unit agreement.

MR. HORTIG: All the same protections that are currently applicable to tide and submerged lands under existing statutes, or whatever will be provided by any subsequent statutes.

MR. SIEROTY: The City has indicated it is satisfied with the subsidence control conditions under the agreement?

MR. HORTIG: The City does not relinquish under these unit agreements any subsidence control they now have in the operation of the field.

MR. CHAMPION: Is there any further question or comment? (No response) It has been moved. There being none, it stands unanimously approved.

Let's return - - Have the parties on 4(b) arrived? That's the Contra Costa County Public Works Department and their permit.

MR. HORTIG: Yes, I see Mr. Broatch now.

MR. CHAMPION: We will take that item up, then. Contra Costa County Public Works Department -- Permit to dredge approximately 200,000 cubic yards of material from bed of Suisun Point Channel in vicinity of Martinez Bridge, at charge of one cent per cubic yard for spoils deposition on privately owned lands.

We had a lengthy discussion on this at the February 26th meeting, and this is a change in the recommendation of

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1 the staff from three cents to one cent?

2 MR. HORTIG: That's correct, sir.

3 MR. CHAMPION: Would you like to be heard, sir?

4 MR. BROATCH: If I may, sir. Gentlemen of the

5 Commission, my name is Broatch. I am Deputy Director of

6 Public Works for Contra Costa County. I have a statement

7 here, signed by Mr. E. A. Linscheid, Chairman of the Board

8 of Supervisors of Contra Costa County, and I'd like to read

9 it in the record. It is:

10 " Dear Mr. Champion:

11 We have received a copy of the agenda for the meeting
of your Commission in Sacramento, California on March
12 26, 1964.

13 Item 23 on this agenda indicates that the recommendation
of your staff will be to charge $0.01 per cubic yard for
14 the spoils removed from the Emergency Suisun Point
Channel Dredging Project.

15

We wish to again voice our objection to this charge.
16 We are not now opposing generally the policy of the
State Lands Commission, which is asserted to require
17 assessment of charges for spoils deposited on private
lands; we are objecting in this specific case because:

18

1. The Suisun Point Channel Project is an <u>emergency</u>
19 <u>job</u> for the removal of a shoal obstruction which is a
<u>serious navigational hazard</u>.

20

2. The disposal of spoils is a secondary, although
21 important, consideration.

22 3. Physical factors, such as length of pipe line, nar-
rowed down available sites to an extremely limited
23 number; only one site owner, in the final analysis,
was willing to assume liability, responsibility for
24 the solution to engineering problems, and responsibil-
ity for the cost of retention dikes -- which cost was
25 $75,000.

26 4. From the outset the U. S. Army Corps of Engineers

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1 " represented to the County of Contra Costa that there
would be no charge for spoils to the owner of the dis-
2 posal site providing that the obligations mentioned in
3 above were assumed; all negotiacions were conducted
on the basis of this representation.

4 5. There has been an apparent conflict between the
State Lands Commission and the U. S. Army Corps of Engi-
5 neers as to the rights of each in terms of the ownership
of spoils material removed from the "navigable channel."
6

Without attempting to establish a precedent, and con-
7 fining our objections to this one Emergency Project,
which obviously has unusual characteristics, we ask
8 that the nominal consideration of $1.00 be fixed as
the charge to be assessed for the job; such action
9 appears to be within your authority and to fulfill
your responsibility as spelled out under Section 6303
10 of the California Public Resources Code.

11 Very truly yours,

12 /s/ E. A. Linscheid
E. A. Linscheid, Chairman
13 Board of Supervisors

14 cc: Colonel Robert E. Mathe, Corps of Engineers, Sacramento
Robert H. Langner, Secretary Northern California
15 Marine Affairs Conference
J.P. McBrien, County Administrator, County Public
16 Works Department
"

17 MR. BROATCH: (continuing) May I have this in the
18 record? Thank you very much, gentlemen.

19 MR. CHAMPION: Thank you, Mr. Broatch. Mr. Hortig,
20 do you wish to comment further on the subject? What, by the
21 way, is the total amount involved in one cent?

