

MINUTE ITEM

This Calendar Item No. 31 was approved as Minute Item No. 31 by the State Lands Commission by a vote of 2 to 0 with one abstention at its July 19, 1978 meeting.

7/78  
Scott

31. GENERAL LEASE - RIGHT-OF-WAY USE - W 21274

During consideration of Calendar Item 31, attached, Commission-Alternate Betty Jo Smith questioned why the first year's rent was being waived. Mr. James F. Trout, Chief, Land Management and Conservation, stated it was because the applicant had initially designed a low-level bridge, but objections were raised because it would block boaters. The applicant is now planning to redesign and build a high-level bridge once they are granted permission from the Commission for the use of this land. The reason for waiving the rent is because the applicant would not be able to utilize it for another year because of the redesigning. Ms. Smith contended that they would be required to construct a higher bridge by Fish and Game even if this Commission had approved a permit for a lower one, and therefore abstained from voting on the item.

Upon motion duly made and carried, the resolution in Calendar Item 31 was approved as presented by a vote of 2-0, with one abstention.

Attachment: Calendar Item 31

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CALENDAR ITEM

31.

7/78  
W 21274  
Scott  
P R C 5514

GENERAL LEASE  
RIGHT-OF-WAY USE

APPLICANT: Lone Star Industries, Inc.  
2800 Campus Drive  
San Mateo, California 94403

AREA, TYPE LAND AND LOCATION: A 100' x 400' strip (.918 acre) of inland submerged land in the bed of the San Joaquin River in Fresno and Madera Counties.

LAND USE: Construct and maintain a high level bridge crossing with approach embankments and rock rip rap bank protection.

TERMS OF PROPOSED LEASE:

Initial period: 25 years from July 1, 1977.

Renewal options: 2 successive periods of 10 years each.

Surety bond: \$2,000.

Public liability insurance: Combined single limit coverage of \$500,000.

CONSIDERATION: The annual rental shall be the greater of the following: The number of tons of bulk commodities (sand and gravel) passing over State land multiplied by \$0.001515 or \$1,000.

BASIS FOR CONSIDERATION:

Volumetric rental pursuant to 2 Cal. Adm. Code 2006.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

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CALENDAR ITEM NO. 31. (CONTD)

B. Administrative Code: Title 2, Div. 3,  
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. Commission staff recommends that the first year's rental under this lease be waived. The applicant had originally proposed to construct a low level crossing in the summer of 1977, but at the request of the Department of Fish and Game delayed construction until 1978 in order to revise applicant's plans to provide for construction of a high level crossing so that fishermen could navigate through this area of the San Joaquin River.
2. A final EIR was prepared by Madera County, pursuant to CEQA and Implementing regulations. A Notice of Determination has been received.
3. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class R which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

EXHIBITS:           A. Land Description.           B. Location Map.  
                  C. EIR Summary and Notice of Determination.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY MADERA COUNTY ON DECEMBER 7, 1976.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR OF MADERA COUNTY HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

CALENDAR ITEM NO. 31: (CONTD)

4. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
5. AUTHORIZE ISSUANCE TO LONE STAR INDUSTRIES, INC. OF A 25-YEAR GENERAL LEASE - RIGHT-OF-WAY USE FROM JULY 1, 1977; WITH THE LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT COMPUTED BY MULTIPLYING THE NUMBER OF TONS OF BULK COMMODITIES (SAND AND GRAVEL) PASSING OVER STATE'S LAND BY \$0.001515; MINIMUM ANNUAL RENTAL OF \$1,000, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE, COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE CONSTRUCTION AND MAINTENANCE OF A HIGH LEVEL BRIDGE CROSSING WITH APPROACH EMBANKMENTS AND ROCK RIP RAP BANK PROTECTION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, COMMISSION ALSO WAIVES THE ANNUAL RENTAL FOR THE PERIOD OF JULY 1, 1977 THROUGH JUNE 30, 1978.

EXHIBIT "A"

W 21274

A strip of land, 100 feet wide, in the bed of the San Joaquin River, Counties of Fresno and Madera, California, said strip of land being 50 feet on each side of the following described centerline:

BEGINNING at a point with California Coordinate System, Zone 3, coordinates Y=162,030 and X=2,222,840; thence North 1000 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of San Joaquin River.

END OF DESCRIPTION

Prepared *M. L. Chal* Checked *R. N. Hoff*  
Reviewed *J. D. Kannecke* Date *2/30/77*  
289

