

MINUTES OF THE STATE LANDS COMMISSION
MEETING OF
JULY 17, 1979

The regular meeting of the State Lands Commission was called to order by Chairman Kenneth Cory at 10:02 a.m. in Room 6028, State Capitol. Also present were Commission-Alternates Sheldon Lytton, Chief of Staff, representing Commissioner Mike Curb, Lieutenant Governor; and Roy M. Bell, Deputy Director of Finance, representing Commissioner Richard T. Silberman, Director of Finance.

EXECUTIVE OFFICER'S REPORT:

During Mr. William F. Northrop's Executive Officer's report, the Commission consented to the following emergency actions:

1. Authorized the Department of Water Resources to construct a temporary cofferdam in Butte Creek at the confluence with the Sacramento River, Sutter County, to create an area which can be dewatered to allow inspection and repair of six, five-foot diameter existing flap gates. Consent vote 2-0 (Mr. Bell had not arrived as yet).
PN CE SAC 79-6868
2. Authorized a letter permit to Shorecliff Properties, Inc. to commence emergency protective structure work due to erosion at the base of Oceanside Cliff near Pismo Beach, San Luis Obispo County, until a State Lands Commission general permit is processed. Consent vote: 3-0.
W 22185
3. Authorized Edwin M. Kado to commence bank protection work prior to finalizing the Commission's permit on land along the Garden Highway adjacent to the Sacramento River. Consent vote: 3-0.
W 22179

Attachments: Exhibit "A"

EXHIBIT "A"

EXECUTIVE OFFICER'S REPORT

By

WILLIAM F. NORTHROP
EXECUTIVE OFFICER

JULY 17, 1979

DEPARTMENT OF WATER RESOURCES - COFFERDAM (PN CE SAC 79-6868)

ON JULY 6, 1979, THE DEPARTMENT OF WATER RESOURCES, SUTTER MAINTENANCE YARD, ADVISED THE STAFF OF THE STATE LANDS COMMISSION OF THEIR INTENT TO CONSTRUCT A TEMPORARY COFFERDAM IN BUTTE CREEK (SLOUGH) AT ITS CONFLUENCE WITH THE SACRAMENTO RIVER, SUTTER COUNTY.

THE COFFERDAM WILL CONSIST OF 400 CUBIC YARDS OF COMBINED SILT AND CLAY EXCAVATED FROM WITHIN BUTTE CREEK (SLOUGH). THE COFFERDAM WILL BE CONSTRUCTED FOR APPROXIMATELY 30 DAYS.

THE PURPOSE OF THE COFFERDAM IS TO CREATE AN AREA THAT CAN BE DEWATERED TO ALLOW FOR INSPECTION AND REPAIR OF SIX 5' DIAMETER EXISTING FLAP GATES. UPON COMPLETION OF THE REPAIRS, THE COFFERDAM WILL BE REMOVED FROM THE WATERWAY.

THE DEPARTMENT OF WATER RESOURCES IS CURRENTLY SEEKING IMMEDIATE AUTHORIZATION FROM THE STATE LANDS COMMISSION TO CONSTRUCT THE COFFERDAM IN ORDER TO COMPLETE THE NECESSARY REPAIRS PRIOR TO THE DRAINING OF A NUMBER OF RICE FIELDS WHICH UTILIZE BUTTE CREEK (SLOUGH) FOR DRAINAGE PURPOSES. DWR HAS RECEIVED A STREAMBED ALTERATION PERMIT FROM THE DEPARTMENT OF FISH AND GAME, AS WELL AS A PERMIT FROM THE CORPS OF ENGINEERS. THE PROJECT IS EXEMPT FROM CEQA IN THAT IT IS AN EMERGENCY, AS WELL AS ONLY A MINOR ALTERATION TO LAND. WITH YOUR CONSENT, WE WILL ADVISE WATER RESOURCES OF APPROVAL TO CONSTRUCT THE COFFERDAM.

