MINUTE ITEM
This Calendar Item No. C28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 3
to 0 at its 4-28-93
meeting.

MINUTE ITEM

28

W 21672
Young
Martinez

PUBLIC AGENCY PERMIT

Calendar Item C28 was moved from Consent Calendar to Regular Calendar.

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S 2

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CALENDAR ITEM

C28

A 1
S 2

04/28/93
W 21672
Young
Martinez
PRC 7686

PUBLIC AGENCY PERMIT

APPLICANT:
County of Sonoma
Department of Public Works
575 Administration Drive, Room 117A
Santa Rosa, CA 95403

AREA, TYPE LAND AND LOCATION:
Four (4) parcels of submerged land located in the bed of the Russian River near Asti and Guerneville, Sonoma County.

LAND USE:
Installation of seasonal road crossings at four (4) locations along the Russian River.

TERMS OF PROPOSED LEASE:
Initial period:
May 15, 1993 through October 15, 1993, or such later date as is agreed to by the United States Environmental Protection Agency and National Marine Fisheries Service, but in no event later than November 15, 1993.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee, processing deposits, and environmental fee have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:
N/A

OTHER PERTINENT INFORMATION:
1. The applicant proposes to install four seasonal crossings, one each at four sites, as shown in Exhibit A. The crossings are requested to accommodate the increased tourist traffic during the primary tourist season from Memorial Day weekend to Labor Day. The

crossings are also used by emergency response vehicles. The crossings have been seasonally installed over the last several years, but have not been previously presented to the Commission for consideration and authorization.

2. The crossing installation procedure at the Asti, Korbel and Vacation Beach crossings consists of placing a temporary bridge on existing permanent concrete piers and then using fill material to form an elevated road approach. The Guernewood Park crossing involves forming an elevated roadway to accommodate an existing permanent bridge. Generally, the riverflow is low enough at the time of the project to allow this procedure. However, if the flow is substantially higher due to variable storm periods, the construction procedure will allow for alterations as described in Nos. 3 and 4 below.

3. The applicant proposes installation of the crossings begin on May 15, 1993, to assure completion and use by Memorial Day. Initially, the National Marine Fisheries Service (NMFS) and Environmental Protection Agency (EPA) recommended that the crossings not be installed prior to June 1, 1993, to avoid impacts to anadromous fishes. However, after a site visit and subsequent discussions between the agencies, it has been concluded by NMFS and EPA that installation of the crossings can begin May 15, 1993, provided that fish passage is provided at any of the sites as determined by a site visit by the same agencies on May 10, 1993.

4. The proposed crossings will not obstruct navigation of the river, except that navigation, if otherwise possible, in the secondary channel at Guernewood Park may be impeded. If facilities are installed in the crossing of the secondary channel to accommodate fish passage, they shall be designed to avoid risk to anyone attempting to navigate and conduct recreational activities in the secondary channel. In addition, the County has agreed to post and maintain warning signs on or before May 15, 1993, of any impediment or risk to navigation or recreational activities at the site which may result from installation of the bridge crossings or related facilities to accommodate fish passage. The design and location of such signage will be subject to

prior written approval of Commission staff.

5. Skimming from the wetted live river channel will be prohibited.

6. The crossings shall be removed no later than October 15, 1993, or such later date as is agreed to in writing by the United States Environmental Protection Agency and National Marine Fisheries, but in no event later than November 15, 1993. Such written evidence of consent to later removal of the crossings must be provided to Commission staff no later than October 10, 1993.

7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14Cal. Code Regs. 15061), the staff has determined that a one-year permit, for 1993 only, subject to conditions imposed by wildlife agencies, is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 6, Information Collection.

8. During the processing of the County's application to install the proposed crossings this year, numerous public trust issues have arisen. These issues include, but are not limited to, the design, location and timing of the crossings to assure that the fish passage and the fishery do not suffer significant harm. These same factors may impact other resource and recreational values of the river. It is thus staff's opinion that the continued installation of the crossings in future years should not be permitted without environmental review pursuant to CEQA, particularly given changing river conditions, declining resources, and alternative methodologies, to maximize protection of these values.

   County staff disagrees with this position. County staff and Commission staff have agreed to work together to resolve outstanding issues, including but not limited to, the extent of environmental review and consideration of project impacts to resources and navigation.

