

In Re to P G & E's
Application to build a
Power Plant on Bodega Heads..

From

Mrs Rose Gaffney
Bodega Bay, California

December 10, 1960

To Whom It may Concern....

Having seen--and experienced--maneuvers that forestalled protests-- to such agencies whose duty it is to consider such measures with the idea of protecting the interests of involved citizens or protestants, and whose interests might be adversely affected..and having reason to believe that such tactics are being employed at the present by the Pacific Gas and Electric Company in their efforts to locate a power plant on Bodega Head against the wishes of the people of this area. If PG&E has not yet applied for your permission for such a power plant site in this area, they will do so in the near future, so I am forwarding this protest against their application, and hope you will give it your very earnest and careful consideration...

Items recently appearing in two newspapers..the Sacramento Bee and the Petaluma Argus -Courier..and surely in other papers..state that PG&E has still to receive permission from three governmental agencies before it can build on Bodega Heads.. and PG&E expects a decision in about 90 days.Hence this protest

There are many facts and facets to consider and I firmly and sincerely believe the whole situation merits a thorough federal investigation.

Fourteen years ago the Sonoma County officials contacted the Bodega Bay shoreline owners,told us that the State owned the tidelands and tried to persuade us to pay rental therefore.

The Bodega Bay tidelands owners have protested and presented their claims to the tidelands,and these claims have never been disproved by the State or the County,and the latter have refused to show their authority for their claims. Nor has the county any valid record of the the rent collected from four bay shore owners who had improved their property.. money and records gone ,unless lately recovered.. such records as they gave me just can't be true.

Three opinions from three different attorneys in the States Attorney General's staff,have verified private ownership. (1)The leases conveyed no benefit to the signers,so they constituted a fraud and a swindle.(2)The bill passed by the Legislature giving to Sonoma County the tidelands,did violate both the state and federal constitutions in that it did deprive the bayshore owners of property rights without due process.(3)If Bodega Bay were included in a valid Mexican or Spanish grant,"you have nothing to worry about." My research back to 1492) indicated that if the Mexican Government or the United States had wished to invalidate the grants given prior to June 1846,they could have invalidated every grant in the entire territory EXCEPT Stephen Smith's Bodega Rancho,which included the entire Bodega Bay... Further,the Treaty of Gaudalupe Hidalgo .. and the terms of a treaty supercede the U S Constitution... state that when a grant is patented.. all rights are guaranteed to the patentee.. "all rights will be respected" and "these lands may not be taken from the owner,nor sold without their consent" and to their "heirs and assigns,forever"

or against their wishes
The Treaty does NOT say all rights except riparian...or that a PG&E as a public utility,shall have superior rights to that of the State or U S Constitutions.

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As the ringleader of the opposition to the State's claims to the tidelands.. (when I wrote a letter to the SACRAMENTO BEER, the Editor called up the State's Lands Commission's office, talked with a Mr Watson, who said they were doing nothing at Bodega Bay that they hadn't been doing elsewhere.. at Morro Bay and Lake Tahoe, etc., so they have robbed others as they have robbed us) what more to the point than to make me their point of attack? Why not let PG&E use Bodega Bay as a power plant site, and get rid of the opposition?

Knowing something about my property rights, I have refused to be intimidated.. So Sonoma County's Planning Commission has obligingly consented to zone Bodega Heads into an industrial area (though John Prather, head of the department, told me he would give me a handwritten notarized statement whenever I wished, that he has never been in favor of letting PG&E locate on Bodega Heads but have put my property, half of it, into a park zone, so it cannot be sold for residential or other purposes) and open the door to PG&E. So PG&E filed condemnation proceedings against my entire property (407.57 acres) though they admitted they could do with much less. When they subsequently lowered the Stohs into selling their 160 acres, PG&E dropped their demands upon me to 64 acres. However, this 64 acres would give PG&E control of a very beautiful sheltered cove which could easily be the biggest asset of the entire property from a monetary return standpoint.

Five years ago Dr Ralph Smith and Dr Cadet Hand, of the U C faculty, held post graduate courses at Bodega Bay for two successive years, and became acquainted with it's resources and assets for study purposes. Since then, some ten other leading biologists, some world renowned, have inspected this area for study uses and have pronounced it the finest of the three best sites in the whole world for marine biology study. Dr Joel H Hedgpeth of the Dillions Beach Marine Sta. is one of these biologists. I have escorted these biologists myself for their inspection. So U C became interested in my property for scientific reasons.

