

MINUTE ITEM
This Calendar Item No. C29
was approved as Minute Item
No. 29 by the State Lands
Commission by a vote of 3
to 0 at its 3/8/94
meeting. 8

CALENDAR ITEM

C29

03/08/94
WP 7679
Jones
PRC7679

GENERAL LEASE - PUBLIC AGENCY USE

S 4, 5

APPLICANT:

San Luis - Delta Mendota Water Authority
P. O. Box 2157
Los Banos, California 93635

AREA, TYPE LAND AND LOCATION:

A parcel of tide and submerged lands in Georgiana Slough at its confluence with the Sacramento River, adjacent to Walnut Grove, Sacramento County.

LAND USE:

Installation, testing and data collection of an underwater acoustic behavioral fish repulsion system (Phase II).

CURRENT LEASE TERMS:

Lease period:

Nine (9) months beginning March 1, 1994.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Consideration:

The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

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AB 884:

09/21/94

OTHER PERTINENT INFORMATION:

1. Juvenile chinook salmon emigrating from spawning and rearing areas within the upper Sacramento River and its tributaries are susceptible to diversion into the central Delta from the Sacramento River at the Delta Cross-channel, Georgiana Slough, and Three Mile Slough. The diversion of winter-run and other races of chinook salmon smolts from the Sacramento into the interior Delta can be reduced through closure of the Delta Cross-channel gates coincident with the period of emigration. However, winter-run and other races of chinook salmon continue to be susceptible to movement from the Sacramento River into the central Delta through Georgiana Slough where no provisions for fish protection currently exist. An alternative approach is a carefully designed Acoustic Behavioral Fish Repulsion System using underwater sound to prevent chinook salmon smolts from entering the central Delta via Georgiana Slough.

2. At its April 28, 1993 meeting, the Commission authorized a ninety (90) day General Permit - Public Agency use, beginning April 28, 1993, to the San Luis - Delta Mendota Water Authority for Phase I of the Acoustic Behavioral Fish Repulsion System at the same site which is the subject of this application. A report was submitted to the Commission on December 14, 1993. The report concluded that the system effectiveness improved to greater than 50% during the last two weeks of the study as knowledge was gained and refinements were made and that additional research is necessary to confirm the Phase I results, refine the technology and address unanswered questions including potential acute and chronic effects on Salmon and other species. The project and report involved the cooperative effort and peer review of the Interagency Ecological Studies Program and other interested parties.

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3. The principle objective of the Phase II Applied Research Program is to conduct further tests, based upon the findings of the Phase I program, using low frequency underwater sound to improve the survival of downstream migrating winter-run chinook salmon smolts.
4. The Commission Lease is contingent upon the applicant obtaining the required U.S. Army Corps of Engineers Permit which includes obtaining Biological Opinions from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any requirements for mitigation contained in the U.S. Army Corps of Engineers permit will be incorporated into this lease by reference.
5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
6. A Mitigated Negative Declaration and mitigation monitoring plan were prepared and adopted for this project by the San Luis - Delta Mendota Water Authority. The State Lands Commission's staff has reviewed such documents.

APPROVALS OBTAINED:

Reclamation Districts 556 and 563; permits from the State Reclamation Board and the County of Sacramento are not required.

FURTHER APPROVALS REQUIRED:

State Lands Commission; United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description
- B. Location Map

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN WERE PREPARED AND ADOPTED FOR THIS PROJECT BY SAN LUIS - DELTA MENDOTA WATER AUTHORITY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO SAN LUIS - DELTA MENDOTA WATER AUTHORITY OF A NINE-MONTH GENERAL LEASE - PUBLIC AGENCY USE BEGINNING MARCH 1, 1994; IN CONSIDERATION OF THE PUBLIC AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE INSTALLATION, TESTING AND DATA COLLECTION OF AN UNDERWATER ACOUSTIC BEHAVIORAL FISH REPULSION SYSTEM (PHASE II) CONSISTING OF 21 UNDERWATER SPEAKERS ANCHORED IN A LINEAR CONFIGURATION, EACH MARKED USING A SURFACE FLOAT APPROXIMATELY 30 INCHES (2.5 FEET) IN DIAMETER, INCLUDING SHIELDED COAXIAL CABLES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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BAN LUIS & DELTA MENDOTA WATER AUTHORITY

Los Banos, California

EXHIBIT A
WP 7679

GRAPHIC SCALE



(IN FEET)

