permittee shall notify the staff by telephone or in writing at least seven (7) days prior to undertaking any dredging episode. The permittee shall permit the Commission staff or representatives of other state or federal agencies to come aboard the dredge or barge associated with the dredging or disposal episode and observe the operation to ensure that the dredging or disposal activity is consistent with the dredging report required herein and the other terms and conditions of this amended permit.

2. Dredging Report. Within thirty (30) days of completion of each dredging episode of the maintenance dredging authorized by this amended permit, the permittee shall submit to the Commission a report which contains: (1) a bathymetric map showing the location of all areas authorized to be dredged and to what depth; (2) a bathymetric map showing the actual areas dredged and to what depth, and any dredging that occurred outside the area authorized to be dredged or below the depths authorized to be dredged shall be depicted graphically on the map; (3) a vicinity map showing the disposal site; and (4) the calculated volume of the actual material dredged or disposed. The Commission reserves the right to have such report inspected by a reliable third party familiar with bathymetric mapping in order to verify the contents of the report. If a third party selected by or on



PERMIT NO. M81-79

(Issued on December 17, 1981, As
Amended Through November 12, 1992)

AMENDMENT NO. TWO

Exxon Company, U.S.A.

Page 3

behalf of the Commission indicates that the report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report that meets the requirements of this condition. If the Commission determines that the contents of the dredging report indicates that work has occurred beyond that authorized by the permit, such violation may result in the initiation of enforcement action by or on behalf of the Commission.

E. Timing. To protect important fisheries or migrating anadromous fish species, no dredging shall occur pursuant to this amended permit between December 1 and March 1 of any year during the duration of this amended permit unless written approval of dredging during this period is provided by or on behalf of the Commission prior to the commencement of the dredging. Prior to such approval, the Commission or its staff shall consult with representatives of the California Department of Fish and Game, the U. S. Fish and Wildlife Service, and the National Marine Fisheries Service.

F. Dredging Fee. All dredging episodes authorized herein commenced subsequent to the effective date of dredging user fee authorized under Assembly Bill 1059, and required pursuant to regulations to be adopted by the Commission, shall be subject to the user fee. The permittee shall provide such fee in the amount specified by the Commission's dredging fee regulation within 30 days of the effective date of the regulation. Failure to pay the fee within 30 days of the effective date of the regulation shall result in this authorization being suspended and becoming of no further effect until the fee is paid in full and a letter is issued by the Executive Director activating the authorization.

G. In-Bay Disposal. At least 45 days prior to the commencement of any disposal episode authorized herein, the permittee shall submit a written statement to the Executive Director that contains all of the following: (1) the dates within which the dredging and disposal episode is proposed; (2) the total volume of material proposed to be dredged and location of the proposed disposal in the Bay; (3) an explanation as to why ocean or upland disposal of the material is infeasible; and (4) an explanation as to how the proposed disposal is consistent with the U.S. Army Corps of Engineers' management of the disposal site so as to maintain adequate disposal site capacity. The authorization for the dredging and disposal episode shall become effective only when either: (1) the Executive Director informs the permittee in writing that he or she has determined that the episode is consistent with the

CALENDAR PAGE — 218
MINUTE PAGE — 3910

PERMIT NO. M81-79
(Issued on December 17, 1981, As
Amended Through November 12, 1992)
AMENDMENT NO. TWO
Exxon Company, U.S.A.
Page 4

authorization provided herein, that there is no feasible upland alternative available for the dredged material, and that sufficient capacity exists at the disposal site consistent with the long-term maintenance of the disposal site; or (2) the Executive Director does not respond to the permittee's written statement within 30 days of its receipt. If the Executive Director determines that ocean or upland disposal of the material is feasible or the U.S. Army Corps of Engineers indicates that the proposed disposal is inconsistent with the Corps' management of the disposal site so as to maintain adequate disposal site capacity, such determination shall terminate the Commission's authorization for in-Bay disposal as part of that dredging episode.

