

46. REPORT TO THE STATE LEGISLATURE RE DEBRIS REMOVAL AND CONTROL AT CLEAR LAKE, PURSUANT TO S.C.R. NO. 16 AND A.C.R. NO. 23, 1964 SPECIAL LEGISLATIVE SESSION - W.O. 4563.1.

During discussion of Calendar Item 49 attached, Commissioner Champion indicated that he did not agree with some of the recommendations, and preferred to have the report submitted without the detailed recommendations. He indicated that the debris problem at Clear Lake was only a part of the total debris problem with which the navigable waters of the State are beset, and that the entire subject should be the object of a comprehensive legislative study.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

1. THE STATE LANDS COMMISSION ADOPTS THE REPORT PREPARED BY STAFF PURSUANT TO SENATE CONCURRENT RESOLUTION NO. 16 AND ASSEMBLY CONCURRENT RESOLUTION NO. 23, 1964 LEGISLATIVE SESSION, 1ST. E.S., MODIFIED TO INCLUDE ONLY THE RECOMMENDATION THAT:
 - A. THE LEGISLATURE INSTITUTE A COMPREHENSIVE STUDY DESIGNED TO DEVELOP AN OVER-ALL LEGISLATIVE POLICY FOR DEBRIS REMOVAL AND CONTROL IN ALL NAVIGABLE WATERS OF THE STATE AND TO IMPLEMENT SUCH POLICY BY ADOPTION OF APPROPRIATE LEGISLATION.

THE STATE LANDS DIVISION IS TO ASSIST IN SUCH STUDY TO THE EXTENT DESIRED BY THE LEGISLATURE.

(THE MODIFIED STAFF REPORT, IDENTIFIED AS EXHIBIT "1" AND MADE A PART OF THESE MINUTES BY REFERENCE THERETO, IS ON FILE AT THE LOS ANGELES OFFICE OF THE STATE LANDS COMMISSION.)

2. THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER TO SUBMIT THE REPORT REFERRED TO IN (1) ABOVE, AND AS AMENDED THEREIN, TO THE LEGISLATURE AT THE 1966 BUDGET SESSION.
3. THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER TO TESTIFY BEFORE SUCH LEGISLATIVE COMMITTEE OR COMMITTEES AS MAY BE DESIGNATED TO ACT ON THE SUBJECT MATTER OF THE REPORT.

Attachment

Calendar Item 49 (3 pages)

49.

REPORT TO THE STATE LEGISLATURE RE DEBRIS REMOVAL AND CONTROL AT CLEAR LAKE, PURSUANT TO S.C.R. NO. 16 AND A.C.R. NO. 23, 1964 SPECIAL LEGISLATIVE SESSION - W.O. 4563.1.

Senate Concurrent Resolution No. 16 and Assembly Concurrent Resolution No. 23 were passed by the State Legislature in the 1964 Special Session.

The resolutions requested the State Lands Commission to:

"...survey the low water mark of Clear Lake in Lake County, California...and to study and make a recommendation to the Legislature with respect to who should be responsible for maintaining the lake bottom and to further study and determine what action is necessary to remove the debris that has accumulated and accumulates in the future, and what the cost of that action would be;..."

Accordingly, the staff of the Commission have conducted the requested study, and a report has been prepared for submission to the Legislature (Exhibit No. 1).

The survey, by staff, of the low water mark at Clear Lake is approximately 45% complete. An additional 2½ years of actual field and office time will be required before final survey maps are completed (6 to 8 months of field time and the balance in office time). Limiting factors have been and will continue to be insufficient staff and funds, and the physical circumstances of the lake area itself. Field work can be accomplished only during certain optimum months of the year, nominally March through October.

The major findings of the study are as follows:

1. A debris problem does, indeed, exist at Clear Lake. The same condition also exists in other lakes located throughout the State where no public agency, whether federal, State, or local, has taken jurisdiction and accepted responsibility for debris removal and control.
2. The debris problem is particularly acute at Clear Lake due to a present lack of flood-control measures, an annual rainfall of about 50 inches, the relatively short and steep courses of the streams feeding into the lake, and the erratic nature of the storms in the area.
3. The Federal government has taken no action concerning Clear Lake and no State agency has been assigned the responsibility to keep the State's streams and lakes free from debris.
4. Should the Legislature fix such responsibility in a State agency, it could cause the State to become liable for personal injuries attributable to debris not removed.

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5. No funds are presently available to any State agency for instituting either a "one time" or permanent debris-removal-and-control program at any of the State's lakes or streams.

Based on the findings, the following recommendations to the Legislature have been incorporated into the report:

1. The State Lands Commission be assigned the responsibility, by statute, to institute a debris-removal program in Clear Lake.
2. In the legislation assigning such responsibility, it be clearly stated that:
 - a. The program be limited to Clear Lake only.
 - b. The undertaking of a potential clearing of debris from Clear Lake shall not keep it from being considered "unimproved" within the meaning of Section 831.6 of the Government Code.
 - c. The work may be performed by State employees or through private contracts.
3. An initial sum of \$50,000 be appropriated by the Legislature, to be used by the State Lands Commission as it finds necessary and desirable, for limited programs of debris removal and control at Clear Lake.
4. Section 6303.1 of the Public Resources Code be amended by the addition of the words "or who deposits, or causes to be deposited, any debris in the navigable waters, streams, lakes, sloughs, bays, or estuaries". The section would then read as follows (with additions underlined):

"6303.1 Any person who willfully fills, dredges, or reclaims any state-owned land under the jurisdiction of the State Lands Commission underlying any navigable waters, or who erects, maintains, removes, or alters any structure on such land, without written authorization from the State Lands Commission or other public agency having jurisdiction, or who deposits, or causes to be deposited, any debris in the navigable waters, streams, lakes, bays, or estuaries, is guilty of a misdemeanor."

5. The State Lands Commission be authorized to investigate the possibility of a joint program between the State and the County of Lake for debris removal and control. Such a program might include the use of prison labor.
6. The Legislature assign to the appropriate legislative study committee the subject of debris removal and control in all the navigable waters of the State not falling within the responsibility and jurisdiction of the federal government for the purpose of developing a comprehensive debris-control program.

SUPPLEMENTAL CALENDAR ITEM 49. (CONTD.)

IT IS RECOMMENDED THAT:

1. THE STATE LANDS COMMISSION ADOPT THE REPORT, INCLUDING RECOMMENDATIONS, PREPARED PURSUANT TO SENATE CONCURRENT RESOLUTION NO. 16 AND ASSEMBLY CONCURRENT RESOLUTION NO. 23.
2. THE EXECUTIVE OFFICER BE AUTHORIZED TO SUBMIT THE COMMISSION REPORT TO THE LEGISLATURE AT THE 1966 BUDGET SESSION.
3. THE EXECUTIVE OFFICER BE AUTHORIZED TO TESTIFY BEFORE SUCH LEGISLATIVE COMMITTEE OR COMMITTEES AS MAY BE DESIGNATED TO ACT ON THE SUBJECT MATTER OF THE REPORT.