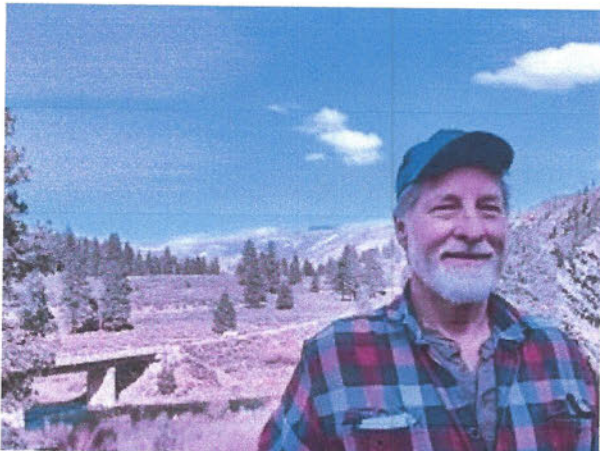


Fish and Wildlife Property Provides Idyllic Solution for Public Access, Recreational Use of Truckee River in Hirschdale Area

By
Special to Moonshine Ink

May 12, 2022

0



By Larry Andresen

Last September, Nevada County initiated a stakeholder workshop meeting process to better understand the issues and opportunities available for recreational planning in Eastern Nevada County, including providing increased public access to the Truckee River. In doing so, the county selected a group of 10 stakeholders to work on

developing a direction for the Hirschdale area to be included in the upcoming county recreational planning effort.

The selected group was not intended to be demographically inclusive and was limited for purposes of manageability. My wife and I are Hirschdale residents, living in one of the 13 homes adjacent to the proposed bridge and river access development. We were not invited to participate in the stakeholder workshop meetings.

The final draft report out of the working group recommends development improvements for increased parking and stairway access within the Hirschdale Road right-of-way to provide for recreational river use. (Read *Moonshine Ink's* reporting on the working group and its takeaways, *Solutions to Hirschdale Recreational Access Issues Proposed, Larger Consensus Not Reached.*)

The space of this area and river boundaries is confined to narrow strips of land completely surrounded and bordered by private property and private homes. This stairway and parking development idea would likely result in trespassing, conflictual public recreation use versus private property interactions, and law enforcement and land management issues.

County sheriff services are limited, often unavailable, and response times can take several hours. The riverbank is steep and the water is fast white water, making for difficult portage, wading, or swimming at this location.

Recently, at the April 26 Nevada County Board of Supervisors meeting, the board, by recommendation of Community Development Director Trisha Tillotson, approved spending \$30,000 of public funds for design and environmental work for stairway access at the edge of the highway bridge amongst private properties and residences in Hirschdale.

Since there is nearby public river access available on California Department of Fish and Wildlife property at 11308 Iceland Rd., doesn't it make logical sense to recommend improvements and influence public river use away from and out of the Hirschdale community?

This CDFW property on Iceland Road is dedicated for recreational public use and provides access to the Truckee River. This property is accessed by Floriston Avenue, which consists of a 40-foot-wide, dedicated-for-public-use highway.

This public road access is currently open and available, albeit somewhat constrained by one party's private encroachments. There is about a 250-foot section which I have offered to improve by widening to minimum fire access road width standards, which then would meet conditions acceptable for the county to adopt into its maintained mileage system. I have submitted plans for a permit application to widen this section of road — a permit that is currently pending approval.

In the Hirschdale final draft report, the workshop meeting facilitator concluded that “across the board, the group believed the impact of

recreational traffic through the neighborhood (Floriston Avenue to CDFW property) was unacceptable.”

It is not known for what reason and/or by whom it was determined that use of this public road to the CDFW property for recreation was unacceptable. No private property owners living on Floriston Avenue were invited to be included in the stakeholder working group.

There is currently a “Private Road, Keep Out” sign posted at the entrance to this route, which leads people to mistakenly believe that Floriston Avenue is private; it’s not. Perhaps this false representation that one is trespassing through private property is the reason the group concluded that the use of this route is unacceptable?

Signs posted containing false information that deceive the public and result in preventing public use should be removed. Alternatively, an informational kiosk board which includes a map that shows what is public and what is private could help clarify where public river access exists without trespassing on private property. Even though Floriston Avenue is definitely a public road, it has not been included in the Nevada County maintained mileage system.

