

MINUTE ITEM

This Calendar Item No. C57 was approved as Minute Item No. 57 by the California State Lands Commission by a vote of 3 to 0 at its 6-19-98 meeting.

**CALENDAR ITEM
C57**

A 9

06/19/98
PRC 7203.9
D. Jones

S 6

AMENDMENT OF LEASE

LESSEE:

The Reclamation Board
1416 Ninth Street, Room 1601
Sacramento, California 95814

AREA, LAND TYPE, AND LOCATION:

2.238 acres (Site 2) and 10.675 acres (Site 4), more or less, of sovereign lands in the lower American River, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Construction and maintenance of proposed bank protection.

MASTER LEASE TERM:

Term for maintenance of existing structures:
30 years, beginning May 1, 1988.

Term of new construction:

Five years beginning May 1, 1988, or upon completion of Phase II, Part 2, of the Sacramento River Bank Protection Project, whichever is longer.

CONSIDERATION:

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

PROPOSED AMENDMENT:

Lessee proposes to construct new bank protection at two new sites along the lower American River which is part of the Sacramento River Bank Protection Project. All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR PAGE	271
MINUTE PAGE	003536

CALENDAR ITEM NO. C57 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. The Sacramento River Bank Protection Project, authorized by Congress in 1960, directs the Corps to provide bank protection along the Sacramento River and its tributaries. The state legislature authorized The Reclamation Board's participation in the Sacramento River Bank Protection Project.
3. A Master Lease to The Reclamation Board for the Sacramento River Bank Protection Project was authorized by the State Lands Commission on May 9, 1988, effective May 1, 1988. The Master Lease authorizes maintenance of existing bank protection structures and the construction of new bank protection structures as specific construction sites become known. The Master Lease requires The Reclamation Board to seek an amendment of the lease to include new sites as they become known.
4. The Reclamation Board has applied for an amendment to the Master Lease to include two critically eroding sites along the lower American River. Design objectives, reflecting the project purpose, are to provide underlying continuous hard protection to ensure a high level of flood control, and, where appropriate, with overlying features, to replace shaded riverine aquatic cover values, riparian habitat values, and threatened and endangered habitat.

Site 2, at RM 3.75L is downstream of the Business 80 bridge on the south bank. Bank erosion is acute. The bank protection will extend 660 feet and involve a fabric-covered low berm with a scalloped rock slope.

Site 4, at RM 6.8L, is the old cobble revetment along the edge of the California State University, Sacramento, campus, between the City of Sacramento's water intake facility and the H Street bridge. Bank erosion has extensively damaged the old cobble revetment. The bank protection will extend 3,100 feet and involve the addition of a cobble-covered straight low berm to the existing cobble revetment.

Each bank protection site will be intensively revegetated.

CALENDAR ITEM NO. C57 (CONT'D)

5. An EIR was prepared and certified for this project by The Reclamation Board. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit C, attached hereto.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, The Reclamation Board, the Regional Water Quality Control Board (waiver); a Department of Fish and Game permit is not needed for this project since it is a federal project.

EXHIBITS:

- A. Lease Description
- A-1. Site Map - Site 2
- A-2. Site Map - Site 4
- A-3. Vicinity Map
- B. Location Map
- C. Notice of Determination and CEQA Findings

PERMIT STREAMLINING ACT DEADLINE:

November 13, 1998

CALENDAR ITEM NO. C57 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE RECLAMATION BOARD AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.
3. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED WITHIN THE FEIR SCH #95072079.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7203.9, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE MAY 20, 1998, TO ADD TWO PARCELS OF SOVEREIGN LANDS; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

