

STANDARD B & P "NOTEAR"

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13. (REMOVAL OF ISLAND IN CHANNEL OF EEL RIVER, HUMBOLDT COUNTY - W. O. 2145.)
The following report was presented to the Commission:

"Under the provisions of Chapter 1691 of the Statutes of 1955, the State Legislature required that an island near the mouth of the Eel River be removed under the direction of the State Lands Commission, and that State Highway funds be used for the purpose in an amount not to exceed \$20,000. A field survey was made by the State Lands Division in August and September of that year, to determine the extent and precise location of the island. Following an engineering study of the project by this office, the Division of Highways was consulted as to the effects of the removal of the island on adjoining highways or highway structures. That Division reported on January 10, 1956 to the effect that the removal of the island would not be of benefit to State highways, and that the project would not endanger or adversely affect the State Highway's bridge across the Eel River at that location.

"In view of the position taken by the Division of Highways, an informal opinion was requested of the Attorney General as to whether or not the funds appropriated by the Legislature could be used for the removal of the island. Under letter opinions of February 2, 1956, and of February 15, 1956, the office of the Attorney General advised that, in view of the position taken by the Division of Highways, the funds appropriated under the provisions of Chapter 1691 could not be used for that purpose. Subsequently the Budget Act of 1956 resolved the difficulty in the following manner:

'Item 442.2 -- For allocation to the State Lands Commission for removing the island in the channel of Eel River in the vicinity of the bridge on State Highway Route 56 at Fernbridge in Humboldt County, subject to determination of need by the State Public Works Board, from State Lands Act Fund -----\$20,000'

"Meanwhile the State Lands Division discovered that the lands occupied by the island were apparently in private ownership, and therefore requested and obtained from the Belcher Abstract and Title Company of Eureka, California, a title report which confirmed the information already at hand. As soon as possible after the Budget Act of 1956 became effective, a field reconnaissance was made by members of the staff of the Commission to determine the effects of the floods of December of 1955 upon the island. These results have been obtained and indicate that the island has grown to some extent.

"Engineering studies made by the staff of the Commission have indicated that to remove enough of the island to have any material benefit with respect to alleviating flood damages, at least one-half million cubic yards of material would have to be taken away, and that the cost of such removal would be greatly

in excess of the amount appropriated. The staff, however, recognizes its technical limitations in the matter, and believes that before an ultimate decision should be made as to the appropriateness of removal of a portion or all of the island, a report should be had from the Department of Water Resources, which is well staffed with the requisite technical personnel."

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

THE EXECUTIVE OFFICER IS AUTHORIZED TO NEGOTIATE AN INTERAGENCY CONTRACT WITH THE DEPARTMENT OF WATER RESOURCES COVERING THE ENGINEERING PHASES INVOLVED IN THE NECESSITY OF THE REMOVAL OF THE ISLAND IN THE EEL RIVER, AND TO CONSULT THE STATE PUBLIC WORKS BOARD ON BEHALF OF THE STATE LANDS COMMISSION FOR THE APPROVAL OF SUCH AN INTERAGENCY CONTRACT.