1 inch = 200 ft

1994 Georgiana Slough
Acoustic Behavioral Fish Barrier
Applied Research Project
General Site Plan

DATE: 10/11/93

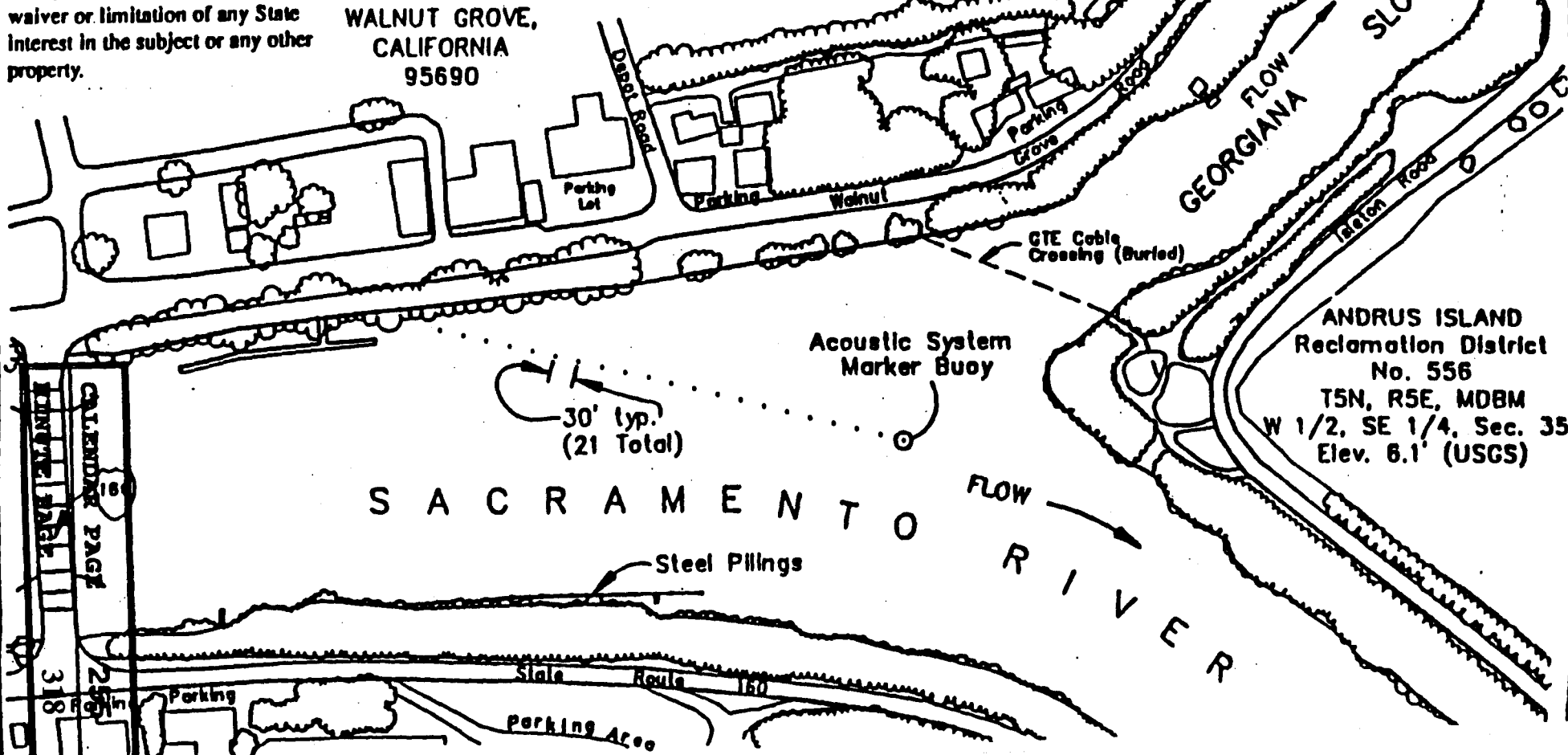
DWG. BY: TAB

CHKD BY: LWJ

TYLER ISLAND
Reclamation District No. 563
T5N, R4N, MDBM
E 1/2, SE 1/4, Sec. 35

This Land description is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

WALNUT GROVE,
CALIFORNIA
95690



ANDRUS ISLAND
Reclamation District
No. 556
T5N, R5E, MDBM
W 1/2, SE 1/4, Sec. 35
Elev. 6.1' (USGS)