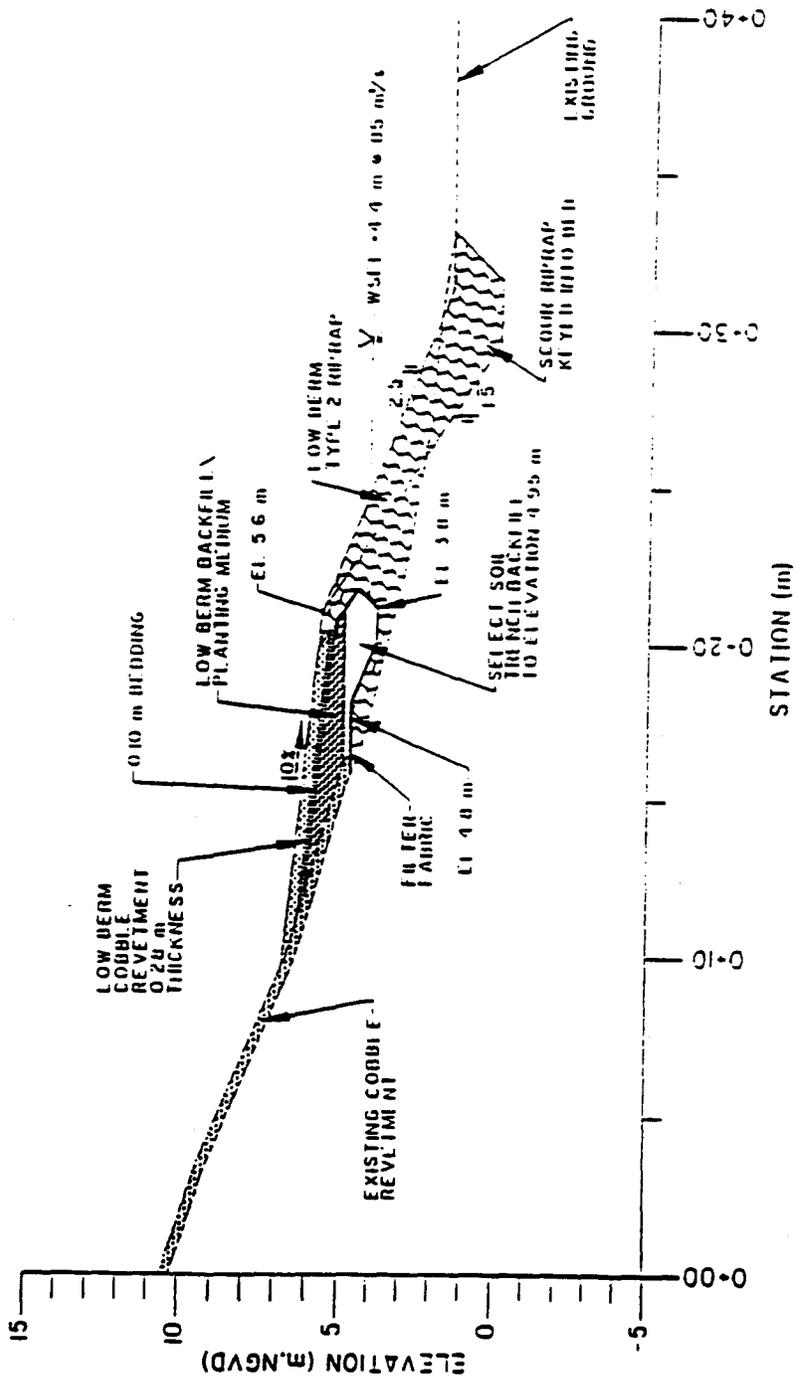
EXHIBIT A

**LEASE DESCRIPTION
PRC 7203.9**

SACRAMENTO RIVER BANK PROTECTION PROJECT

All the State-owned land in the bed of the American River in Sacramento County, lying immediately beneath proposed bank protection at the following locations:

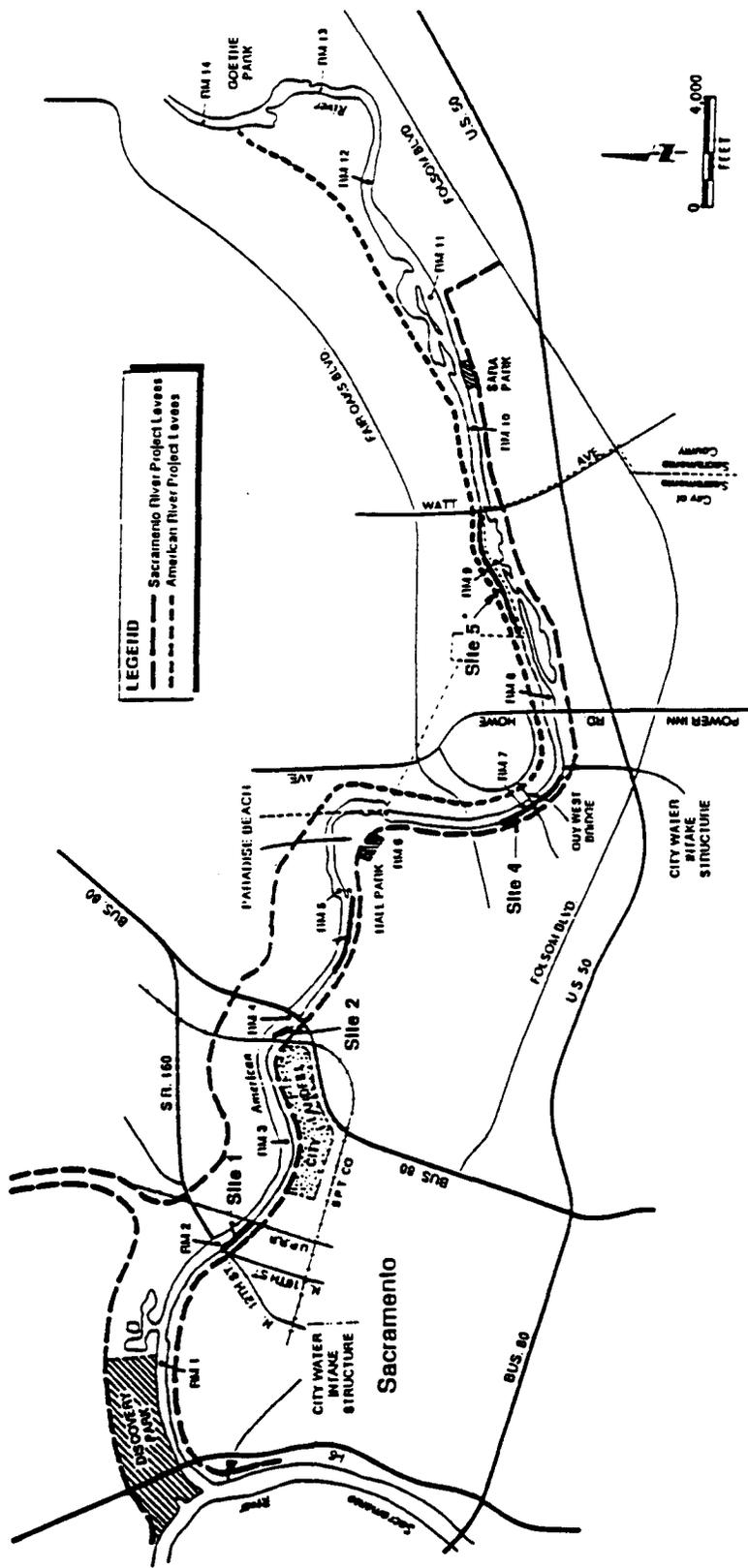
<u>Site #</u>	<u>River Mile and River Bank</u>	<u>Approximate Length</u>
2	3.75 Left	660 feet
4	6.8 Left	3,100 feet



SITE 4

Typical Section of Alternative 4A - Straight Cobble Low Berm
with Repaired Cobble Slope

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



LEGEND
 — Sacramento River Project Levees
 - - - American River Project Levees

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.

CALENDAR	EXHIBIT A-3 278
MINUTE PAGE	PRC 7203.003543

CEQA Appendix D:
Notice of Determination

EXHIBIT C
PRC 7203.9

Notice of Determination

Appendix D

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

From: (Public Agency)

The Reclamation Board

1416 Ninth Street, Room 1601

Sacramento, California 95814

County Clerk
County of _____

FILED
APR 22 1993
STATE
CLEARINGHOUSE

Subject

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Streambank Protection for the Lower American River

Project Title

The Reclamation Board

(916) 653-5434

State Clearinghouse Number
(If submitted to Clearinghouse)

Lead Agency
Contact Person

Area Code/Telephone/Extension

Lower American River, Sacramento County

Project Location (include county)

Project Description: Streambank protection at critical eroding sites on the Lower American River. All potentially significant impacts to natural resources will be mitigated on site, by planting on banks and on low berms created for this purpose.

