

Staff Report 04

PARTY:

California State Lands Commission

PROPOSED ACTION:

Authorize staff to file a Record of Survey depicting the meanders of the high water mark and edge of water on the right bank of the Russian River on certain dates in November and December of 2021 and February 2022 at a site commonly known as Johnson Beach, in Guerneville, Sonoma County.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6202, 6216, 6301

STATE'S BEST INTERESTS:

In late 2021, the Commission's surveying staff conducted a field survey of a parcel of land along the Russian River in Sonoma County. The site, commonly known as Johnson Beach is located just downriver from the Highway 116 bridge crossing and was listed for sale. The purpose of the survey was to determine the approximate location of the high water mark and the edge of the water or low water to better understand the extent of the State's jurisdiction at this location.

In November and December of 2021 and February of 2022, surveying staff visited the property and surveyed the edge of water (estimated low water) as well as the meanders of the high water mark as of the date of the field survey. This is the first survey to be conducted by staff at this site along the Russian River.

The Professional Land Surveyors' Act requires a surveyor to file a Record of Survey anytime a field survey produces a new line or point that has not been previously shown on a recorded map. (Cal. Bus. & Prof. Code § 8762, subd. (b)(4).) The Record of Survey depicts the edge of water and the high water mark at a specific

point in time. These meanders remain ambulatory and will continue to fluctuate with changes in shoreline, erosion, and natural accretion. The Record of Survey includes a note explaining that these meanders are ambulatory and that the depicted lines only represent their location at a specific moment in time.

Staff has worked diligently to complete the Record of Survey of State sovereign land. Staff believes the Record of Survey accurately shows the extent of the lands under the Commission's jurisdiction, based on the best evidence known to staff at the time of the survey. If the Commission approves staff to file the Record of Survey, the Sonoma County Surveyor will review the draft Record of Survey. Staff will then make any revisions required by the Sonoma County Surveyor in order to finalize the Record of Survey so it can be recorded with Sonoma County.

CONCLUSION:

Staff recommends that the Commission authorize staff to file the Record of Survey with the Sonoma County Surveyor depicting the meanders of the high water mark and the edge of water of the right bank of the Russian River at Johnson Beach.

OTHER PERTINENT INFORMATION:

1. The Commission's decision on whether to authorize filing the Record of Survey is a discretionary action. However, the staff surveyor who completed the field survey is legally and professionally obligated to file the Record of Survey. If the Commission does not approve the filing, any Record of Survey recorded related to the field survey will include a note, explaining that the Commission has not approved the survey.
2. Business and Professions Code section 8762, subdivision (b) provides in the relevant part that after making a field survey a licensed land surveyor "shall file with the county surveyor in the county in which the field survey was made a record of survey relating to the land boundaries or property lines, if the field survey discloses..." ...(4) The location, relocation, establishment, reestablishment, or retracement of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey."
3. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
4. Authorization to file a Record of Survey, as required by law, is not a project as defined by the California Environmental Quality Act because it is an

administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBIT:

A-1. Draft Record of Survey

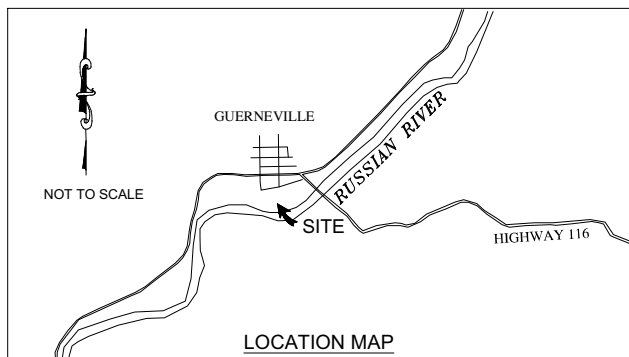
A-2. Draft Record of Survey

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

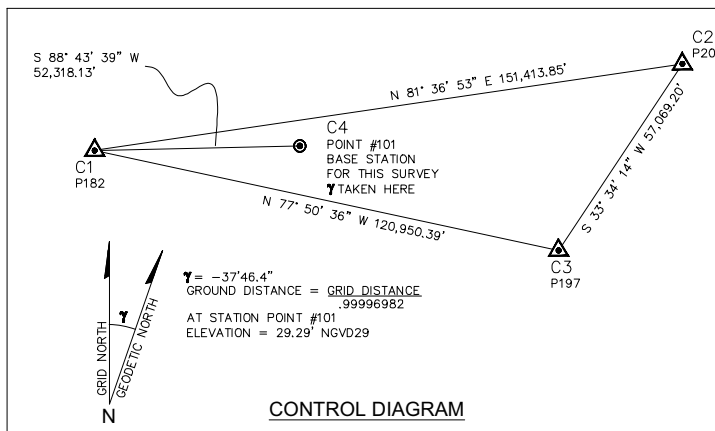
Authorize staff to file the Record of Survey, substantively in the form attached as Exhibits A-1 and A-2, with the Sonoma County surveyor depicting the meanders of the high water mark and the edge of water of the right bank of the Russian River at Johnson Beach, in Guerneville, County of Sonoma for certain dates in November and December of 2021 and February 2022, and consistent with any revisions required by the Sonoma County Surveyor.