22 MR. HORTIG: To a maximum of 200,000 cubic yards
23 and one cent, we have $2,000. If I may clarify for the Com-
24 mission a misunderstanding, as reported in item 5 by Mr.
25 Broatch in the letter from the Board of Supervisors, that
26 there appeared to be a difference of opinion as between the

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U. S. Army Corps of Engineers and the State Lands Commission with respect to charging for the material -- no charge has ever been assessed on the U. S. Army Corps of Engineers; and probably the best evidence of the fact that this is a continuing program appears on the Commission's agenda, on page 2 of your calendar, item 3(e). You have this morning approved a permit which was requested by and granted to the U. S. Corps of Engineers to dredge approximately 400,000 cubic yards of material, where this is being dredged by the U. S. Corps of Engineers in the enhancement and improvement of navigation and is being deposited on public lands which were made available for the spoils deposition area -- not being deposited on privately owned lands. This is the distinction.

MR. CHAMPION: I think we have been over this matter at some length at previous meetings. Have we had any further reports or have there been any further discussions with the Army Corps of Engineers, where they felt we were here setting a bad precedent in any way or one that would affect their policy?

MR. HORTIG: We haven't had any specific discussion; but in every other instance where land has been removed heretofore under Lands Commission permit, where application was made to deposit the spoils on privately owned lands, there has been a charge for such material.

MR. CHAMPION: What is the pleasure of the Commission?

MR. CRANSTON: I'll move approval.

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1 MR. CHAMPION: I'll second. Is there any comment?
2 MR. SIEROTY: Just a comment -- not opposing the
3 motion, but I think it should be made clear to the representa-
4 tives of Contra Costa that they should not assume that this
5 policy is going to be continued so far as additional removals
6 of spoils. The three-cent charge, I thought, was a reasonable
7 one in the beginning. Contra Costa made representations to a
8 private landowner and I think the State is trying to be gener-
9 ous in backing up the County in this situation.
10 We have issued permits at sixteen cents and eight
11 cents and six cents, and certainly the price we are talking
12 about is very reasonable. The problem we see is that these
13 spoils are going on private lands, which are being enhanced.
14 The value of these lands are being enhanced considerably by
15 these spoils, and I think the Commission feels some responsi-
16 bility along these lines; and I would just not like Contra
17 Costa to assume that they will continue to receive spoils at
18 this price.
19 MR. CHAMPION: Is there anything further on this
20 subject? (No response) It having been moved and seconded,
21 the recommendation of the staff is unanimously approved.
22 That concludes the other items on the agenda.
23 MR. HORTIG: There is the one we were holding for
24 Senator Rattigan.
25 MR. CHAMPION: Does anyone know if Senator Rattigan
26 is going to appear on that subject?

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MR. HORTIG: Representatives of Associated Dredging are with us.

MR. CHAMPION: Do you know whether the appearance of Senator Rattigan is still scheduled? We have another matter, and we can defer it still further if there is any advantage to do so.

VOICE: I haven't heard.

MR. CHAMPION: Let's proceed. Could someone find out definitely, so we could move on with that?

The other matter before the Lands Commission this morning, not on the agenda, concerns Assembly Bill (I think it is 132) involving the Long Beach tidelands, which has been set for hearing this afternoon in Ways and Means; and while I have been involved at the request of that committee in discussions with Long Beach as to possible compromise agreements and have testified concerning those in executive session of the Joint Committee on Tidelands of the Legislature, I have done this in my capacity as Director of Finance rather than as Chairman of the State Lands Commission.

As Director of Finance, it was my intention to suggest certain amendments to A.B. 132 at the meeting this afternoon, and I thought it proper at this time to bring those to the Lands Commission for their consideration as to whether this should be a policy of the Commission, or whether they simply want this to remain on the basis it has been in the past. I think during the period of negotiations it is very

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1 difficult to operate as a Commission, but we now have an
2 actual piece of legislation before us and we have been work-
3 ing on a number of amendments, many of which grew out of our
4 discussions with the representatives of the City of Long
5 Beach.

6 This by no means implies their approval -- just a
7 submission of the bill that grew out of those discussions,
8 which by no means implied our approval. I am going to ask
9 Mr. Hortig at this time to outline -- not in great detail,
10 but the basic amendments, and see whether the Lands Commis-
11 sion itself would like to take a policy position on this;
12 and also, if for no other purpose, to inform the Lands Com-
13 mission as to what my present recommendations have been.

