

MINUTE ITEM

This Calendar Item No. C29 was approved as Minute Item No. 29 by the California State Lands Commission by a vote of 3 to 0 at its 12-3-99 meeting.

**CALENDAR ITEM
C29**

A 27
S 12

12/03/99
PRC 7656.9
D. Jones

AMENDMENT OF LEASE

LESSEE:

California Department of Fish and Game
1234 Shaw Avenue
Fresno, California 93710

AREA, LAND TYPE, AND LOCATION:

0.12 acres, more or less, of sovereign lands in the San Joaquin River, near the city of Newman, Stanislaus County.

AUTHORIZED USE:

Continued use and maintenance of a temporary (September through December) electrical fish barrier and trapping facility for the purpose of repelling fall-run chinook salmon from straying from their upstream migration into the irrigation canals and drains where no suitable spawning habitat is available.

LEASE TERM:

Ten years, beginning October 1, 1999.

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:

In 1992, the Commission issued a two-year lease to the California Department of Fish and Game (DFG), to construct the Hills Ferry Barrier which is a seasonal (September through December of each year) electrical fish barrier on the San Joaquin River at the confluence of the Merced River. The barrier is designed to prevent adult fall-run chinook salmon from straying in their upstream migration into the irrigation canals and drains of western Merced County and to guide them into areas where natural spawning habitat is available. In 1994, the Commission extended the lease term to terminate on September 30, 1999, in order to

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continue the project for another five year period. Since the fish barrier has been funded until 2009, the DFG has requested that the lease be again extended for the life of the project. The amendment would extend the term of the lease to terminate December 31, 2009, to coincide with the funding which has been approved for this project. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

3. 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.

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

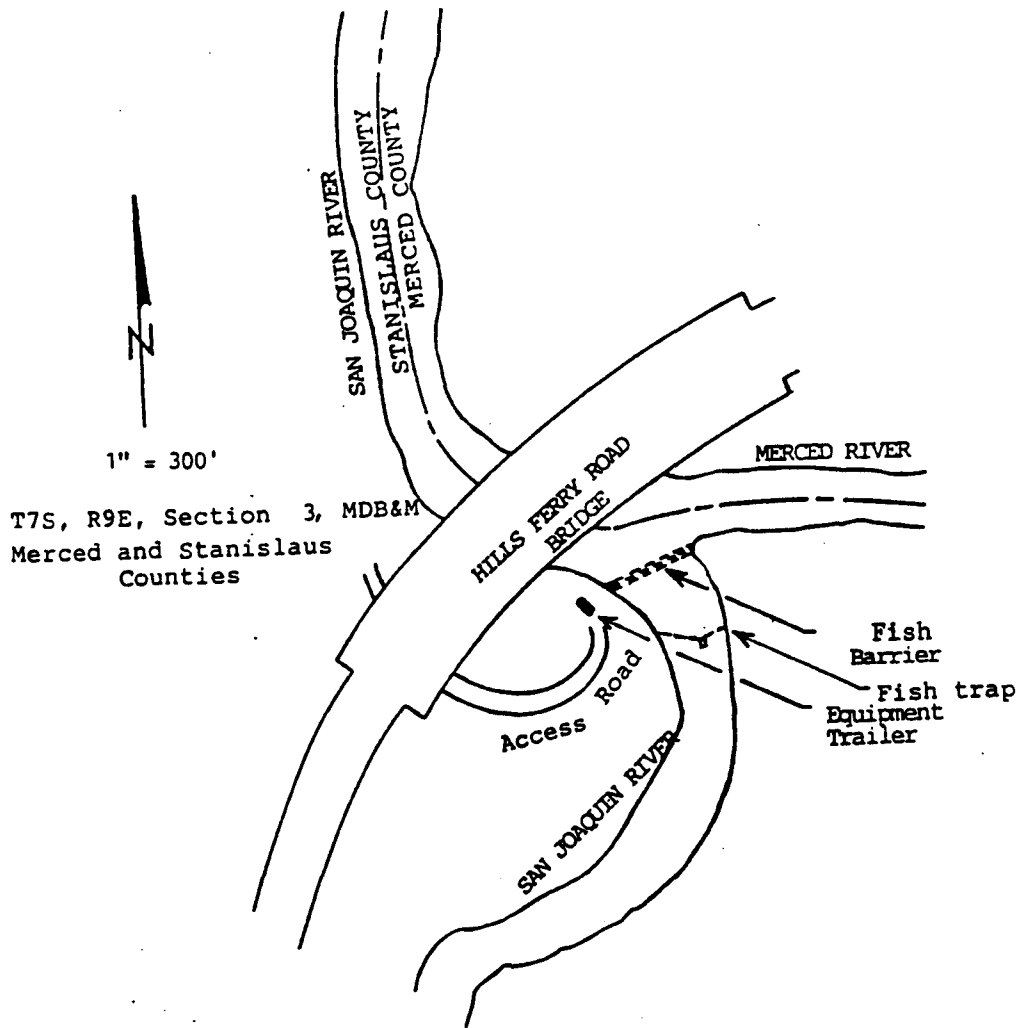
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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.

