

**CALENDAR ITEM  
C29**

A 7

10/20/05

PRC 7918

WP 7918.9

S 2

N. Quesada

**GENERAL LEASE - PUBLIC AGENCY USE**

**APPLICANT:**

Sonoma County Water Agency

**AREA, LAND TYPE, AND LOCATION:**

11 acres, more or less, of sovereign lands in the Russian River, west of the town 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:**

Five years, beginning January 1, 2006.

**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 is located northwest of San Francisco, in the town of Jenner, Sonoma County. The Estuary closes throughout the year as a result of a sandbar forming at the mouth of the Russian River. Closures result in ponding of the Russian River behind the sandbar and increase water levels in the Estuary. The Sonoma County Water Agency (County) mechanically breaches the sandbar to alleviate potential flooding of low-lying shoreline properties near the town of Jenner. Breaching the sandbar also improves water quality conditions in the Estuary and restores pre-closure conditions. Breaching is performed in accordance with the

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3. *Russian River Estuary Study 1992-1993*, when the water levels at the Jenner gage reach between 4.5 to 7.0 feet.
4. On June 7, 2004, the Commission authorized a General Lease - Public Agency Use with the County. The Commission issued a short-term lease to allow the continued breaching activities through December 31, 2005, pending completion of the Section 7 consultation under the Federal Endangered Species Act with NOAA Fisheries.
5. On July 22, 2005, the Department of the Army, San Francisco District, U.S. Army Corps of Engineers, issued a five-year letter of authorization for the proposed project. The Corps authorization included a completed biological and conference opinion from the United States Department of Commerce, National Oceanic and Atmospheric Administration, that requires the County to study the possible flooding of properties adjacent to the Estuary and the effects this action would have on salmonid habitat within the Estuary. The County has been requested to prepare a Beach Closure Plan that restricts public access to all areas within 750 feet of the breaching location for a period of 24 hours before and after completion of work and a Russian River Estuary Sandbar Breaching Monitoring Plan.

The County has a current Section 401 water quality certification (WDID No. 1B04001WNSO) issued by the California Regional Water Quality Control Board that will expire on October 15, 2009. Also, a five-year extension of the existing Streambed Alteration Agreement (III-1176-96) is being processed by the California Department of Fish and Game. The California Department of Parks and Recreation has issued a Temporary Use Permit, which will expire on December 30, 2008. The Applicant has requested an extension to the Coastal Commission's Coastal Development Permit (2-01-033) that will expire December 31, 2005. Staff is recommending the authorization of a five-year General Lease - Public Agency Use with the County to coincide with the Army Corps of Engineers' five year permit.

- 5 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,

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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).

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:**

U. S. Army Corps of Engineers, NOAA Fisheries, California Department of Parks and Recreation; and North Coast Regional Water Quality Control Board

