

From: Francis Coats
To: [CSLC CommissionMeetings](#)
Subject: The Commission and California's Constitutional Right to Fish.
Date: Wednesday, February 23, 2022 10:18:35 AM

Attention: This email originated from outside of SLC and should be treated with extra caution.

Friends: Please note the publication of "California's Constitutional Right to Fish" by Karrigan Bork and me, in Lewis & Clark Environmental Law, volume 51, no. 4, discussing section 25 article I of the state constitution. There is a discussion of the Lands Commission's interpretation and application of section 25 at pages 1137 -1140, including footnote 50 in the Commission's Legal Guide to Public Access (which cites the discredited 1953 A. G. Opinion (53-193, 22 Ops. Cal. Atty. Gen. 134)).

This raises that old question of when a state agency and when state employees are obligated to refrain from misleading the public. Your guide suggests that there is some question as to whether "public lands of the state" and "land owned by the state" includes land acquired before the effective date of section 25, and to land acquired from private persons for government use. As more fully discussed the article, there is no question on these points, and the cited A. G. opinion conflicts with California v. San Luis Obispo Sportsman's Association (1978) 22 Cal. 3d 440.

If the A. G. Opinion were cited by an attorney to a tribunal, the attorney would be in violation of Rules Professional Conduct. Isn't it at least discourteous treatment of the public to cite it to the public?

And then there is question of how the Commission, as trustee of the express fishing right reserved in each patent of school and in lieu lands since 1915, refuses to inform the public as to the location of these lands.

Francis Coats, [REDACTED]

Sent from my Verizon, Samsung Galaxy smartphone

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From: Kevin Miller
To: [CSLC CommissionMeetings](#)
Subject: Comment for February 25 meeting re: Salinas River is a navigable waterway
Date: Monday, February 21, 2022 9:16:54 PM

Attention: This email originated from outside of SLC and should be treated with extra caution.

Dear commissioners and staff,

I am writing to thank your staff for their professional response to my communication about several barbed wire fences crossing the Salinas River in southern Monterey County. I have been working to document the ways people use and access the Salinas, and I believe it has been underappreciated as a navigable waterway.

Portions of the Salinas are navigable by boat year-round, while others are seasonally navigable due to dam releases from Lake Nacimiento. I have put together a map of all the access points used by the public, available at <https://salinasriver.org>, and many of these locations are regularly used by local communities in south county to swim, tube, and fish.

Your commission wrote a comment on an EIR for the Davis Road Bridge Replacement and Road Widening Project dated February 4, 2016 asking that the county project consider public access as part of the project. The county responded that "the portion of the Salinas River within the project area is not currently used for recreation." I have personally used the Davis Road bridge as a launching point for kayaks and canoes several times, and there has been an informal use trail along the bridge easement for years. This is just one example of the casual dismissal of the Salinas as a feasible river for recreation without adequate consideration or study.

I ask that future work done by the commission in the Salinas River watershed understand that there is a healthy community of recreational users of the river, in spite of the considerable damage to the waterway by irrigation and reclamation projects.

Thank you again for your work in preserving the state's resources,

Kevin Miller
Resident, Monterey County