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. The project authorized by this amended permit involves routine maintenance dredging ~~of the Bay~~ ~~at the~~ as defined in Regulation Section ~~10122(a)(1)~~ 10601(a)(1), and the deposit of dredged spoils in a dumping ground in the amounts and manner and at the times set in any specific policy adopted by the U.S. Army Corps of Engineers, San Francisco District, and by the California Regional Water Quality Control Board, San Francisco Bay Region, as defined in Regulation Section ~~10122(a)(3)~~ 10601(a)(3), and thus is a "minor repair or improvement" for which the Executive Director may issue: (1) a permit, pursuant to Government Code Section 66632(f) and Regulation Section ~~10330(a)~~ 10622(a), and (2) an amendment to a permit, pursuant to Regulation Section 10812.

B. The project authorized by this amended permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that the authorized dredging is necessary to maintain a safe depth for ships berthed at the dock and the disposal of spoils is in accordance with Bay Plan policies in that the spoils will be deposited in an approved dumping site.

C. The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Pursuant to Regulation Section ~~10910~~ 11501, the project authorized by this amended permit is categorically exempt from the requirement to prepare an environmental impact report.

PERMIT NO. M81-79
(Issued on December 17, 1981, As
Amended Through November 12, 1992)
AMENDMENT NO. TWO
Exxon Company, U.S.A.
Page 5

E. Pursuant to Regulation Section ~~10547~~ 10620, ~~the~~ the original project was listed with the Commission on December 3, 1981.

III/IV. Standard Conditions

A. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

B. The attached Notice of Completion and Declaration of Compliance shall be returned to the Commission within 30 days following completion of the work.

C. Work must be performed in the precise manner and at the precise locations indicated in your application and amendment requests, as such may have been modified by the terms of ~~this~~ this amended permit and any plans approved in writing by or on behalf of the Commission.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

E. The rights derived from this amended permit are assignable as provided herein. An assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the original application and amendment requests for this amended permit and the amended permit itself and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the amended permit.

F. Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.

G. Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

PERMIT NO. M81-79
(Issued on December 17, 1981, As
Amended Through November 12, 1992)
AMENDMENT NO. TWO
Exxon Company, U.S.A.
Page 6

H. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If ~~it~~ this amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

I. Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the amended permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee or its assignee if the amended permit has been assigned.

J. This amended permit shall not take effect unless the permittee executes the original of this amended permit and returns it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

K. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the amended permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit.

L. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction up to the line of highest tidal action.

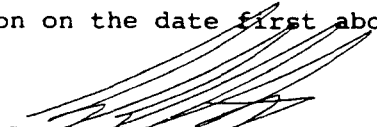
M. Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of

CALENDAR PAGE _____ 221
MINUTE PAGE _____ 3619

PERMIT NO. M81-79
(Issued on December 17, 1981, As
Amended Through November 12, 1992)
AMENDMENT NO. TWO
Exxon Company, U.S.A.
Page 7

this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee or its assignee if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.



WILLIAM TRAVIS
Acting Executive Director

Enc. 0475r-11/12/92
WT/CK/rr

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency, Attn: Clyde Morris, W-7-2
Baykeeper, Attn: Mike Herz

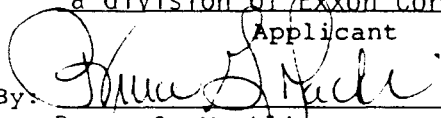
* * * * *

Receipt acknowledged, contents understood and agreed to, including corrections in November 18, 1992, letter from BCDC:

Executed at Benicia, California

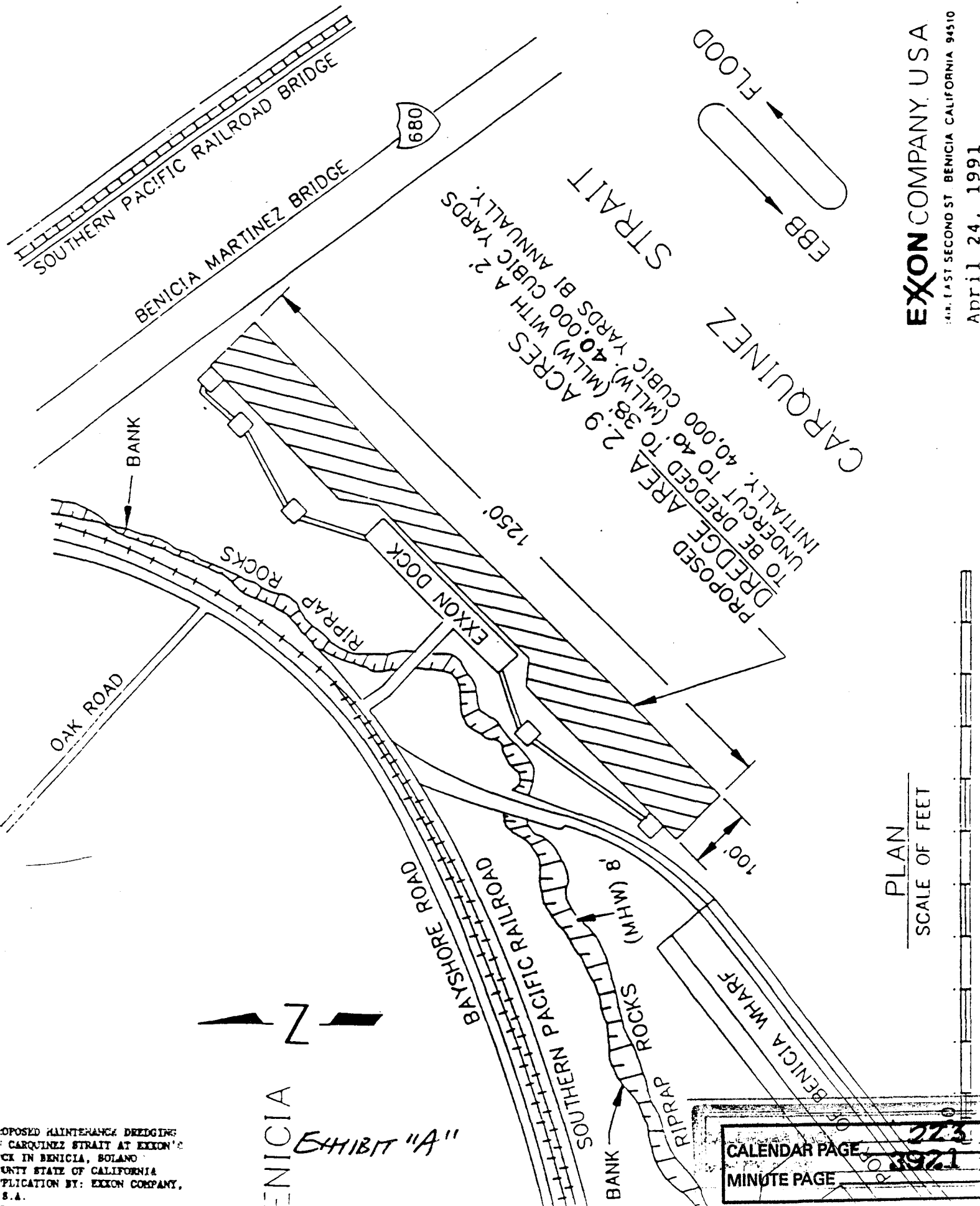
Exxon Company USA
a division of Exxon Corporation
Applicant

on December 2, 1992

By: 
Bruce G. Macklin
it's attorney in fact
Title

Form 10-1987

CALENDAR PAGE = 282
MINUTE PAGE = 3920



EXXON COMPANY, USA
 1401 EAST SECOND ST BENICIA CALIFORNIA 94510
 April 24, 1991

PLAN
 SCALE OF FEET

CALENDAR PAGE 273
 MINUTE PAGE 3921

PROPOSED MAINTENANCE DREDGING
 CARQUINEZ STRAIT AT EXXON DOCK
 IN BENICIA, SOLANO COUNTY
 STATE OF CALIFORNIA
 APPLICATION BY: EXXON COMPANY,
 S.A.
 SHEET 5 OF 10 Date: 15 June 1991

BENICIA EXHIBIT "A"

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
 SAN FRANCISCO, CA 94102-6080
 PHONE: (415) 557-3686



