

MINUTE ITEM

17. APPLICATION FOR PERMISSION TO DEPOSIT EXCAVATED MATERIAL ON SUBMERGED LANDS IN CARQUINEZ STRAIT NEAR SELBY, CONTRA COSTA COUNTY, SOUTHERN PACIFIC COMPANY - W.O. 3773, P.R.C. 2748.9.

After consideration of Calendar Item 27 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER TO ISSUE A PERMIT TO THE SOUTHERN PACIFIC COMPANY FOR THE DEPOSITION OF APPROXIMATELY 125,000 CUBIC YARDS OF FILL MATERIAL ON APPROXIMATELY 5.45 ACRES OF STATE SUBMERGED LANDS. THE PERMIT SHALL PROVIDE THAT:

1. THE MATERIAL SHALL BE DEPOSITED ON AND WITHIN PARCELS ONE AND TWO DELINEATED IN EXHIBIT "D".
2. NO MATERIAL SHALL BE DEPOSITED OUTSIDE OF THE ESTABLISHED UNITED STATES BULKHEAD LINE.
3. ALL MATERIAL DEPOSITED BELOW WATER LEVEL SHALL BE REASONABLY HARD, STABLE, AND FREE FROM SILT. ALL SILTY, DECOMPOSED, OR SOFT MATERIAL SHALL BE DEPOSITED ONLY ABOVE WATER LEVEL.
4. MATERIAL DEPOSITED SHALL HAVE A FINISHED ELEVATION CONSISTENT WITH ADJACENT PROPERTY.
5. THE FILL MATERIAL SHALL BE DEPOSITED IN SUCH MANNER THAT POLLUTION OR TURBIDITY SHALL BE REDUCED TO THE MINIMUM AND SHALL NOT BE EVIDENT A DISTANCE OF ONE-HALF MILE ABOVE OR BELOW THE FILL AREA, AND THE CONTRACTOR SHALL COOPERATE WITH THE STATE AGENCIES WHICH HAVE JURISDICTION TO REQUIRE COMPLIANCE WITH THIS CONDITION.
6. THE SOUTHERN PACIFIC COMPANY WILL GRANT ROADWAY AND UTILITY EASEMENTS OVER ITS LAND TO THE FILLED STATE LANDS, UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE PREVAILING MARKET WARRANTS AT THE TIME OF APPLICATION BY THE STATE OR ITS LESSEE.

It was noted that condition 5 above, which differs from the original staff recommendation in the calendar item, was changed at the request of the State Department of Fish and Game.

Attachment
Calendar Item 27 (4 pages)

CALENDAR ITEM

27.

APPLICATION FOR PERMISSION TO DEPOSIT EXCAVATED MATERIAL ON SUBMERGED LANDS IN CARQUINEZ STRAIT NEAR SELBY, CONTRA COSTA COUNTY, SOUTHERN PACIFIC COMPANY - W.O. 3773.

An application has been received from Southern Pacific Company for permission to deposit approximately 125,000 cubic yards of material on two non-contiguous parcels of submerged lands in Carquinez Strait, near Selby, Contra Costa County.

The deposit material, consisting of a sandstone of varying hardness with some heavy, hard boulders, is to be obtained by daylighting the Southern Pacific Main Line Tunnel No. 2 adjacent to the American Smelting & Refining Company facility located at Selby, Contra Costa County.

The two non-contiguous parcels of submerged lands are in the immediate vicinity of the tunnel and comprise an area of 5.45 acres, more or less, in an area zoned for heavy industry. The proposed fill area lies between the Southern Pacific Company right-of-way and the combined pierhead and bulkhead line; the Crocket Sewage Disposal Plant forms the easterly boundary and the American Smelting & Refining Company land its westerly boundary, as delineated on Exhibit "D". The strip of land, lying between parcels one and two, is owned by the American Smelting & Refining Company, who have given the applicant permission to fill this area.

The subject parcels are located on the south shore of Carquinez Strait approximately 0.75 miles northeasterly from the town of Tormey. Tormey is twenty airline miles northwest of San Francisco and one airline mile southwest of Vallejo. (See Exhibit "C".)

The adjacent upland behind the R.R. tracks is a steep bluff allowing no ready access to the state-owned parcels, access could be available by way of a road now leading into the adjoining Crocket Sewage Disposal Site from U. S. Highway No. 40 and the R.R. right-of-way.

It is the opinion of the staff that the presently submerged lands would appreciate an estimated \$30,000 after completion of the proposed fill operation.

Specifications (see Exhibit "A"), approved by the Department of Fish and Game and the Water Pollution Control Board, have been accepted by the Southern Pacific Company as requisite to receive a fill-permit.

The statutory filing fee has been paid. No performance bond will be required as the proposed fill will enhance the value of the State lands without requiring site restoration.

