

MINUTE ITEM
This Calendar Item No. C28
was approved as Minute Item
No. 28 by the State Land
Commission by a vote of 3
to 0 at its 11/15/94
meeting.

A 13

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11/15/94

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PRC 7790

C28

DREDGING LEASE

APPLICANT:

Port of Oakland
P. O. Box 2064
530 Water Street
Oakland, California 94604-2064

AREA, TYPE LAND AND LOCATION:

Granted, mineral reservation lands, at the Port of Oakland,
Alameda County.

LAND USE:

Dredge a maximum 8,500 cubic yards of material from State
granted, minerals reserved, lands at Berth 60, Port of
Oakland. The material will be disposed of at one of two
Corps of Engineers approved disposal site: the Galbraith
Golf Course (Alameda County) and/or ocean disposal.

TERMS OF THE PROPOSED LEASE:

Lease period:

30 months beginning January 1, 1995 through June 30,
1997.

Royalty:

No royalty will be charged for material placed at the
Army Corp of Engineers approved disposal sites. A
royalty of \$0.25 per cubic yard will be charged for
spoils sold for commercial purposes.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing 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 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

CALENDAR ITEM NO. C28 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), staff has reviewed a SEIR/S identified as SEIR/S Oakland Harbor Deep-Draft Navigation Improvements, State Clearinghouse No. 91073031. The recommendation is based on information contained in that document.
2. Findings made in conformance with Section 15091 of the State CEQA Guidelines are contained in Exhibit "B" attached hereto.
3. The activity which is the subject of this Calendar Item 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.
4. This project involves an estimated 17,000 cubic yards of sediments to be dredged at Berth 60. The State retained mineral rights to one/half of Berth 60 as shown on Exhibit "A". Thus 8,500 cubic yards of material will be dredged from State granted, mineral reserved, lands. The Berth 60 dredging is part of the Port of Oakland and the Army Corps of Engineers deepening project that involves approximately 6.6 million cubic yards of material.

APPROVALS OBTAINED:

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

FURTHER APPROVALS REQUIRED:

State Lands Commission

EXHIBITS:

- A. Site and Location Map
- B. Board of Port Commissioners, City of Oakland, Resolution No. 94356 (CEQA Findings and Monitoring Program)

CALENDAR ITEM NO. C28 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A SEIR/S, STATE CLEARINGHOUSE NO. 91073031, WAS PREPARED FOR THIS PROJECT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN.
2. ADOPT THE FINDINGS, MADE IN CONFORMANCE WITH SECTION 15091 OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "B", ATTACHED HERETO.
3. ADOPT THE MITIGATION MONITORING PLAN, AS INCORPORATED BY REFERENCE IN EXHIBIT "B", ATTACHED HERETO AND AS CONTAINED IN APPENDIX "J" OF THE SEIR/S.
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
5. AUTHORIZE ISSUANCE OF A DREDGING LEASE TO THE PORT OF OAKLAND, EFFECTIVE JANUARY 1, 1995 THROUGH JUNE 30, 1997. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM OF 8,500 CUBIC YARDS OF MATERIAL ON GRANTED, MINERAL RESERVED LANDS, FROM BERTH 60 WITHIN THE PORT OF OAKLAND, ALAMEDA COUNTY, WITH DISPOSAL AT THE CORPS OF ENGINEERS' APPROVED SITES: THE GALBRAITH GOLF COURSE AND/OR OCEAN DISPOSAL, AS AUTHORIZED. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS.