This is to advise that the The Reclamation Board has approved the above described project on

Lead Agency Responsible Agency

and has made the following determinations regarding the above described project:

(Date)

- ① The project [will will not] have a significant effect on the environment.
- ② A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- ③ Mitigation measures [were were-not] made a condition of the approval of the project.
- ④ A statement of Overriding Considerations [was was not] adopted for this project.
- ⑤ Findings [were were-not] made pursuant to the provisions of CEQA.

FILED
APR 22 1993
STATE
CLEARINGHOUSE

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at

Robert D. Rollan

4/17/93

General Manager

Signature (Public Agency)

Date

Title

Date received for filing at OPR:

CALENDAR PAGE	280
CERES CEQA Index LUPIN Wetlands Environmental Law Comment	
MINUTE PAGE	003545

**FINDINGS
FOR
SITE SPECIFIC LOWER AMERICAN RIVER BANK PROTECTION PROJECT
SITES 1,2 AND 4
BY
THE RECLAMATION BOARD
APRIL 17, 1998**

The Reclamation Board is the non-federal sponsor and the U.A. Army Corps of Engineers the federal sponsor for Streambank Protection on the Lower American River under Sacramento River Bank Protection authority. The Board is the lead agency under the California Environmental Quality Act for the joint Site Specific Lower American River Bank Protection Project – Sites 1,2 and 4 and Programmatic EIS/EIR for future bank protection work on the American River. The Board and U.S. Army Corps of Engineers circulated the draft joint EIS/EIR for this project for public and agency review from September 8, 1997 to October 23, 1997. The staffs for the Board and for the Corps have considered the comments and have revised the EIS/EIR to avoid or reduce all potentially significant adverse impacts to the environment to a less than significant level. The revised document, including the comments received during the comment period the responses to these comments are included in Appendix K of the EIR and were provided to the Board for review.

Environmental Impacts and mitigation measures are discussed in the Summary, Pp.S1-10 and in Chapter 4 of the EIR.

Based on the EIS/EIR and the information in the record, The Reclamation Board finds that the Site Specific Project – Sites 1,2 and 4 could have significant adverse effects on the environment but that changes and alterations have been incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Specific Findings for potential significant adverse impacts on the environment are listed below.

- **Flood Control, Hydraulic Regime and Streambank Stability**

Hydraulic regime:

Site 1. No impact.

Site 2. No impact.

CALENDAR PAGE	281
MINUTE PAGE	003546

Site 4. Work at Site 4 could cause an incidental rise in water surface elevations. However, the project meets the two criteria necessary for judging that the impact is not significant:

- Under the with-project condition, the design flow can be passed below the authorized design stage;
- The net post-project risk of levee failure is maintained or reduced relative to either current or future without-project conditions.

Streambank stability:

Sites 1,2 and 4. The project will substantially improve streambank stability. The purpose of the rocked bank and toe is to prevent erosion and improve stability.

The net effect of the project will be to reduce flood risk, increase streambank stability and improve public safety.

Based on the record and the information listed above, the Board finds the project will not have a significant adverse impact to flood control, hydraulic regime or bank stability.

- **Terrestrial ecosystems**

Riparian vegetation

Sites 1,2 and 4. Riparian habitat loss would be off-set by the planting on berms and slopes. In order to protect the mitigation plantings at sites 1 and 2 from vandalism by the homeless who may wish to use the new berm for encampments, security measures such as fencing, signage, security patrols and neighborhood education will prevent vandalism of the plantings. Plantings at site 4, which is currently sparsely vegetated, will ensure there is no net loss of riparian vegetation.

Valley Elderberry Longhorn Beetle.

VELB habitat exists at Sites 1 and 4. The elderberry bushes will be marked and avoided to the extent possible. Elderberry bushes will be planted on the bank slopes. A post construction survey and consultation with U.S. Fish and Wildlife Service will determine whether additional mitigation will be required.

Based on the record and on the information listed above, the Board finds that the project could have a significant effect on terrestrial ecosystems but that

CALENDAR PAGE	282
MINUTE PAGE	003547

Access to the river will be improved at these locations. No adverse impacts have been identified to recreational quality. Access to the river will be improved after construction by removing the steep eroding banks.

Recreational safety

Sites 1,2 and 4. Recreational safety will be improved by the elimination of steep eroding banks. The woody material at Site 1 will be carefully trimmed and placed in embayments at an elevation that ensures they will be submerged at low flows.