14 Would you proceed, please, Mr. Hortig?

15 MR. HORTIG: Mr. Chairman, in order of their prob-
16 able appearance within the framework of Assembly Bill 132,
17 amendments would be proposed for consideration, first, at
18 line 3, page 3 of Section 2 of the bill which you have before
19 you, which relates to and requires .....

20 MR. CHAMPION: Mr. Hortig, I think nobody here is
21 trying to amend the bill.

22 MR. HORTIG: This is the shortest form...

23 MR. CHAMPION: I want to keep this to the principal
24 matters.

25 MR. HORTIG: We will stick to the subject matter
26 rather than the verbiage on all subsequent amendments, but

in this instance it is necessary to refer to the bill -- to require that production should be for the maximum benefit and profit of the State of California and the City of Long Beach; it has been suggested that this be amplified to include what the Lands Commission has heretofore indicated -- the necessity of such language which might read: "... consistent with public policy with relation to the prevention of monopolies."

The second amendment in order of appearance would be to provide, in lieu of what is now provided in Section 4 of the bill, which would yield to Long Beach it is estimated between $293 and $335 million dollars -- in lieu thereof, to provide a financial schedule which would accrue to the State; and a sum total of approximately $165 million dollars, representing the maximum amount that has been justified for the record in terms of needed and applicable and qualified shoreline development programs as reported by the City, to Long Beach

MR. CHAMPION: I might add this figure represents no recognition of Harbor improvements. This would remove the whole subject of Harbor improvements as a proper expenditure of these funds.

MR. HORTIG: And it would be proposed to amend Section 6 of the proposed bill, A.B. 132, relating to expenditures, to provide a mechanism whereby the expenditure of the $165 million dollars would be subject to review and

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1 approval by the State Lands Commission pursuant to master
2 plans which had been filed by the City of Long Beach relative
3 to their proposed shoreline development -- again outside the
4 Harbor District, as the Chairman just noted.
5 Section 7 of the bill as drafted proposed to estab-
6 lish by legislation a boundary of the Long Beach tidelands
7 and a very substantial effect of this would be the elimination
8 of the boundary litigation which is currently on file, with-
9 out any compensation or compromise as to the values which
10 might be recovered by the State under that boundary litigation.
11 Therefore, it is suggested that this definition of a boundary
12 be deleted by amendment from the bill, and the question of
13 boundary determination be determined by the court, as it is
14 already underway as a pending litigation.
15 These, Mr. Chairman, then, with exception of
16 appropriate clarification of the vast field of subsidence
17 control, would constitute the proposed amendments. The pro-
18 posed clarification of subsidence control would be to provide
19 a mechanism for assurance that the determination as to the
20 necessity for subsidence control would be in the hands of
21 the City of Long Beach on any proposal to conduct operations
22 alleged to be or found to be necessary, felt to be necessary
23 for subsidence control. These programs or plans would be sub-
24 ject to review by the State Lands Commission. On a finding
25 of the State Lands Commission that the program was reasonably
26 necessary for subsidence control, the program would be

1 implemented by the City. On a finding that there was serious
2 question as to the reasonable necessity and a finding of a
3 question by the Lands Commission and a determination by the
4 City that the program still was necessary, the matter would
5 be referred to a third party arbitrator -- again not to deter-
6 mine the economic necessity, but only whether there is any
7 reasonable basis for invoking the operation for subsidence
8 control, in which event it would be implemented.
9 MR. CHAMPION: I would like to add two points,
10 because of the complication of this problem: One is that
11 Long Beach could act on its own initiative and proceed while
12 any review process was going on; and, secondly, in the ulti-
13 mate determination in the review process by an arbitrator,
14 the burden would be on the State to show that there was no
15 reasonable ground for this action in the area of subsidence.
16 (Lt. Governor Anderson returned to meeting)
17 MR. CHAMPION: (continuing) It is only the purpose
18 to have the State participate in some way in the determination
19 of whether a subsidence measure is, in effect, a subsidence
20 measure instead of something else. Without some language of
21 this kind, anything could be done and could be labeled a sub-
22 sidence measure by Long Beach and there would be no State con-
23 trol. This element is intended to provide that ultimate
24 third party determination if the State should question that
25 this is, in fact, a subsidence measure, a reasonable subsid-
26 ence measure; and the entire burden of proving that it is not

