SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-A**

FROM: Steve Mack, General Manager

Meeting Date : November 5, 2015

SUBJECT: DISCUSSION OF RECENT ISSUES REGARDING DISTRICT PROPERTY AT 17448 RIVER LANE, GUERNEVILLE

RECOMMENDED ACTION: Receive a followup presentation by the General Manager on recent issues at the District property at 17448 River Lane, Guerneville.

FISCAL IMPACT: none

DISCUSSION:

17448 River Lane, Guerneville, is a property of approximately one acre in Vacation Beach, Guerneville. It was formerly the site of a District well which has been long abandoned. The Board discussed issues regarding this property at the September meeting, heard from a neighboring property's owners, Mr. and Mrs. O'Flynn, and a subcommittee comprising Rich Holmer and Sukey Robb-Wilder was appointed to assist the General Manager to investigate this item more fully.

Progress:

One of the items discussed at the September Meeting was the definition of ordinary high water (OHW). There are two definitions for OHW - lands in tidal situations and lands abutting non-tidal navigable water bodies. The River Lane situation appears to be a non-tidal navigable water body situation and the definition for that, based on a U.S. Army Corps of Engineers handbook, is:

"…that line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas."

The investigation into the definition of OHW including speaking with staff of the California State Lands Commission. They agreed in general with my approach toward defining OHW and stated there is no State Lands Commission interest in this situation which has to do with the public easement on lands along a navigable water body up to the OHW line; they are more concerned with establishing fee tile for State Lands. In our situation they believe the land below the low water mark in the Russian River belongs to the State.

The fence that was the subject of discussion and a County enforcement action at the time of the September meeting has been removed.

Sukey Robb-Wilder has been in contact with members of the neighborhood and may have some information regarding that contact for the Board Meeting.

Mr. James Vincent, owner or one of owners of the neighboring parcel that is river-side of the District's parcel, contacted me about what was happening with the parcel. He expressed continued interest in purchasing the parcel and stated that he would have no problem with purchasing the property with a conservation easement attached (but we didn't get into the details of what the conservation easement might include).

The Subcommittee met on October 20, reviewed the information gathered in the past two months and agreed that a full Board discussion was appropriate, including possible sale to Mr. Vincent and any information gained from members of the neighborhood.