

MINUTE ITEM

Calendar Item No. 15 MINUTE ITEM
was submitted for information
only.

11/23/81
Kiley

15. ACCESS TO BUTTE CREEK, COLUSA COUNTY,
CLOSING OF LAUX ROAD

During consideration of Calendar Item 15 attached, Mr. Len Heist appeared to enlist the support of the State Lands Commission in a legal action against Colusa County as a result of the closure of Laux Road. Mr. Heist gave the Commission a brief summary of this matter. Mr. Heist indicated that the Colusa County Board of Supervisors would be meeting on Tuesday, November 24, 1981, to readdress this matter. He stated all indications were that the vote would be to keep Laux Road closed. Assistant Attorney General N. Gregory Taylor briefly summarized that in matters of this sort, the Commission has normally deferred to local agencies. Therefore, it was his opinion that the primary concern in this situation rests with the County and that the Department of Fish and Game would be secondary.

Commission Alternate Susanne Morgan indicated a desire to have staff look into this matter a little further to find out what agency(s) is involved.

Acting Chairman David Ackerman indicated that if the Board of Supervisors would be considering this issue at its meeting on November 24, 1981, any action by the Commission at this point would be premature. Mr. Ackerman also requested staff to contact the Department of Fish and Game and identify other agencies with a common interest and possibly a joint effort should be conducted if, in fact, the State Lands Commission is a responsible party. Mr. Ackerman requested Mr. Heist to represent to the County Board of Supervisors that he had appeared before the Commission, that the Commission is concerned about public access and has directed staff to report back to the Commission with its findings.

Mr. Heist was directed to inform staff of the decision by the Board of Supervisors at its November 24, 1981 meeting. Mr. Heist indicated he would do so.

Attachment: Calendar Item 15.

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INFORMATIONAL
CALENDAR ITEM

15

11/23/81
Kiley

ACCESS TO BUTTE CREEK, COLUSA COUNTY
CLOSING OF LAUX ROAD

The Board of Supervisors of Colusa County, on petition of adjacent property owners, held public hearings and ordered the closure of Laux Road during April 1979. Mr. Len Heist, a lifelong resident of Colusa County, has opposed this closure from the beginning. He asserts that Laux Road was the only public land access to approximately twelve miles of Butte Creek, a navigable-in-fact waterway. He asserts that closure of the road effectively closed off access to Butte Creek, preventing members of the public from entering the area for fishing, swimming, hunting, bird-watching, etc. He further asserts that the road was closed solely for the benefit of adjacent private property owners without proper consideration of the interests of the general public in access to Butte Creek.

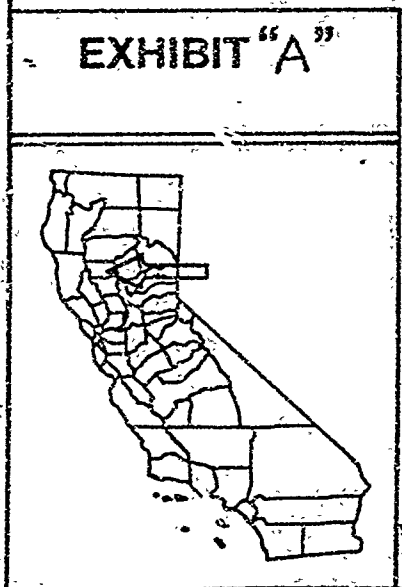
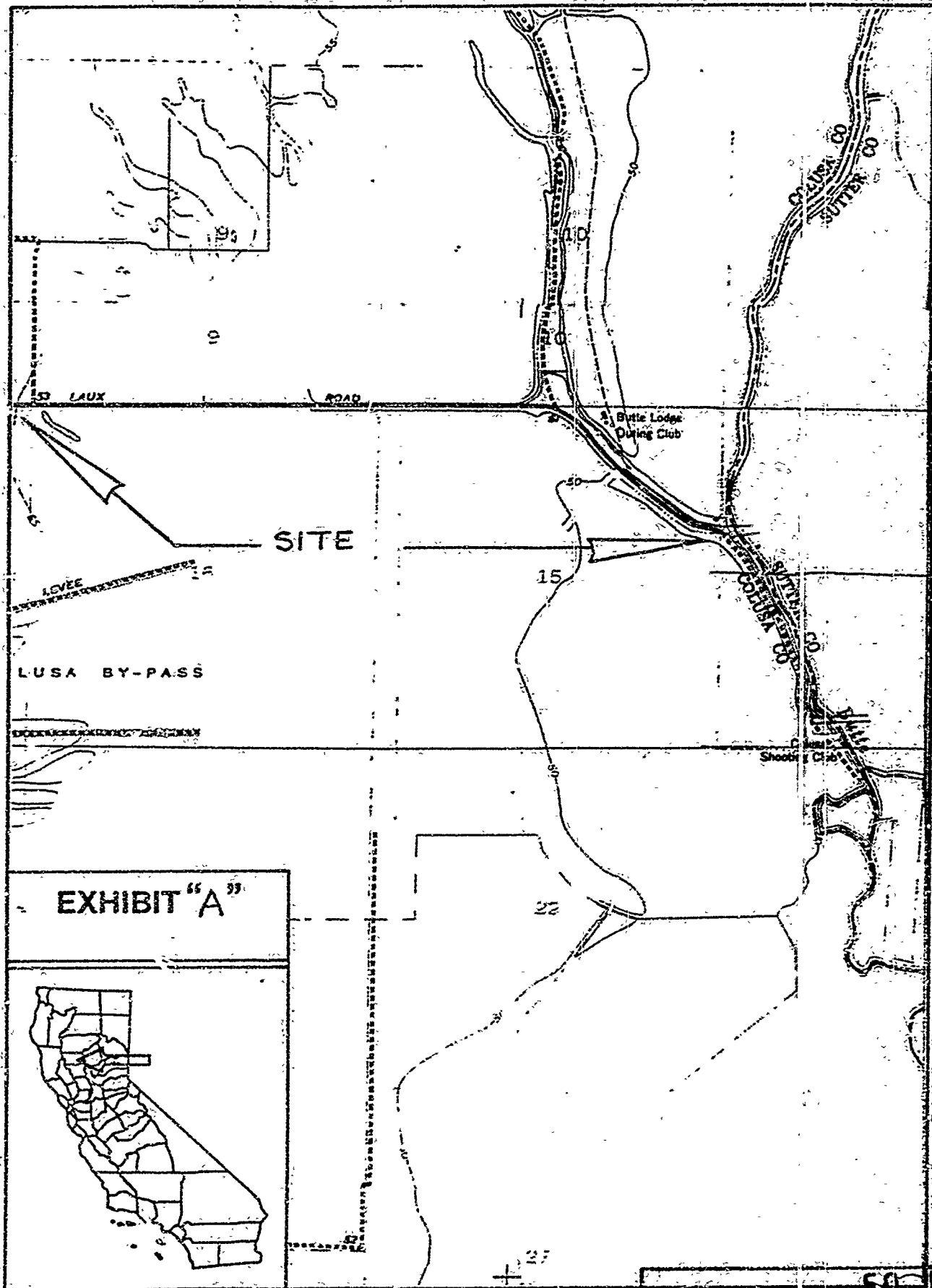
Mr. Heist has gathered over two hundred signatures of Colusa County residents on a petition challenging the road closure. He wishes to address the Commission about the closure and to enlist the Commission's active support in an action he has decided to institute against the Board of Supervisors. The action will be for a Writ of Mandate directing the Supervisors to vacate and set aside its decision to abandon Laux Road.

AB 884: N/A.

EXHIBIT: A. Site Map.

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