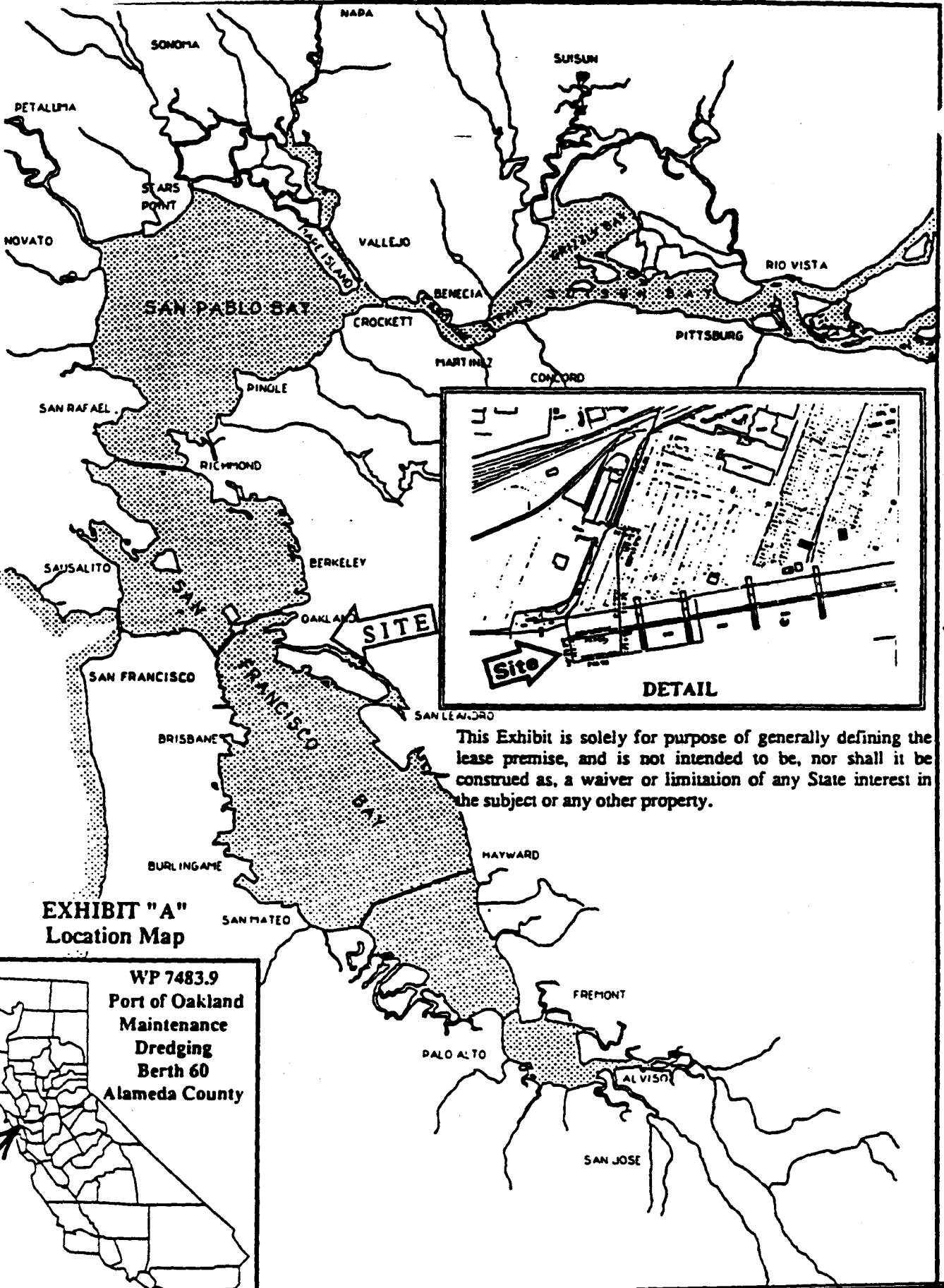


EXHIBIT "A"
Location Map

This Exhibit is solely for purpose of generally defining the lease premise, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION No. 94356

PA

RESOLUTION CERTIFYING REVIEW AND CONSIDERATION OF FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT ON OAKLAND HARBOR DEEP-DRAFT NAVIGATION IMPROVEMENTS, ADOPTING MITIGATION MEASURES, MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING POTENTIAL SIGNIFICANT EFFECTS ON THE ENVIRONMENT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR TEMPORARY SIGNIFICANT IMPACTS ON AIR QUALITY AND GOLFING RECREATION, AND ADOPTING A REPORTING AND MONITORING PROGRAM FOR MEASURES TO MITIGATE OR AVOID SIGNIFICANT EFFECTS ON THE ENVIRONMENT.