   The one year installation of the crossing incorporating experimental facilities and management activities that could accommodate fish passage as well as navigation

and recreational activities will provide the Commission, other resource protection agencies, and the county with information necessary for the parties to address the above-cited issues.

9. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

United States Army Corps of Engineers; California Department of Fish and Game; Regional Water Quality Control Board, and Sonoma County Ordinance 3836R permit.

FURTHER APPROVALS REQUIRED:

State Lands Commission

EXHIBITS:

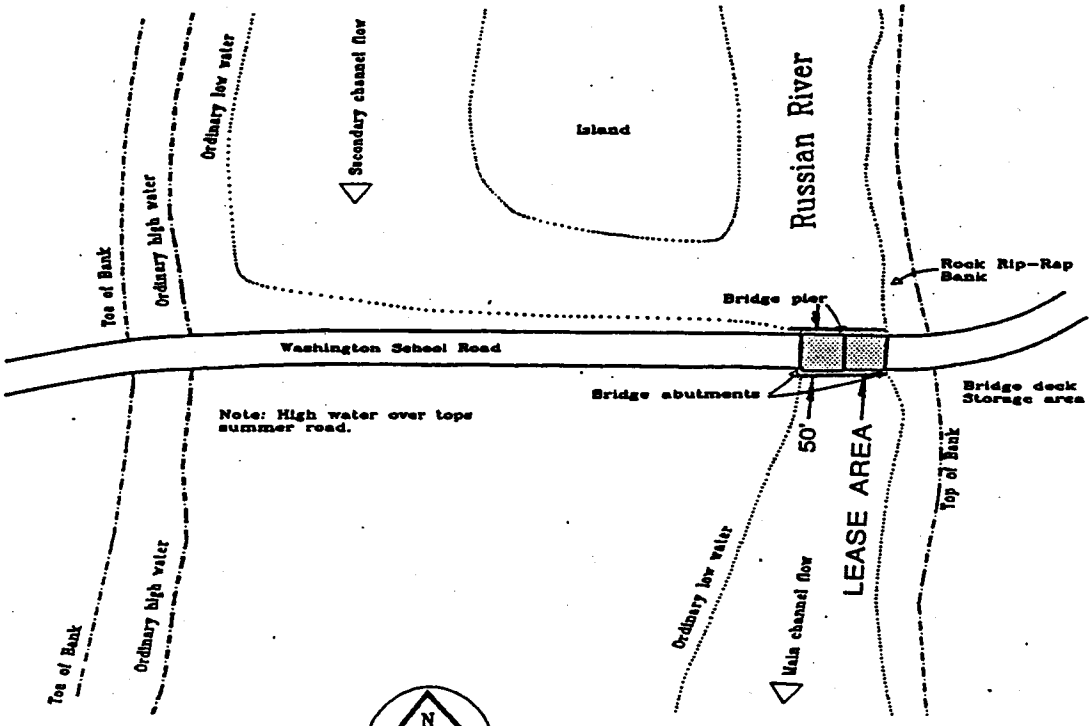
A. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS.15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 6, INFORMATION COLLECTION.

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

3. AUTHORIZE ISSUANCE TO COUNTY OF SONOMA OF A PUBLIC AGENCY PERMIT BEGINNING MAY 15, 1993 AND ENDING OCTOBER 15, 1993, UNLESS WRITTEN EVIDENCE OF CONSENT TO LATER REMOVAL BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE NATIONAL MARINE FISHERIES SERVICE IS PROVIDED TO COMMISSION STAFF NO LATER THAN OCTOBER 10, 1993, IN WHICH CASE THE TERM OF THE PERMIT WILL BE EXTENDED TO THE REMOVAL DATE AGREED TO BY THOSE AGENCIES, BUT IN NO EVENT LATER THAN NOVEMBER 15, 1993. THE PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH APPLICABLE PERMIT, RECOMMENDATIONS, AND LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.