At the last workshop meeting held on March 2, Tillotson indicated that staff could recommend adding sections of public county roads to the maintained mileage system to accommodate public road management. This would help free up law enforcement to help reduce speed and with traffic control. Adding an improved and widened Floriston Avenue through Hirschdale to the county-maintained

mileage system would be a minimal cost burden to the county, as it is only about one-seventh of a mile long.

Other benefits of using the CDFW river access is that it does not cross Union Pacific Railroad tracks or private property, and no property acquisitions or construction development are necessary.

This CDFW property contains gentle sloping and flat terrain up to the river and large, open riverfront space, which allows river access use to spread out. Here, the Truckee River is slow moving and user-friendly for putting in and taking out rafts, kayaks, and floats.

Why would Nevada County spend thousands of taxpayers' dollars to promote and provide public river access in the middle of numerous private properties and directly adjacent to private residents along the edge of the highway?

Ask District 5 Supervisor Hardy Bullock, who took part in approving county funding for this stairway development project, and Tillotson, who requested funding for this project. Ask why the county does not focus on improving parking and river access at a property that is dedicated for public recreation and river access use.

Please send your comments, questions, or concerns to the Nevada County Board of Supervisors, 950 Maidu Ave., Nevada City, CA 95959, along with Trisha Tillotson, community development agency director.

~ Larry Andresen is a local excavation contractor, residing and working in Truckee with his wife, Cheryl, and three children since 1978. He has

donated improvements for Truckee Elementary School's athletic fields, to the Excellence in Education Foundation, is a founding member of the Truckee Trails Foundation, and has provided road maintenance for Floriston Avenue and Iceland Road over the past 30 years.

August 23, 2022

My name is Cheryl Andresen

My husband, Larry Andresen and I have owned property accessed from Floriston Avenue since 1992. We have lived in our current home on Floriston Avenue since 2003. Shortly after moving to Hirschdale full time, Teichert began to run trucks thru the Hirschdale Community. We had 400 trucks a day as Teichert opened operations of the mine which was accessed from Hirshdale Road.

The Hirschdale community quickly responded to this mining activity as we had over 400 trucks rumbling thru our small 22 resident neighborhood. We worked with County officials and mine permitting departments, with the help of local attorneys representing the Hirschdale Community. Dan Miller along with Ed Scofield have been on this Board since our concerns have been presented since 2005.

After many years of negotiating with Teichert and the County we came up with a resolution. The mining route was detoured out of the Hirschdale community, as it was clear this type of traffic in our community was not conducive along with multiple other impacts to our community. We had numerous meetings in our homes and community. Mr. Anderson at the end of his term made sure we had a fire safe access added to the County agreement written between Teichert and County making sure we had a safe exit after a fire in our community broke out not allowing access to Glenshire Drive which was designated as our fire exit.

We now are facing an issue in our community, yet County has not even given us notice as a community. Few Hirschdale residents have been invited for meetings which impact our small community. We as residents are within feet of the access to this area being discussed and decisions being suggested concerning our community yet there have not been any notices sent out to the community sharing these issues of impact. Why? Why are residents of Hirschdale not being included in notices of meetings? If I had not gone on the Board of Supervisors website, I would have not known of this meeting today or that the Board is meeting at the bridges in my backyard. Yet it is stated comments from the public are welcome.

We have always been included in updates on bridge construction. Where funds stand for the project and an overall update of the bridge project in the past. Josh Pack led the last informational meeting which we had with Mr. Anderson. Why has the Hirschdale community been excluded in any updates to funding of the bridges or construction updates. We are all within feet of these bridges. There is some talk about funding a stairway in the steep area of the bridges to allow access to the river. This stairway would allow public access directly in our backyard. This access would allow access to private property along the riverbanks.

Why are private property rights not being taken into consideration? Allowing access to the river on private properties is not respecting private property owners. It is stated we would have to build fences to protect our property. WE do not want to have to build a fence because county is not respecting the private property rights of individual properties along the river. It is stated signs will need to be put up on private property. Signs have been in place for years. I personally watched someone spray paint these signs. The Sheriff was called. No one respects the already in place signs on private property. They go past these signs daily including people in our own neighborhood not respecting private landowners.

Bringing a road into the maintained mileage system where there are no permanent residences is not reasonable. Bringing a roadway such as Floriston Avenue which has multiple residences makes much more sense.