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is on the State, and the measures go forward unless there is some ultimate final determination by that third party that it is not reasonable. In other words, it is not the intention to have the State intrude in the subsidence process. It is a measure designed to have the State be able to have an arbitrator decide whether something is or is not a subsidence control. Otherwise, the whole operation could be completely controlled simply by saying it is subsidence control; and this is to give the State ability to question that.

MR. HORTIG: If I may add a third item -- This could also be of advantage to the City of Long Beach in terms of having independent support for their determination against some other party who might feel that it might not be subsidence control.

MR. CHAMPION: Unfortunately, Governor, we have been on this subject and Mr. Hortig has almost completed his review.

MR. HORTIG: Those are the proposed amendments for consideration.

MR. CHAMPION: Now, I'd like to say one other thing with respect to these amendments and that is, as I said at the outset, these were drafted after long discussion with the City of Long Beach, as was the bill, A.B. 132; and they obviously represent points of view on which we said we had some difference and they would have to be settled through the legislative process. These amendments really provide the

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other side of what was presented in A.B. 132 and it is in this area we feel the Legislature has to make the decision. In the interest of compromise, it is understood that there probably is going to be some movement between these two positions. It was my personal feeling, and this was the question I was bringing to the Lands Commission, that this other question should be put as concretely as the other side of these negotiations was put into A.B. 132 -- to present to the Legislature these two views, which have come much closer together than they were before the negotiations started. I think we made a good deal of progress and some of the things in A.B. 32 represent specific agreement; some of the things here represent some agreement; but it was here we were unable to reach final agreement.

The provisions in A.B. 132 represent one side of the matter; the amendments represent the other side of that matter. It is in that spirit that I am offering these to the Lands Commission. If they want to adopt them as policy, as Chairman of the Lands Commission, as well as Director of Finance, I would represent them.

MR. HORTIG: (To Gov. Anderson) It would be proposed to add the requirement that the operations be conducted at maximum profit consistent with public policy relative to the prevention of the forming of monopolies.

GOV. ANDERSON: Now, then, what about the operational control?

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1 MR. HORTIG: Operational control would be included
2 for normal field operations under approval and directions of
3 the State Lands Commission; subsidence control under the
4 initiative of the City, but subject to State Lands Commission
5 review -- and in the event of difference of opinion, for refer-
6 ence to a third party arbitrator.
7 GOV. ANDERSON: Would that eliminate the present
8 impasse, where we always have a feeling we are presented with
9 a deadline?
10 MR. HORTIG: That would be a mechanical problem
11 which we could probably handle better under the proposed
12 language than we have been able to in the past. This would
13 be a matter of inter-staff cooperation more than necessary
14 legislation.
15 MR. CHAMPION: I'd like to speak to that. I think
16 there was general agreement in this operational area; we
17 understood each other pretty well. What would facilitate it --
18 we would have people working with Long Beach in their day-to-
19 day operations and control. We would have them there in
20 constant communication.
21 GOV. ANDERSON: This has been constant pressure on
22 our part. Where we don't act favorably, we would be holding
23 it up. The first times we went along with it. After that
24 we got tired of it. Are they aware of this?
25 MR. CHAMPION: I think so. When they got to us,
26 they had to have rapid action and we weren't prepared to

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give them action. This is a better base. We would have an early warning.

GOV. ANDERSON: What about the boundary?

MR. HORTIG: This would be eliminated by eliminating the definition of the boundary entirely.

GOV. ANDERSON: I think those were the three I was primarily concerned with, weren't they, Alan?

MR. SIEROTY: Yes.

MR. CHAMPION: Is there anyone who would like to speak further to these matters of policy with respect to A.B. 132? (No response) What is the pleasure of the Commission?

MR. CRANSTON: I move that we approve the amendments that have been proposed by the Chairman.

GOV. ANDERSON: I'll second that.