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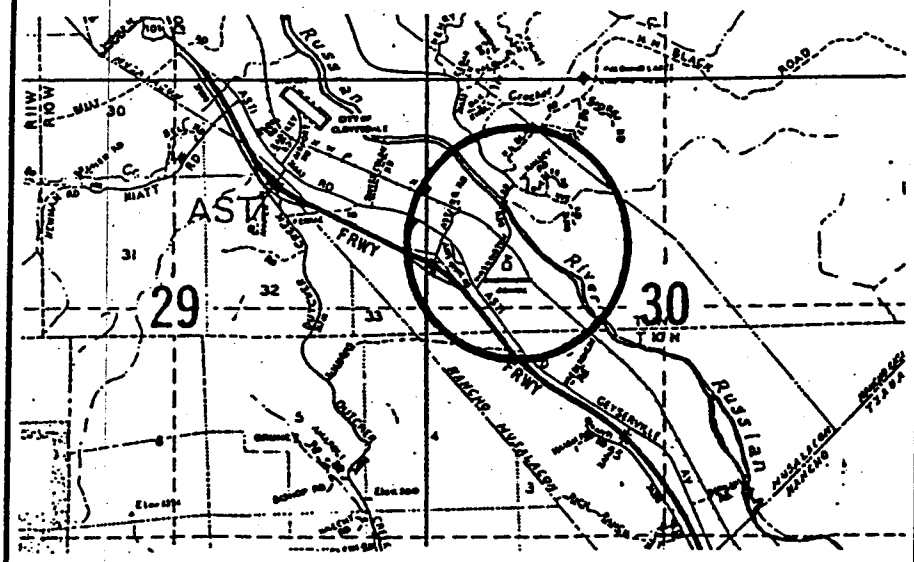
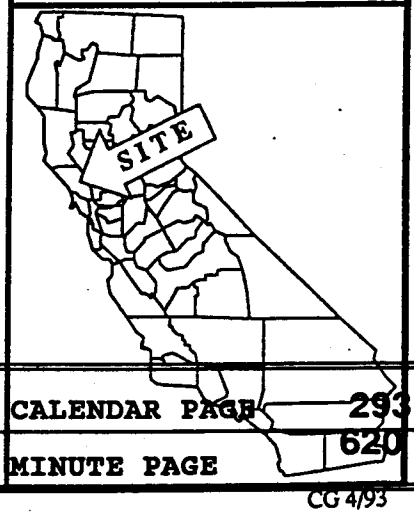


EXHIBIT "A"
W 21672
County Bridge Crossing
Russian River at Asti
SONOMA COUNTY
Sheet 1 of 4 Sheets



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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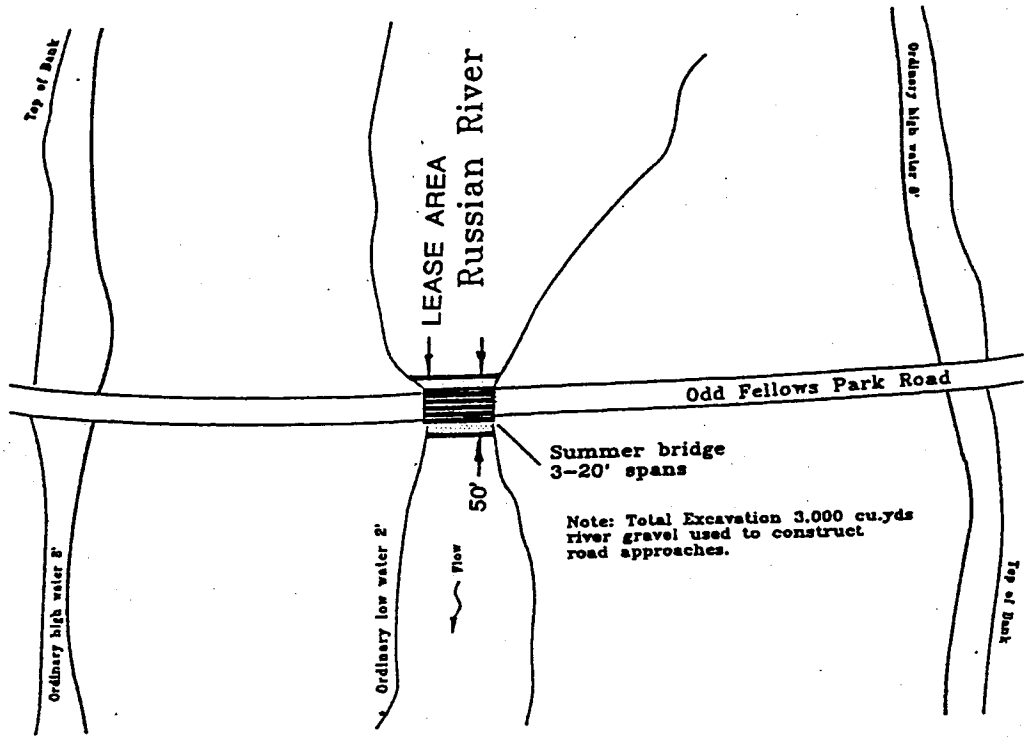

