

13. (REMOVAL OF ISLAND IN CHANNEL OF EEL RIVER, HUMBOLDT COUNTY, PURSUANT TO CHAPTER 1691 OF THE STATUTES OF 1955 - W. O. 2145.) The following report was presented to the Commission:

"The Commission will recall that Chapter 1691 of the Statutes of 1955, which resulted from Senate Bill 809 introduced by Senator A. W. Way of Humboldt County, directed that the State Lands Commission should remove an island in the channel of the Eel River in the vicinity of the bridge on State Highway Route 56 near Fernbridge in Humboldt County. This act appropriated \$20,000 from the State Highway Fund to the State Lands Commission so that the Commission could carry out the provisions of the act.

"Preliminary engineering surveys and estimates have been made by the Commission's staff, and the following are some of the pertinent points with respect to the problem:

1. At low-water stages there is no 'island' at this location, only a sand bar heavily covered with brush and small trees. This sand bar does not become an island until the river reaches a stage of at least twelve feet above mean sea level. This office has reached the conclusion that the removal of the island would entail sufficient excavation so that the area involved would be submerged with the water surface at an elevation of slightly over twelve feet above mean sea level.
2. The removal of the material above this elevation will increase the cross section of the river and reduce critical velocities (scouring) to a point where erosion should be alleviated along the north bank of the river at and above the bridge.
3. A conference was held with Mr. Charles E. Waite, Assistant State Highway Engineer, and with Mr. Emerson Rhyner, Attorney for the Department of Public Works, in Sacramento on October 19, 1955, with respect to the removal of the island. Subsequent to the conference and as a result of further study, the following two questions were submitted to the Division of Highways:
 - (a) Will the indicated excavation endanger the safety of the bridge on State Highway Route 56?
 - (b) Will the excavation benefit either State Highway Route 56 or U. S. Highway 101?

The Division of Highways reported on January 5, 1956 that they have requested additional information from their District Office in Eureka, but, because of emergency flood

conditions, they anticipate it will be a week or so before they will receive an answer that will enable them to give final consideration to these questions.

4. Investigation is being made as to what rights the State has or would have to obtain in order to remove the island. The records in our Sacramento office and in the United States Bureau of Land Management's office in Sacramento indicate that the area of the island was either patented to private parties by the United States directly, or by the State. At some time which has not been definitely fixed, the river moved from the old channel to the channel now occupied by the island. Therefore, the problem would seem to be to obtain rights from the record title owner of the island for its removal, or to assume that the island was formed in the bed of a navigable river and therefore belongs to the State. Section 106 of the Harbors and Navigation Code classifies the Eel River as a navigable stream.
5. Another consideration that needs to be evaluated, particularly at this time, is the fact that the Eel River has recently been at an exceedingly high flood stage, and therefore the effect of the flood on the island should be ascertained. A reconnaissance of this feature will be made by the staff of the Commission as soon as the river stage lowers to a point that such is feasible.
6. In consideration of the fact that the Division of Highways, Department of Public Works, has offices in the vicinity of this island, it would seem to be in the best interests of the State that any contract for removal of the island should be entered into by the Department of Public Works, with some contractor."

A map of the area in question was presented to the Commission by the staff, together with pictures showing the area after the recent floods.

The Executive Officer reported that the Division of Highways had given "no" answers to both questions 3(a) and 3(b) outlined above, and that therefore the next step necessary would be to obtain an opinion from the Attorney General as to whether the State Highway Funds appropriated in Chapter 1691 of the Statutes of 1955 may be used for work that does not benefit State highways.

Senator Way reported that a great deal of damage had been done in Humboldt County by the recent floods which he feels would not have resulted if the island had been removed. He urged its removal at an early date, pointing out the extreme value of the farm land in the area which was threatened with destruction by flood waters, saying that this land is the tax base of the County and should be protected. He further stated that his personal survey of the area showed that there had very definitely been damage to State highways, the

repair of which would probably cost at least \$100,000, which damage possibly would not have occurred if the island had been removed earlier.

Senator Way was assured by the Commission and its staff that they were anxious to cooperate in every way, but that because of Constitutional limitations on the use of State Highway Funds, it would not be possible to proceed until the question of the legality of using such funds was cleared.

It was decided that, following the meeting, Senator Way and the Executive Officer would meet with the office of the Legislative Counsel to discuss the financial problem.

The Executive Officer reported that the island probably would have to be re-surveyed before the actual work was undertaken, because, as a result of the recent floods, part of it is already gone.

Mr. Kirkwood asked that the staff expedite action and try to do some of the preliminary work concurrently while waiting for the Attorney General's opinion.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN INTER-DEPARTMENTAL CONTRACT WITH THE DEPARTMENT OF PUBLIC WORKS FOR THE REMOVAL OF THE ISLAND IN THE EEL RIVER, PURSUANT TO CHAPTER 1691 OF THE STATUTES OF 1955.

14. (PROPOSED ANNEXATION OF TIDE AND SUBMERGED LANDS, COUNTY OF VENTURA.) The following report was presented to the Commission:

"Pursuant to the provisions of Article 4.5 of Chapter 7 of Division 2 of the Education Code of California, the Ventura County committee on school district organization has recommended to the Board of Supervisors that the boundaries of the six Ventura County school districts which adjoin the coast be amended to annex tide and submerged lands of the State of California. The proposed annexations have been recommended to extend the school district boundaries to include lands from which taxes were previously collected on oil and gas operations, but which taxes had to be refunded by the County because the operations were, in fact, located outside of the respective school district boundaries. Action on the proposed annexation has been deferred by the Board of Supervisors to January 24, 1956 at the request of the State Lands Division."

The head of the delegation from Ventura County which was present in connection with this item was asked if he wished to make a statement, but indicated that he felt the report which had been presented by the staff was adequate.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE EXECUTIVE OFFICER IS AUTHORIZED TO INFORM THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA THAT NO OBJECTION IS INTERPOSED ON BEHALF OF THE STATE OF CALIFORNIA TO THE PROPOSED ANNEXATION OF VENTURA COUNTY TIDE AND SUBMERGED LANDS BY THE COLONIA, HUENEME, OCEAN VIEW, OXNARD AND SAN BUENAVENTURA SCHOOL DISTRICTS AND THE OXNARD AND VENTURA UNION HIGH SCHOOL DISTRICTS OF SAID COUNTY.