

26. DREDGING PERMIT; 60,000 CUBIC YARDS FROM A 7-ACRE PARCEL OF TIDE AND SUBMERGED LANDS IN NAPA COUNTY, BY LESLIE SALT CO.; W 9802; PRC 5069.

During consideration of Calendar Item 24 attached, an alternate resolution was proposed which would defer the setting of the amount of royalty to be received for spoils dredged within an area of disputed titles. N. Gregory Taylor of the Attorney General's Office explained the land area in dispute and why a compromise figure of \$500 was reached. The compromise royalty figure of \$500 was set aside after Carl D'Agostino, Chief Deputy Controller, suggested if the disputed land was found to be in the State's ownership, a \$7,500 settlement would be the maximum. A royalty figure for the area may be determined by resolution of the dispute within five years. The amount charged would be \$.15 per cubic yard for any materials removed from sovereign land within said area. James F. Trout, Manager, Land Operations, clarified the location of the disputed area. Mr. Taylor stated there were no specific boundary maps available.

Mr. Fredrick Wooster, of Landels, Ripley and Diamond, agreed to the amendment on behalf of his client, Leslie Salt Co.

Upon motion duly made and carried, the following resolution was adopted, as amended:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2907(a).
2. AUTHORIZES THE ISSUANCE OF A PERMIT TO LESLIE SALT CO., TO DREDGE 60,000 CUBIC YARDS OF MATERIAL FROM AN AREA OF TIDE AND SUBMERGED LANDS, AS DESCRIBED IN EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF, AND TO SPOIL SUCH DREDGE MATERIAL ON AN UPLAND SITE FOR LEVEE REPAIR AT A LATER DATE, SUBJECT TO THE PAYMENT OF ROYALTIES AT THE FOLLOWING RATES;
 - A. AT \$.15 PER CUBIC YARD FOR 10,000 CUBIC YARDS TO BE EXTRACTED FROM THE NAPA RIVER;
 - B. ADDITIONAL COMPENSATION AT \$.15 PER CUBIC YARD FOR THE AMOUNT OF SOVEREIGN TITLE, IF ANY, TO DREDGED SPOILS TO BE TAKEN FROM THE AREA OF DISPUTED TITLES.

IF TITLES ARE NOT RESOLVED BY SETTLEMENT OR LITIGATION WITHIN FIVE YEARS, THE MATTER OF ROYALTY FOR THIS AREA SHALL BE RESUBMITTED TO THE COMMISSION.

Attachment:
Calendar Item 24 (4 pages)

CALENDAR ITEM

10/75
JR
W 9802

24.

DREDGING PERMIT

APPLICANT: Leslie Salt Company
7220 Central Avenue
(P. O. Box 364)
Newark, California 94560

DREDGE AREA: A 7-acre parcel of tide and submerged land in the Napa River, one-half mile south of the Southern Pacific Railroad Bridge at Brazos, Napa County.

EXTRACTION VOLUME:

Approximately 10,000 cubic yards of material within the bed of the Napa River in an area of undisputed State ownership. Another 50,000 cubic yards is to be dredged from the existing barge canal located on lands adjacent to the river, which lands lie within an area subject to unresolved title problems between Leslie Salt Company and the State Lands Commission. By mutual agreement between Leslie and the staff, a negotiated non-prejudicial settlement for the purpose of establishing the royalty amount for dredge spoils to be taken from the area of disputed ownership has been proposed. The State will receive royalty of \$500 for such additional dredged material. Payment by Leslie shall not constitute an admission by Leslie of any State interest therein, nor shall the amount be construed as limiting the extent of State sovereign ownership therein, if any. The negotiated amount is recommended by Staff counsel as a satisfactory compromise at this time.

PURPOSE: To remove a four-year deposit of silt which is interfering with the movement of salt barges in and out of the canal. All dredged material will be placed behind existing levees on land which is above the current elevation of mean higher high water (MHHW), allowed to dry and then utilized for salt pond levee repair.

CONSIDERATION:

A royalty of 15¢ per cubic yard will be paid the State, plus \$500 as compromise settlement for the disputed area.

CALENDAR ITEM NO. 24. (CONTD)

OTHER PERTINENT INFORMATION:

1. Permits or approvals for the project have been received from the following agencies:
 - a. Permit No. M74-98 has been received from the San Francisco Bay Conservation and Development Commission.
 - b. The Napa County Planning Department, as of February 4, 1975.
 - c. The Regional Quality Control Board, as of June 17, 1975.
 - d. The Department of Fish and Game, as of June 25, 1975.
 - e. The Department of the Army. U. S. Corps of Engineers, as of June 26, 1975.
2. On March 10, 1975, the San Francisco Bay Conservation and Development Commission determined, in accordance with its Regulation Section 1093(a) that the project is categorically exempt from the requirements to prepare and Environmental Impact Report. Additionally, Public Notice No. 75-339-70, as circulated by the U. S. Army Corps of Engineers, states that the Corps has evaluated the Environmental aspects of the proposed activity and has determined that the activity involves a minor effort having no significant adverse impact on the human environment.
3. Pursuant to PRC 21085; 14 Cal. Adm. Code 15100, et seq.; and 2 Cal. Adm. Code 2907(a), which exempts minor alterations to land involving maintenance dredging and placing of spoil material in such manner as to have no significant adverse effect on the environment, an Environmental Impact Report is not required.

EXHIBITS: A. Description of permit area.
 B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2907(a).

CALENDAR ITEM NO. 24. (CONTD)

2. AUTHORIZE THE ISSUANCE OF A PERMIT TO LESLIE SALT CO. TO DREDGE 60,000 CUBIC YARDS OF MATERIAL FROM AN AREA OF TIDE AND SUBMERGED LANDS, AS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SUBJECT TO THE PAYMENT OF ROYALTY ON 10,000 CUBIC YARDS OF MATERIAL AT THE RATE OF 15 CENTS PER CUBIC YARD FOR THE PORTION EXTRACTED FROM THE NAPA RIVER AND AN ADDITIONAL CONSIDERATION OF \$500 AS A COMPROMISE AMOUNT FOR AN AREA IN DISPUTE, AND TO SPOIL SUCH DREDGE MATERIAL ON AN UPLAND SITE, SAID SPOILS TO BE UTILIZED FOR LEVEE REPAIR AT A LATER DATE, AS NEEDED.

Attachment: Exhibit "A"

EXHIBIT "A"

W 9802

A parcel of land situated in the County of Napa, State of California being more particularly described as follows:

COMMENCING at Station E-30 as shown on Sheet 2 of 13 of that certain map entitled "Survey of the Ordinary High Water Mark Along Napa River", filed September 14, 1954, Serial No. S1109, records of said county; thence, leaving said Station, S 34° 37' 58" W 23 feet to the TRUE POINT OF BEGINNING; thence continuing S 34° 37' 58" W 2178 feet; thence S 80° 48' 50" E 905.54 feet; thence N 62° 41' 50" E 388.74 feet; thence N 26° 11' 50" E 278.29 feet; thence S 63° 48' 10" E 162 feet; thence S 26° 11' 50" W 590.81 feet; thence N 80° 48' 10" W 1336.27 feet; thence S 34° 37' 58" W 21.78 feet; thence N 80° 48' 10" W 178 feet; thence S 81° 01' 50" W 189 feet; thence N 44° 50' 55" E 262.45 feet; thence S 80° 48' 10" E 278 feet to the point of beginning.

The basis of bearings for this description is the California Coordinate System, Zone 2.