ROR011 Friends of Clear Lake, Inc.

Friends of Clear Lake

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No comments

- n/a -

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Delta Stewardship Council

January 10, 2013

Honorable Council: My name is John Zebelean Ph.D. I am the President of Friends of Clear Lake, Inc. a non-profit environmental Corporation established in 1993, Incorporated in 1995. We are located in Lake County; next to the most Mercury polluted lake in the World. ROR011-1

Clear Lake is the major polluter of Sacramento River, the Delta, and San Francisco Bay and beyond. We express interest to know, " how you would be able to provide safe and clean water to the public, prior to solving the problem of sources which pollutes our waters? I have been at Delta Council inauguration in 2009, and I regularly receive your information. Unless I have missed something, I have not seen you addressing the Clear Lake problem. If your findings and analysis confirms that a major source of the pollution is coming from Clear Lake, have you arrive at any recommendation to solving the problem? ROR011-2

On this day of January 11, 2013, I am providing the Council with two of my written articles published in local Lake County Magazine "lakecomagazine.com" and suggest to you reading two other articles written by Maurice Taylor, describing Clear Lake pollution problem as well "Political" pollution problem in Lake County.

My first article titled, "THE BLOOD and MONEY of CLEAR LAKE" (Quo Vadis Domino), was published December 10, 2012. It includes pages from the 1973 State of California Trust Agreement with Lake County on duties of maintaining the Lake.

ROR011-3

My second article, 'THE ANTHONY FARRINGTON LEGACY" was published January 3, 2013.

Maurice Taylor article, "Lake County Watershed Mismanagement" was published October 26, 2012.

Response to comment ROR011-1

Comment noted.

Response to comment ROR011-2

This is a comment on the Project, not on the EIR. Section 3, Water Resources describes Clear Lake as having a "profound influence on sediment transport throughout the river, Delta, and San Francisco Bay system with the Delta and Bay experiencing much reduced sediment flux as a result of the altered supply (Schoellhamer et al. 2007)" (DPEIR at p. 3-18).

Response to comment ROR011-3

Comment noted.

2

Second Mr. Taylor article, "BOS-MORE MANAGEMENT FAILURE" was published November 16, 2012. ROR011-3

These articles are self-explanatory. Our articles can be viewed on "lakecomagazine.com" by searching title names and CLICK on the TITLE.

All State and Federal departments mentioned in my articles will be provided with information and a request for intervention.

Sincerely,

Dr. John Zebelean, President
Friends of Clear Lake, Inc.
E-mail "fixitdr@yahoo.com"

No comments

- n/a -

Article "THE BLOOD and MONEY of CLEAR LAKE and BEYOND"

Author, Dr. John Zebelean

Was published in the Lake County Magazine, "lakecomagazine.com" on December 10, 2012.

No comments

- n/a -

THE BLOOD AND MONEY of CLEAR LAKE and BEYOND

QUO VADIS DOMINO
(WHERE ARE YOU GOING MY LORD)?

Clear Lake, once a jewel that pen could not describe, is today a swamp! It is a swamp potentially lethal to humans and animals. The human minds with bloody hands allowed the lake to be used as GUINEA PIG for research purposes from 1947 to present. Unless the federal and state government steps in to begin an investigation, and to protect the lake, it will continue to be used s guinea pig. What continually happens to this lake is a crime against humanity, and no one seems to care! Why?

DICTATORIAL DYNASTY, LOCAL POLITICS, " NONE DARE TELL US WHAT TO DO"

Beginning in 1949 and continuing until the present time, and without mercy, toxic chemicals have been dumped into this lake. There was a recent attempt to use the biological chemical AGENT ORANGE.
For Heaven's sake, have we forgotten the damaged done to our soldiers in Vietnam? How quickly we have forgotten Dr. Rachel Carson's book the "Silent Spring" (1962) which described Clear Lake as an Elixir of Death. Why are not agencies like State Department of Water Resources, California Health Department, Environmental Protection Agencies (EPA) Center for Disease Control (CDC) on top of what chemicals are safe to be used in water meant for human contact and usage?

Are the above agencies employing chemical testing methods in bodies of water in non-populated areas before they are allowed for research purposes in Clear Lake?
If not, WHY NOT? Isn't there a law that prohibits any toxic chemicals to be used in any drinking water sources? Why are these practices not prosecuted for violation against Clear Lake?