CALENDAR ITEM 27. (CONTD.)

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE A PERMIT TO THE SOUTHERN PACIFIC COMPANY FOR THE DEPOSITION OF APPROXIMATELY 125,000 CUBIC YARDS OF FILL MATERIAL ON APPROXIMATELY 5.45 ACRES OF STATE SUBMERGED LANDS.

THE PERMIT SHALL PROVIDE THAT:

1. THE MATERIAL SHALL BE DEPOSITED ON AND WITHIN PARCELS ONE AND TWO DELINEATED IN EXHIBIT "D".
2. NO MATERIAL SHALL BE DEPOSITED OUTSIDE OF THE ESTABLISHED UNITED STATES BULKHEAD LINE.
3. ALL MATERIAL DEPOSITED BELOW WATER LEVEL SHALL BE REASONABLY HARD, STABLE AND FREE FROM SILT. ALL SILTY, DECOMPOSED OR SOFT MATERIAL SHALL ONLY BE DEPOSITED ABOVE WATER LEVEL.
4. MATERIAL DEPOSITED SHALL HAVE A FINISHED ELEVATION CONSISTENT WITH ADJACENT PROPERTY.
5. THE FILL MATERIAL SHALL BE DEPOSITED IN SUCH MANNER THAT TURBIDITY SHALL BE REDUCED TO THE MINIMUM. THE CONTRACTOR SHALL COOPERATE WITH THE STATE AGENCIES HAVING JURISDICTION TO REQUIRE COMPLIANCE WITH THIS PROVISION.
6. SOUTHERN PACIFIC COMPANY WILL GRANT ROADWAY AND UTILITY EASEMENTS OVER ITS LAND TO THE FILLED STATE LANDS, UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE PREVAILING MARKET WARRANTS AT THE TIME OF APPLICATION BY THE STATE OR ITS LESSEE.

THE PERMIT TO FILL COVERS STATE LANDS DESCRIBED ON EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachments

Exhibits "A" and "B"

EXHIBIT "A"

SPECIFICATIONS FOR DEPOSITION OF MATERIAL

1. Material shall be deposited on areas shown as parcels one and two on C E Drawing 32686, Sheet 1, Revised June 2, 1961, attached and made a part of these specifications as Exhibit "D".
2. No material shall be deposited outside of the established United States Bulkhead Line.
3. All material deposited below water level shall be reasonably hard, stable and free from silt. All silty, decomposed or soft material shall only be deposited above water level.
4. Material deposited shall have a finished elevation consistent with adjacent property.
5. The Southern Pacific Company shall require the Contractor to deposit fill material in such manner that turbidity shall be reduced to the minimum. The Contractor shall cooperate with the State agencies having jurisdiction to require compliance with this provision.
6. Southern Pacific Company has agreed to grant roadway and utility easements over its land to the filled lands, upon such reasonable terms and conditions as the prevailing market warrants at the time of application by the State or its lessee.

EXHIBIT "B"

Two parcels of submerged land on the south shore of Carquinez Straits approximately 0.75 mile northeasterly from Tormey, more particularly described as follows:

PARCEL 1

Beginning at a point on the April 22, 1941 U. S. Bulkhead Line which bears S. 86° 48' 10" E., 585 feet, more or less, from Bulkhead station 45b, thence along said Bulkhead line S. 86° 48' 10" E., 348.21 feet, S. 58° W.; 152.96 feet, and N. 65° 15' W.; 240 feet, more or less, to the point of beginning, containing 0.35 acres, more or less

PARCEL 2

Beginning at a point on the April 22, 1941 U. S. Bulkhead Line which bears S. 86° 48' 10" E.; 995 feet, more or less, from Bulkhead station 45b, thence South 40 feet, more or less, to a point on the northerly right-of-way line of the Southern Pacific Railroad which lies northerly and at right angles to the centerline of the track from R/R station 2877 + 90 04, thence along said right-of-way line northeasterly and southeasterly 1,030.44 feet, more or less, to a point which lies northeasterly and at right angles to the centerline of the track for station 2867 + 59 6, thence leaving said right-of-way S. 73° 32' E., 235 feet; S. 80° 53' E., 106 feet; N. 70° 06' E., 20 feet; N. 29° 32' E., 110 feet; N. 15° 20' E., 72 feet; N. 40° 45' E., 50 feet; N. 73° 05' W., 620 feet; N. 82° 40' W., 65 feet; S. 88° 45' W., 70 feet; S. 84° 35' W., 75 feet; S. 81° 45' W., 90 feet; S. 77° 40' W., 95 feet; S. 75° 20' W., 120 feet, more or less, to a point on said U. S. Bulkhead line, thence N. 86° 48' 10" W., 365 feet, more or less, to the point of beginning, containing 5.10 acres, more or less.