However, U C lost interest when they found out that PG&E wanted to locate on Bodega Heads, though PG&E is endeavoring to soften public opposition to their power plant by inducing U C to locate there, anyway.

My battle has been, not so much against PG&E (we must have electricity, too) but to preserve this area for science and public recreation. Science needs the best. PG&E admits that it does have other sites it can use. It would betray it if it were the only available site for PG&E. Science needs the best the world can offer.. science should have the very best.

Under the terms of the Treaty Of Gaudalups Hidalgo, PG&E's suit condemnation proceedings should be thrown out of court. The Treaty states "these lands shall not be taken from us, nor sold without our consent, or against our wishes, and"to our heirs and assigns, forever".. All rights are to be respected".. and as long as PG&E can locate elsewhere, it should take it's proper place and locate elsewhere. Not even the Supreme Court, nor any other agency, has the right or power to set aside the terms of a foreign treaty.. Or is PG&E greater than our Government and all that is behind it?

As long as Sonoma County gave PG&E permission to build that power plant on Bodega Heads, it had to consent to let PG&E get it's power into channels to take the power out where needed.. off Bodega Heads.. So Sonoma County, with the

apparent approval of the States Lands Commission, has given PG&E permission to string their transmission towers and cables across the Mouth of Bodega Bay and down the length of Doran Park. This means that the Bodega Bay airport will have to be shifted some place else to accommodate PG&E.

That the land PG&E has acquired for an airport in exchange for the present airstrip is unsuitable, worthless and dangerous means nothing to the County. Nor is the land of equal value, with PG&E getting the best end of the deal.

The Sonoma County Bd of Supervisors stated publicly they would ~~ignore~~ ignored the thousands of signatures to petitions turned in to them, protesting the location of a power plant on Bodega Heads. Certainly the defeat of the entire bond issue (Nov 8th) for badly needed administration buildings, went down to defeat because it included a bond issue of some \$2 000 000 for the "improvement" of Doran Park, but which would, in reality, open the door to PG&E on a rental basis. The public has refused to be ignored; how better to indicate their displeasure than to turn down the entire bond issue?

If those transmission towers and cables will make the present airstrip too dangerous for the public, why won't those same towers and cables constitute a like hazard for the Coast Guard rescue planes and 'copters which will be stationed about midway of Doran Park? The public is not at all enthusiastic about picnicking, camping, bathing or parking under those wires or alongside those towers, or near them. Surely that defeat of the entire bond issue is evidence of the displeasure of the voters, not only against the commercialization of Doran Park, but displeasure of PG&E's location in this area, as well.

PG&E asked for, and received permission to build a 40 foot roadway around the bay shore from its property line, along my entire waterfrontage, and on beyond as far as Spud Pt, on the Kee property... on the tidelands which the County claims, but which the county has not proved it owns. Nor did the County bother to make clear which tideline it meant.. high, mean or low tide... but PG&E was given permission to build just the same. What such a roadway will do to the tidal prisms is a problem for the Engineer Corps to solve.

I am sure the County officials, nor PG&E, has forgotten my protest, ... and your committee will have to take it into consideration, too.

(1) The County, nor the State .. has proved its ownership, or title to the Bodega Bay tidelands, so it cannot give anyone permission to build a roadway there. You can't give away what you do not own. (2) A roadway that serves only two land owners is a private road over which the county or anyone else has anything to say; that is between the two landowners only. (3) If County Counsel will look up the mining laws, he will find the County has no claim to the lands it claims because Kee was good enough to permit its use as a disposal area for dredged debris. (4) When PG&E acquired the Stroh property, they acquired with it, a reasonable right-of-way with which the Strohs had been satisfied, and as I understand the law, I don't have to give them any other. (5) What PG&E does as far as its property line is none of my business, but if PG&E attempts to go farther, or beyond their property line, I will file an injunction to keep them there.

For fourteen years I have been trying to bring this matter of the rape of our tidelands into court to make the County or State to prove its ownership, so I

welcome this opportunity to bring this matter into court... to make the STATE prove it's ownership and right to give away the tidelands it claims. Also, any permission granted to PG&E from any source, is going to be carefully scrutinized by the Supreme Court, if I have to take it that far.