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| CALENDAR PAGE | |
| MINUTE PAGE | 1180 |

W. P. SHORECLIFF PROPERTIES, INC. (W 22185)

SHORECLIFF PROPERTIES, INC. PROPOSES TO PERFORM EMERGENCY PROTECTIVE STRUCTURE WORK AT THE BASE OF THE OCEANSIDE CLIFF FRONTING ITS COMMERCIAL PROPERTY NEAR PISMO BEACH.

EROSION OF THE CLIFF DURING PERIODS OF HIGH TIDE -- ESPECIALLY DURING THE SEVERE 1978 WINTER STORMS, HAS CONTINUED TO UNDERMINE THE AREAS UNDERLYING THE UPLAND FACILITIES.

THE APPLICANT HAS BEEN MOST COOPERATIVE IN PROVIDING STAFF WITH REQUESTED INFORMATION, INCLUDING PERMIT APPLICATION, FEES, ENVIRONMENTAL INFORMATION, PLANS AND SPECIFICATIONS. STAFF ONLY RECENTLY WAS ABLE TO ADVISE THE APPLICANT OF PERMIT REQUIREMENTS; HOWEVER, THE APPLICANT'S CONSULTING ENGINEERS ADVISE THAT WORK MUST BE DONE IMMEDIATELY TO ENSURE INSTALLATION PRIOR TO NEXT WINTER'S STORMS. CONSTRUCTION MUST BEGIN BY AUGUST 1ST.

STAFF HAS REVIEWED PLANS FOR THE PROPOSED PROTECTIVE STRUCTURES AND CONCURS IN THE NEED FOR SUCH PROTECTION. THE COASTAL COMMISSION HAS ISSUED A PERMIT CONTINGENT ON THE APPLICANT RECEIVING STATE LANDS COMMISSION APPROVAL. THE CORPS OF ENGINEERS, FISH AND GAME, CITY OF PISMO BEACH, THE COUNTY OF SAN LUIS OBISPO, AND THE STATE OFFICE OF HISTORIC PRESERVATION HAVE REVIEWED THE PROJECT. NONE OF THE AGENCIES HAVE HAD ANY ADVERSE COMMENTS.

IN THAT PROTECTIVE WORK MUST BE COMPLETED PRIOR TO THIS COMING WINTER, STAFF REQUESTS PERMISSION TO ISSUE A LETTER AUTHORIZING APPLICANT ENTRY ON STATE LANDS TO PROCEED IMMEDIATELY WITH PROJECT WORK, WHILE STAFF IS PROCESSING THE REQUIRED STATE LANDS COMMISSION PERMIT.

STAFF WILL PRESENT A CALENDAR ITEM COVERING THE PROJECT AT THE NEXT REGULARLY SCHEDULED COMMISSION MEETING FOLLOWING APPLICANT'S EXECUTION OF A GENERAL PERMIT FOR THE FACILITIES.

EDWIN M. KADO (W 22179)

STAFF HAS BEEN WORKING WITH AN APPLICANT, EDWIN M. KADO, ON THE ISSUANCE OF A PERMIT FOR BANK PROTECTION AT APPLICANT'S RESIDENCE ALONG THE GARDEN HIGHWAY ADJACENT TO THE SACRAMENTO RIVER. THE APPLICANT CONTRACTED WITH BASALT ROCK COMPANY TO PLACE RIP RAP ALONG HIS PROPERTY UPON COMPLETION OF A CORPS OF ENGINEERS PROJECT UPSTREAM FROM APPLICANT'S RESIDENCE. BASALT HAS COMPLETED THE CORPS PROJECT AHEAD OF SCHEDULE AND WANTS TO BEGIN APPLICANT'S PROJECT. BECAUSE NO NEGATIVE COMMENTS WERE RECEIVED ON THE CORPS PUBLIC NOTICE, APPLICANT WILL RECEIVE A CORPS OF ENGINEERS' PERMIT FOR HIS PROJECT THIS WEEK. APPLICANT HAS COOPERATED WITH STAFF AND SUPPLIED STAFF WITH AN APPLICATION, TOGETHER WITH APPROPRIATE FILING AND PROCESSING FEES.

