

MINUTE ITEM

This Calendar Item No. 42  
was approved as Minute Item  
No. 42 by the State Lands  
Commission by a vote of 3  
to 0 at its 6-26-80  
meeting.

CALENDAR ITEM

42.

6/80  
W 503.1056  
Stevenson

AUTHORIZATION FOR THE STAFF OF THE  
STATE LANDS COMMISSION AND/OR THE  
ATTORNEY GENERAL'S OFFICE TO TAKE ALL STEPS  
NECESSARY, INCLUDING LITIGATION, TO PROTECT  
ACQUIRED RIGHTS OF PUBLIC ACCESS TO THE  
RUSSIAN RIVER NEAR GUERNEVILLE, SONOMA COUNTY

For many years, residents of Sonoma County have been using a county-owned right-of-way to gain access from the nearest public road to a beach fronting on the Russian River just east of Guerneville in Sonoma County. Until 1978, this use had continued without attempts to stop it or noticeable protest from the surrounding private landowners.

After attempts to close the County right-of-way to public use through obtaining permits to erect a fence across the right-of-way failed, the surrounding owners, James and Donna Notter, filed suit in Sonoma County Superior Court for damages and an injunction to halt public use of the right-of-way.

The County of Sonoma answered that, among other things, the area had been impliedly dedicated to the public through the long period of uninterrupted public use. The County of Sonoma has now requested that the State Lands Commission aid them in their attempts to protect acquired public rights to a navigable stream, the Russian River.

IT IS THEREFORE RECOMMENDED THAT:  
THE STATE LANDS COMMISSION AUTHORIZE ITS STAFF AND THE  
STAFF OF THE ATTORNEY GENERAL'S OFFICE TO TAKE ALL STEPS  
NECESSARY, INCLUDING LITIGATION, TO PROTECT ACQUIRED RIGHTS  
OF PUBLIC ACCESS TO THE RUSSIAN RIVER NEAR GUERNEVILLE,  
SONOMA COUNTY.

EXHIBIT: A. Site Map.

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