November 18, 1992 B. G. MACKLIN
 Refinery Manager
 Received

NOV 20 1992

Exxon Company, U.S.A.
 3400 East Second Street
 Benicia, California 94510

MJH	LCV	JJB
JMM	WET	CG
Handle	FYI	JPW

ATTENTION: Bruce G. Macklin

SUBJECT: Correction to Amendment No. Two of BCDC Permit No. M81-79

Gentlemen:

It has recently been brought to our attention that an error was made in paragraph I-C of Amendment No. Two of BCDC Permit No. M81-79 issued to you on November 12, 1992. It should read as follows:

- C. Work authorized herein must commence prior to ~~June 1, 1987~~ April 1, 1993, or this amended permit will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within ~~five years~~ 30-months of commencement or by ~~June 1, 1987~~ October 1, 1995, whichever is earlier, unless an extension of time is granted by a further amendment of ~~the~~ this amended permit.

A corrected page 1 is enclosed for your convenience. If you should have any questions regarding this matter, please contact Chris Kern of our staff.

Very truly yours,


 WILLIAM TRAVIS

Acting Executive Director

Enc.

WT/CK/rr

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
 San Francisco Bay Regional Water Quality Control Board,
 Attn: Certification Section
 Environmental Protection Agency, Attn: Clyde Morris, W-7-2
 Baykeeper, Attn: Mike Herz

224
 3922

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

HIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94102-6080
PHONE: (415) 557-3686



PERMIT NO. M81-79
(Issued on December 17, 1981, As
Amended Through November 12, 1992)
AMENDMENT NO. TWO

Exxon Company, U.S.A.
3400 East Second Street
Benicia, California 94510

ATTENTION: Bruce G. Macklin

Gentlemen:

I. Authorization

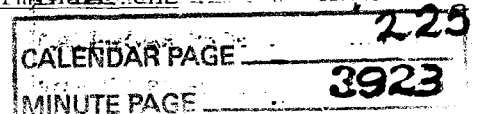
A. You are hereby authorized, in the Bay, near Exxon's Crude Oil Dock in the City of Benicia, Solano County, to perform a total of 200,000 cubic yards or less of maintenance dredging consisting of approximately 40,000 cubic yards of material twice per year for a ~~five-year~~ 30-month period to maintain a safe depth for ships berthed at the dock. Disposal of the dredge material will be at the Corps of Engineers' Disposal Site No. 9 in the Carquinez Strait/ or at an approved disposal site outside of the Commission's jurisdiction.

B. This amended authority is generally pursuant to and limited by your application dated July 17, 1981, your letter dated July 15, 1988, requesting Amendment No. One, and your letter dated May 13, 1992, requesting Amendment No. Two, including ~~its~~ all accompanying exhibits, and all conditions of this amended permit.

C. Work authorized herein must commence prior to ~~June 1/1992~~ April 1, 1993, or this amended permit will lapse and become null and void. Such work must also be diligently prosecuted to completion and must be completed within ~~five-years~~ 30-months of commencement or by ~~June 1/ 1992~~ October 1, 1995, whichever is earlier, unless an extension of time is granted by a further amendment of ~~this~~ this amended permit.

II. Special Conditions

A. Water Quality Certification. Prior to the commencement of any dredging episode authorized herein, the permittee shall obtain a water quality certification or waiver of water quality certification from the California Regional Water Quality Control Board, San Francisco Bay Region, for that episode. Failure to obtain such certification or waiver of certification prior to the commencement of the dredging episode shall terminate the Commission's authorization for that dredging episode.



SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94102-6080
PHONE: (415) 557-3686



December 4, 1992

Exxon Company, U.S.A.
3400 East Second Street
Benecia, California 91359-5025

Attention: Bruce Macklin

Subject: Condition "E." of BCDC Permit No. M81-79, Amendment No. Two.

Dear Mr. Macklin:

After consulting with Bob Tasto of the California Department of Fish and Game, Special Condition "E." of BCDC Permit No. M81-79, as amended through November 12, 1992, is not applicable. Therefore, the dredging authorized by amendment No. Two of Permit No. M81-79 may occur during the period December 1 through March 1.

Please contact me if you have any questions regarding this letter.

Very truly yours,

A handwritten signature in cursive script that reads "Caitlin Smith".

Caitlin Smith, Permit Analyst