No comments

- n/a -

Are we inhumane and used as GUINEA PIGS for research purposes? IT INDICATES SO. Massive amounts of TOXIC chemicals were dumped in Clear Lake, Lake County, a place which was envisioned even by the State of California Legislators to be a place of recreation under 1973, CHAPTER 639 granted TRUST of Clear Lake, to Lake County. In that TRUST it states as follow: For the protection of wildlife habitats, the improvement, and conservation of the wildlife and fish resources and the ecology of the area, (Trust Agreement attached). They did not included humans as endangered specie in Lake County. Then in 2004, SB 1136 was signed. This is another 21st century disaster.

Why these Trust Agreements were issued to this rural people? They should of known that this lake is far beyond the knowledge, financial ability and capability to maintain this lake in healthy conditions. Now every body turns their heads. They SEE NOTHING, KNOW NOTHING AND DO NOTHING... I wonder if they knew at that time that Lake County was viewed by the outsiders as people from "eutrophic lake, they have the MIRACLE plant TULLE'S and will solve lake's pollution problem." This is how politicians have brain washed these people to the fullest extent to keep them under control.

Fortunately I met many wonderful people of quality and intellect. But, they have given-up on trying to guide local politicians in proper direction with regards to the lake. They have their own 'BLIND' agenda.

The Clear Lake Advisory Committee (CLAC), a group of very knowledgeable individuals, who attempted to guide them in a proper direction, is subject to disbandment. In November, 2012, the Chair of the BOARD walked out of meeting refusing to hear what CLAC had to say.

Even when Clear Lake is dangerously infested by Cyanobacteria toxins, there are no cautionary signs posted except in one place. When a member of the public posted a sign in one area of the lake, a county employee was dispatched to the area and pasted over that sign with the county's telephone number. When that number was called to find out why the sign was covered over, the caller was told that the county did not want to scare tourists away. WHAT TOURISTS??? Do they see GHOSTS and confuse with TOURISTS??? As I write, massive resorts are

No comments

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taken over by the BANKS, property are foreclosed, and restaurants are forced to close their doors.
When media called regarding that particular sign, they were told that County have made many signs but decision was made by local Health Department, Environmental Department and Water Resources Department not to have them posted in order not to scare people. This is Lake County Dictatorial Dynasty, do not care if people are getting hurt or DIE. July 2009, at Board of Supervisors Meeting, decision was made not to declare Lake County as disaster area. Reason for decision was given that Bay Area Media will come back and will hurt tourist. Take a close look at the state of economy in Lake County and tell me what tourists do you see.

On July 26, 2012, Dr. Tait, from local Health Department went to city Council in Clearlake and advise them that CDC from Atlanta, Georgia, is coming to city of Clearlake to investigate something. Why CDC did not come in August or September to see the mess of Clear Lake? Were they told not to come until Clear Lake looks better?
I would not be surprised...

The same agencies that suppose to prosecute polluters are issuing permits knowing that those chemicals are toxic to humans, animals and aquatic creatures alike, it is printed on the label as precautionary disclosure.

Thanks to State Department of Water Resources for rescinding a Research Authorization permit application on Clear Lake to use Agent Orange after it was issued.
Please, State Department, if you have some left over SANITY pills, granular or in liquid form, give it to Lake County POLITICIANS, they could use a few TONS. Do people of Lake County knows that they are subject of use, and exposed to unproved and possible unlawful toxic chemicals used in Clear Lake? SOME DO, and SOME DO NOT.

Does anybody in Sacramento, or Washington D.C, really knows what is happening in Lake County?

Does anyone in Sacramento, or Washington D.C, knows that Lake County is the highest in CANCER rate in the WORLD?

No comments

- n/a -

How about Diabetes, Cardiovascular, Obesity, Liver problems etc? Even DOGS and CATS over 50% are prematurely DYING of CANCER in Lake County. Why nobody cares? This will be a wake-up call.

