

CALENDAR ITEM

C62

MINUTE ITEM  
This Calendar Item No. C62  
was approved as Minute Item  
No. 62 by the State Lands  
Commission by a vote of 3  
to 0 at its 7/6/95  
meeting.

A 1

S 2

GENERAL LEASE - PUBLIC AGENCY USE

07/06/95  
W 25108  
B. YOUNG

APPLICANT:

Russian River Recreation and Park District  
P. O. Box 195  
Guerneville, California 95446

LOCATION:

Submerged land in the Russian River, Sonoma County.

EXHIBIT:

A. Site and Location Map

AB 884:

N/A

RECOMMENDED

ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA

FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF  
THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15261 AS AN ONGOING  
PROJECT.

SIGNIFICANT LANDS

INVENTORY FINDING:

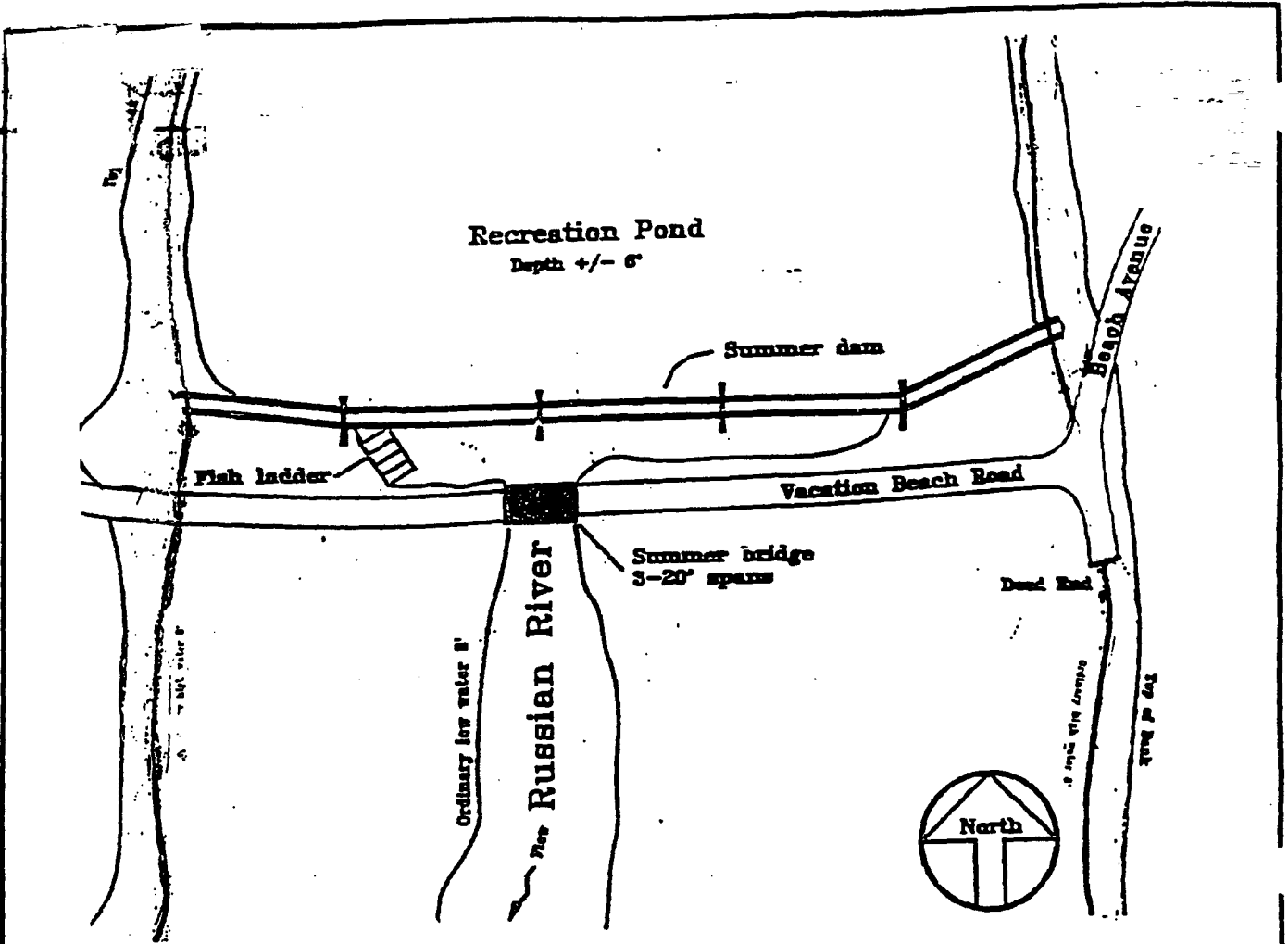
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE  
CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C.  
6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE RUSSIAN RIVER RECREATION AND PARK  
DIST. OF A 15-YEAR GENERAL LEASE - PUBLIC AGENCY USE, OF  
SUBMERGED LAND IN THE RUSSIAN RIVER, SONOMA COUNTY FOR  
CONTINUED ANNUAL INSTALLATION OF SUMMER DAMS AT VACATION  
BEACH AND JOHNSON BEACH AS DEPICTED ON EXHIBIT "A" ATTACHED  
AND BY REFERENCE MADE A PART HEREOF, BEGINNING MAY 15, 1995,  
BECAUSE THE PROJECT IS FOR PUBLIC USE AND BENEFIT, NO  
MONETARY CONSIDERATION WITH THE STATE RESERVING THE RIGHT AT  
ANYTIME TO SET A MONETARY RENTAL IF THE COMMISSION'S FINDS  
SUCH ACTION TO BE IN THE STATES BEST INTEREST.

