

MINUTE ITEM

11/18/65

12. APPLICATION FOR DREDGING PERMIT, TIDE AND SUBMERGED LANDS, NOVATO CREEK, MARIN COUNTY; JACK HUNT WEST, JR. - W.O. 5643, P.R.C. 3412.1.

After consideration of Calendar Item 13 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO JACK HUNT WEST, JR., A PERMIT TO DREDGE APPROXIMATELY 584,000 CUBIC YARDS OF MATERIAL FROM TWO SEPARATE AREAS OF TIDE AND SUBMERGED LANDS IN NOVATO CREEK, MARIN COUNTY, AT A ROYALTY OF \$0.05 PER CUBIC YARD FOR ALL MATERIAL (APPROXIMATELY 252,000 CUBIC YARDS) TO BE DEPOSITED UPON PRIVATE PROPERTY. THE AREA TO BE INCLUDED IN THE PERMIT IS DESCRIBED ON EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF.

THE PERMIT SHALL BE SUBJECT TO THE CONDITION THAT THE SPOIL MATERIAL FROM THE DREDGING IN THE TIDAL FLATS NOT PLACED ON PRIVATE PROPERTY IS TO BE DEPOSITED IN THE AREA DESIGNATED ALTERNATE SPOIL PILE ON THE MAP SHOWING THE PROPOSED DREDGE AND DISPOSAL AREA, REFERRED TO AS EXHIBIT "C", ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE HEREBY MADE A PART HEREOF.

Attachment

Calendar Item 13 (3 pages)

13.

APPLICATION FOR DREDGING PERMIT, TIDE AND SUBMERGED LANDS, NOVATO CREEK, MARIN COUNTY; JACK HUNT WEST, JR. - W O. 5643.

On February 27, 1962, the State Lands Commission issued Dredging Permit P.R.C. 2845.9 to the Department of Public Works, Marin County, which authorized the dredging of 381,845 cubic yards of material, without payment of royalty, from separate areas in Novato Creek, Marin County. The dredging was financed by public funds under the provisions of the 1911 Special Assessment Act. P.R.C. 2845.9 expired on December 31, 1964, the same expiration date as the Corps of Engineers permit issued in connection with the dredging. The total extraction (381,845 cubic yards) authorized by the permit was completed. Subsequently, the Department of Public Works requested an extension of the expired permit and was instructed to make application for a new permit.

On April 26, 1965, Mr. Jack Hunt West, Jr., made application to dredge approximately 584,000 cubic yards of material from two separate areas in Novato Creek, which were formerly included under P.R.C. 2845.9, but in which dredging was never completed. Of the 584,000-cubic-yard total to be removed from State lands, approximately 107,000 cubic yards from Area One and approximately 145,000 cubic yards from Area Two will be disposed of on the adjacent upland property owned by the applicant. The remainder of the material (332,000 cubic yards) will be deposited on State property. According to the applicant, public funds, as approved by the 1911 Special Assessment Act, will again be used for the dredging of Novato Creek.

Section 6303 of the Public Resources Code provides that when a permittee has a permit from the federal government to dredge, the Commission may grant the privilege of Depositing material upon, or removing or extracting material from, tide or submerged lands owned by the State for the improvement of navigation upon such terms and conditions and for such consideration as will be for the best interests of the State.

The U.S. Corps of Engineers has issued an extension of the Department of the Army permit which formerly authorized extraction under P.R.C. 2845.9 and which authorizes the conduct by Jack Hunt West, Jr., of dredging operations at the location described in the application, and further have advised that the proposed dredging will be beneficial to navigation. The Division of Beaches and Parks has reported that issuance of the permit would have no effect upon any of its programs or projects. The Department of Fish and Game has recommended that: "Spoil material from the dredging in the tidal flats consisting of bay mud shall be deposited in the alternate site designated on the map showing the proposed dredge and disposal areas." (See Exhibit "C".)

The \$5 filing fee has been submitted by the applicant.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TO JACK HUNT WEST, JR., A PERMIT TO DREDGE APPROXIMATELY 584,000 CUBIC YARDS OF MATERIAL FROM TWO SEPARATE AREAS OF TIDE AND SUBMERGED LANDS IN

CALENDAR ITEM 13. (CONTD.)

NOVATO CREEK, MARIN COUNTY, AT A ROYALTY OF \$0.05 PER CUBIC YARD FOR ALL MATERIAL (APPROXIMATELY 252,000 CUBIC YARDS) TO BE DEPOSITED UPON PRIVATE PROPERTY. THE AREA TO BE INCLUDED IN THE PERMIT IS DESCRIBED ON EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF.

THE PERMIT SHALL BE SUBJECT TO THE CONDITION THAT THE SPOIL MATERIAL FROM THE DREDGING IN THE TIDAL FLATS NOT PLACED ON PRIVATE PROPERTY IS TO BE DEPOSITED IN THE AREA DESIGNATED ALTERNATE SPOIL PILE ON THE MAP SHOWING THE PROPOSED DREDGE AND DISPOSAL AREA, REFERRED TO AS EXHIBIT "C", ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE HEREBY MADE A PART HEREOF.

Attachment
Exhibit "A"

EXHIBIT "A"Area One

Beginning at a point in the common boundary along the right bank of Novato Creek as said boundary is described in that certain agreement recorded in Book 1514 of Official Records at page 51, Marin County, said point of beginning having Zone 3 California Coordinates of X = 1,422,528.25 feet and Y = 582,890.44 feet and being the Easterly terminus of that certain curve described in said agreement as having a radius of 1300.00 feet and a length of 265.46 feet; running thence from said point of beginning along said common boundary as follows: South 20° 19' 02" East 113.49 feet, South 77° 15' 00" East 41.96 feet, South 84° 32' 00" East 78.00 feet, North 78° 00' 00" East 85.00 feet, North 43° 35' 00" East 228.00 feet, North 55° 49' 31" East 88.76 feet, North 60° 40' 00" East 393.00 feet, North 53° 10' 00" East 605.00 feet, North 44° 25' 00" East 130.00 feet, North 36° 23' 19" East 712.77 feet, and North 1° 13' 10" East 258.00 feet; thence leaving said common boundary, South 36° 33' 29" West 308.56 feet, South 43° 09' 09" West 109.66 feet, South 53° 36' 56" West 590.02 feet, South 59° 14' 14" West 488.77 feet, South 44° 05' 26" West 222.77 feet, North 75° 23' 30" West 181.85 feet, and South 20° 19' 02" East 69.77 feet to the point of beginning. Contains 8.4 acres, more or less, and comprises approximately the Easterly one-half of Area 3 as described in P.R.C. 2845.9.

Area Two

Beginning at a point in the common boundary along the right bank of Novato Creek heretofore described, said point of beginning having Zone 3 California Coordinates of X = 1,425,004.15 feet and Y = 585,184.96 feet; running thence from said point of beginning along the common boundary as follows: South 1° 13' 10" West 195.00 feet, North 50° 00' 00" East 68.00 feet, North 56° 00' 00" East 75.00 feet, North 59° 00' 00" East 612.00 feet, North 67° 09' 00" East 391.00 feet, North 67° 45' 00" East 1122.00 feet, and North 74° 38' 27" East 556.41 feet; thence leaving said common boundary, North 18° 27' 40" East 173.69 feet, South 74° 44' 42" West 684.11 feet, South 67° 42' 10" West 1,502.33 feet, South 59° 12' 57" West 547.08 feet, and South 58° 25' 52" West 124.24 feet to the point of beginning. Contains 9.7 acres, more or less, and is identical to Area 4 as described in P.R.C. 2845.9.