WHEREAS, the United States Army Corps of Engineers ("the Corps"), as Federal Lead Agency under the National Environmental Policy Act ("NEPA") and the Port of Oakland ("Port"), as State Lead Agency under the California Environmental Quality Act ("CEQA"), have prepared a joint document under NEPA and CEQA entitled "Final Supplemental Environmental Impact Report/Environmental Impact Statement Oakland Harbor Deep-Draft Navigation Improvements" ("FSEIR/S") for the Oakland Inner Harbor and the Oakland Outer Harbor projects authorized in Section 202 of the Water Resources Development Act of 1986 (Public Law 99-662) ("WRDA 1986"), said projects herein being referred to collectively as "the Project";

WHEREAS, the Port under the WRDA 1986 is proposed to be the non-Federal sponsor of the Project, which will require that the Port provide certain facilities ("LERRDs") for the Project, and pay 25% of the costs of construction for the general navigation features of the Project during their construction and 10% of the costs for said features after completion of construction over a 30-year period (subject to credit for the value of the LERRDs); and

WHEREAS, in connection with the Board of Port Commissioner's ("Board") review of the information contained in the FSEIR/S the Board has been provided other documents and briefings and has also reviewed and considered the information and recommendations contained in Port of Oakland Agenda Sheet Item No. Maritime Operations-22, dated September 13, 1994, and entitled "Certification of the Final Supplemental Environmental Impact Report/Statement for the Oakland Harbor Deep-Draft Navigation Improvements, Findings Concerning Significant Effects of the Project, Adoption of Mitigation Measures for the Project, Adoption of monitoring and Reporting Program, Statement of Overriding Considerations for the Unavoidable Adverse Temporary Air Quality and Golfing Recreational Impacts, Authorization of the Executive Director to Sign the Project Cooperative Agreement with the Department of the Army and Approval of New Berth Dredging" ("Agenda Sheet"), the Corps' June 1994 General Design Memorandum and written and oral information presented to the Board; now, therefore, be it,

RESOLVED, that the Board hereby certifies that it has been presented and has reviewed and considered the information contained in the FSEIR/S for the Project, and contained in the Agenda Sheet,

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and other information provided to the Board prior to approving any portion of the Project, and further certifies that the FSEIR/S has been completed in compliance with CEQA, the State CEQA Guidelines and the Port CEQA Guidelines; and be it

FURTHER RESOLVED, that as part of the foregoing certification of the FSEIR/S the Board hereby finds that the FSEIR/S reflects the independent judgment of the Board; and be it

FURTHER RESOLVED, that the Board hereby adopts the mitigation measures for the Project that are set forth in Appendix J (Mitigation and Monitoring Requirements for the Selected Plan) of the FSEIR/S and Attachment A of the Agenda Sheet and, in addition, hereby adopts the following supplemental enhancement measures to minimize certain impacts of the Project that are not significant:

(a) Landscaping of the containment dikes at the Galbraith Golf Course to reduce adverse visual impacts;

(b) Street sweeping near the Galbraith Golf Course to reduce accumulation of dirt;

(c) Offering the Port's Employment Resources Development Program ("ERDP") services to those employees at the Galbraith Golf Course who are adversely affected by the Project; and be it

FURTHER RESOLVED, that the FSEIR/S identifies potentially significant effects on the environment that would occur if the Project is approved or carried out, but except for the temporary significant effects related to NO_x (nitrogen oxides) from dredging and transport equipment and the loss of golfing recreational opportunities, the Board hereby finds that (a) changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects, by the Board's adoption of the mitigation measures set forth in Appendix J of the FSEIR/S and Attachment A of the Agenda Sheet and (b) those changes or alterations that are within the respective responsibility and jurisdiction of the Corps of Engineers or the City of Oakland either have been (provision of new soccer field) or can and should be, adopted by the Corps of Engineers or the City of Oakland respectively, as set forth in Appendix J of the FSEIR/S and Attachment A of the Agenda Sheet; and be it