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Vacation Beach Site

NO SCALE

LOCATION MAP

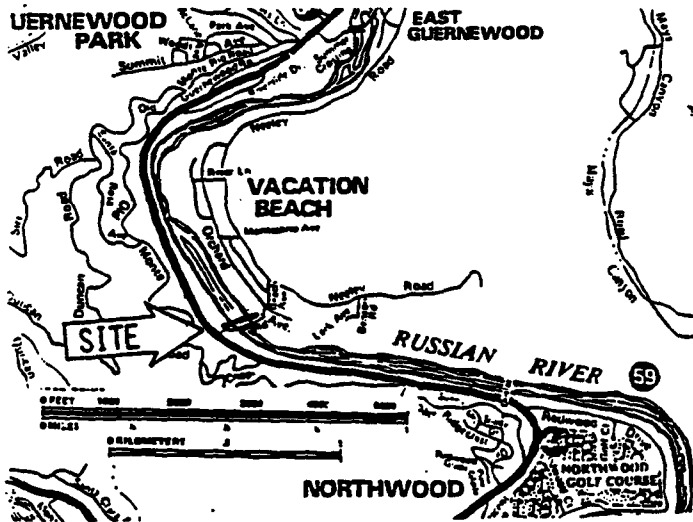


EXHIBIT "A"

W 25108

SUMMER DAMS

Russian River

SONOMA COUNTY

Sheet 1 of 2 Sheets



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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CG 695

July 6, 1995

To the State Lands Commission, regarding the Vacation Beach Dam, Russian River, Sonoma County:

Good afternoon. My name is Mary Robertson. I own a home on the Russian River in Sonoma County, and my property is affected by the seasonal construction of the dam at Vacation Beach. I have lived here year-round for the past 15 years. I am also speaking on behalf of Trout Unlimited and Friends of the Russian River.

During the big flood of February 1986, an immense ancient redwood stump that lived across the river from our house was washed away and came to rest upstream of the summer dam site. By spring the stump had created a large pool, and a gravel bar, and the water that filtered into the pool was clear and cool and full of life. Willows began to sprout around it. It was a magical spot. That year, Park & Rec didn't install the dam. All summer we would canoe down to visit the pool every chance we got. The stump and its lovely pool made me realize the river could be even better without the dam, and I began to question what effect the dam might have on the fish, the riparian habitat, the aquatic life. Did we really need the annual four feet of warm, turbid water the dam impounds? Water that is full of carp and algae, that smells, and after the dam is suddenly removed in fall leaves a dead zone along nearly four miles of riverbank, and fish stranded and flopping around in mudholes, and the whole mess beginning to stink?