APPLICANT HAS REQUESTED THAT HE BE ALLOWED TO BEGIN HIS BANK PROTECTION PROJECT PRIOR TO FINALIZING OF A STATE LANDS COMMISSION PERMIT SO THAT HE CAN REALIZE SUBSTANTIAL SAVINGS. THE PROPOSED PROJECT IS EXEMPT FROM CEQA AS A MINOR ALTERATION TO LAND AND STAFF EXPECTS TO SUBMIT A FINAL PERMIT TO THE COMMISSION FOR APPROVAL AT THE COMMISSION'S AUGUST MEETING.

WITH YOUR CONSENT, WE WILL ADVISE MR. KADO THAT HE MAY PROCEED WITH HIS PROJECT.

TEMPORARY EMERGENCY SHORT-TERM LETTER PERMITS

WE WILL PRESENT FOR YOUR CONSIDERATION NEXT MONTH A CALENDAR ITEM TO AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TEMPORARY SHORT-TERM LETTER PERMITS ON AN EMERGENCY BASIS TO APPLICANTS FACING PROJECT FUNDING AND CONSTRUCTION DEADLINES.

REMOVAL OF CALENDAR ITEMS FROM CONSENT (W21863)

DUE TO THE CURRENT DISPUTE OVER THE OWNERSHIP OF THE LITTORAL LAND ON CALENDAR ITEMS C-13 (BURKHART), C-14 (PEDROTTI) AND C-15 (GROSSI & LOGAN), THESE ITEMS SHOULD BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED SEPARATELY. STAFF RECOMMENDS THAT THE FOLLOWING CONDITION BE INCLUDED IN THE ABOVE SUBJECT PERMITS:

"THIS PERMIT IS ISSUED CONCURRENTLY WITH PERMITTEE'S RIGHTS, IF ANY, TO OCCUPY THE ADJOINING LAND OR STRUCTURES. THIS PERMIT SHALL AUTOMATICALLY TERMINATE IF PERMITTEE'S RIGHT TO SO OCCUPY IS TERMINATED BY ACT OF LAW, JUDGMENT, OR OTHERWISE."

RECORD OF ACTION TAKEN BY THE
STATE LANDS COMMISSION
AT ITS MEETING OF JULY 17, 1979

During the meeting, the recommendations of the staff relative to Calendar Items 4, 5, 6, 7, 9, 10, 11, C12, 13, 14, 15, C16, C17, C18, C19, C20, C21 and C22 were adopted as resolutions of the Commission by unanimous vote.

Commission action on Calendar Items 1 and 8 is set forth on pages 1186 and 1237.

Calendar Items 2 and 3 were withdrawn from the agenda prior to the meeting (see pages 1203 and 1207).

STATE OF CALIFORNIA

Minutes of the meeting of the
State Lands Commission
Sacramento, California

APPEARANCES

Commissioners Present:

Kenneth Cory, State Controller, Chairman
Sheldon H. Lytton, Commission-Alternate, Chief
of Staff, representing Commissioner Mike Curb,
Lieutenant Governor
Roy M. Bell, Commission-Alternate, Deputy Director
of Finance, representing Commissioner
Richard T. Silberman, Director of Finance

Staff Members in Attendance:

William F. Northrop, Executive Officer
James F. Trout, Assistant Executive Officer
R. C. Hight, Chief Counsel
D. J. Everitts, Chief, Extractive Development -
State Leases
Dwight Sanders, Chief, Planning and Environmental
Coordination Unit
Les Grimes, Deputy Chief, Division of Land Management
and Conservation
David Hadly, Staff Counsel
James De la Cruz, Land Agent
Diane Jones, Secretary

Representing the Office of the Attorney General:

Jan Stevens, Assistant Attorney General
Ken Williams, Deputy Attorney General

Re Minute Item 1:

Mark Hoffart, representing self
Thomas Pratte, representing Western Surfing
Association
Tony Gerschler, representing Western Surfing
Association
Zeke Grader, General Manager/Counsel, Pacific
Coast Federation of Fisherman's Association
Jeremiah Scott, Attorney, Humboldt Bay Harbor
Recreation and Conservation District
Jack Alderson, Chief Executive Officer and Attorney,
Humboldt Bay Harbor Recreation and Conservation
District

Re Minute Item 8:

Louis E. Oranges, representing self