MINUTE ITEM
This Calendar Item No. C25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
to Ø at its 10/28/96
meeting.

CALENDAR ITEM
C25

A 1

S 2

10/28/96
PRC7918 W 24243
J. Lam

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, California 95406

AREA, TYPE LAND AND LOCATION:

An 11 acre-parcel, more or less, of tide and submerged land in Russian River, west of Jenner, Sonoma County.

LAND USE:

Conduct periodic breaching of the sandbar barrier at the mouth of the Russian River Estuary to create an outlet channel for flood control and habitat protection purposes.

PROPOSED LEASE TERMS:

Lease period:

Five years and three months beginning October 1, 1996.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

04/01/97

OTHER PERTINENT INFORMATION:

1. The Russian River Estuary at the mouth of the Russian River is subject to frequent closure by the formation of a sandbar barrier. The closure of the estuary temporarily eliminates tidal exchange and creates ponding of the river, which results in the inundation of building foundations, residential yards, and agricultural lands. To limit the potential damages to property, Sonoma County has been performing artificial breaching of the sandbar barrier whenever the water elevation at the Jenner gage reaches 7.0 feet or greater. This practice has been undertaken by the County for more than 40 years.

2. Since 1988, Sonoma County has obtained emergency permits from the California Coastal Commission and the U.S. Army Corps of Engineers to perform the artificial sandbar breaching. However, before granting the County long term authorization, various permitting agencies have expressed concerns regarding the potential adverse effects this project may have on fish and wildlife resources at the estuary. To address these concerns, a Russian River Estuary Study was prepared in 1992 and 1993 to evaluate the potential impacts of this project and to select a preferred estuary management program.

3. The sandbar breaching project is accomplished by excavating a channel through the sand barrier with a bulldozer. The channel is dug to the minimum size necessary, and approximately 50 to 400 cubic yards of sand may be side cast on either side of the channel. As the river channel widens during the outflow, the sand material displaced during the project will return to the adjacent beach. This project will only be conducted by the County when the water level behind the sandbar barrier is between 4.5 to 7.0 feet above sea level as recommended by the Russian River Estuary Study.

4. On September 11, 1996, the California Coastal Commission granted permit #1-96-09 for this project under its certified regulatory program (14 Cal. Code Regs 15251(c)).

5. Staff has reviewed the document and determined that the conditions, as specified in 14 Cal. Code Regs. 15253 (b), have been met for the Commission to use the environmental analysis documents certified by the California Coastal Commission as a Negative Declaration substitute in order to comply with the requirements of CEQA.

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

APPROVALS OBTAINED:

California Coastal Commission.

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers, Department of Fish and Game, Department of Parks and Recreation, California State Lands Commission.

EXHIBITS:

A. Land Description
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ENVIRONMENTAL ANALYSIS DOCUMENT (COASTAL COMMISSION PERMIT #1-96-09), WAS CERTIFIED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS 15251(c)), THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS. 15253 (b) HAVE BEEN MET.

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

3. AUTHORIZE ISSUANCE TO SONOMA COUNTY WATER AGENCY OF A FIVE YEAR THREE MONTH GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING OCTOBER 1, 1996; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT; FOR PERIODIC BREACHING OF THE SANDBAR BARRIER TO CREATE AN OUTLET CHANNEL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT A

W 24243

LAND DESCRIPTION

A parcel of tide and submerged land in the Russian River, Sonoma County, California, more directly described as follows:

> Being all that land bounded on the north by the northerly high water mark of the Russian River, on the south by the southerly high water mark of said river, and extending from the intersection of said river with the Pacific Ocean, upstream 800 feet, more or less along the centerline of said river.

