

MINUTE ITEM

8. APPLICATION TO LEASE TIDE AND SUBMERGED LANDS OF PETALUMA RIVER, SONOMA COUNTY; ASSOCIATED DREDGING COMPANY - W.O. 4286.

In presenting Calendar Item 22 attached, the Executive Officer noted that issuance of the proposed lease for dredging and filling marshlands was opposed by the Marin Rod and Gun Club, Inc., and by the Department of Fish and Game.

Mr. Samuel Gardiner, Attorney, appeared on behalf of the applicant, Associated Dredging Company, to explain that the primary purpose of the lease was to provide access to water, and that the area in question was so small that it did not appear that wildlife would suffer, as contended by the protestants.

Mr. Howard Leach, in the Water Projects Branch of the Department of Fish and Game, appeared on behalf of the Director of that Department, Mr. Walter Shannon, to protest issuance of the lease, claiming that irreplaceable wet lands would be destroyed in an area utilized by hundreds of thousands of shore birds.

The Executive Officer read a telegram from the Marin Rod and Gun Club, stating that the 2000 members were opposed to the issuing of the permit.

He also reported that a letter from the Sonoma County Industrial Development Board supported the issuance of the lease, while a letter, neither supporting nor objecting to the lease, from the Planning Director of Sonoma County, advised that the area in question was an unclassified district.

State Senator Joseph A. Rattigan suggested that the applicant and the Department of Fish and Game discuss the matter and arrive at a mutually acceptable solution.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED SETTING OVER FOR ONE MONTH THE APPLICATION OF ASSOCIATED DREDGING COMPANY TO LEASE TIDE AND SUBMERGED LANDS OF PETALUMA RIVER, SONOMA COUNTY, WITH THE HOPE THAT THE APPLICANT AND THE DEPARTMENT OF FISH AND GAME WOULD NEGOTIATE A COMPROMISE IN THE INTERIM.

Attachment

Calendar Item 22 (2 pages)

CALENDAR ITEM

22.

APPLICATION TO LEASE TIDE AND SUBMERGED LANDS OF PETALUMA RIVER, SONOMA COUNTY, ASSOCIATED DREDGING COMPANY - W.O. 4286.

Associated Dredging Company of Sausalito, California, has applied for a lease of a 30.627-acre parcel of tide and submerged lands on the left bank of the Petaluma River near its mouth, in Sonoma County (see Exhibits "A" and "B"). Present plans call for dredging and filling the marshland to create two basins for company equipment. The company plans eventually to move its operating base from Sausalito to the lease site; it has a lease on the adjoining upland. The Planning Director of Sonoma County has advised by letter that this area is in a "U", or unclassified district, and that the use proposed is permitted.

Associated Dredging Company originally applied for lease of a larger area of tidelands which included several small cabins and shacks occupied by trespassers on occasional week-ends. Lease negotiations were delayed while trespassers were identified and located, and efforts by the State Lands Division staff, short of formal ejectment proceedings, were made to have the area vacated and available for lease. The attitude of the trespassers is passive, and they apparently will not vacate until forced to do so.

Inasmuch as it is anticipated that legal proceedings to eject the trespassers will be lengthy and time consuming, Associated Dredging Company has modified its application to include only the present area, pending disposition of the trespasser problem.

Based on a staff appraisal, the annual rental has been computed to be \$1,419.26. The initial lease term is to run concurrently with the upland lease, and is not to exceed 15 years, with three renewal options of ten years each. A \$1,000 site clearance bond will be required.

The State Lands Commission is in receipt of a letter from the Marin Rod and Gun Club, Inc., as being opposed to the filling of these lands inasmuch as this would damage valuable feeding grounds for ducks during the migrating season.

In accordance with a request of the State Department of Fish and Game that it be apprised of all lease applications in the San Francisco Bay area involving fill operations, the Department was advised of the subject application and its comments invited.

In its reply, the Department of Fish and Game stated that in regard to wintering waterfowl and shorebirds it "...has defined those critical areas within San Francisco Bay where the habitat must be preserved if these resources are to remain a part of our heritage". The Department of Fish and Game "...recommended that the State Lands Division not lease the 30-acre parcel....", as the proposed lease site is in one of the critical areas.

The staff position is that the lease would be in the best interest of the State as it will generate revenue for the State in an area which has hitherto been unproductive. The dredging and filling improvements to be made by the lessee and the consequent increase in land value will inure to the State's benefit.

CALENDAR ITEM 22. (CONTD.)

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE TO ASSOCIATED DREDGING COMPANY A LEASE OF TIDE AND SUBMERGED LANDS OF THE PETALUMA RIVER, SONOMA COUNTY, THE LEASE TO RUN CONCURRENTLY WITH THE UPLAND LEASE AND NOT TO EXCEED 15 YEARS, AT AN ANNUAL RENTAL OF \$1,419.26, WITH THE FIRST AND LAST YEARS' RENTALS PAYABLE IN ADVANCE, THE LEASE TO PROVIDE FOR THREE TEN-YEAR RENEWAL OPTIONS AND A \$1,000 SURETY BOND. THE LANDS ARE DESCRIBED AS FOLLOWS:

A PARCEL OF TIDE AND SUBMERGED LAND ALONG THE LEFT BANK OF PETALUMA RIVER, SONOMA COUNTY, SOUTHEASTERLY FROM THE NORTHWESTERN PACIFIC RAILROAD TRACKS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF THE NORTHWESTERN PACIFIC RAILROAD RIGHT-OF-WAY, BEING 150 FEET IN WIDTH, WITH THE ORDINARY HIGH WATER MARK, 1860 AS SHOWN UPON THE MAP ENTITLED "MAP OF THE ORDINARY HIGH WATER MARK ALONG THE LEFT BANK OF PETALUMA CREEK, VICINITY OF BLACK POINT", DATED AUGUST, 1958 TO MAY, 1960 AND RECORDED IN BOOK 84 OF MAPS AT PAGES 3 TO 36 INCLUSIVE, SONOMA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING S. 45° 28' 30" W. ALONG THE PROLONGATION OF SAID RAILROAD RIGHT-OF-WAY (WHICH BEARING IS USED AS THE BASIS FOR ALL BEARINGS RECITED HEREAFTER) A DISTANCE OF 729.85 FEET; THENCE S. 44° 31' 30" E., 595.0 FEET; THENCE SOUTH, 250.0 FEET; THENCE S. 72° 20' E., 252.0 FEET; THENCE N. 84° 31' E., 95.6 FEET; THENCE N. 87° 20' E., 130.0 FEET; THENCE S. 78° 05' E., 192.0 FEET; THENCE N. 85° 10' E., 148.0 FEET; THENCE S. 70° 45' E., 250.0 FEET; THENCE NORTH, 1217.16 FEET TO THE ORDINARY HIGH WATER MARK, 1860; THENCE ALONG SAME S. 83° 15' 08" W., 318.22 FEET; THENCE N. 89° 40' 37" W., 325.12 FEET; THENCE N. 85° 04' 40" W., 204.19 FEET; THENCE N. 29° 29' W. 180.28 FEET TO THE POINT OF BEGINNING, CONTAINING 30.627 ACRES MORE OR LESS.