Based on the record and the information listed above, the Board finds that the project could have a significant effect on recreational quality and safety, but that mitigation measures have been incorporated into the project that will reduce these effect to a less than significant level.

• **Visual character**

The construction will have a short- term impact on the visual quality at each site. Over the longer term, the intensive re-vegetation will reduce this effect to a less than significant level. The plantings will improve the visual character of Site 4, which is of low quality at this time.

Based on the record and the information listed above, the Board finds that the project could have a significant effect on visual character, but that mitigation measures have been incorporated into the project that reduce these effects to a less than significant level.

• **Construction traffic, air quality, noise and vibration**

Traffic

Sites 1 and 2. Access will be through 28th Street and the closed landfill. An estimated 11 truck trips per hour between July and November will be required. Site 4. There are three access routes. About 5 truck trips per hour would be needed. This is not considered a significant increase.

Noise and vibration

Sites 1 and 2. There would be some increased noise and vibration on 28th Street. The bankprotection sites and most of the haul access roads are located in unpopulated open space and light industrial areas.

Site 4. Noise and vibration effects are not considered significant along the access route. Construction noise could be significant at the construction site at

CSUS campus. Construction by barge and from the low berm would minimize these impacts. In addition, the following measures will reduce impact:

- Limit truck speed.
- Use the levee to shield residents from noise.
- Equip trucks with mufflers.
- Limit hours of construction.

Traffic safety

The increased truck traffic in areas that usually are lightly traveled could have a significant adverse impact to traffic safety. The following measures will mitigate this impact:

- Avoid use of public parks for construction access.
- Closing levee roads to pedestrians during construction. Clearly delineate construction areas and provide extensive signage. Provide a program of public education in residential areas adjacent to construction sites and access roads.
- Controlling haul-truck speed.
- Include onsite travel routes as a contract stipulation.
- Employ traffic controllers at sites of potential traffic conflict.

Air quality

The construction of the project could have a significant adverse impact to air quality. The following measures will reduce these impacts:

- Require proper equipment of all hauling truck and other machinery to reduce emissions.
- Cover or sufficiently wet construction material transported to the construction site.
- Permit no burning of waste material.
- Use water or long-duration dust palliatives to reduce dust.
- Limit truck speed.

Based on the record and the information listed above, the Board finds that the project could have significant effects on traffic safety, air quality and noise and vibration, but that mitigation measures have been incorporated into the project that reduce these effects to a less than significant level.

River water quality during construction.

Limits set by the Central Valley Regional Water Quality control Board will be enforced.

CALENDAR PAGE	284
MINUTE PAGE	003549

Based on the record and on the information listed above the Board finds that the project could have a significant effect on water quality during construction, but that mitigation measures have been incorporated into the project that will reduce this impact to a less than significant level.

- **Cultural resources.**

Sites 1,2 and 4. No property eligible for NRHP (National Register of Historic Places) listing will be affected by the project. If cultural resources are found during construction, The Corps will be notified, the site secured until a qualified archaeologist can assess the find and appropriate mitigation measure will be implemented.

Based on the record and the information listed above, the Board finds that the project will not have a significant impact to cultural resources.

- **Urban infrastructure**

The following significant infrastructure features are listed below:

Site 1:

The 16th Street bridge;
The pedestrian crossing on the old UPRR bridge;
The UPRR bridge.

Site 2.

The SPRR bridge;
The Business 80 bridge;
A 0.45 diameter sewer crossing.

Site 4.

Fairbairn water treatment plant;
The H Street Bridge;
The Guy West Bridge;
A storm-water out-fall near H Street;
A storm-water out-fall neat Guy West bridge;
A 1.5 diameter sewer line.

The project has been designed to avoid impacts to infrastructure. Hydraulic studies performed by the Corps indicate there will be no adverse impact to infrastructure.

Based on the record and the information listed above, the Board finds that the project design has been modified to avoid adverse impacts to urban infrastructure

**Meeting of The Reclamation Board
April 17, 1998**

**Programmatic Findings for Future Bank Protection Work
on the Lower American River Under Sacramento River Bank
Protection Authority by The Reclamation Board**

The Reclamation Board is the nonfederal sponsor for future bank protection work on the American River under the Sacramento River Bank Protection Project authority and lead agency under the California Environmental Quality Act for this work. The Board and the U.S. Army Corps of Engineers circulated a draft joint Programmatic and Site Specific Environmental Impact Statement/Environmental Impact Report for this project for public and agency review from September 8, 1997 to October 23, 1997. This document also included a site-specific analysis for Sites 1, 2 and 5. The staffs for the Board and for the Corps have considered the comments and have revised the EIS/EIR as appropriate. The revised document, including the comments received during the comment period, was provided to the Board for review.