In 1997, Hydrila an aquatic plant in Clear Lake was sprayed on one section in the Soda Bay Area, with unknown chemical. In 2000, nine individuals were diagnosed with CANCER all within six months time frame. Every house in the area where they sprayed was diagnosed with CANCER, except, vacationer houses since no one was present at the time of spray.
Three individuals DIED during CANCER treatment process, two DIED two years after treatment, and four are still alive. In the Street behind more individual were diagnosed with CANCER, in the same time frame. This case yet to be fully investigated. This is something Lake County people did not know. When these people spoke with one of Lake County Attorney, they were told that statue of limitation passed and there is nothing they can do. Bad advice- statue of limitation begins from the time you become aware of the problem.

THE SERMON ON MOUNT KONOCTI

July 6, 2009, during massive Cyanobacteria infestation, Town Hall meeting was held at City Hall in Clearlake. One of chosen instructor raised his ARMS stating you can call me dirty IRISH, but I was swimming four times in this lake and see I am OK. Just spray water on Cyanobacteria mats, break it, sink it to the bottom of lake and it will be OK.
One week or so after that Town Hall Meeting, a young man went swimming in the infested area, (there were no sign posted at that time) and according to instruction it was safe to swim; a few minutes later that young man emerged from the lake, screaming his lungs out; he was burned allover his body and sought help at a store across the street; he was taken to the hospital for emergency treatment.

In August 2009, as boats were spraying water, breaking mats to sink them as they were told, an older lady in close proximity to these actions, who suffered with asthma, was transported by ambulance to the

No comments

- n/a -

hospital. I was told that within a few hours she had died. Her death was allegedly attributed to AEROSOL inhalation. Was her death due to activity in the area or due to asthma? We will never know. Cyanobacteria mats cannot be sunk.

They refuse to take my advice seriously to stay away from infested area and to stop spraying water or breaking mats as they may cause serious injury to people. In 2010, the same practice was used and five individuals ended in emergency hospital, two of them for the second time. There is more than sufficient scientific information on Internet advising bothers, and skiers to stay away from infested area in order to prevent AEROSOL from being carried into populated area and cause Health problems. I sharply contested to the Board of Supervisors, advise them that people have been hospitalized and told them that someone may get seriously hurt and possible die and they will be held responsible. Finally after my many contests they stopped with that practice.

In 2006, they sprayed again for weeds, and KILLED thousands and thousands of FISH of various species; article in the Newspaper stated that they do not know the cause; the cause may have been MERCURY or lack of OXYGEN. Catfish, Carp and other specie can survive for 20 days or more without OXYGEN. There was no lack of OXYGEN; there was a lack of healthy MINDS.

In 2007, over 2000 wild Ducks mysteriously died on the shore in Lakeport. The report claimed the deaths were due to an unknown Virus. No dead ducks in Blue Lake, no dead ducks in Lake Mendocino, no dead ducks on North shore, only in Lakeport.

In 2008, pellets were used on weeds and killed 10,000 Carps. According to the report this time fish died due to COI VIRUS, but the fish stomachs were full of pellets.

If there is anything that could go wrong, it will go wrong in Lake County.

Wake up AMERICA, before is too late; you do not solve Clear Lake problems with more TOXIC CHEMICALS, nor 176 square kilometers of

No comments

- n/a -

the lake's surface by planting tulles. Clear Lake pollution problem can be solved scientifically by utilizing modern technology only.

How about the damage cause to Cache Creek, the Delta, San Francisco Bay and beyond? Does any one knows that 60% of Mercury in the DELTA comes from Clear Lake? How about rice fields irrigated with water from Cache Creek, is Mercury contaminated rice, vegetables, fruits, sold to public for consumption? INDEED IT IS...

From 1949 to 1993, County knows they received 'grant monies', but do not know how much, and do not know how it was spend because records were not kept. It is known that they have paid Dr. Horne $ 875 thousands for his five years research of Clear Lake, from 1978-1983, the only records they have.

My advise to DYNASTY is; give Clear Lake back to its lawful owner, you are not capable to take care of once a JEWEL, now a swamp, you have breached every section of 1973, Trust Agreement. I have said once before, and shall say again, I am here to separate POLITICS from SCIENCE, and tell people the TRUTH, and to save LIVES.

Wake-up, the HEAVEN could open, and the echo of dead souls will curse us for prematurely taking many lives.

The warm sunny summer days, for some will be gone.