MR. CHAMPION: Is there anything further -- any questions or comment? (No response) They will stand unanimously approved and they will be presented to the Assembly Ways and Means Committee by Mr. Hortig as proposed amendments to A.B. 132.

MR. CRANSTON: I would like to also move that we go on record as supporting the bill with these amendments.

GOV. ANDERSON: Well, I will second that, but that doesn't imply that we will support it without them.

MR. CRANSTON: No.

GOV. ANDERSON: In other words, we make it very clear.

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MR. CHAMPION: It has been moved and seconded that we support the bill with these amendments included. Is there any question on that. (no response) Unanimously approved.

MR. HORTIG: Associated Dredging is here. The report is Mr. Shannon will not be here. However, a Mr. Howard Leach is in the audience, representing Fish and Game; as for Senator Rattigan, my secretary is trying to locate him and standing by for the report.

MR. CHAMPION: I think we will have to proceed with the item at this stage of the game, and that is Item 4(a) Associated Dredging Company -- 15-year lease 30.627 acres tide and submerged lands of Petaluma River, Sonoma County, to create two basins for company equipment. Annual rental, $1,419.26. Issuance of lease opposed by Marin Rod and Gun Club, Inc., and by Department of Fish and Game.

Now, I assume representatives of both parties are here. Do you wish to say anything before they make their presentations?

MR. HORTIG: The application has been in process for almost two years in the State Lands Division, in the hopes of being able to arrive at an amicable settlement as to how the operation might be conducted without objection -- which resolution having not been reached up to this date, the applicant requested that this item be calendared for hearing before the State Lands Commission, so that they

(Mr. Cranston left meeting)

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can be informed positively or negatively that they are going to have a lease. Under these circumstances, the basis for the lease and the need for the lease can be explained most briefly by the representatives of Associated Dredging Company, who are here this morning.

MR. GARDINER: Gentlemen, my name is Gardiner, Samuel Gardiner, attorney in San Rafael. I can't conceive of any substantial opposition to this lease. Associated Dredging is presently operating in Sausalito. They are required to move from their present location. They can't very well operate in their new location unless they have access to water. The primary purpose of the lease is to provide them access to water, since they now have upland property on which I have negotiated a lease.

This lease -- I might say there are two or three extremely interesting facets of this thing. In the first place, they may not be within the jurisdiction of the State Lands Commission. There has been considerable controversy on the boundaries of the area. We made a survey in 1952, which indicated it was not within the jurisdiction -- that it was accreted land.

I would assume you would like to assume complete control, and if you have your own lease you will be able to control it. These people are willing to go along with whatever kind of lease you would approve. I assume the survey of 1860 has been adopted; a survey was made in 1952 indicating

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it was private land; a resurvey was made in 1960 -- I am not sure how it will end up.

MR. CHAMPION: Who would be the private owner?

MR. GARDINER: Mr. Halperin is here. He and his associates have the upland land. I don't wish to debate that thing. I just say it seems to me, no serious damage is being done -- it is to the State's interest to have your own lease. As far as Fish and Game is concerned, I am sure there is no one in this room who is not interested in the preservation of wildlife. I do a great deal of that myself.

MR. CHAMPION: Do you preserve it, Mr. Gardiner?

MR. GARDINER: I do; I generally freeze mine. I say this is a phantom issue. The accretion that has occurred is such that there can be no substantial fish life in this area; there can be no substantial bird life in this immediate thirty-acre parcel. I say it is a phantom issue.

It is impossible for these people to operate without access to water. They have to have access somewhere, unless you want to put them out of business. The nominal amount of fish in the accreted area is so small that it is not worth talking about.

Now I am talking in rebuttal, as a matter of fact. I suppose you should hear from the Fish and Game Commission.

MR. CHAMPION: Will the representatives from the Fish and Game Commission come forward? This is the Department of Fish and Game, rather than Fish and Game Commission?

