

MINUTE ITEM

12. APPLICATION FOR DREDGING PERMIT, TIDE AND SUBMERGED LANDS, PETALUMA RIVER, MARIN COUNTY; FINLEY-CARPENTER, INC. - W.O. 5002, P.R.C. 3159.1.

After consideration of Calendar Item 37 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE EXECUTIVE OFFICER TO ISSUE A PERMIT TO FINLEY-CARPENTER, INC., TO DREDGE APPROXIMATELY 200,000 CUBIC YARDS OF MATERIAL FROM AN AREA OF TIDE AND SUBMERGED LANDS ADJACENT TO THE PETALUMA RIVER, MARIN COUNTY, OF WHICH 50,000 CUBIC YARDS WILL BE DEPOSITED ON STATE LANDS AND 150,000 CUBIC YARDS WILL BE DEPOSITED ON PRIVATE LANDS, AT A ROYALTY OF \$0.05 PER CUBIC YARD FOR ALL MATERIAL REMOVED FROM STATE LANDS. THE AREA TO BE INCLUDED IN THE PERMIT IS DESCRIBED AS EXHIBIT "A".
2. AUTHORIZES THE EXECUTIVE OFFICER TO ACCEPT AND TO EXECUTE THE EASEMENTS FOR ACCESS AND UTILITIES FROM BAHIA PROPERTIES CORPORATION WHICH GUARANTEE THE STATE ACCESS TO THE STATE LANDS ADJACENT TO AND EASTERLY OF BAHIA UNIT NO. 1. SAID EASEMENTS ARE DESCRIBED AS EXHIBIT "B".

Attachments

Calendar Item 37 (4 pages)

CALENDAR ITEM

37.

APPLICATION FOR DREDGING PERMIT, TIDE AND SUBMERGED LANDS, PETALUMA RIVER, MARIN COUNTY; FINLEY-CARPENTER, INC. - W.O. 5002.

An application has been received from Finley-Carpenter, Inc. for a permit to dredge approximately 200,000 cubic yards of fill material from an area of tide and submerged lands within the boundaries of the Petaluma River near Novato, Marin County, for the purpose of developing waterways in connection with a marina-type subdivision to be called Bahia Unit No. 1. The material to be extracted will be mixed with other material and used for filling lots in the subdivision. The proposed extraction will produce additional navigable waterways for public use for water sports and recreation.

Section 6303 of the Public Resources Code provides in part: "When a... permittee has a permit...from the Federal Government or any authorized public agency to dredge...for the improvement of navigation...the Commission may, when in the best interests of the State, allow such...permittee to have sand, gravel, or other spoils dredged from the sovereign lands of the State located within the area specified in such...permit upon such consideration as will be in the best interests of the State..."

The U. S. Corps of Engineers has issued a Department of the Army permit authorizing the conduct of dredging operations at the location described in the application. The Division of Beaches and Parks has reported that these activities will not affect its park program. The Department of Fish and Game has recommended that "...the State lands to be used for deposition of the material and the surrounding State marshlands remain in public ownership, and that public access be assured to this land". The office of the Attorney General has advised that, when public access is available to the State, the application complies with applicable provisions of the law and the Rules and Regulations of the State Lands Commission.

Bahia Properties Corporation, owner of the adjacent upland property on which the subdivision is to be located, has granted the State easements, effective with the issuance of the dredging permit, that guarantee the public access to the adjacent State lands.

The \$5 filing fee has been submitted by the applicant.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A PERMIT TO FINLEY-CARPENTER, INC., TO DREDGE APPROXIMATELY 200,000 CUBIC YARDS OF MATERIAL FROM AN AREA OF TIDE AND SUBMERGED LANDS ADJACENT TO THE PETALUMA RIVER, MARIN COUNTY, OF WHICH 50,000 CUBIC YARDS WILL BE DEPOSITED ON STATE LANDS AND 150,000 CUBIC YARDS WILL BE DEPOSITED ON PRIVATE LANDS, AT A ROYALTY OF \$0.05 PER CUBIC YARD FOR ALL MATERIAL REMOVED FROM STATE LANDS. THE AREA TO BE INCLUDED IN THE PERMIT IS DESCRIBED AS EXHIBIT "A".

CALENDAR ITEM 37. (CONTD.)

2. AUTHORIZE THE EXECUTIVE OFFICER TO ACCEPT AND TO EXECUTE THE EASEMENTS FOR ACCESS AND UTILITIES FROM BAHIA PROPERTIES CORPORATION WHICH GUARANTEE THE STATE ACCESS TO THE STATE LANDS ADJACENT TO AND EASTERLY OF BAHIA UNIT NO. 1. SAID EASEMENTS ARE DESCRIBED AS EXHIBIT "B".

Attachments

Exhibits "A" and "B"

EXHIBIT "A"

That certain real property in the County of Marin, State of California, described as follows:

Parcel 1

A strip of land 250.00 feet wide, the westerly and southwesterly line of which is described as follows: commencing at Station No. 29 as shown on map of "Ordinary High Water Mark" by State Lands Commission filed July 25, 1960, in Can "E", Serial No. 29165, Marin County Records; thence along said "Ordinary High Water Mark", North 11° 39' 33" West 170.22 feet to a point hereinafter referred to as "Point A"; thence continuing along said "Mark" North 11° 39' 33" West 22.76 feet to Station 30 as shown on said map; thence continuing along said "Mark", North 6° 43' 59" West 50.00 feet to the True Point of Beginning; thence continuing northerly along said "Mark" to Station No. 38 as shown on said map; thence continuing along said "Mark", North 9° 38' 15" West 20.00 feet to a point hereinafter referred to as "Point B"; thence continuing northwesterly along said "Mark" to a point North 47° 56' 39" West 140.00 feet from Station 46 as shown on said map and the terminus of the herein described line.

Said 250.00 foot strip shall terminate northwesterly in a line bearing North 32° 15' 05" East and southerly in a line bearing North 61° 42' 25" East.

Parcel 2

A strip of land 100.00 feet wide lying 50.00 feet on either side of the following described line: beginning at "Point A" as referred to in Parcel 1 above; thence North 61° 42' 15" East 1150.00 feet to the southwesterly bank of the Petaluma River.

Parcel 3

A strip of land 250.00 feet wide lying 125.00 feet on either side of the following described line: beginning at "Point B" as referred to in Parcel 1 above; thence North 58° 40' 00" East 1000.00 feet to the Westerly bank of the Petaluma River.

Parcels 1, 2 and 3 total approximately 30.1 acres.

EXHIBIT "B"

Beginning at the intersection of the "Ordinary High Water Mark", as shown on map by State Lands Commission filed July 25, 1960, in Can "E", Serial No. 19265, Marin County Records with the Northerly line of the land described in deed to John J. Stubbe recorded March 26, 1903, in Book 82, page 93, of Deeds, records of said County, said point of intersection being South 11° 39' 33" East along said "Ordinary High Water Mark" 74.94 feet from Station 30 as shown on said map; thence from said point of beginning, South 61° 42' 25" West 585.70 feet; thence North 36° 50' 55" West 252.69 feet; thence North 53° 09' 05" East 60.00 feet; thence South 36° 50' 55" East 201.05 feet; thence North 61° 42' 25" East 451.98 feet; thence North 36° 08' 50" East 135.12 feet to said "Mark"; thence along said "Mark", South 6° 43' 59" East 50.00 feet to said Station 30; thence continuing along said "Mark", South 11° 39' 33" East 74.94 feet to the point of beginning.