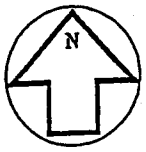

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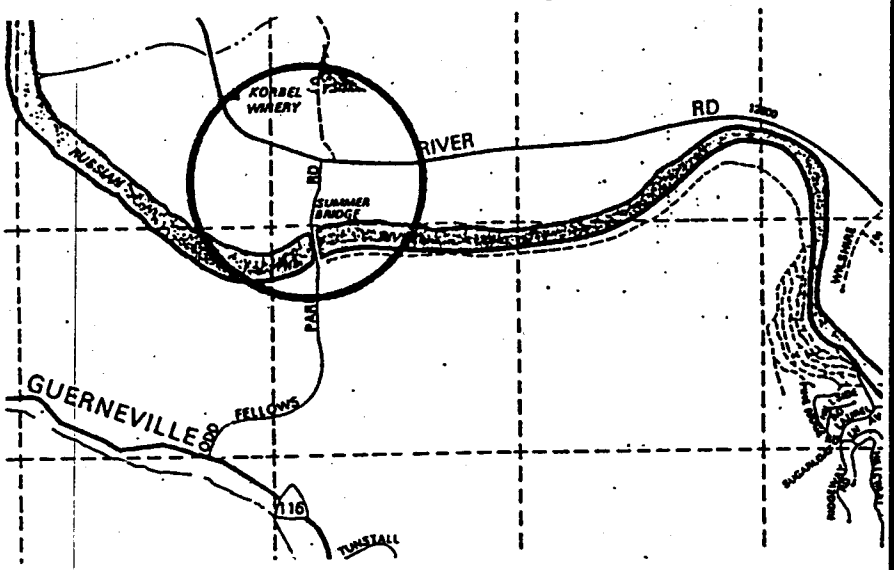

EXHIBIT "A"
W 21672
County Bridge Crossing
Russian River at Korbel
SONOMA COUNTY
Sheet 2 of 4 Sheets

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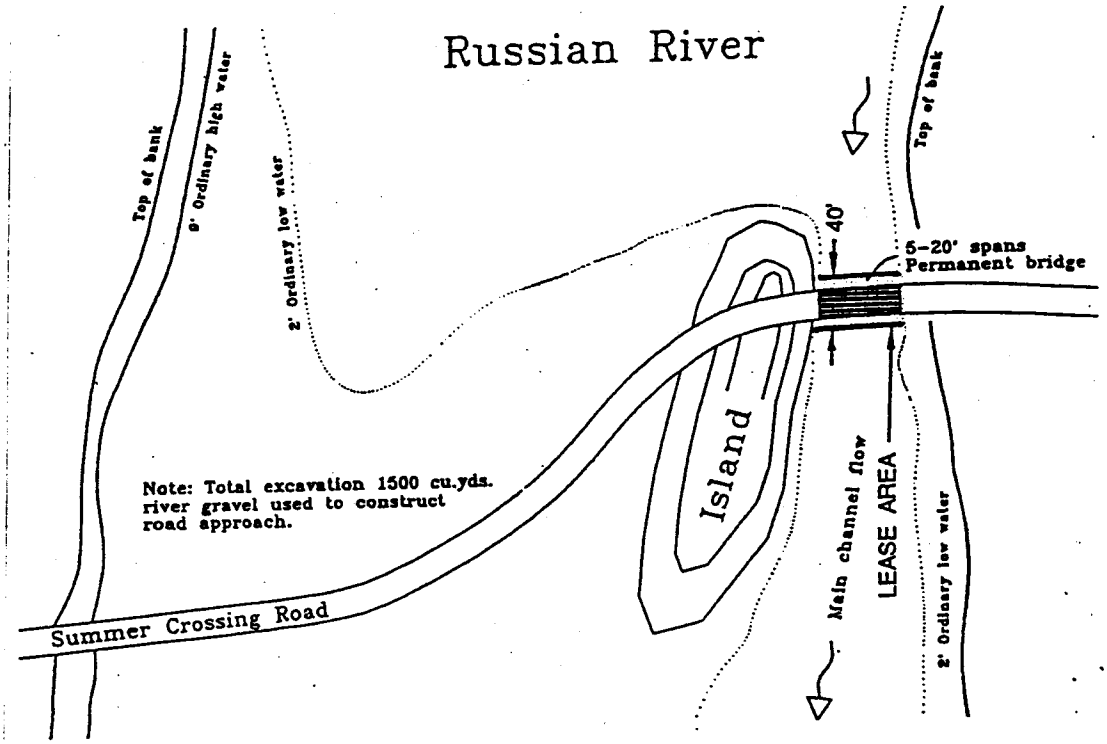

