

15. APPLICATION FOR DREDGING PERMIT, NOYO RIVER, MENDOCINO COUNTY; EVERETT S. HAMMAN - W.O. 5483, P.R.C. 3497.1.

After consideration of Calendar Item 7 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO EVERETT S. HAMMAN A PERMIT TO DREDGE APPROXIMATELY 5,000 CUBIC YARDS OF MATERIAL FROM THE BED OF THE NOYO RIVER, MENDOCINO COUNTY, AT A ROYALTY OF \$0.06 PER CUBIC YARD FOR ALL MATERIAL REMOVED, AND TO DEPOSIT THE MATERIAL ON ADJACENT PROPERTY OWNED BY THE APPLICANT. THE PORTION OF THE NOYO RIVER TO BE DREDGED IS WITHIN THE FOLLOWING-DESCRIBED AREA.

A PARCEL OF TIDE AND SUBMERGED LAND IN THE BED OF THE NOYO RIVER LYING NORTHWESTERLY OF THE PROPERTY NOW OWNED OR FORMERLY OWNED BY W. A. SMITH SITUATE NEAR THE CITY OF FORT BRAGG, MENDOCINO COUNTY, CALIFORNIA; BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, T. 18 N., R. 17 W., M.D.B. & M., SAID CORNER HAVING CALIFORNIA ZONE 2 COORDINATES OF  $X = 1,489,821.81$ ,  $Y = 647,561.32$ , AND BEING SHOWN ON SHEET 4 OF 9 OF A SERIES OF MAPS OF THE "ORDINARY HIGH WATER MARK ON THE BANKS OF THE NOYO RIVER" FILED IN MAP CASE 1, DRAWER 10 AT PAGE 42, SERIES 12590; THENCE S.  $61^{\circ} 28' 10''$  E. 2,952.76 FEET MORE OR LESS TO A POINT ON THE ORDINARY HIGH WATER MARK OF THE LEFT BANK OF THE NOYO RIVER, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE LEAVING THE ORDINARY HIGH WATER MARK N.  $36^{\circ} 15' 00''$  W. 70.00 FEET, N.  $53^{\circ} 45' 00''$  E. 556.41 FEET AND S.  $36^{\circ} 15' 00''$  E. 87.38 FEET TO THE ORDINARY HIGH WATER MARK; THENCE ALONG SAID ORDINARY HIGH WATER MARK S.  $60^{\circ} 37' 10''$  W. 136.56 FEET, S.  $52^{\circ} 02' 17''$  W. 115.42 FEET, S.  $43^{\circ} 40' 04''$  W. 91.24 FEET AND S.  $59^{\circ} 10' 20''$  W. 216.60 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHERLY 25 FEET OF SAID PARCEL LYING ADJACENT TO AND NORTHWESTERLY OF THE ORDINARY HIGH WATER MARK OF THE LEFT BANK OF THE NOYO RIVER; LEAVING A REMAINING ACREAGE OF 0.686 ACRE MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE 2.

Attachment  
Calendar Item 7 (3 pages)

7.

APPLICATION FOR DREDGING PERMIT, NOYO RIVER, MENDOCINO COUNTY; EVERETT S. HAMMAN - W.O. 5483.

An application has been received from Everett S. Hamman for a permit to dredge approximately 5,000 cubic yards of material for the improvement of navigation from the bed of the Noyo River near Fort Bragg, Mendocino County. A portion of the proposed permit area extends into an area covered by Mineral Extraction Lease P.R.C. 2773.1. However, the lessee, The Baxman Gravel Company, has stated that it would not oppose issuance of the permit. The dredged material will be deposited on nearby property owned by the applicant.

Section 6303 of the Public Resources Code provides that when a permittee has a contract with or a permit from the Federal government or any authorized public agency to dredge beds of navigable streams for the improvement of navigation, reclamation, or flood control, the Commission may, when in the best interests of the State, allow such 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.