This area of roadway has been abused for years. People have driven at high speeds making it unsafe to even take a walk. With the road closures as they are today respecting private property owners, we have our peaceful neighborhood back. There is much less trash. WE are not seeing people using the side of the roadway for a restroom as we were before. Opening this area to the public for the sake of multiple fishing agencies, rafting companies is not in the best interest of our community or our private landowners. Respecting the rights of private property owners should be the focus not opening an area to the public that will only cause multiple impacts to our community. Traffic, trash, party goers, drugs, speeding, law enforcement has always been an issue in the past we waited two hours for an officer when we had an intruder on our property. WE last year had intruders who stole our truck and 50,000.00 worth of tools taken from our property. We to this day never heard back from the Sheriff office if there were any leads to our robbery.

It has been nice to see our community back to the quiet, peacefulness it was in the past before it was outrageously abused.

No more people speeding thru as if it is a racetrack. No worries of someone starting a fire as before where people would just set up a fire pit anywhere, they wanted.

The new landowners blocking access, stating no trespassing on their private property has allowed for Hirschdale to once again be a very quiet serene community.

Thank you to the landowners for protecting their private properties and bringing our community back to the quiet safe neighborhood. Protecting our Truckee River Corridor from all negative impacts. This should be the focus of Nevada County officials. Hirschdale is a bowl in the canyon and all impacts are felt throughout the community. Respecting private property, keeping our Truckee River Corridor safe from environmental impacts from recreational users as the Rafting permit now regulates and imposes should be the focus of the community as a whole.

The Hirschdale community should be notified of any meetings concerning the Hirschdale community and bridge construction as we have always been informed in the past. WE live within feet of these riverbanks and have worked with the County since 2005. Continued respect of our community should be the focus of Nevada County officials.

Thank you for your consideration

Cheryl Andresen, [REDACTED]

From: [BOS Public Comment](#)
To: [All BOS Board Members](#)
Cc: [Alison Lehman](#); [Trisha Tillotson](#); [Caleb Dardick](#)
Subject: FW: August 23, 2022 NV County BOS Meeting - Agenda Item No. 36 - SR 22-0962 Hirschdale Road Bridge Projects
Date: Tuesday, August 23, 2022 11:15:02 AM

From: Greg Gatto [REDACTED]
Sent: Tuesday, August 23, 2022 6:36 AM
To: BOS Public Comment <BOS.PublicComment@nevadacountyca.gov>
Subject: August 23, 2022 NV County BOS Meeting - Agenda Item No. 36 - SR 22-0962 Hirschdale Road Bridge Projects

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Honorable Members of the Board:

This correspondence is submitted on behalf of Ron and Virginia Legg, owners of real property designated as Nevada County [REDACTED], located adjacent to the [REDACTED].

The Leggs have been in negotiations with the engineering firm retained by the County for reconstruction of the Hirschdale Bridge, Dokken Engineering, for several years. It was represented by Dokken that the County was working to provide improved access to the Legg property on the north and south of the eastern bridge landing as part of the bridge reconstruction project. The Leggs were only recently informed that improved access would not be provided as part of the project, and that in fact access would be further impaired by designated parking areas to the north and stairways completely blocking vehicular access to the southern portion of the Legg parcel.

As owners of property abutting a public street, the Leggs have abutter's rights to Hirschdale Road, which is in the nature of an easement for the purposes of ingress to and egress from their property. (*Rose v. State* (1942) 19 Cal.2d 713, 727.) A public works project that impedes the Leggs ability to access their property from Hirschdale Road is a direct taking of their property, which requires the payment of just compensation. (*People v. Al. G. Smith Co. Ltd.* (1948) 86 Cal.App.2d 308, 311; *see also People ex rel Dep't of Pub. Works v. Silveira* (1965) 236 Cal.App.2d 604, 613; *Anderson v. State* (1943) 61 Cal.App.2d 140, 143 (a compensable injury may result from a grade change that makes access to the property more difficult).)

The Leggs strongly oppose any improvements that impair their ability access their property. If the Leggs' access is impaired and/or extinguished, the County must compensate the Leggs for all resulting loss of use and the depreciation in the value of the remainder of their property. (*People ex rel Dep't of Pub. Works v Silveira* (1965) 236 Cal.App.2d 604, 613.)

Thank you for your attention to this matter.

Respectfully,
Greg Gatto
Greg C. Gatto
Law Office of Greg Gatto



This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any unauthorized review, use, or distribution is prohibited and may be unlawful.