

MINUTE ITEM

This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 3
to 0 at its 2/22/79
meeting.

CALENDAR ITEM

34.

2/79
W 21588
Crow

AUTHORIZATION TO RECOVER PAST AND PROSPECTIVE
DAMAGE TO THE WATERFRONT PARK LEVEE

At its regular meeting on January 25, 1979, the Commission authorized the staff to file a wage damage claim in conjunction with the City of Larkspur against the Golden Gate Bridge Highway and Transportation District for damage to a levee located on sovereign lands caused by the District's ferry boat waves.

The levee exists to protect a freshwater marsh known as Waterfront Park from the waters of San Francisco Bay and Corte Madera Creek. Waterfront Park is located on East Sir Francis Drake Boulevard in the City of Larkspur. The entire levee and a portion of the park are located on tide and submerged lands owned by the State under the Commission's jurisdiction. The Commission has leased the area to the City of Larkspur as a public park and wildlife area since March, 1978.

From the time the Larkspur Ferry Terminal Building began operating in December 1976, the Waterfront Park levee has continuously sustained erosive damage caused by the waves of the Bridge District's ferry boats as they navigate into and out of the vicinity of the Terminal Building.

The claim filed by staff counsel on behalf of the Commission against the Bridge District for the fair market value of repairing the existing damage and preventing prospective damage was rejected on its merits by the Board of Directors of the District on September 29, 1978.

Unless the levee is strengthened, the freshwater marsh it protects eventually will be inundated by saltwater from San Francisco Bay. The marsh lies in an area designated by the State Lands Commission as possessing significant environmental values pursuant to P.R.C. Section 6370. It is unique because of its very proximity to San Francisco Bay, and it is inhabited by a wide variety of wildlife and vegetation. Saltwater inundation would result in irreparable harm to the marsh habitat and in irreplaceable loss to the public. Staff is of the opinion that the cost of protecting this area by strengthening and repairing the levee should be born by the entity that created the risk of harm in the first place: the Golden Gate Bridge Highway and Transportation District.

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EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE WHATEVER STEPS NECESSARY, INCLUDING LITIGATION, TO RECOVER FOR PAST AND PROSPECTIVE DAMAGE TO THE WATERFRONT PARK LEVEE DUE TO WAVE EROSION CAUSED BY FERRY BOATS OF THE GOLDEN GATE BRIDGE HIGHWAY AND TRANSPORTATION DISTRICT.

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