The United States Army Corps of Engineers has issued a Department of the Army permit authorizing the conduct of dredging operations at the location described in the application, and has stated that removal of the shoals would be a benefit to navigation. The Division of Beaches and Parks has reported that there are no known recreational activities on these lands or on lands littoral that would be adversely affected by the permit.

The Department of Fish and Game has reviewed the application and, in adherence to its policy to protect the salmon and steelhead resources of such streams as the Noyo River, has listed certain requirements to be included as a part of any permit issued in the area, and further has recommended adherence by the permittee to Resolution No. 60, the Regional Water Pollution Control Board policy which controls the Noyo River Basin (see Exhibit "A").

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

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TO EVERETT S. HAMMAN A PERMIT TO DREDGE APPROXIMATELY 5,000 CUBIC YARDS OF MATERIAL FROM THE BED OF THE NOYO RIVER, MENDOCINO COUNTY, AT A ROYALTY OF \$0.06 PER CUBIC YARD FOR ALL MATERIAL REMOVED, AND TO DEPOSIT THE MATERIAL ON ADJACENT PROPERTY OWNED BY THE APPLICANT. THE PORTION OF THE NOYO RIVER TO BE DREDGED IS WITHIN THE FOLLOWING-DESCRIBED AREA:

A PARCEL OF TIDE AND SUBMERGED LAND IN THE BED OF THE NOYO RIVER LYING NORTHWESTERLY OF THE PROPERTY NOW OWNED OR FORMERLY OWNED BY W. A. SMITH SITUATE NEAR THE CITY OF FORT BRAGG, MENDOCINO COUNTY, CALIFORNIA; BEING FURTHER DESCRIBED AS FOLLOWS:

CALENDAR ITEM 7. (CONTD)

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, T. 18 N., R. 17 W., M.D.B. & M., SAID CORNER HAVING CALIFORNIA ZONE 2 COORDINATES OF  $X = 1,489,821.81$ ,  $Y = 647,561.32$ , AND BEING SHOWN ON SHEET 4 OF 9 OF A SERIES OF MAPS OF THE "ORDINARY HIGH WATER MARK ON THE BANKS OF THE NOYO RIVER" FILED IN MAP CASE 1, DRAWER 10 AT PAGE 42, SERIES 12590; THENCE S.  $61^{\circ} 28' 10''$  E. 2,952.76 FEET MORE OR LESS TO A POINT ON THE ORDINARY HIGH WATER MARK OF THE LEFT BANK OF THE NOYO RIVER, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE LEAVING THE ORDINARY HIGH WATER MARK N.  $36^{\circ} 15' 00''$  W. 70.00 FEET, N.  $53^{\circ} 45' 00''$  E. 556.41 FEET AND S.  $36^{\circ} 15' 00''$  E. 87.38 FEET TO THE ORDINARY HIGH WATER MARK; THENCE ALONG SAID ORDINARY HIGH WATER MARK S.  $60^{\circ} 37' 10''$  W. 136.56 FEET, S.  $52^{\circ} 02' 17''$  W. 115.42 FEET, S.  $43^{\circ} 40' 0\frac{1}{4}''$  W. 91.24 FEET AND S.  $59^{\circ} 10' 20''$  W. 216.60 FEET TO THE TRUE POINT OF BEGINNING.

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Attachment  
Exhibit "A"

EXHIBIT "A"

1. Oily or greasy substances, or other material harmful to fish life originating from the contractor's operations, shall not be allowed to enter, or be placed where they will later enter a live stream.
2. Prior to removal of material from the marginal area of a river or stream, a barrier, separating the stream channel from the removal area, should be constructed in such a location that it will prevent silt or mud from entering the stream. This barrier should remain intact throughout the period of operation.
3. Water used in washing aggregates or in plant dust abatement should be discharged into settling ponds or basins of sufficient size to provide adequate settling of solids and prevent muddy water from entering the live stream.
4. Dredging operations shall be conducted only during the period June 1 through September 30 inclusive, so as not to interfere with fish life.