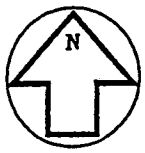

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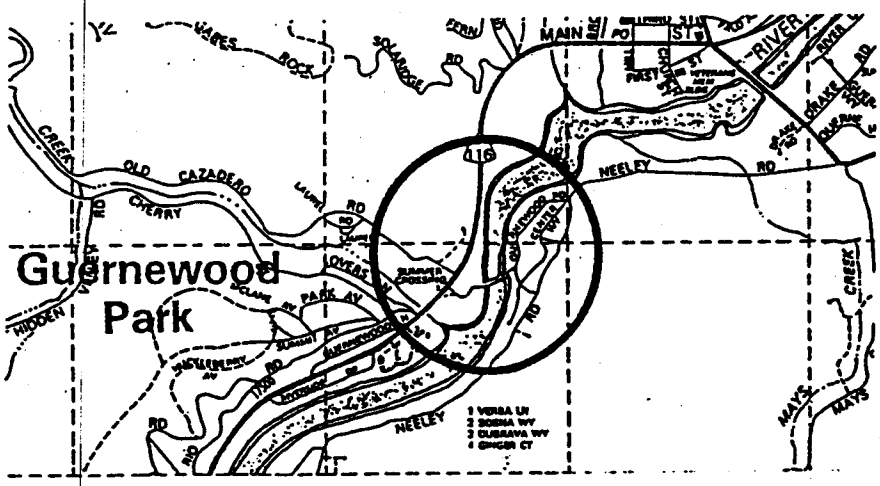
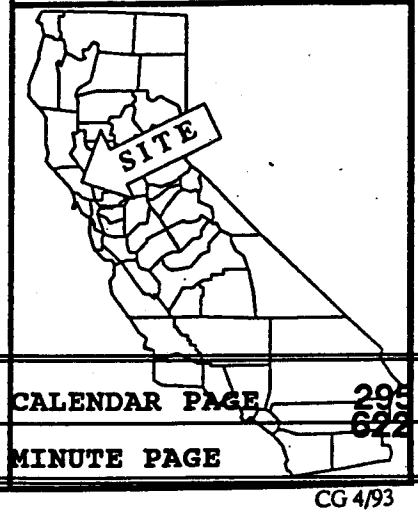


EXHIBIT "A"
W 21672
County Bridge Crossing
Russian River at
Guernewood Park
SONOMA COUNTY
Sheet 3 of 4 Sheets