It is anticipated that future work will generally have similar effects on the environment as those identified in the Site Specific documentation in the EIR for Sites 1, 2 and 4, if similar bank protection measures, mitigation measures and criteria for judging the significance of impacts are employed. Hydraulic modeling will be performed for each new contract to ensure that the project does not compromise the hydraulic capacity of the river. A Site Specific environmental document will be prepared before work at additional sites can be constructed. If no new significant impacts are found, a Site Specific Initial Study and Mitigated Negative Declaration, that incorporates the Programmatic EIR by reference, will be sufficient. If the Initial Study identifies new significant unavoidable impacts not analyzed in the Programmatic EIR, an additional EIR or Focussed EIR will be necessary.

Based on the information in the Programmatic EIS/EIR, and in the record, the Board finds that bank protection future work on the Lower American River under the Sacramento River Bank Protection Project authority could have significant adverse effects on the environment, but that changes and alterations can be incorporated into future projects which avoid or substantially lessen these effects.

CALENDAR PAGE 286

MINUTE PAGE 003551

CALIFORNIA STATE LANDS COMMISSION

GRAY DAVIS, *Lieutenant Governor*
KATHLEEN CONNELL, *Controller*
CRAIG L. BROWN, *Director of Finance*



EXECUTIVE OFFICE
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from Voice Phone 1-800-735-2929

October 23, 1997

PRC 7203.9

Ms. Maureen Gorsen
General Counsel
The Resources Agency
1020 Ninth St Third Floor
Sacramento CA 95814
Attention: Nadell Gayou

Ms. Annalena Bronson
The Reclamation Board
1416 Ninth St Room 1601
Sacramento CA 95814

Dear Ms. Gorsen and Ms. Bronson:

Staff of the California State Lands Commission (SLC) has reviewed the Streambank Protection for the Lower American River Draft Environmental Impact Report (DEIR) and Supplemental Environmental Impact Statement V for the Sacramento River Bank Protection Project, SCH 95072079. Based on this review, we offer the following comments.

Jurisdiction

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high water marks of these waterways as they last naturally existed. Thus, such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the SLC.

The five critically eroding sites (Sites 1-5) on page 1-3 of the EIR will involve the bed the American River which is under the Commission's jurisdiction. Based on the project description provided, it appears that the project could be considered as part of the authorized Sacramento

CALENDAR PAGE	287
MINUTE PAGE	003552

River Bank Protection Project (SRBPP), with the Corps of Engineers as the federal sponsor and the State Reclamation Board as the non-federal sponsor. The project would thus fall under the master lease between the State Reclamation Board and the State Lands Commission; therefore, an amendment to that lease, General Lease - Public Agency Use PRC 7203.9, is required. If the project is not part of SRBPP, please advise us so that we may proceed with another type of lease. Please contact Diane Jones, Public Land Management Specialist, at 916-574-1843, for information concerning our leasing requirements.

As soon as the future critical eroding sites described on page 1-4 of the DEIR have been identified, please notify Ms. Jones for a determination of the Commission's leasing jurisdiction.

Environmental Review

It appears that the DEIR for the Streambank Protection for the Lower American River and Supplemental Environmental Impact Statement V for the Sacramento River Bank Protection Project have addressed the significant environmental issues regarding the proposed project. We appreciate the thoroughness of the environmental analysis and discussion.

Separate from the environmental review but relevant to implementation of the project, staff of the SLC, as a Trustee and/or Responsible Agency, would appreciate a copy of the agreement between SAFCA, the United States Army Corps of Engineers, and the State Reclamation Board which identifies SAFCA's responsibility for maintenance of the mitigation features listed within the document.

Thank you for the consideration of these comments.

Sincerely,



MARY GRIGGS
Environmental Services
Division of Environmental
Planning and Management

cc: Dwight E. Sanders
Diane Jones
Judy Brown
OPR

CALENDAR PAGE

288

MINUTE PAGE

003553