

MINUTE ITEM

8. APPLICATION FOR PERMIT TO DREDGE APPROXIMATELY 200,000 CUBIC YARDS OF MATERIAL FROM SUISUN POINT CHANNEL, CONTRA COSTA COUNTY, AND FOR A TEMPORARY DREDGE PIPE-LINE EASEMENT OVER STATE LANDS FOR THE PURPOSE OF TRANSPORTING MATERIAL TO A SPOILS AREA; CONTRA COSTA PUBLIC WORKS DEPARTMENT - W.O. 5013, P.R.C. 3106.1, P.R.C. 3107.9.

The Executive Officer reported that a letter had been received from the Contra Costa County Taxpayers Association, dated February 21, 1964, stating that the Board unanimously went on record as requesting the State Lands Commission to waive the \$0.03 per cubic yard fee, as recommended in Calendar Item 19 attached, on the grounds that this was an emergency dredging of navigational waters, which brings with it benefits to the State, and, also, because of the extreme difficulty of locating suitable spoils areas, there should be no charge in this case.

During the lengthy discussion that followed, it was brought out that it was the responsibility of the Commission to charge for spoils whenever they were used to enhance the value of privately owned lands; that the only time such charges were waived was when the spoils were to be deposited on State-owned or other public lands.

Messrs. S. Hansen, Associate Right-of-Way Agent, County of Contra Costa; Ronald D. Broatch, Deputy Public Works Director, County of Contra Costa; Col. Herbert N. Turner, U.S.A., Retired, Consulting Engineers for County of Contra Costa; and Robert Langer, Manager of the Marine Exchange, all appeared and urged that no charge be made for the spoils. During their presentations they pointed out the emergency nature of the project, the difficulties encountered in finding a place to deposit the spoils, and the promise the County had made to Utah Construction Company that there would be no charge therefor.

The Commission agreed to have the staff study the matter and to give further consideration to what charge, if any, should be made for the spoils.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COMMISSION AUTHORIZED THE EXECUTIVE OFFICER:

1. TO ISSUE TO THE PUBLIC WORKS DEPARTMENT, CONTRA COSTA COUNTY, A PERMIT TO DREDGE FOR DEPOSIT ON PRIVATELY OWNED LANDS APPROXIMATELY 200,000 CUBIC YARDS OF MATERIAL FROM THE BED OF SUISUN POINT CHANNEL, CONTRA COSTA COUNTY, CONDITIONED UPON
  - A. THAT THE PRICE, IF ANY, WILL BE \$0.03 PER CUBIC YARD OR LESS FOR SPOILS DEPOSITED ON PRIVATELY OWNED LANDS, AND IS TO BE DETERMINED BY THE COMMISSION AT ITS MARCH MEETING, AND
  - B. THAT THE PERMITTEE PROMISES TO PAY THE PRICE AS DETERMINED BY THE COMMISSION;

2. TO GRANT TO THE PUBLIC WORKS DEPARTMENT, CONTRA COSTA COUNTY, A TEMPORARY RIGHT-OF-ENTRY PERMIT FOR A DREDGE PIPE-LINE EASEMENT OVER STATE LANDS FOR TRANSPORTING THE DREDGED MATERIAL TO A SPOILS AREA ON LAND OF THE UTAH CONSTRUCTION COMPANY, THE PERMIT TO BE IN EFFECT FROM FEBRUARY 1, 1964, TO DECEMBER 31, 1964, OR TO COMPLETION OF CONTRACT, WHICHEVER OCCURS FIRST. CONSIDERATION FOR GRANTING THE EASEMENT IS TO BE THE PUBLIC BENEFIT TO BE DERIVED FROM THE IMPROVEMENT OF COMMERCE AND NAVIGATION. THE EASEMENT AREA IS DESCRIBED AS FOLLOWS:

A PARCEL OF TIDE AND SUBMERGED LANDS IN CARQUINEZ STRAIT,  
CONTRA COSTA COUNTY, VICINITY OF MARTINEZ,

BEGINNING AT A POINT, WHICH BEARS S. 80° 29' 02.6" W. 832.68 FEET AND S. 88° 00' 38" E. 100.00 FEET FROM U.S.C. & G.S. TRIANGULATION STATION "SUISUN PT. 2 1886" AS SAID STA. IS SHOWN ON THE STATE LANDS DIVISION PLAT OF THE "BOUNDARY OF STATE SUBMERGED LANDS, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA, MARCH 1960", RECORDED SEPTEMBER 20, 1962, IN VOLUME 4206 OF OFFICIAL RECORDS AT PAGE 60; THENCE FROM SAID POINT OF BEGINNING ALONG THE CENTERLINE OF A 30-FOOT-WIDE PARCEL N. 51° 36' 12" E. 1,350.00 FEET TO A POINT; THENCE ALONG THE CENTERLINE OF A 100-FOOT-WIDE PARCEL S. 63° 21' 00" E. 4,400.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE STATE TIDELANDS, CONTAINING APPROXIMATELY 11.03 ACRES.