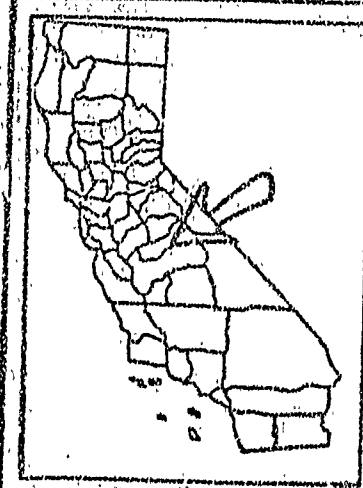
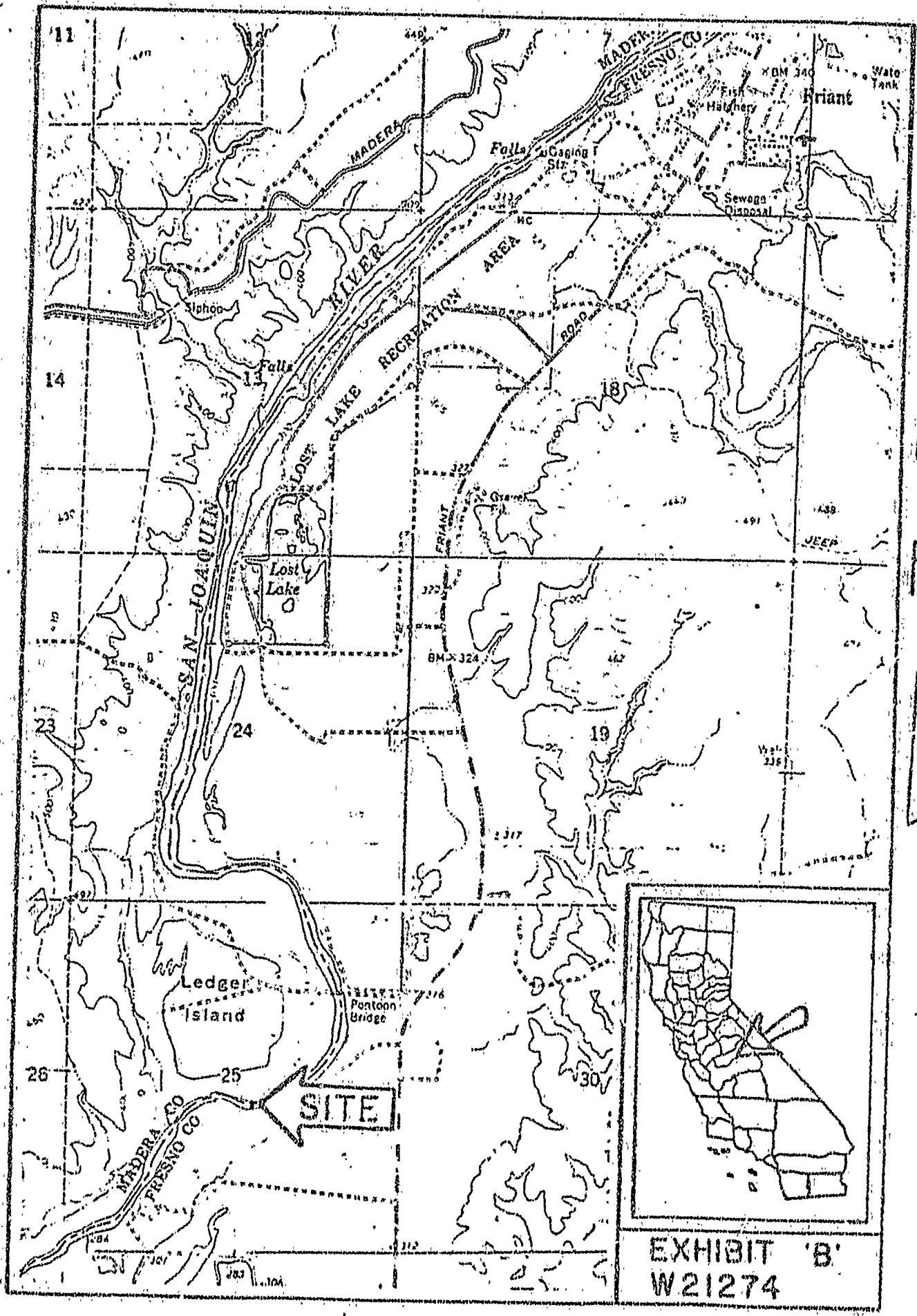


EXHIBIT 'B'  
 W21274

TO:  Secretary for Resources  
1016 Ninth Street, Room 1311  
Sacramento, California 95814

FROM: (Lead Agency)

Madera County Planning Department

135 W. Yosemite Avenue

Madera, California 93637

County Clerk  
County of Madera

209 W. Yosemite Avenue

Madera, California 93637

SUBJECT: Filing of Notice of Determination in compliance with Section 21105  
or 21152 of the Public Resources Code

Project Title Lodger Island Sand and Gravel Operation	
State Clearinghouse Number (If submitted to State Clearinghouse) 76093105	
Contact Person Roger DeHart	Telephone Number (209) 674-4641, ext. 345
Project Location Madera County	
Project Description Lone Star Industries, Inc. proposes to extract sand and gravel from Lodger Island, adjacent to the San Joaquin River (Sec. 25, T11S, R20E, M.D.B. & N.)	

This is to advise that the Madera County Planning Department  
(Lead Agency)

has made the following determinations regarding the above described project:

1. The project has been  approved by the Lead Agency.  
 disapproved
2. The project  will have a significant effect on the environment.  
 will not
3.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is attached.