QUO VADIS DOMINO
(Where are you going my lord)?
The answer was
"ON THE ROAD TOWARDS SELF DISTRUCTION."

Lake County Government is not a"SAINT" and POLITICS is not "HOLY".

Remember President Reagan's QUOTE- "Government does not solves problems, the Government IS the PROBLEM"...

No comments

- n/a -

Article "THE ANTHONY FARRINGTON LEGACY".

Author, Dr. John Zebelean

Was published in the Lake County Magazine "lakecomagazine.com" on January 3, 2013.

No comments

- n/a -

THE ANTHONY FARRINGTON LEGACY

Mr. Farrington is a member of Lake County Board of Supervisors.

On October 24, 2012, at Board of Supervisors Chamber, a debate was held regarding County's MEASURE "E".

Mr. Anthony Farrington, at that debate, you made some controversial statements on which I expressed interest to have clarification.

Whatever happened to the $ 38 million in funds supposedly approved by Honorable Assemblymen Wesley Chesbro, to be used for the Middle Creek restoration project? Your response was that such funds were never approved.

In July of 2009, at Board of Supervisors meeting, Ms. Ruth Valenzuela, secretary to Mr. Chesbro, stated that Lake County would receive financial assistance.

In December of 2009, at the Board of Supervisors meeting, Ms. Pamela Francis, an employee at that time with Department of Water Resources, disclosed receiving the sum of $ 38 million for the restoration project. I personally asked Ms. Francis clarification as to the use of those funds. I never know when Lake County politicians tell the truth, half-truth or neither.

Further, you stated that from 2002-2003 and up to spring of 2011, the county received $ 12 million, out of which $ 6.25 million was used to purchase property in the restoration project area. What ever happened with the balance of $ 5.75 million?

Recently the Director of the Department of Water Resources asked the Board of Supervisors to advance over $ 200,000 to purchase more Middle Creek property on the bases that State of California is slow in releasing funds. What about the balance of $ 5.75 million noted above?

On one of your radio interviews at the end of September or early October 2012, you made a statement about how DYSFUNCTIONAL the STATE OF CALIFORNIA and FEDERAL GOVERNMENT are.
Mr. Farrington, can YOU tell us how FUNCTIONAL LAKE COUNTY GOVERNMENT is?

No comments

- n/a -

To some extent I could agree with your analogy, but not entirely.

After $ 46 million of the $ 8.9 billion allocated for the super fund on Sulfur Bank Mercury Mine had been spent, the USEPA project manager retired stating there was no more money!!! The project was abandoned and "HERMAN PIT" is subsurface leaching mercury contaminated water in the lake at the rate of 10-13 million gallons in 24 hours at present time as it has since 1957, when mining was ceased. What have you done about this, Mr. Farrington?

Recently, on the radio, I heard you stating how abundant fish was in this lake when you were a young boy; that you were catching fish on bare hook.
What ever happened to those fish? Did DINGOES eat all that fish, or were they KILLED by all those toxic chemicals dumped in this lake?

On several occasions, including at that debate on October 24, 2012, you stated that 70% of NUTRIENTS are coming from SCOTTS CREEK and MIDDLE CREEK into Clear Lake. When asked if you have records to prove, YOU stated that you TRUST people who provided you with this information. At the end of the debate I approached you and said that you have made a FRAUDULENT statement about 70% of the NUTRIENTS coming from SCOTTS CREEK and MIDDLE CREEK and asked you to provide me with WRITTEN DOCUMRNTS which will support your statement, as well as the other comments. You stated to my face "SUE ME" and "I WILL NEVER DREDGE CLEAR LAKE."

Mr. Farrington I am not here in Lake County to sue you or anyone for that matter, unless I have to. My reason for being here is to investigate Clear Lake POLLUTION PROBLEMS, possible misuse of GRANTS FUNDS, and to separate POLITICS from SCIENCE. And, to TRUTHFULLY inform Lake County citizens of solutions regarding Clear Lake problems and what legal options are available to CITIZENS. I hope you do not mind?

Whether Clear Lake will be dredged, or not dredged, is not of my concern. DREDGING is the only solution to Clear Lake's pollution problems, whether YOU accept the facts or deny them, is up to YOU. This will be a decision to be made by State of California and the Federal Government, and there is nothing YOU can do about it, Mr. Farrington.