Attachment

Calendar Item 19 (2 pages)

CALENDAR ITEM

19.

APPLICATION FOR PERMIT TO DREDGE APPROXIMATELY 200,000 CUBIC YARDS OF MATERIAL FROM SUISUN POINT CHANNEL, CONTRA COSTA COUNTY, AND FOR A TEMPORARY DREDGE PIPE-LINE EASEMENT OVER STATE LANDS FOR THE PURPOSE OF TRANSPORTING MATERIAL TO A SPOILS AREA; CONTRA COSTA PUBLIC WORKS DEPARTMENT - W.O. 5013.

The Public Works Department of Contra Costa County has requested a permit to dredge approximately 200,000 cubic yards of material from the Suisun Point Channel in the vicinity of the Martinez Bridge (see Exhibit "A"), in addition to securing a temporary right-of-way easement over State-owned lands for a dredge pipe line to convey the dredged material to a spoils area on privately owned land of the Utah Construction Company (see Exhibit "B").

The U. S. Army Corps of Engineers has been authorized by Congress to widen and deepen the channel for the improvement of navigation providing some responsible local agency, at its own expense, obtains the necessary permits and arranges for the required rights-of-way and disposal area.

The County has requested that any payment for the dredged material be waived, asserting that, because of the representations made to it, by parties other than State Lands staff, negotiations with Utah Construction Company were to the effect that there would be no charge for the dredged material, and it would be embarrassing to the County to reverse its good-faith representations. No contracts have been awarded as yet; however, it is planned to advertise the work for bid on February 20, 1964.

Exhibit "P" shows that access to the proposed spoils area must be over a parcel of State-owned land. It has been pointed out to the County that disposition of the dredged material on the State-owned land would obviate the necessity for a charge, since there would be no actual removal of material but merely a redistribution on State lands; however, the deposition of material on private property creates an entirely different problem, wherein the Commission must act "in the best interests of the State".

The pertinent part of Section 6303, in this instance, is: "When a contractor or permittee has a contract with or a permit from the federal government or any authorized public agency to dredge...the commission, may when in the best interests of the State, allow such contractor or permittee to have sand, gravel, or other spoils dredged from the sovereign lands of the State located within the areas specified in such contract or permit upon such terms and conditions and for such consideration as will be in the best interests of the State..."

In the instant case, and in view of proposed future dredging of what may amount to millions of cubic yards of material in the Carquinez Strait area, the staff recommends that a charge be made for any spoils which are to be dredged from State lands and placed on privately owned lands.

CALENDAR ITEM 19. (CONTD.)

This Division has apprised the Department of Fish and Game and Water Pollution Control Board No. 2 of the proposed dredging.

IT IS RECOMMENDED (1) THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE TO THE PUBLIC WORKS DEPARTMENT, CONTRA COSTA COUNTY, A PERMIT TO DREDGE APPROXIMATELY 200,000 CUBIC YARDS OF MATERIAL, AT A MINIMUM CHARGE OF .03 PER CUBIC YARD, FROM THE BED OF SUISUN POINT CHANNEL, CONTRA COSTA COUNTY; AND (2) THAT A TEMPORARY RIGHT-OF-ENTRY PERMIT BE GRANTED FOR A DREDGE PIPE-LINE EASEMENT OVER STATE LANDS FOR TRANSPORTING THE DREDGED MATERIAL TO A SPOILS AREA ON LAND OF THE UTAH CONSTRUCTION COMPANY, THE PERMIT TO BE IN EFFECT FROM FEBRUARY 1, 1964, TO DECEMBER 31, 1964, OR TO COMPLETION OF CONTRACT, WHICHEVER OCCURS FIRST. CONSIDERATION FOR GRANTING THE EASEMENT IS TO BE THE PUBLIC BENEFIT TO BE DERIVED FROM THE IMPROVEMENT OF COMMERCE AND NAVIGATION. THE EASEMENT AREA IS DESCRIBED AS FOLLOWS:

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