**FURTHER APPROVALS REQUIRED:**

California Coastal Commission, and California Department of Fish and Game

**EXHIBIT:**

- A. Location Map

**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.

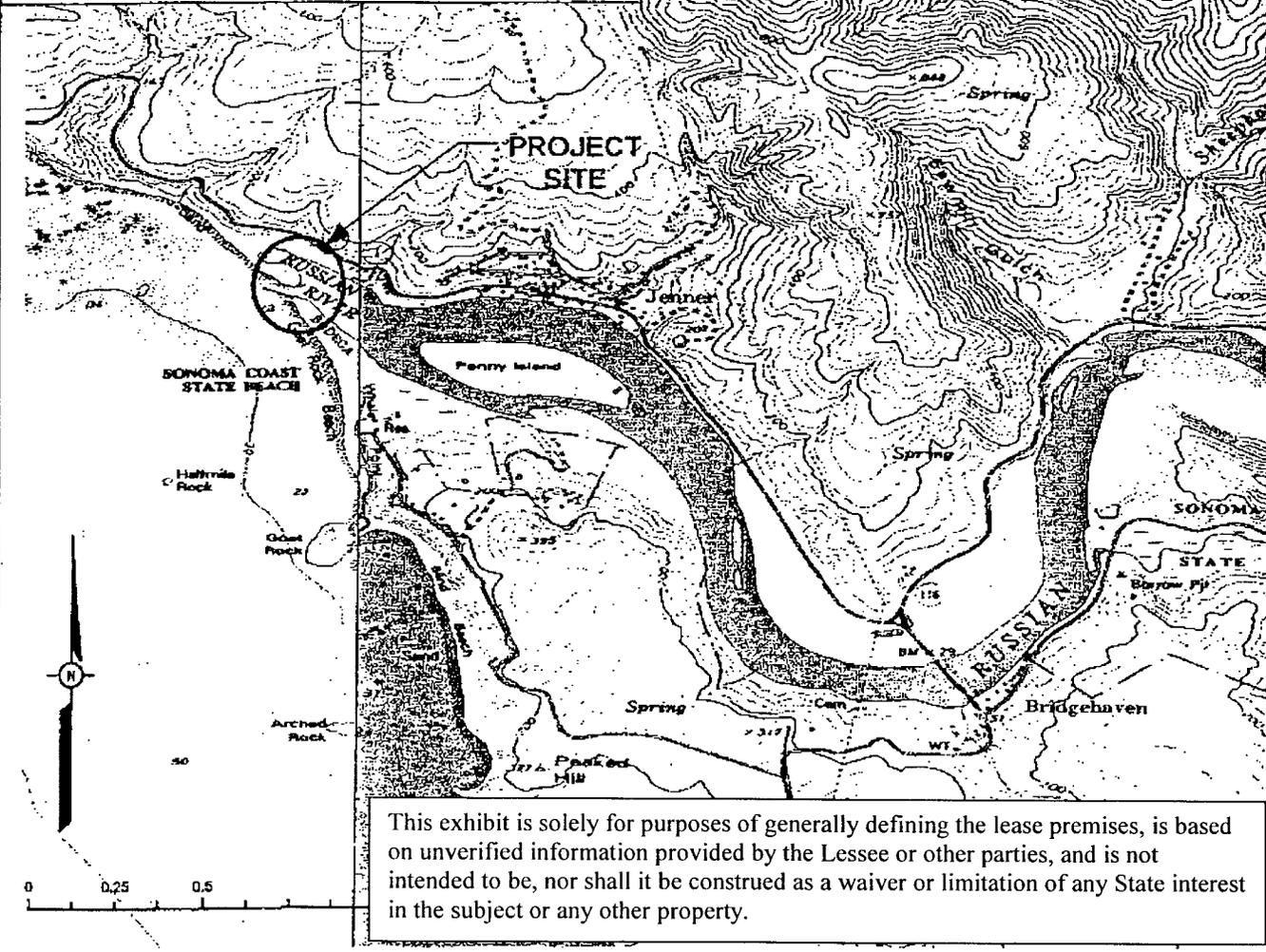
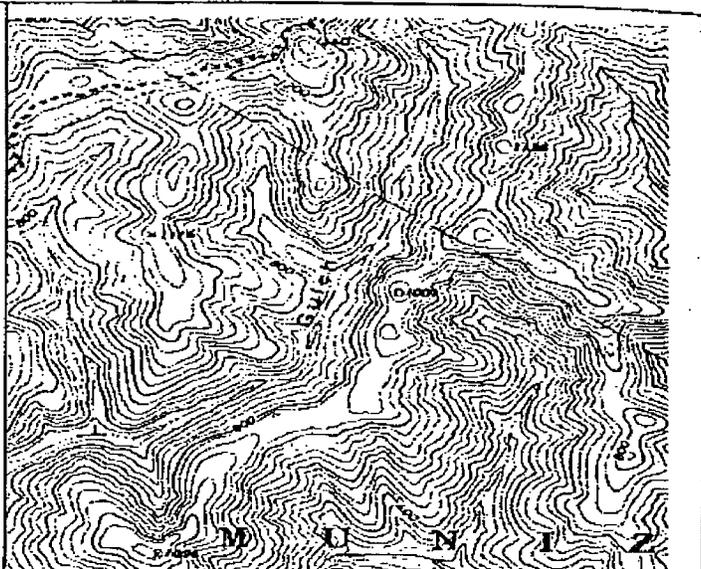
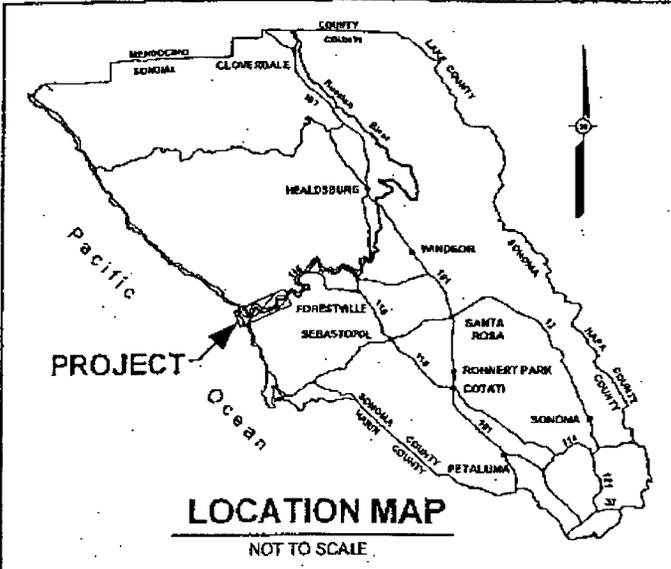
**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO SONOMA COUNTY WATER AGENCY OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING

CALENDAR ITEM NO. C29 (CONT'D)

JANUARY 1, 2006, FOR A TERM OF FIVE YEARS, FOR THE CONTINUED PERIODIC BREACHING OF A SANDBAR TO CREATE AN OUTLET CHANNEL FOR FLOOD CONTROL AND HABITAT PROTECTION PURPOSES AS 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.

# Exhibit A



This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties, 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.

SPECIAL PROJECT/RUSSIAN RIVER/ESTUARY-BREACHING - NOVEMBER 26, 2003

Purpose: Russian River Estuary Breaching Activities  
 Property Owners Adjacent to Project:  
 1. State of California  
 2. See Block 24 of Application

**SONOMA COUNTY WATER AGENCY**  
 2150 West College Avenue  
 Santa Rosa, CA 95401

In: Russian River  
 At: Jenner  
 County Of: Sonoma, CA  
 Application By: SCWA  
 Sheet 1 of 3 Date 11/1/2003