FURTHER RESOLVED, that a potentially significant effect of the Project is the temporary exceedance of the air quality emission threshold for NO_x from dredging and transporting equipment, but except for the mitigation measure of retarding injection timing of diesel-powered dredges by two degrees that is included in the mitigation measures that can and should be adopted by the Corps of Engineers, the mitigation measures identified in the FSEIR/S are infeasible, as follows:

(a) No electric clamshell or electric self-propelled hopper dredges, that could avoid the NO_x impact, are available;

(b) All four electric hydraulic dredges in the U.S. West Coast are too large for the project;

(c) Expensive conversion or retrofits of smaller diesel-powered hydraulic dredges to electrification would increase the

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frequency of "down time" during dredging, and delay project completion and increase project costs; and

(d) Limiting the contractor to use of electric dredges would seriously limit competition for the Project dredging contract, increase project costs substantially and delay project completion; and be it

FURTHER RESOLVED, that another potentially significant effect of the Project is the temporary loss of golfing opportunities for the general public at the Galbraith Golf Course Site, but except for the mitigation measures of providing for the continuance of the existing informal youth golfing program at Galbraith Golf Course and subsidizing use of a nearby golf course for Oakland resident senior golfers that are included in the mitigation measures adopted by the Port, the mitigation measures identified in the FSEIR/S are infeasible, as follows:

(a) No other dredged material disposal areas are currently available on a financially feasible basis that can accommodate the type and quantity of dredged material that will be disposed of at the Galbraith Golf Course site;

(b) The use of only a portion of the Galbraith Golf Course site for dredged material disposal, while continuing public golfing on the site, is not technologically nor economically feasible;

(c) Because municipal golf courses in the Bay Area operate at, or very close to, capacity during weekends, the Galbraith golfers cannot easily be accommodated at these other facilities without displacing other golfers; and

(d) It is not economically feasible nor would the significant temporary impacts be avoided, if a new golf course were constructed to accommodate displaced Galbraith golfers pending construction of the new golf course at the Galbraith site; and be it

FURTHER RESOLVED, that the Board hereby finds that the benefits of the Project outweigh the unavoidable adverse environmental effects of the Project (i.e., the temporary significant effects related to NO_x from dredging and transport equipment and the temporary significant effects related to loss of golfing recreational opportunities) for the following specific reasons:

(a) The Project will generate economic benefits of national and regional significance, including \$14.7 in economic benefits for each dollar invested in the Project, or \$135 million in annual net benefits; and

(b) The Project will result in 900 or more direct and indirect jobs and a substantial increase in business revenue; and be it

FURTHER RESOLVED, that the Board hereby adopts as a reporting and monitoring program for the changes to the Project which it has adopted or made a condition of Project approval in order to mitigate or avoid significant effects on the environment, Appendix

J of the FSEIR/S and Attachment A of the Agenda Sheet and, in addition, Port staff shall monitor the changes to the Project which can and should be adopted by the Corps of Engineers or the City of Oakland by review and comment on the Corps' proposed construction contract specifications, by participation in the Project Coordination Team under the Port-Corps' Project Cooperation Agreement and by carrying out in cooperation with the City of Oakland the provisions of the Lease Termination Agreement between the Port and the City of Oakland regarding Galbraith Golf Course. The Director of Engineering shall appoint a staff member to monitor and report to him on the implementation of the mitigation plan contained in Appendix J of the SEIR/S and Attachment A of the Agenda Sheet. Monitoring and reporting shall begin during review of the construction plans and specifications and will end when the Galbraith Golf Course is reconstructed. Each mitigation measure shall be monitored at a frequency appropriate to that measure. A monitoring report shall be prepared at least quarterly during the period from project initiation until completion of the dredging phase of the Project and may occur less frequently during the remainder of the Project; and be it

FURTHER RESOLVED, that the location and custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based are, respectively, 530 Water Street, Oakland, California, and the Secretary of the Board.

At an adjourned regular meeting held September 13, 1994

Passed by the following vote:

Ayes: Commissioners Broussard, Kramer, Loh, Ortiz, Vohs
and President Lockhart - 6

Noes: None

Absent: Commissioners Cole - 1

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