

MINUTE ITEM

29. APPLICATION FOR MINERAL EXTRACTION LEASE, NOYO RIVER, MENDOCINO COUNTY, BAXMAN GRAVEL COMPANY - W.O. 3646.

After consideration of Calendar Item 9 attached, and upon motion duly made and carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO OFFER FOR LEASE, PURSUANT TO COMPETITIVE PUBLIC BIDDING, FOR THE EXTRACTION OF SAND AND GRAVEL AT A MINIMUM ROYALTY OF SIX CENTS PER CUBIC YARD FOR ALL SAND AND GRAVEL EXTRACTED, THE FOLLOWING AREA OF TIDE AND SUBMERGED LANDS IN THE BED OF THE NOYO RIVER, MENDOCINO COUNTY:

BEGINNING AT A POINT IN THE LINE OF MEAN HIGH WATER ON THE LEFT SIDE OF NOYO RIVER FROM WHICH THE SECTION CORNER COMMON TO SECTIONS 18 AND 19, TOWNSHIP 18 NORTH, RANGE 17 WEST, MOUNT DIABLO MERIDIAN, AND SECTIONS 13 AND 24, TOWNSHIP 18 NORTH, RANGE 18 WEST, MOUNT DIABLO MERIDIAN, BEARS SOUTH 27° 43' 20" WEST, 3,675.92 FEET DISTANT; THENCE ALONG THE LINE OF MEAN HIGH WATER IN A NORTHEASTERLY DIRECTION, 1,889 FEET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF LANDS OF SMITH; THENCE LEAVING THE LINE OF MEAN HIGH WATER, NORTH 47° 00' WEST, 30.00 FEET; THENCE IN A NORTHERLY DIRECTION AND PARALLEL WITH SAID LINE OF MEAN HIGH WATER, 500 FEET; THENCE SOUTH 72° 45' WEST, 160 FEET, MORE OR LESS, TO THE LINE OF MEAN HIGH WATER ON THE RIGHT BANK OF NOYO RIVER; THENCE ALONG THE LINE OF MEAN HIGH WATER IN A SOUTHERLY AND SOUTHWESTERLY DIRECTION 800 FEET, MORE OR LESS, TO THE MOST EASTERLY CORNER OF LANDS OF BENEDETTI; THENCE SOUTH 38° 00' EAST, 130 FEET, MORE OR LESS, TO THE THREAD OF NOYO RIVER; THENCE SOUTHWESTERLY ALONG SAID THREAD OF NOYO RIVER 870 FEET, MORE OR LESS, TO A POINT FROM WHICH THE MOST SOUTHERLY CORNER OF LANDS OF COONEY BEARS NORTH 34° 43' WEST; THENCE NORTH 34° 43' WEST TO A POINT 50 FEET DISTANT SOUTHEASTERLY FROM SAID MOST SOUTHERLY CORNER OF LANDS OF COONEY; THENCE IN A SOUTHWESTERLY DIRECTION AND PARALLEL WITH THE LINE OF MEAN HIGH WATER ON SAID RIGHT BANK OF NOYO RIVER 740 FEET, MORE OR LESS, TO A POINT FROM WHICH THE POINT OF BEGINNING BEARS SOUTH 37° 15' 20" EAST; THENCE SOUTH 37° 15' 20" EAST, 170 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, BEING A PORTION OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 17 WEST, MOUNT DIABLO MERIDIAN.

Attachment
Calendar Item 9 (2 pages)

CALENDAR ITEM

9.

APPLICATION FOR MINERAL EXTRACTION LEASE, NOYO RIVER, MENDOCINO COUNTY,
BAXMAN GRAVEL COMPANY - W.O. 3646.

An application has been received from the Baxman Gravel Company, E. T. Baxman, owner, requesting that an area of approximately 9.45 acres of tide and submerged lands near Fort Bragg, in the bed of the Noyo River, Mendocino County (see Exhibits "A" and "B" attached), be offered for lease for the extraction of sand and gravel pursuant to competitive public bidding, in accordance with the provisions of Division 6 of the Public Resources Code.