I tried to educate myself. I talked with fish biologists who said the dam creates a habitat for fish that prey on salmon. Others said the still water behind the dam interferes with the downstream migration instincts of salmon and steelhead. Some said the river contains *no* salmon during the months when the dam is in. Last week I called the hatchery at Warm Springs dam and asked when they last released fish. June 26, they said, and they'd been releasing steelhead every two weeks and the river system is full of smolts. (These smolts, by the way, cost the taxpayers at least \$1 each.) Since fish biologists disagree on the effect the dam has on salmon, I had hoped that when the Lands Commission began to get involved, an environmental review would be invoked so that we might *find out* whether this dam is bad for salmon or *not*. I respectfully request that such a review take place.

On the subject of navigation, I spoke with a fishing guide who said he wished the dam wasn't there because it blocked his ability to take clients downstream...he can't portage his drift boat around the dam. Without the dam, the river would be navigable.

And who does this dam benefit? Unlike the dam at Johnson's Beach, which serves thousands of tourists every summer, this dam *drowns* all the beaches that could be used for recreation. In fact, at a recent Vacation Beach homeowner's meeting, the most compelling reason anyone mentioned to keep the dam was that it reduced crime by keeping the public *out*. Living, swimming, boating, and walking along this river has shown me that the public can be a real pig. I spend bitter hours picking up broken glass and garbage. But we shouldn't solve a social problem by creating an environmental problem.

I want to remind you about the "Public Trust" responsibilities of your agency. Government has a duty to protect public resources. In carrying out this duty, shouldn't local, state, and federal governments be ever vigilant in protecting these common resources and rights from loss or diminishment due to government action? These include the rights of navigation, the protection of fish, their utilization, and the preservation of the ecological system that supports these fisheries. Approval of or disregard for this project without conducting a CEQA review fails that duty.

Thank you,

Mary Robert

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COMMITTEES  
VICE CHAIRMAN  
APPROPRIATIONS  
JUDICIARY  
RURAL CAUCUS  
MEMBER  
HEALTH AND HUMAN  
SERVICES  
NATURAL RESOURCES  
AND WILDLIFE  
REPUBLICAN ELECTIONS

# Senate

## California Legislature

**TIM LESLIE**  
SENATOR, FIRST DISTRICT

SUBCOMMITTEES  
HEALTH AND HUMAN  
SERVICES SUBCOMMITTEE  
ON RURAL HEALTH  
SELECT COMMITTEES  
CALIFORNIA'S WINE  
INDUSTRY  
JOINT COMMITTEES  
FAIR ALLOCATION AND  
CLASSIFICATION  
LEGISLATIVE BUDGET  
PRISON CONSTRUCTION  
AND OPERATIONS

July 6, 1995

The Honorable Gray Davis  
Lieutenant Governor  
Chairman, State Lands Commission  
State Capitol, Room 1114  
Sacramento, CA 95814

Re: Tahoe Marina Lease - K&C Marine (Party)/Item C73  
Hearing date: July 6, 1995

Dear Gray:

The above-captioned item will come up for hearing on July 6 and the affected party, K&C Marine, is assignee in possession of the lease of Tahoe Marina on submerged lands in Tahoe City, California, in the First Senate District. This marina is an extremely important operation in the district since it is one of the few locations where the public can maintain boats on Lake Tahoe. It also houses the Lake Tahoe Yacht Club. K&C Marine is in bankruptcy and is in default of the lease. K&C Marine took possession under an assignment from Mr. C. R. Gibb who owns the commercial land and is littoral owner.

It is my understanding that the State Lands Commission staff will be recommending a denial of assignment of the lease, which is the only item on the agenda. I strongly support this approach and urge you to accept their recommendation.

The matter is somewhat complicated by the fact that the bankrupt K&C Marine and the new proposed lessees, the Danville Corporation, have, through the bankruptcy trustee, arranged for a hearing on July 10 in Sacramento in the Bankruptcy Court, at which the trustee will propose that the Bankruptcy Court order the lease to be approved. If I can make the necessary schedule adjustments, I plan to personally attend that hearing. I urge you to support the staff in presenting the state's reasons for denying this lease and its reasons for supporting Mr. Gibb, the littoral owner, as a better choice. The court should leave the state to deal with its responsibilities.