For fourteen years Sonoma County has been trying to collect rentals for property it does not own, and refuses to let the landowners improve their waterfrontage unless they sign an agreement to pay rent... (Blackmail!)

However, about a year ago, THE TIDES, Bodega Bay's biggest business establishment on the waterfront, went ahead and put in extensive improvements. The story goes... and the improvement is there.. that the Bd of Supervisors and County Planning Commissioner John Prather to halt the improvements which the County claimed were on County-owned tidelands.

THE TIDES promptly asked Prather for a court order, but the Court Order was never produced, and THE TIDES completed it's improvements without more ado.

So the questions arise.. Why was no court order produced? Was it because the STATE nor the County could produce no authority for it's claims? Or prove it's title? OR did THE TIDES resort to bribery for permission to complete their improvements? And if bribery, who got the money, and how much? OR did THE TIDES buy that waterfrontage from the County or State? If THE TIDES is paying rent then the County.. or State, is receiving monies to which it not entitled... for property it does not own. Or is it all a big hoax or bluff... on.. which side

Bodega Heads has been on the States Beaches and Parks Commission's acquisition program for more years than I can remember. When it's value as a scientific resource was discovered, Bodega Heads is scenic; it is historic; it contains some of the oldest archaeological sites in North America; it is unique. It's fishing banks are the finest on the entire California coast. A power plant's cooling system could easily wreck that immeasurable asset to our community.. to the State. I have cataloged some 322 different kinds of birds that can be found in this area; it's flora and fauna are unique; it is a fabulous storehouse of nature's treasures absolutely without price or duplication. An antarctic current wells up on these shores, found no place else in this world, which makes it the choice of the world's finest sites for marine sciences.

Must PG&E be allowed to destroy all this? Surely, whatever destroys it's value for science, cannot improve it for fishing, or restore the finest crab-crab... (a breeding and spawning basin) on the California coast once it is destroyed. See it on the map; that area inside the reef that extends down from the southern tip of Bodega Heads down to Tomales Pt.. a huge crab-basin.

PG&E challenges.. and scientists admit, they cannot prove that PG&E's cooling system would destroy the ecological values here, because no one knows precisely how much and what can be found here before PG&E could operate. A thousand years might be too short a time to study and catalog what may be found here, and how can it be proved what PG&E can or would destroy, once it starts to operate, without knowing what is here in the first place? Once extinct, nothing could ever restore that particular bit of life; how know it ever existed? Once PG&E ~~destroyed~~ destroyed it? Once Bivalves were located there, it certainly would refuse to move because scientists needed it and wanted PG&E to move. Why let PG&E there in the first place when it has so many other sites it can use?

Bodega Bay has been designated as a refugee area in case of atomic attack. And just wouldn't that big atomic power plant located on Bodega Heads make a perfect sitting duck.. a perfect target.. they couldn't possibly miss it... for the first bomb to be dropped after the San Francisco area was hit?

And even if it were never attacked in that manner... Bodega Heads is the first outcropping of the San Andreas fault to appear above the surface of the sea.. the only granitic formation west of the Sierra Nevada Mts... with the ever constant danger of an earthquake of sufficient magnitude to topple anything along the fault... and that wouldn't help matters any if power were needed in this district. Surely a power plant would be safer elsewhere.

I suppose such a document as this should be notarized.. but notarizing it wouldn't ~~transform~~ a lie into a truthful statement... and you have only to investigate this matter more fully to ascertain the truth yourselves. I will be very happy to answer any questions you might wish to ask more fully any time you want more information.. and I have made no statements that cannot be verified. I have offered the benefit of my research to PG&E regarding the ownership of the tidelands.. have even warned them that if they didn't pay rent for their waterfront, the County would refuse to permit them to build on Bodega Heads.. but with 23 attorneys on their staff, they can get along nicely without an assistance from me... Or is that letterhead with the names and addresses of their 23 attorneys a device for intimidating ignorant opponents?

For the enticement of a YES vote... (NOV8th).. who paid for the expensive brochure extolling the benefits to be derived from the commercialization of Doran Park, and the stamps for mailing them, which is a local unsolved present scandal?

I repeat.. I believe this whole matter merits a federal investigation, since it goes right into the Governor's office,, and I earnestly solicit your earnest attention, consideration and opinion...

Respectfully yours

Mrs Rose S Gaffney
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Bodega Bay, California