SACRAMENTO RIVER

30' typ.
(21 Total)

Acoustic System
Marker Buoy

Steel Pillings

Parking Area

CALIFORNIA
STATE HIGHWAY
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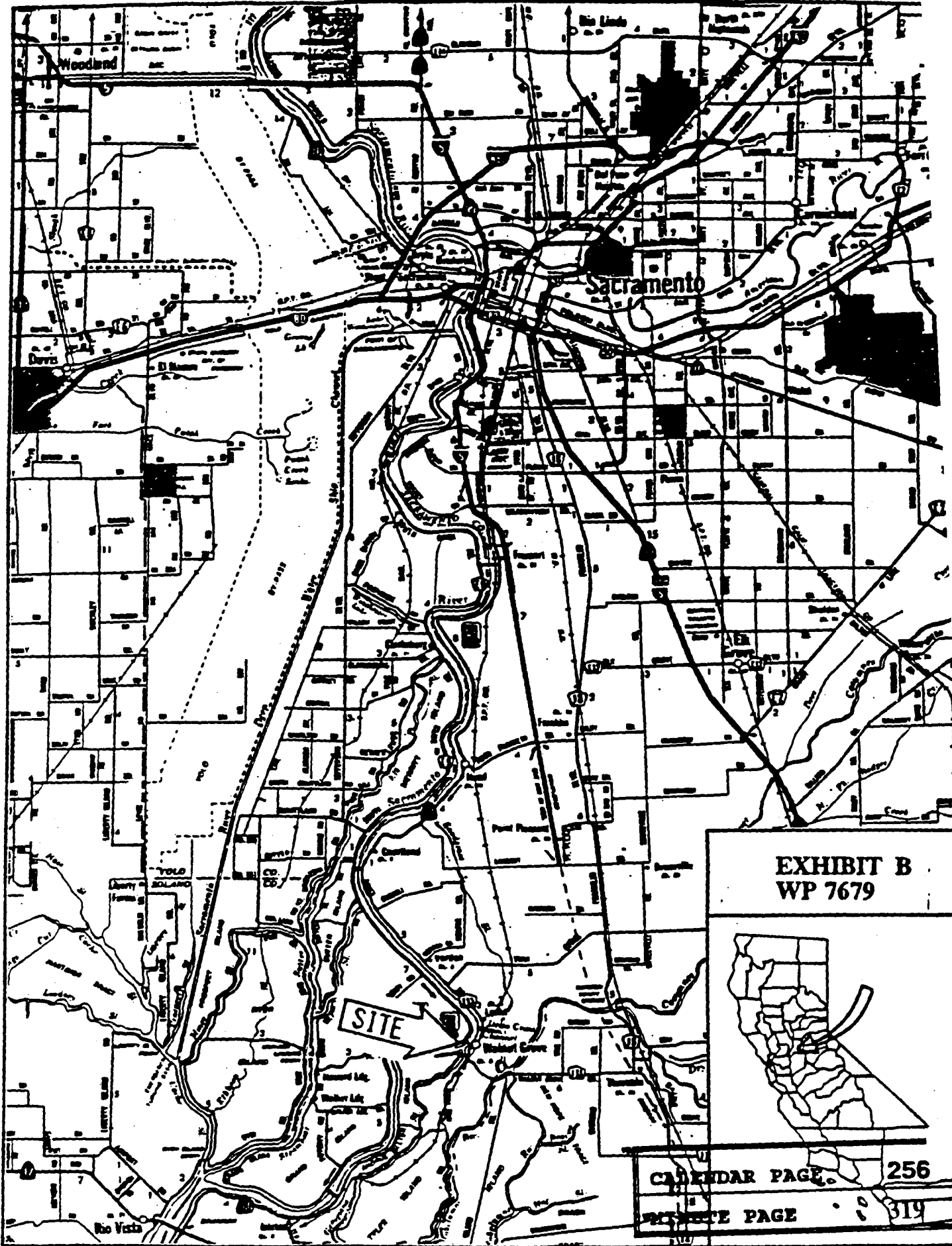
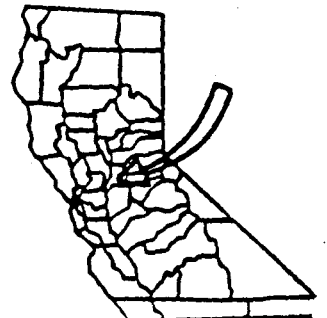


EXHIBIT B
WP 7679



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