

This Calendar Item No C41 was approved as Minute Item No. 41 by the California State Lands Commission by a vote of 2 to 0 at its 06/07/04 meeting.

CALENDAR ITEM

C41

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06/07/04  
PRC 7918 WP 7918.9  
N. Quesada

GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

Sonoma County Water Agency

AREA, LAND TYPE, AND LOCATION:

11 acres, more or less, of sovereign lands in the Russian River, west of the city of Jenner, Sonoma County.

AUTHORIZED USE:

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

LEASE TERM:

One year and eleven months, beginning January 30, 2004.

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.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. 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 various buildings and structures in agricultural property in the city of Jenner. To limit the potential damages to the property, the Sonoma County Water Agency performs periodic breaching of the sandbar barrier at the mouth of the Russian River, using a bulldozer when the water levels at the Jenner gage reach between 4.5 to 7.0 feet above sea level.

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3. The sandbar breaching dimensions of the excavated channel vary upon the size of the sandbar formed at the mouth of the Russian River. The width of the channel cut into the sandbar during breaching events is generally accomplished by digging a trench 6 feet deep, 25 feet wide, and approximately 100 feet long from the Estuary to the ocean. The closed sandbar has been recorded to be between 4 and 7 feet high and 50 to 100 feet wide.
4. On April 7, 2003, the Commission authorized a General Lease - Public Agency Use with the Sonoma County Water Agency. That lease expired on January 31, 2004. This proposed lease would be issued for continued breaching of the sandbar barrier at the mouth of the Russian River for one year and eleven months, terminating December 31, 2005.
5. On November 13, 2003, the California Department of Fish and Game renewed the Streambed Alteration Agreement 117696, which is subject to the provisions of the CEQA, until December 31, 2005, to allow completion of the Section 7 consultations between the Sonoma County Water Agency, the U.S. Army Corps of Engineers, and the National Marine Fisheries Service. The recommended exemption is proposed to allow continued breaching activities until December 31, 2005, subject to the existing Russian River Estuary Management Plan and existing regulatory permits.
6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061(b)(3).

7. 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.

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**APPROVALS OBTAINED:**

California Department of Fish and Game; California Department of Parks and Recreation.

**FURTHER APPROVALS REQUIRED:**

U.S. Army Corps of Engineers; California Coastal Commission

**EXHIBIT:**

A. Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

June 16, 2004

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

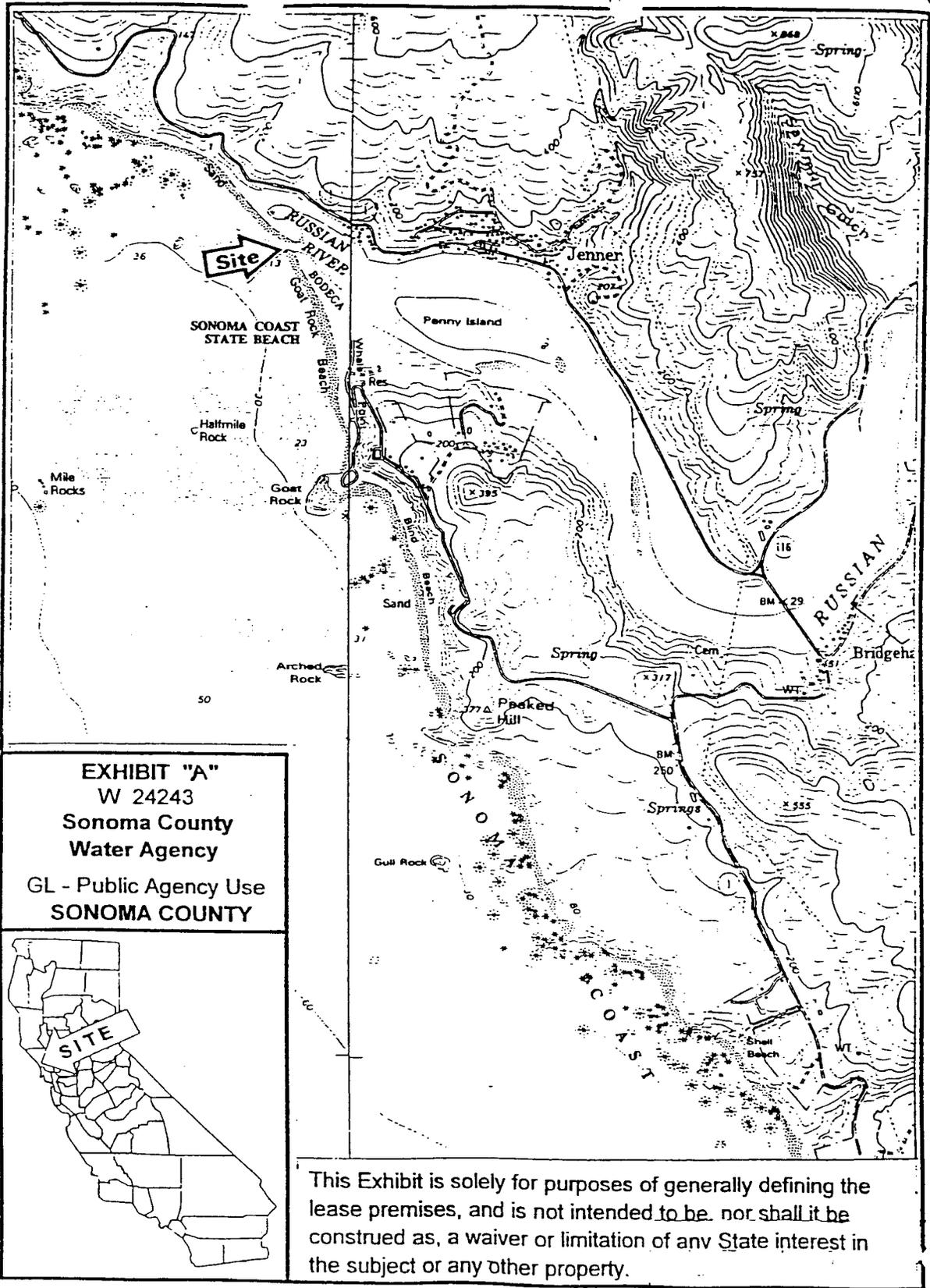
**SIGNIFICANT LANDS INVENTORY FINDING:**

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

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**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO SONOMA COUNTY WATER AGENCY OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JANUARY 30, 2004, FOR A TERM OF ONE YEAR AND ELEVEN MONTHS, FOR PERIODIC BREACHING OF THE SANDBAR TO CREATE AN OUTLET CHANNEL FOR FLOOD CONTROL AND HABITAT PROTECTION PURPOSES AT THE SITE REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.



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