1 MR. LEACH: Yes. My name is Howard Leach and I am
2 in the Water Projects Branch of the Department of Fish and
3 Game. I am here to represent our director, Walter Shannon,
4 in regards to the application of the Associated Dredging Com-
5 pany of Sausalito for a lease of a thirty-acre parcel of
6 tide and submerged lands at the mouth of the Petaluma River.
7 The Department of Fish and Game has formerly recom-
8 mended that the State Lands Commission not issue a permit to
9 the Associated Dredging Company in these thirty acres of tide-
10 lands in respect to a development they propose, and we did
11 this in a letter of January 31, 1964 directed to Mr. H. E.
12 Palmer, State Lands Division, Los Angeles. Earlier -- in fact,
13 two years ago, in October, October 21, 1963 -- the Department
14 of Fish and Game requested that the Army Corps of Engineers
15 deny to the same company a permit to dredge in the same State
16 lands as described in Public Notice 6429. Earlier in that
17 month, October 8, 1963, U. S. Fish and Wildlife expressed to
18 the Army Corps of Engineers a protest to the granting of said
19 permit.
20 Our protests, we believe, are well founded. The
21 Department of Fish and Game is vitally concerned with the
22 future of San Francisco Bay, once one of the most outstanding
23 scenic areas of the world. Tidelands are disappearing at an
24 alarming rate and if the prognosis of the Bay area is true,
25 then we can only view with great alarm the disappearance of
26 the tidelands.

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MR. CHAMPION: Mr. Leach, may I interrupt? We have a matter of great importance currently before the legislature on this general problem of the tidelands. Could we restrict this to the issue?

MR. LEACH: Our concern for this thirty acres is really our concern in the whole question of the tidelands and we are well aware of this nibbling of small parcels of tidelands which will destroy the tidelands. This particular thirty acres of State-owned land, which apparently will be filled in with some 291,000 cubic yards of material dredged from the Petaluma River, destroys an irreplaceable wet lands.

MR. CHAMPION: Let me ask you: When you say they destroy the wet lands, what benefits are there in the present wet lands, taking into consideration Mr. Gardiner's assertion about accretion and the fact this does not have any benefit either to fish or wildlife?

MR. LEACH: We undoubtedly would take issue with this because tidelands are vital, are vital to the area in the Bay area.

MR. CHAMPION: I am speaking to these tidelands, to this particular parcel. Do they themselves participate in the general benefit to fish and wildlife of the whole of the Bay area, or is this a separate and distinct question? Is there any benefit here, even as part of an over-all situation as far as fish and wildlife are concerned specifically?

MR. LEACH: Specifically, yes, I would definitely

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say so because even though this acreage amounts to only thirty acres, they are utilized by hundreds of thousands of shore birds; different varieties of animal life frequent them seasonally.

MR. CHAMPION: And would not do so if they are filled?

MR. LEACH: That's our statement.

MR. CHAMPION: What about the rate of accretion? Would the rate of accretion do naturally what we are supposed to do officially? I gather that was the point of your testimony, Mr. Gardiner. I'll give you an opportunity to speak. Is there anything further on this matter, Mr. Leach?

MR. LEACH: I might have one thing to say and that is the fact that the Department of Fish and Game in our regional office are in a two-year study, in which they are documenting the State lands and the importance of these lands to wildlife. Unfortunately, we haven't got it completed.

MR. CHAMPION: Thank you, Mr. Leach. Is there anyone else who wishes to be heard?

MR. HORTIG: Mr. Chairman, if I might supplement the record, first, particularly because of Mr. Leach's reference to the objection by the Department of Fish and Game filed with the U. S. Army Corps of Engineers asking that a permit not be accorded for this filling: The United States Corps of Engineers did, on December 30, 1963, grant such permit.

MR. CHAMPION: Let me as you this question: What

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is your opinion of this accretion question?

MR. HORTIG: The accretion would be much slower; but necessarily, because of the very nature of the area, deposition of the Petaluma River ultimately would accumulat additional filled land in this area by natural processes. would be accomplished much more rapidly by the artificial processes proposed by our applicant.

Additionally, I should note for the Commission's record the receipt from the Marin Rod and Gun Club of a telegram, and I quote:

> "The Marin Rod and Gun Club with a membership with over 2,000 members wishes to go on record as being opposed to the issuing of the permit to dredge and fill the state-owned tidelands near the mouth of Petaluma Creek Sonoma County California.
>
> Marin Rod and Gun, Paul B. Ware "

MR. CHAMPION: Yes, Mr. Gardiner?