Mr. Farrington, for your personal information, YOU should know that UC Davis scientists stated that Kelsey Creek, Scotts Creek and Middle Creek provide 50% of

No comments

- n/a -

the water and 50% of nutrients to Clear Lake. Kelsey Creek is NOT a part of Middle Creek restoration project. That leaves Scotts Creek and Middle Creek alone, as 30% maximum water provider to Clear Lake and hardly any NUTRIENTS come from these two sources. I have laboratory documents to prove my statement, and also, your County TMDL will support my findings.

One single source in Clearlake Oaks provides more NUTRIENTS to Clear Lake than Kelsey Creek, Scotts Creek and Middle Creek COMBINED. Why would you create another SWAMP in Lake County in the area where there is hardly any problem and neglect where the problem exists?

Mr. Farrington, you also stated in your October 24, 2012 debate that Clear Lake is not LAKE TAHOE, and Clear Lake is not a "SWIMMING POOL".
It is obvious Clear Lake is CLEAR LAKE, not TAHOE... Then, I assume you will be posting SIGNS around Clear Lake Stating: "THIS LAKE IS NOT A SWIMMING POOL."
And how about "CERCARIA" (swimmers itch). Don't you think you should educate children not to swim in this lake for health reasons?

How many children have to end up in hospital emergency room or doctor's offices?
How about CERCARIA of the genera Schistosoma, Chloronorchis, Paragonimus, Fasciolopsis, and Fasciola which are known to infect HUMANS, including internal human organs, not only the skin?

And how about educating people and specifically CHILDREN not to eat fish from this lake due to MERCURY CONTAMINATION?

How about 1988, Central for Disease Control suggested having WARNING SIGNS posted on every road leading to Clear Lake stating there is MERCURY in this LAKE?

Mr. Farrington, how about posting SIGNS, which state: "Children under age of 17 and pregnant women should only eat very limited amounts of mercury contaminated fish each year, as suggested by the health department"?

Mr. Farrington, YOU owe an explanation to the people of Lake County, and to the WORLD, for your behavior. And one more, but not last: How long do YOU wish to hold Lake County politics on WELFARE?

Mr. Farrington, you have been mislead about 70% NUTRIENTS. I would like to see YOU getting out of that ILLUSIONARY WORLD for the sake of Lake County's

No comments

- n/a -

CITIZENS. Also, please stop insulting Lake County with TULLES. We are not well respected by neighboring counties. You have used the wording "SAVE the LAKE" on Measure "E"- the same wording Friends of Clear Lake, Inc. a non-profit corporation, have used since 1992. NOT TOO NICE!!!

Good luck in; your endeavor to plant TULLES. And, thank you for the invitation to your CLUB, but NO THANKS. I am a SCIENTIST not a POLITICIANS!

Lake County Government is not a "SAINT" and politics is not "HOLY."

Remember President Ronald Reagan's quote: "Government does not solves problems, the Government IS the problem"...

No comments

- n/a -

CHAPTER 639

An act to convey in trust the submerged lands in Clear Lake to the County of Lake, and to its successors, in furtherance of navigation and commerce and the fisheries and to provide for the government, management and control thereof, and to reserve certain rights to the state.

(Approved by Governor September 21, 1973 filed with Secretary of State September 21, 1973)

The people of the State of California do enact as follows:

Section 1. There is hereby granted and conveyed in trust to the County of Lake, and to its successors, subject to the provisions of Section 16 of this act, all the right, title, and interest of the state held by the state by virtue of its sovereignty and in and to the submerged lands in Clear Lake. The low water mark for Clear Lake has not been determined, and such determination may have to be made by judicial adjudication. Subject to such later determination, and for the purpose of the administration of this grant only, the low water mark shall be considered by the parties to this grant as being zero on the Rumsey Gauge.

No comments

- n/a -

SEC. 2. The submerged lands granted and conveyed pursuant to this act shall be forever held by such county and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the county and its successors for purposes in which there is a general statewide interest as follows:

(1) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the lake and the area, control of dredging or filling of the lake, or both, and prevention of pollution of the lake.