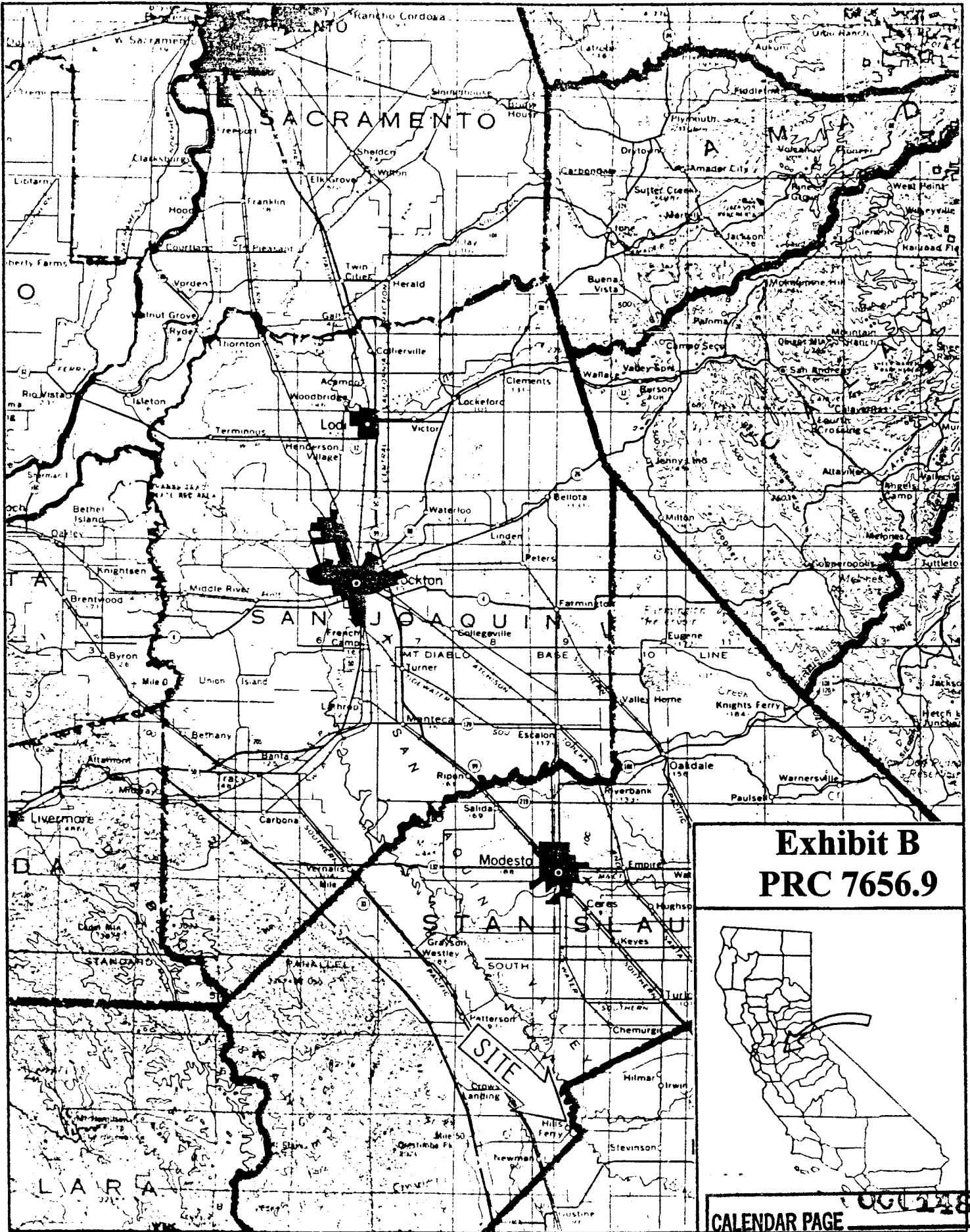
AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7656.9 OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE OCTOBER 1, 1999, TO EXTEND THE LEASE TERM TO DECEMBER 31, 2009; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



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.

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**Exhibit B
PRC 7656.9**