MR. GARDINER: I just want to add one brief thing to what was said a moment ago, and that is, the net usable fish and wildlife area will be greater, if this occurs, in fifty years than if a similar procedure goes on naturally. If this occurs, at least a substantial portion of it will be waterway, a substantial portion will be filled. I would say the net would be better.

MR. CHAMPION: What is your view of that? Has the staff discussed this beyond the Department of Fish and Game?

MR. HORTIG: Definitely. Of course, the problem of

1 what the net effect is going to be and whether there is a bal-
2 ance on one side or the other depends on how many construction
3 projects, dredging projects to provide for additional water-
4 ways, are actually undertaken and completed. In the view of
5 Associated Dredging, the project they see on the horizon, this
6 is a reasonable expectation as it has been outlined by Mr.
7 Gardiner.
8 MR. CHAMPION: Is there anything further to be said?
9 GOV. ANDERSON: Have you had any indications from
10 Senator Rattigan? I know he was supposed to be here.
11 MR. HORTIG: Senator Rattigan cannot get here.
12 GOV. ANDERSON: Has he left any views on this, be-
13 cause several times when I have been down in his county he has
14 gone out of his way to discuss this whole problem of waterways
15 in Sonoma County, and I would like to hear his views.
16 MR. HORTIG: From the County standpoint there is
17 support, because Sonoma County Industrial Development Board
18 wrote.
19 MR. CHAMPION: I hardly think they speak for Senator
20 Rattigan. Do you have any indication from Senator Rattigan?
21 MR. HORTIG: We do not; but the Planning Director
22 of Sonoma County has advised by letter that this area is an
23 unclassified district and that the use proposed is permitted.
24 They neither underwrote it nor objected.
25 MR. SIEROTY: May I ask whether Associated Dredging
26 Company has had negotiations or conferences with the Department

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of Fish and Game to work out something in this area?

MR. GARDINER: I would be surprised if they had.

MR. CHAMPION: I am a little concerned on whatyou could work out in a subject as general as this.

MR. SIEROTY: I spoke to Mr. Shannon yesterday and I thought he would be here today to express the viewpoint he thought maybe there was a possibility, either by reducing the area or some other way, of providing an agreement between these two interests.

MR. CHAMPION: Is Mr. Leach still here? Did Mr. Shannon speak to you at all of this, or are you authorized to discuss that subject at all?

MR. LEACH: Yes, Director Shannon did imply he would entertain an idea of talking to these people and discussing the nature of their problem, and very likely in the discussion the issue could be resolved.

GOV. ANDERSON: How could it be resolved?

MR. LEACH: One thing we are vitally concerned with is not only the tidelands, but access of the public to the tidelands. Certainly, we feel the filling in of this thirty-acre parcel by a private party under lease would destroy for a time, at least, the access of the public to these lands. Certainly we would not be agreeable or amenable to that solution.

GOV. ANDERSON: How would that affect fish and wildlife?

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1 MR. LEACH: How would it affect - - It would only
2 affect the use. The public has access to wildlife to hunt
3 and fish. Obviously, on this land, the opportunity for this ...
4 GOV. ANDERSON: You mean while dredging is in opera-
5 tion the areas would be kept closed to the public?
6 MR. LEACH: No -- after it would be completed.
7 GOV. ANDERSON: I had an idea after the project
8 would be completed most of the wildlife would be destroyed?
9 MR. LEACH: This is what we would like to find out.
10 GOV. ANDERSON: Why would you want the public to
11 have access if wildlife is destroyed? I don't follow this.
12 MR. LEACH: The only knowledge we have is we received
13 the public notice, and we would like to discuss with these
14 people the nature of their dredging, the extent of their
15 dredging, where they are taking their fill material, and the
16 nature of their filling in.
17 MR. CHAMPION: Have you made any attempt to do so
18 since this item was first called to your attention?
19 MR. LEACH: No sir, it was called to our attention
20 yesterday.
21 GOV. ANDERSON: Was yesterday the first time this
22 item was called to your attention?
23 MR. LEACH: Of the hearing.
24 GOV. ANDERSON: How about the item itself?
25 MR. LEACH: The item itself -- we lodged our protest
26 in January with the Lands Division.

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