GENERAL NOTES

- THIS RECORD OF SURVEY INTENDS TO SHOW THE MEANDERS OF THE HIGH WATER MARK (HWM) AND CURRENT EDGE OF WATER (APPROXIMATE LOW WATER) OF THE RIGHT BANK OF THE RUSSIAN RIVER. OTHER LINES ARE SHOWN FOR INFORMATIONAL AND ORIENTATION PURPOSES ONLY.
- CALIFORNIA CIVIL CODE SECTIONS 670 AND 830 PROVIDE THAT THE LEGAL BOUNDARY BETWEEN NAVIGABLE NON TIDAL WATERS AND UPLANDS IS THE LOW WATER MARK (LWM). ON NAVIGABLE, NON TIDAL WATERWAYS THERE IS A PUBLIC TRUST EASEMENT BETWEEN THE LWM AND THE ORDINARY HIGH WATER MARK (OHWM). THE BOUNDARY (LWM & OHWM) IS AMBULATORY AND WILL CONTINUE TO FLUCTUATE WITH CHANGES IN SHORELINE, EROSION, AND NATURAL ACCRETION. THE BOUNDARY MAY NOT BE READILY APPARENT FROM PRESENT DAY SITE INSPECTIONS, IF AFFECTED BY ARTIFICIALLY INDUCED ACCRETION OR FILL BOUNDARIES MAY BE FIXED BY COURT JUDGEMENT OR BOUNDARY LINE AGREEMENT. PARTICULAR REPRESENTATIONS OF THE OHWM OR LWM ON SURVEYS THEREFORE DOES NOT NECESSARILY DESIGNATE A FIXED BOUNDARY LINE.
- THE EDGE OF WATER SHOWN WAS SURVEYED ON 12/8/2022. THE RIVER GAUGE (SEE VERTICAL DATUM NOTE) DOES NOT MEASURE ELEVATION BELOW 5.61' (GAUGE DATUM). 14.28' NGVD 29. THE RIVER ON 12/8/2022 WAS AT APPROXIMATELY 13.6' NGVD 29. IT IS ESTIMATED THAT THIS IS AT OR CLOSE TO LOW WATER. A FULL STUDY HAS NOT BEEN DONE TO DETERMINE LOW WATER AT THIS LOCATION. FOR THE PURPOSE OF THIS SURVEY THE EDGE OF WATER AS SHOWN SHOULD BE CONSIDERED AS THE APPROXIMATE LOW WATER UNTIL SUCH TIME AS A LOW WATER STUDY CAN BE CONDUCTED.
- THIS SURVEY INTENDS TO SHOW THE MEANDERS OF THE HIGH WATER MARK (HWM) AS THEY EXISTED AT THE TIME OF THE SURVEY. THE HWM REPRESENTS THE LOCATION OF THE TRUE PUBLIC TRUST BOUNDARY, THE ORDINARY HIGH WATER MARK (OHWM) AT THE TIME OF THE SURVEY. IT DOES NOT INTEND TO FIX THE OHWM AT THE LOCATION SHOWN HEREON. THE TRUE LOCATION OF THE OHWM BOUNDARY EXISTS WHERE THE HWM INTERSECTS THE SHORELINE, AND ITS LOCATION CAN CHANGE OVER TIME.
- THE LINEWORK FOR THE UPLAND PARCELS IS BASED ON THE SONOMA COUNTY GIS LAYER. THESE LINES WERE NOT LOCATED DURING THIS SURVEY, AND ARE NOT INTENDED TO BE A PART OF THIS SURVEY. THEY ARE SHOWN FOR GENERAL REFERENCE PURPOSES ONLY. UPLAND PARCEL LINES ARE SHOWN DOWN TO THE OHWM (LIMITS OF THE PUBLIC TRUST INTEREST). THE AREA BETWEEN HIGH AND LOW WATER IS OWNED IN FEE BY THE UPLAND OWNERS, ENCUMBERED WITH A PUBLIC TRUST INTEREST. PARCEL SIDELINES WITHIN THE PUBLIC TRUST AREA ARE NOT SHOWN. THE PARCEL DEED RECORD INFORMATION WAS OBTAINED THROUGH THE CURRENT COUNTY ASSESSOR'S ROLE.
- NO ATTEMPT HAS BEEN MADE TO DETERMINE THE LOCATION OF UPLAND PARCEL BOUNDARIES AS PART OF THIS SURVEY, AND NO STATEMENT OF ACCURACY, EXPRESSED OR IMPLIED, IS MADE WITH RESPECT TO THOSE BOUNDARIES. UNLESS SHOWN OTHERWISE, UPLAND PARCEL BOUNDARIES, WHERE THEY ARE DEPICTED, ARE SHOWN FOR GENERAL REFERENCE PURPOSES.