Date Received: \_\_\_\_\_

Roger DeHart  
Signature

Assistant Planning Director

Title

Dec. 7, 1976

Date

## Environmental Impact Report Summary

### I. Introduction:

The following is a summary of a Draft Environmental Impact Report for Ledger Island Sand and Gravel Excavation. Lone Star Industries Inc. The document was prepared by the Modesto County Planning Department. Major sections of this EIR were extracted from an EIR prepared on a similar project located approximately one mile south (River Bend Ranch Sand and Gravel).

### II. Description of Project:

The project is a river sand and gravel extraction operation, located within the San Joaquin River floodplain about five miles north of Fresno. The sand and gravel will be mined by dragline and then transported 7 miles, by truck, to the existing processing plant. The project covers 140 acres, of which 75% is scheduled to be mined. This area may be expanded somewhat in the future. The EIR discusses the construction of a low level culvert bridge to be constructed across the San Joaquin River. The plans for the bridge have been changed to accommodate the requests of the Department of Fish and Game to allow boating to pass under the bridge. The proposed high level bridge is 15 feet wide and about 50 feet long. The Lone Star Company has a General Lease, Right-of-way application on file with the State Lands Commission for a 100' x 400' strip of inland waterway land (Application 21294). Access to the site is presently by way of a wooden plank bridge.

### III. Environmental Setting:

The project site lies on a relatively flat plain west of the existing San Joaquin River channel 10' to 15' above normal river level. To the west, bluffs rise 15' to 20' above the floodplain. Vegetation is basically grassland with scattered oaks. Riparian woodland is present along the river channel. Present land use is livestock grazing and poultry raising. Surrounding land use is developed agriculture and another sand and gravel extraction operation. Wildlife consists mainly of small mammals, birds and occasional tule deer. No endangered or threatened wildlife or plants are known to occur within the project area. Although no cultural resources have been recorded for this area, the high probability exists that a site will be found here.

### IV. Impacts:

- Approximately 140 acres of land will be converted to a large lake.
- The loss of a non-renewable resource - sand and gravel.



## Environmental Impact Report Summary

### I. Introduction:

The following is a summary of a Draft Environmental Impact Report for Ledger Island Sand and Gravel Excavation. The Star Industries Inc. The document was prepared by the Madera County Planning Department. Major sections of this EIR were extracted from an EIR prepared on a similar project located approximately one mile south (River Bend Ranch Sand and Gravel).

### II. Description of Project:

The project is a river sand and gravel extraction operation, located within the San Joaquin River floodplain about five miles north of Fresno. The sand and gravel will be mined by dragline and then transported 1 mile, by truck, to the existing processing plant. The project covers 146 acres, of which 75% is scheduled to be mined. This area may be expanded somewhat in the future. The EIR discusses the construction of a low level culvert bridge to be constructed across the San Joaquin River. The plans for the bridge have been changed to accommodate the requests of the Department of Fish and Game to allow boating to pass under the bridge. The proposed high level bridge is 16 feet wide and about 50 feet long. The Lone Star Company has a General Lease, Right-of-Way application on file with the State Land Commission for a 100' x 400' strip of riparian submerged land (application 21274). Access to the site is presently the way of a wooden plank bridge.

### III. Environmental Setting:

The project site lies on a relatively flat plain west of the existing San Joaquin River channel 10' to 1' above normal river level. To the west, bluffs rise 150' to 200' above the floodplain. Vegetation is basically grassland with scattered oaks. Riparian woodland is present along the river channel. Present land use is livestock grazing and poultry raising. Surrounding land use is developed agriculture and another sand and gravel extraction operation. Wildlife consists mainly of small mammals, birds and occasional mule deer. No endangered or threatened wildlife or plants are known to occur within the project area. Although no cultural resources have been recorded for this area, the best probability exists that a site will be found here.

### IV. Impacts:

1. Approximately 75 acres of land will be converted to a large pond.
2. The loss of a non-renewable resource - sand and gravel.

3. Removal of 40 acres of permanent pasture and 100 acres of natural woodland and grassland.
4. Change in land use, from agricultural to extraction. This could restrict future land uses, especially residential, on adjacent parcels.
5. Noise and emissions from the traffic from the extraction site to the processing plant.
6. Possible disturbance of an archeological site.
7. If the project is expanded northward, there may be the potential for slope failure due to the bluffs erosive characteristics.
8. Loss of habitat for species presently utilizing the site. The large lake left after project completion will provide suitable habitat for another wildlife assemblage, principally birds and aquatic species.

V. Alternatives:

1. No project.
2. Reduce project size.
3. Enlarge project area.
4. Alternate locations.

VI. Relationships Between Short-term Use of Man's Environment and Long-term Productivity:

The short-term benefit of an additional source of aggregate to the Fresno area will result in the long-term loss of approximately 140 acres of land. Potential of the property after completion of the project will be restricted to open space, recreation and wildlife habitat.

VII. Irreversible and Irrecoverable Depletion of Resources:

1. Existing rangeland and vegetation and wildlife habitat will be irreversibly lost. The land left after project completion will provide different and probably more productive wildlife and aquatic habitat.
2. Extraction of the sand and gravel and use of the aggregate will be an irreversible and irretrievable commitment of that resource.