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SACRAMENTO OFFICE • STATE CAPITOL • SACRAMENTO, CA 95814 • (916) 445-5788  
ROSEVILLE OFFICE • 1200 MELODY LANE, SUITE 110 • ROSEVILLE, CA 95678 • (916) 969-8232 • (916) 782-8232 • (916) 624-3800 • (800) 772-7296  
CHICO OFFICE • CSU, CHICO - SUTTER HALL, ROOM 252 • CHICO, CA 95929-0900 • (916) 899-8420

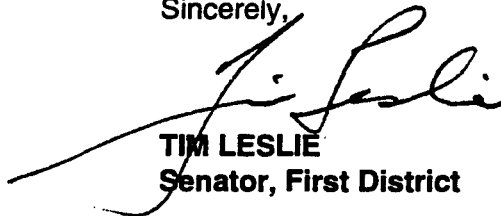
E-MAIL ADDRESS - senator.leslie@sen.ca.gov

The Honorable Gray Davis  
Re: Tahoe Marina Lease  
July 5, 1995  
Page 2

I will be discussing this matter with your colleagues on the Commission. I strongly urge your support in this matter and would be happy to provide you with additional information as appropriate.

Thank you for your serious attentive consideration. I would appreciate hearing from you regarding this matter.

Sincerely,



**TIM LESLIE**  
Senator, First District

TL:ch

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State of California

Post-It™ brand fax transmittal memo 7071		# of pages ▶
To: Kirk Walker	From: Jim Nelson	
City: State Lands Comm	Co: DFG Redding	
Dep: 916/574-1985	Phone: CA-NET 442-2375	

**Memorandum**

To : Mr. Kirk Walker  
 State Lands Commission  
 100 Howe Avenue, Suite 100-South  
 Sacramento, California 95825-8202

Date : July 3, 1995

From : Department of Fish and Game - Region 1  
 601 Locust Street, Redding, California 96001

Subject : Tuscarora Gas Transmission Line, Alturas Lateral, Modoc County

On June 29, 1995, you requested information regarding a conversation I had with Mr. Curtis Talbot of Alturas regarding the Alturas lateral for the Tuscarora gas transmission line. I spoke with Mr. Talbot on June 28, 1995, returning a call he had placed earlier that day. Mr. Talbot had specific questions regarding the Department of Fish and Game's position in regard to the use of several stream crossing techniques. Specifically, Mr. Talbot inquired as to the Department's position on open trench crossings versus boring beneath streams.

I informed Mr. Talbot that I had experience in both crossing techniques and there were advantages and disadvantages of each. I indicated that where horizontal drilling or boring could be implemented without ground fractures placing the drilling muds into the stream that there is an advantage to water quality. I further expressed that in my experience and the experience of my peers in the Department, horizontal drilling often resulted in ground fractures and bentonite pollution into streams and therefore had to be considered an appropriate technique only when conditions were appropriate.

As for the use of open trench construction techniques, I indicated that these also had a place and were appropriately used where boring was less likely to be successful because of the potential for fractures and bentonite entering waters. I did indicate that open trench construction can be extremely disturbing as both boring and open trench techniques had significant potential to streams if used inappropriately.

The Department generally does not attempt to require one technique over another for projects such as Tuscarora. I explained that the Department's expertise is in the area of biological resources and not in engineering. I believe I further explained that our greatest concern would be that the project meet the appropriate water quality standards regardless which crossing technique was employed. I did not offer a recommendation as to the appropriate crossing technique in the case of the Alturas lateral but indicated that we would be monitoring the water quality to ensure that whichever technique Tuscarora chooses to employ that they would meet the water quality standards or that construction would be temporarily halted.

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Mr. Kirk Walker  
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July 3, 1995

Mr. Talbot also expressed great concern over the placement of the pipe through his property because of the potential effects on wildlife species. He described his property as having substantial biological attributes and further described the alternate route across the road as having fewer significant biological attributes. He expressed concern about the placement of the pipe across the wetland and Pit River and specifically mentioned concerns about pipe corrosion and ultimate pipe failure in the wetland area. He further described activities that he was planning or had developed in concert with the US Fish and Wildlife Service. While Mr. Talbot inquired as to the Department's position on the two alternative routes for the Alturas lateral, I could not express an opinion in support of either. I did, however, indicate that if the State Lands Commission so requested, the Department would willingly evaluate the two alternatives in order to determine the route with the least biological impact.