CCS83, ZONE 2 (2017.50)				
POINT NUMBER	DESCRIPTION	NORTHING (SURVEY FEET)	EASTING (SURVEY FEET)	ELEVATION (NGVD 29, SURVEY FEET)
C1	P182 (AS PUBLISHED BY THE CSRC)	1,944,292.27	6,223,599.72	
C2	P201 (AS PUBLISHED BY THE CSRC)	1,966,372.43	6,373,394.99	
C3	P197 (AS PUBLISHED BY THE CSRC)	1,918,822.00	6,341,837.89	
C4	BASE STATION - POINT #101	1,945,454.08	6,275,904.95	29.29



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, CCS83, ZONE 2 (EPOCH 2017.50) AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) STATIONS REFERENCE STATIONS (CORS) P182 AND P201 BEING N 81°36'53" E AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC). DIVIDE GRID DISTANCES BY .99996982 TO OBTAIN GROUND DISTANCES. DISTANCES ARE GRID UNLESS OTHERWISE NOTED.

ACCURACY STATEMENT

THE HORIZONTAL COORDINATES SHOWN HEREON WERE DERIVED FROM POST PROCESSING GPS MEASUREMENTS AGAINST THREE CONTINUOUSLY OPERATING REFERENCE STATIONS (P182, P197 & P201) AS PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC). THE THREE CSRC STATIONS USED HAVE A PUBLISHED ACCURACY CLASSIFICATION OF LESS THAN OR EQUAL TO 5mm PER THE 1998 FEDERAL GEOGRAPHIC DATA COMMITTEE "GEOSPATIAL POSITIONING ACCURACY STANDARDS".

VERTICAL DATUM

THE VERTICAL DATUM OF THIS SURVEY IS THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29). THIS DATUM WAS CHOSEN BECAUSE THE RIVER GAGE "RUSSIAN RIVER AT GUERNEVILLE BRIDGE (GVB)" (USGS STATION 11467002) REPORTS SURFACE WATER ELEVATIONS IN GAGE DATUM WITH A PUBLISHED CONVERSION TO NGVD 29 (DATUM 0 = 8.67' NGVD). STATION NO. 8 (AS DESCRIBED IN RUSSIAN RIVER GPS MONUMENT COORDINATES REPORT - PREPARED FOR: FEDERAL EMERGENCY MANAGEMENT AGENCY CONTRACT NO. EMW-95-C-4678 TASK ORDER NO. 12) WITH A PUBLISHED ELEVATION OF 51.45' NGVD 29 WAS HELD FOR THIS SURVEY.

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LANDS SURVEYORS' ACT AT THE REQUEST OF CALIFORNIA STATE LANDS COMMISSION IN NOVEMBER AND DECEMBER OF 2021.

FINAL DRAFT

DANIEL J. FRINK, PLS 8864



COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS _____ DAY OF _____, 2022.

GARY J. O'CONNOR, PLS 7272
COUNTY SURVEYOR

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 20____ AT _____
IN BOOK OF _____ OF SURVEY MAPS AT PAGE _____,
AT THE REQUEST OF CALIFORNIA STATE LANDS COMMISSION.

BY: _____
DEVA MARIE PROTO
COUNTY RECORDER

APPROVED:
CALIFORNIA STATE LANDS COMMISSION
MEETING OF XXXX.

JENNIFER LUCCHESI, EXECUTIVE OFFICER.

LEGEND

- CONTINUOUSLY OPERATING GPS REFERENCE STATION PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC)
- CONTROL POINT
- MEANDER LINE STATION (SEE SHEET 2 FOR COORDINATE VALUE TABLE)
- EDGE OF WATER 12/8/2022
- HIGH WATER MARK 12/8/2022
- APPROXIMATE PARCEL LINES PER COUNTY GIS LAYER
- CSLC CALIFORNIA STATE LANDS COMMISSION
- CSRC CALIFORNIA SPATIAL REFERENCE CENTER
- EW EDGE OF WATER
- NTS NOT TO SCALE
- ROS RECORD OF SURVEY

REFERENCES

(R1) 770 ROS 38

RECORD OF SURVEY
FOR
CALIFORNIA STATE LANDS COMMISSION
JOHNSON BEACH,
RUSSIAN RIVER, SONOMA COUNTY, CALIFORNIA

BEING A PORTION OF SECTION 32, T. 8 N., R. 10 W., M.D.M.
WITHIN THE CITY OF GUERNEVILLE, COUNTY OF SONOMA, STATE OF CALIFORNIA
SURVEYED NOVEMBER & DECEMBER, 2021 & FEBRUARY, 2022
SHEET 1 OF 2