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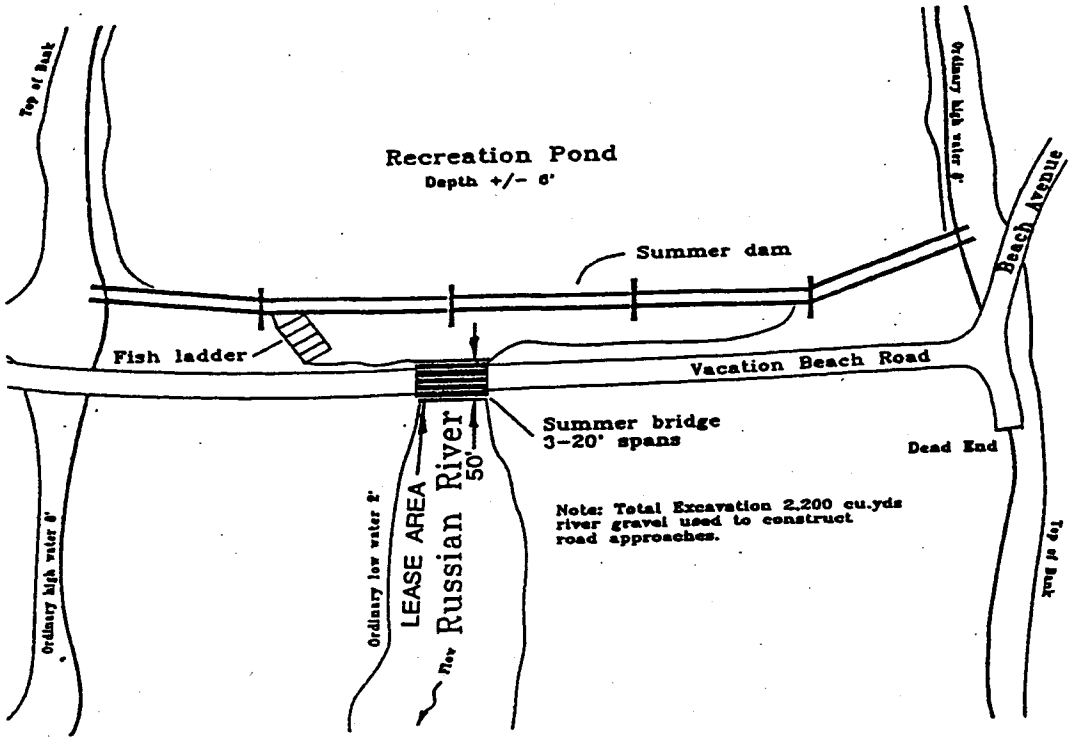

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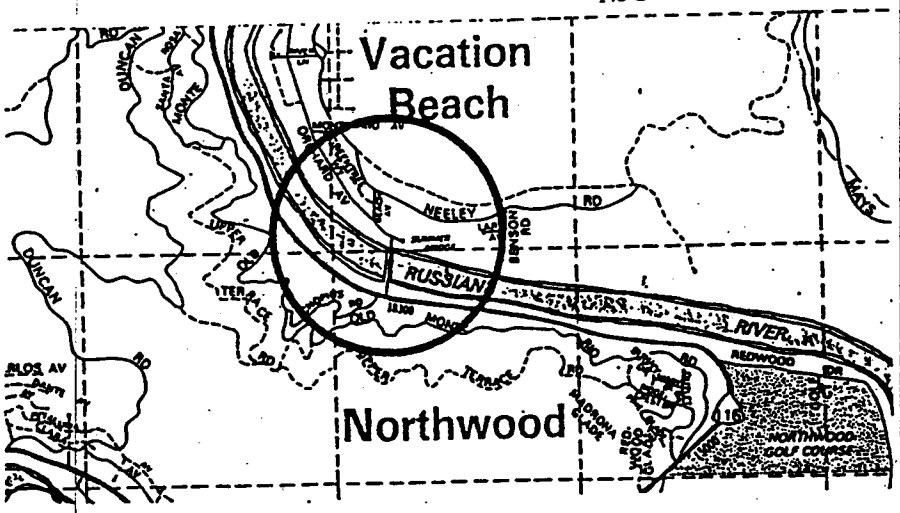
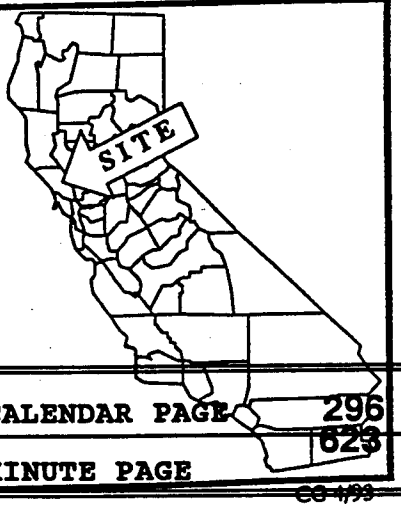


EXHIBIT "A"
W 21672
County Bridge Crossing
Russian River at
Vacation Beach
SONOMA COUNTY
Sheet 4 of 4 Sheets



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