The application was referred to the Department of Natural Resources and to the office of the Attorney General, as required under Section 6818 of the Public Resources Code. The Department of Natural Resources reported that an examination of this application indicates no possible interference with the recreational use of the lands littoral to the tide and submerged lands involved. The office of the Attorney General advised that the application complies with applicable laws and the rules and regulations of the Commission.

The Corps of Engineers has authorized the proposed dredging operation. A letter of nonobjection to the proposed operation has been submitted by an adjacent upland property owner. The Department of Fish and Game and the Regional Water Pollution Control Board have reviewed the application and have submitted specific conditions relative to the conduct of operations and to the months of the year during which operations may be conducted, with the request that these conditions be included in the lease. The conditions specified are acceptable to the applicant.

The statutory filing fee has been paid and the required expense deposit has been made.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO OFFER FOR LEASE, PURSUANT TO COMPETITIVE PUBLIC BIDDING, FOR THE EXTRACTION OF SAND AND GRAVEL AT A MINIMUM ROYALTY OF SIX CENTS PER CUBIC YARD FOR ALL SAND AND GRAVEL EXTRACTED, THE FOLLOWING AREA OF TIDE AND SUBMERGED LANDS IN THE BED OF THE NOYO RIVER, MENDOCINO COUNTY:

BEGINNING AT A POINT IN THE LINE OF MEAN HIGH WATER ON THE LEFT SIDE OF NOYO RIVER FROM WHICH THE SECTION CORNER COMMON TO SECTIONS 18 AND 19, TOWNSHIP 18 NORTH, RANGE 17 WEST, MOUNT DIABLO MERIDIAN AND SECTIONS 13 AND 24, TOWNSHIP 18 NORTH, RANGE 18 WEST, MOUNT DIABLO MERIDIAN, BEARS SOUTH 27° 43' 20" WEST, 3675.92 FEET DISTANT; THENCE ALONG THE LINE OF MEAN HIGH WATER IN A NORTHEASTERLY DIRECTION, 1889 FEET MORE OR LESS TO THE MOST NORTHERLY CORNER OF LANDS OF SMITH; THENCE LEAVING THE LINE OF MEAN HIGH WATER, NORTH 47° 00' WEST, 30.00 FEET; THENCE IN A NORTHERLY DIRECTION AND PARALLEL WITH SAID LINE OF MEAN HIGH WATER, 500 FEET; THENCE SOUTH 72° 45' WEST, 160 FEET MORE OR LESS TO THE LINE OF MEAN HIGH WATER ON THE RIGHT BANK OF NOYO RIVER; THENCE ALONG THE LINE OF MEAN HIGH WATER IN A SOUTHERLY AND SOUTHWESTERLY DIRECTION 800 FEET MORE OR LESS TO THE MOST EASTERLY

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CORNER OF LANDS OF BENEDETTI; THENCE SOUTH $38^{\circ} 00'$ EAST, 130 FEET MORE OR LESS TO THE THREAD OF NOYO RIVER; THENCE SOUTHWESTERLY ALONG SAID THREAD OF NOYO RIVER 870 FEET MORE OR LESS TO A POINT FROM WHICH THE MOST SOUTHERLY CORNER OF LANDS OF COONEY BEARS NORTH $34^{\circ} 43'$ WEST; THENCE NORTH $34^{\circ} 43'$ WEST TO A POINT 50 FEET DISTANT SOUTHEASTERLY FROM SAID MOST SOUTHERLY CORNER OF LANDS OF COONEY; THENCE IN A SOUTHWESTERLY DIRECTION AND PARALLEL WITH THE LINE OF MEAN HIGH WATER ON SAID RIGHT BANK OF NOYO RIVER 740 FEET MORE OR LESS TO A POINT FROM WHICH THE POINT OF BEGINNING BEARS SOUTH $37^{\circ} 15' 20''$ EAST; THENCE SOUTH $37^{\circ} 15' 20''$ EAST, 170 FEET MORE OR LESS TO THE POINT OF BEGINNING, BEING A PORTION OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 17 WEST, MOUNT DIABLO MERIDIAN.