

10. DREDGING PERMIT, TIDE AND SUBMERGED LANDS IN SONOMA CREEK, THIRD NAPA SLOUGH AND STEAMBOAT SLOUGH NEAR SONOMA; KISER BROTHERS - W 20665, PRC 4830.1.

During consideration of Calendar Item 8 attached, Mr. William Bisso, representing Bisso Brothers of Sonoma, appeared before the Commission to request further study of royalty for dredged material under this dredging permit. Mr. Bisso did not express objection to the granting of the permit to Kiser Brothers, but objected to the State receiving payment for the dredged material as he considered the land belonged to Bisso Brothers.

James F. Trout, Manager, State Lands Program, advised the Commission that historically there has always been a charge for material removed from State-owned lands and placed on private lands. Mr. Trout further advised the Commission that title problems in the area have not been resolved and, in some instances, litigation is involved, but that the land involved in the dredging permit to Kiser Brothers is State-owned land.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT THE PROPOSED LEVEE RESTORATION PROJECT BY THE APPLICANT IS IMMEDIATE EMERGENCY ACTION NECESSARY TO PREVENT THE FLOODING OF PRODUCTIVE AGRICULTURAL LANDS AND AS SUCH IS EXEMPT FROM THE REQUIREMENT FOR AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970.
2. AUTHORIZES THE ISSUANCE TO KISER BROTHERS OF A DREDGING PERMIT FOR THE EXTRACTION OF APPROXIMATELY 50,000 CUBIC YARDS OF MATERIAL FROM AN AREA OF TIDE AND SUBMERGED LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; SUCH PERMIT TO BE CONTINGENT UPON PROPER APPROVAL FROM THE U. S. ARMY CORPS OF ENGINEERS, THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION, AND CERTIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD.

Attachment:

Calendar Item 8 (3 pages)

CALENDAR ITEM

11/73
ADW
W 20665

8.

DREDGING PERMIT

APPLICANT: Kiser Brothers.

LOCATION: Sonoma Creek, Third Napa Slough and Steamboat Slough near Sonoma.

TYPE OF LAND: Tide and Submerged Lands.

PURPOSE: Dredging of approximately 50,000 cubic yards of material from the waterways for the repair of 12,500 linear feet of levees to protect interior agricultural land from winter flood tides.

TERM: November 29, 1973, through April 30, 1974.

CONSIDERATION: Five cents per cubic yard royalty.

PERTINENT INFORMATION:

The proposed project is necessary to restore existing levees to sufficient height to protect interior agricultural land from winter flooding. Continued subsidence of the land requires periodic levee restoration to diminish the flood potential.

The repair work will be accomplished by dredging bottom material from the area adjacent to the levees and shoreward of the waterway channels and depositing it on the upper and interior portions of the levees. Such procedure would heighten and strengthen the levee and maintain the full channel capacity to accommodate winter flood waters.

The applicant has requested approvals from the U. S. Corps of Engineers, the San Francisco Bay Conservation and Development Commission, and the State Water Resources Control Board. The State Department of Fish and Game has reviewed the project and, in order to determine future environmental involvement, has agreed to cooperate with the State Lands Division by conducting a study of the dredge area at periodic intervals to evaluate the effects of the extractive operations.

ENVIRONMENTAL IMPACT:

Section 6371 of the Public Resources Code, as recently amended (Chapter 688, Statutes of 1973), now provides that the Commission shall not lease any lands under its jurisdiction until the requirements of the California Environmental Quality

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Act (CEQA) have been fulfilled. Section 15071(c) (Emergency Projects) of the guidelines prepared for implementation of CEQA provides that projects undertaken as immediate action necessary to prevent or mitigate an emergency are exempt from the requirements for an environmental impact report. If the interior agriculture lands are to continue to be productive, the proposed levee restoration project must be implemented as soon as possible in order to offer protection from the coming flood season.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THE PROPOSED LEVEE RESTORATION PROJECT BY THE APPLICANT IS IMMEDIATE EMERGENCY ACTION NECESSARY TO PREVENT THE FLOODING OF PRODUCTIVE AGRICULTURAL LANDS AND AS SUCH IS EXEMPT FROM THE REQUIREMENT FOR AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970.
2. AUTHORIZE THE ISSUANCE TO KISER BROTHERS OF A DREDGING PERMIT FOR THE EXTRACTION OF APPROXIMATELY 50,000 CUBIC YARDS OF MATERIAL FROM AN AREA OF TIDE AND SUBMERGED LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; SUCH PERMIT TO BE CONTINGENT UPON PROPER APPROVAL FROM THE U. S. CORPS OF ENGINEERS, THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION, AND CERTIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20665

Three parcels of tide and submerged land in Sonoma County, State of California, approximately 8.5 miles southeasterly from the City of Sonoma within the last natural beds of Steamboat Slough, Third Napa Slough and Sonoma Creek, lying between the toe of the levee and the existing wet channels of said sloughs, more particularly described as follows:

PARCEL 1:

BEGINNING at a point on the left bank of Steamboat Slough which bears N 67° 15' E, 3050 feet more or less from California State Lands Commission Triangulation Station "Wingo 1956" having California Coordinate System Zone 2 Coordinates of X = 1,877,345.48 and Y = 197,901.36; thence southerly, southwesterly and westerly along the toe of the levee of said Steamboat Slough 4000 feet.

PARCEL 2:

BEGINNING at a point on the right bank of Third Napa Slough which bears S 81° 50' E, 5860 feet more or less from said Triangulation Station "Wingo 1956"; thence southeasterly along the toe of the levee of said Third Napa Slough 5000 feet.

PARCEL 3:

BEGINNING at a point on the left bank of Sonoma Creek which bears S 09° W, 3650 feet more or less from said Triangulation Station "Wingo 1956"; thence along the toe of the levee of said Sonoma Creek 3500 feet.