I believe that this generally summarizes the discussion I had with Mr. Talbot. If you have any further questions regarding this matter, please don't hesitate to contact me at (916) 225-2315.



James R. Nelson  
Natural Heritage Supervisor

cc: Mr. Curtis Talbot  
603 Park Road  
Redwood City, California 94062

Mr. Bob Williams  
Department of Fish and Game  
601 Locust Street  
Redding, California 96001

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# United States Department of the Interior

**FISH AND WILDLIFE SERVICE**  
Modoc National Wildlife Refuge  
P.O. Box 1610  
Alturas, Ca. 96101  
916-233-3572  
fax 233-4143

July 5, 1995

Kirk Walker  
California State Lands Commission  
Environmental Project Manager  
100 Howe Ave., Suite 100-South  
Sacramento, Ca. 95825-8202

RE: Tuscarora Gas Transmission Co. Alturas ,Doc # CP-93-685-000

Dear Sir:

I have had the opportunity to review the proposed route of the Tuscarora pipeline where it will pass between two units of the Modoc National Wildlife Refuge (refuge) and it appears that the direct impacts to the refuge will be minimal as identified by the marking stakes observed on the ground. The refuge boundary is well away from the route and I do not foresee any problems with construction if it occurs during periods when wildlife are not using the area for breeding or raising young. However, I would like to offer the following comments to the proposal:

1. I have a concern about the proposed route as it affects the wet meadow habitat just east of County road 57 above the bridges between the city limits and the Centerville road turnoff. This area is adjacent to a portion of the refuge which is used by Sandhill cranes, Canada geese and waterfowl for nesting, brood rearing and feeding. It appears that the pipeline could be moved to the west side of road 57 where the impacts to the wet meadow would be avoided and where the area has already been impacted by filling and construction.

Talbot's property

be alternative

2. I have had the opportunity to work with one of the refuge neighbors (Curtis Talbot) to develop a proposal which will improve the quality of wildlife habitat along the South fork of the Pit River. The proposal would increase the riparian vegetation along the river between the two units of the refuge and would provide additional nesting, feeding and brood rearing habitat for wildlife by fencing the river bank and managing grazing on the adjacent meadows and wetlands. Your proposed pipeline would cross one of the prime meadow areas for wildlife and livestock grazing. Again, it seems logical to move it across the road to avoid these impacts.

3. I support the overall project and would most support any alternative which avoids impacts to wildlife habitat and wetland areas. I am very eager to work with you and the Gas transmission

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company if it will result in a better project.

Please take these comments into consideration as you select your final route.

Sincerely:



David N. Johnson  
Refuge Manager

cc. Office of the Secretary, FERC, Wash., DC  
MS Alisa Lykens, FERC, Wash., DC  
Tuscarora Gas Transmission Company, Reno, NV.  
Mr. Curtis Talbot, Redwood City, Ca.

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# PORT OF OAKLAND

CHARLES W. FOSTER  
*Executive Director*

July 5, 1995

Mr. Robert C. Hight  
Executive Officer  
State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202

Via Facsimile: (916) 574-1810

SUBJECT: Letter of Recommendation for Mr. Buzz Gibb

Dear Mr. Hight:

Mr. Buzz Gibb has been an outstanding tenant of the Port of Oakland for over 30 years. Throughout this period he has owned and operated marinas, hotels and other property along our waterfront. He is regarded as an excellent citizen in the Oakland community, and sensitive to many of the public issues that involve public access to the waterfront. He has accepted and abided by restrictions as required by the Bay Conservation Development Commission and other regulatory bodies.

We are currently working with Mr. Gibb to expand his hotel property along the waterfront in Jack London Square. I am sure that any property developed by Mr. Gibb in the Tahoe area will be consistent with the best interest of the community and meet regulatory requirements.

Please contact me if I may be of further assistance.

Sincerely,

Charles W. Foster  
Executive Director

CWF:ps

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