END OF DESCRIPTION

TRANSCRIBED SEPTEMBER, 1996 BY SFBCC

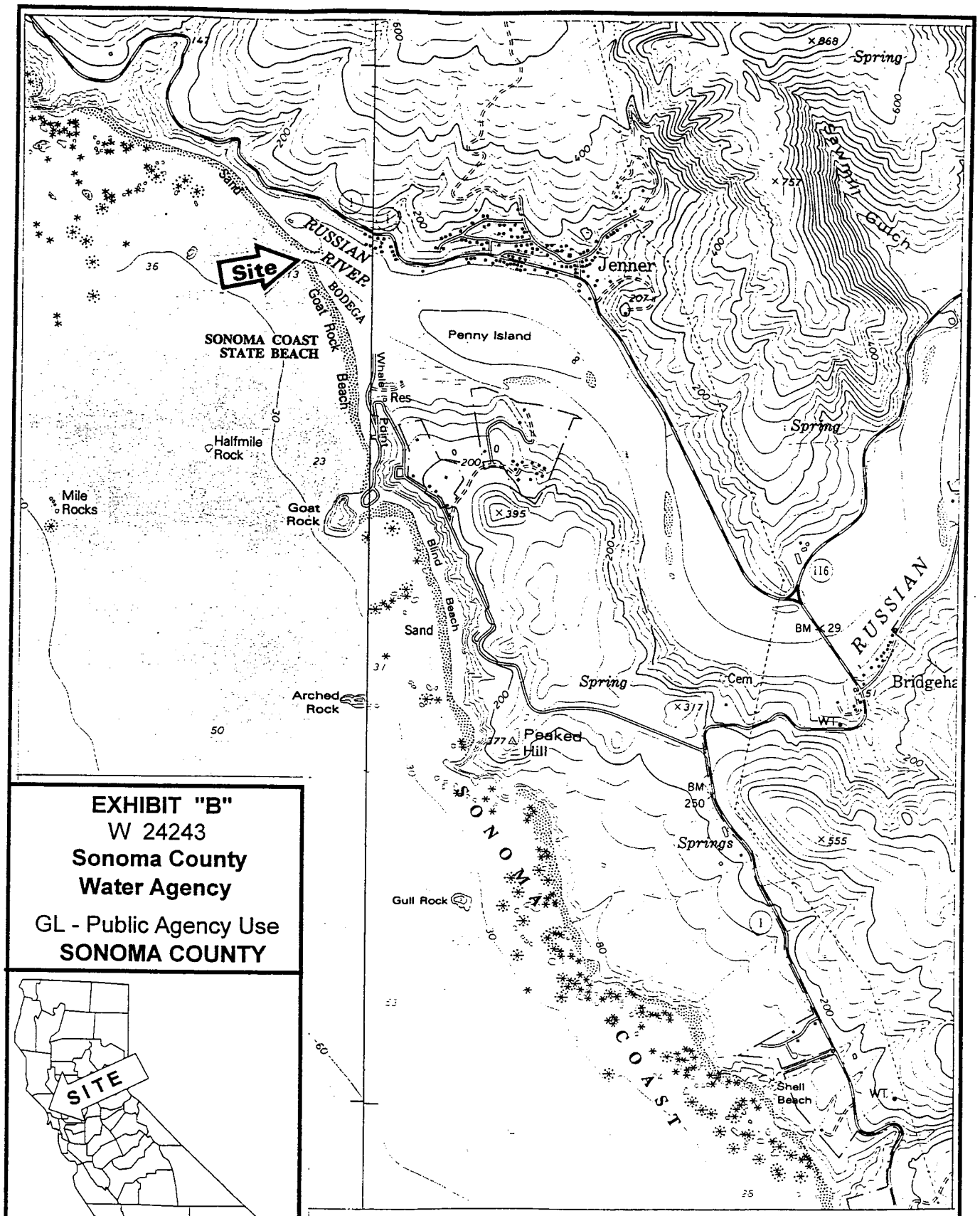

EXHIBIT "B"
W 24243
Sonoma County Water Agency
GL - Public Agency Use
SONOMA COUNTY

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.

CALENDAR PAGE 299
MINUTE PAGE 002708
JKH 09/96