(2) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(3) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(b) The county, or its successors, shall not at any time grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the county, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain

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No comments

- n/a -

rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said county under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands. Nothing contained in this act is intended to affect the rights, including riparian rights, of landowners adjacent to Clear Lake.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved within the meaning of subdivision (a) of this section by the county without expense to the state, and if the State Lands Commission determinates that the county has failed to improve the lands as herein required, all right, title, and interest of the county in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the county, nor by the county of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas and geothermal resources, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

SEC. 3. The county shall establish a separate trust fund or funds

No comments

- n/a -

in such manner as may be approved by the State Lands Commission and the county shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted lands. An annual statement of financial condition and operations, to conform with such requirements as the State Lands Commission may prescribe, shall be submitted to the State Lands Commission each year by the county on or before September 30th of each year for the preceding fiscal year.

SEC. 4. Notwithstanding any other provision of law to the contrary, the county, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted lands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the lake and the area, control of dredging or filling of the lake, or both, and prevention of pollution of the lake

(b) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas and other compatible commercial and recreational activities and uses.

(c) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(d) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the

No comments

- n/a -

promotion and accommodation of any of the uses set forth in this section.

(e) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of such granted lands or to encourage private investment in development of such granted lands for the highest and best use in the public interest.

(f) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(g) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 5. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 6. As to the accumulation and expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the county shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the county that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of Section 4 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the county with the notice of its determination. In the event the State Lands Commission notifies the county that such capital improvement is not authorized, the county shall not disburse any revenue for or in connection with such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The county is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

SEC. 7. At the end of every third fiscal year, beginning June 30, 1975, that portion of the county trust revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of trust activities have been made, shall be deemed excess revenues; provided, that any funds deposited in a

No comments

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reserve fund for future capital expenditures or any funds used to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands for purposes authorized by this act may be considered as expenditures for the purpose of determining net revenues; provided, however, that if made after the effective date of this act they may be so considered only if made in accordance with Section 6 of this act.

The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the county to be deposited in the trust fund and used for any purpose authorized by Section 4 of this act; provided, however, that, of the first such excess revenues which would otherwise be allocated to the county, an amount equal to the cost of the State Lands Division survey conducted at Clear Lake during the period from November 5, 1962, to December 31, 1972, shall be deducted from the county's share and deposited in the General Fund in the State Treasury.

SEC. 8. The State Lands Commission, at the request of the county, shall grant an extension of time, not to exceed 30 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 9. In the event that the county fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any improvements to, or assets situated upon, the granted lands or derived therefrom. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 10. The County of Lake and the State Lands Commission, on behalf of the state, are authorized to enter into boundary agreements with private parties to settle existing boundary disputes. Any such agreement shall not be a precedent for the determination of any subsequent boundary line dispute; however, any subsequent survey shall incorporate the boundary agreement entered into by the commission, the county, and a private party.

SEC. 10.1. The County of Lake, with the approval of the State Lands Commission, is hereby authorized to settle, by agreement, exchange, or quitclaim, any dispute concerning whether or not particular land within the Clear Lake area constitutes land in private or proprietary ownership by reason of title traceable to a state or federal patent or other valid source, or rather constitutes lands granted by this act. In settlement of such disputes, the county, with approval of the State Lands Commission, may, by such agreement,

No comments

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exchange or quitclaim, establish boundary or compromise boundary lines between the lands granted by this act and bordering private or proprietary lands.

SEC. 10.5. The county shall identify past and future trespasses upon the lands granted by this act and take appropriate steps to terminate such trespasses.

SEC. 11. The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 12. The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 13. The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or condition reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 14. The Legislature reserves the right to amend, modify, or revoke, in whole or in part, the submerged lands granted and conveyed in trust pursuant to this act; provided, that the state shall thereupon assume and be bound by all lawful transactions and obligations related to such lands entered into or created by the county during its holding of such lands.

SEC. 15. The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the Superior Court in the County of Lake to declare that the grant under which the county holds such submerged lands is revoked for gross and willful violation of the provisions of this act or other legislative enactment, or to compel compliance with the terms and conditions of the grant and any other provision of law, including, but not limited to, this act.

SEC. 16. The grant and conveyance in trust of submerged lands to the county provided for by this act shall become effective only upon the written acceptance of such grant and conveyance by the county prior to September 1, 1974.

SEC. 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

No comments

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