

**CALENDAR ITEM
C110**

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S 2

06/23/11
WP 7841.9
B. Terry

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Russian River Recreation and Park District
P.O. Box 195
Guerneville, CA 95446

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Russian River at Johnson and Vacation Beaches, near the town of Guerneville, Sonoma County.

AUTHORIZED USE:

Continued annual construction, use, and removal of two seasonal dams with fish ladders, known as the Johnson Beach and Vacation Beach Summer Dams, as shown on the attached Exhibit A.

LEASE TERM:

20 years, beginning May 15, 2010.

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.

SPECIFIC LEASE PROVISIONS:

The lease contains a provision that at all times while construction activities are taking place in the Russian River, Lessee shall install warning signs and buoys 50 yards from the construction site, both upstream and downstream, to provide notice to the public that construction activity is taking place in the Russian River and to take caution. Upon completion of the two dams, Lessee shall post warning signs on the booms extending upstream and downstream of each dam indicating that no wading, swimming, or bathing is permitted beyond those points.

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OTHER PERTINENT INFORMATION:

1. The Applicant owns an easement on the adjacent properties adjoining the lease premises, giving the right of entry and continued possession for the construction, improvement, maintenance, and repair of the recreational dams.
2. On July 6, 1995, the Commission authorized a 15-year General Lease – Public Agency Use with the Russian River Recreation and Park District (District). That lease expired on May 14, 2010, and has been in holdover since expiration. On April 13, 2011, the District requested to begin the annual May 15, 2011 construction of the two summer dams during the holdover period because the lease application would not be considered by the Commission until the June 23, 2011 meeting. On April 22, 2011, staff wrote that the District was able to proceed pursuant to the terms of the lease. Applicant is now applying for a new General Lease – Public Agency Use.
3. The two summer dams, known as the Johnson Beach and Vacation Beach Summer Dams, are constructed annually in the Russian River. The Johnson Beach Dam is constructed west of the Highway 116 Bridge at the southern edge of the town of Guerneville and the Vacation Beach Dam is constructed at the west end of the community of Vacation Beach above the Vacation Beach Avenue summer crossing road in the town of Guerneville. These dams are constructed to divert and impound water to create two lakes that provide public recreation opportunities and promote, encourage, and foster the annual influx of thousands residents and visitors to the Russian River area for water recreation. Fish ladders are attached to both dams to provide a passage for anadromous fish. Construction of these two dams will occur no earlier than May 15 of each year and will be removed no later than October 15 of each year.
4. 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 CEQA because it involves an "ongoing project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21169 and Title 14, California Code of Regulations, section 15261.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon

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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:

Sonoma County
California Department of Fish and Game

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21169 and Title 14, California Code of Regulations, section 15261, an activity involving ongoing project.

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 of a General Lease – Public Agency Use to the Russian River Recreation and Park District beginning May 15, 2010, for a term of 20 years, for the continued annual construction, use, and removal of two seasonal dams with fish ladders, known as the Johnson Beach and Vacation Beach Summer Dams, as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; and consideration being 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.