

**MINUTE ITEM**

This Calendar Item No. C41 was approved as Minute Item No. 41 by the California State Lands Commission by a vote of 3 to 0 at its 09-13-07 meeting.

**CALENDAR ITEM**

**C41**

A 8, 15

09/13/07  
PRC 8679 WP 8679.9

S 5, 14

PRC 8731.9  
D. Jones

**RESCISSION OF MINUTE ITEM 12 APPROVED BY THE COMMISSION AT ITS DECEMBER 14, 2006 MEETING AND APPROVAL OF AN AMENDMENT TO GENERAL LEASE – PROTECTIVE STRUCTURE USE, PRC 8679.9**

**LESSEE: (PRC 8731.9)**

Brannan-Andrus Levee District  
P. O. Box 929  
Walnut Grove, California 95690

**APPLICANT/LESSEE: (PRC 8731.9)**

California Department of Water Resources  
1416 Ninth Street  
Sacramento, California 95814

**AREA, LAND TYPE, AND LOCATION:**

**Original Lease PRC 8731.9:** Sovereign lands in the Sacramento River at RM's 164.0 and 154.5 near Princeton, Colusa County; Sacramento River at RM's 145.9 and 141.4 near Colusa Bypass, Colusa County; Sacramento River at RM 130.8 near Meridian, Colusa County; Bear River at RM 2.4 near Rio Oso, Sutter County; Sacramento River at RM's 85.6 and 69.9 near Knights Landing, Yolo County; Sacramento River at RM 56.8 near the city of West Sacramento, Yolo County; Sacramento River at RM 32.5 near Courtland, Sacramento County; Sacramento River at RM's 26.5 and 20.8 near Walnut Grove, Sacramento County; Steamboat Slough at RM 16.2 near the city of Rio Vista, Solano County; and Cache Slough at RM's 16.5 and 21.8 near Rio Vista, Solano County.

**November 1, 2006 Amendment:** Sovereign lands in the Sacramento River at RM 43.3R near the town of Clarksburg, Yolo County; and the Sacramento River at RM 56.1R near the city of West Sacramento, Yolo County.

**November 21, 2006 Amendment:** Sovereign lands located in the Bear River at RM 1.2L near Rio Oso, Sutter County; Sutter Slough at RM's 25.4R and 24.8L near Courtland, Yolo County; Sacramento River at RM 182R near Chico, Glenn

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County; Sacramento River at RM 99.5R near Knights Landing, Yolo County; Sacramento River at RM 70.7R (two sites) near the city of Sacramento, Sacramento County; Sacramento River at RM 71.7R (two sites) near the city of Sacramento, Sacramento County; Sacramento River at RM 73.0R, near the city of Sacramento, Sacramento County; Sacramento River (three sites) between RM's 41 and 44 near the city of Clarksburg, Yolo County; and the San Joaquin River at T 13 S, R 16 E, Section 30, Fresno County.

**December 14, 2006 Amendment:** Sovereign lands located in the Sacramento River at RM's 21.8R, 28.0R, 28.6R, and 32.4R; and Steamboat Slough at RM's 0.9L, 1.2L, 1.9L, and 4.0L, near the city of Isleton, Sacramento County.

**AUTHORIZED USE:**

The construction, use and maintenance of bank protection.

**LEASE TERM:**

20 years, beginning June 26, 2006.

**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:**

Amend the lease to add additional levee repair sites located on sovereign lands in the Sacramento River at RM's 10.9L, 11.1L, 11.2L, 12.5L, 12.6L, 12.7L, 12.8L, 12.9L, 13.0L, 13.4L, 13.6L, 15.3L, and 15.4L near the city of Isleton, Sacramento County.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On February 24, 2006, Governor Arnold Schwarzenegger declared a state of emergency (Declaration of State of Emergency of California Levee System and March 7, 2006, Executive Order S-01-06) with respect to California's levee system. Pursuant to this Executive Order, at its meetings of June 26, 2006, November 1, 2006, November 21, 2006, and December 14, 2006, the Commission authorized the Department of Water Resources (Department) to repair many critical levee sites in Colusa, Glenn, Sacramento, Yolo, Sutter, Solano, and Fresno counties.

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3. On December 14, 2006, under Minute Item 12, the Commission approved a General Lease – Protective Structure Use, PRC 8731.9, to the Brannan-Andrus Levee District (District) to repair 13 additional emergency levee sites within the Brannan-Andrus Levee Maintenance District (District) under the U. S. Army Corps of Engineers (Corps) PL 84-99 emergency repair authorization. Subsequently, the District and the Department determined that since the Department would have the long-term maintenance responsibilities for these levee repairs, the authorization to maintain these levee repairs should be incorporated into the Department's General Lease – Protective Structure Use, PRC 8679.9. Therefore, staff is recommending that the Commission rescind Minute Item 12 approved by the Commission at its December 14, 2006 meeting, and authorize an amendment to the Department's Lease PRC 8679.9 to include the 13 additional emergency levee sites. All construction of the emergency work at these 13 sites within the Commission's jurisdiction has been completed.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. 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.

**EXHIBIT:**

A. Site and Location Map

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**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

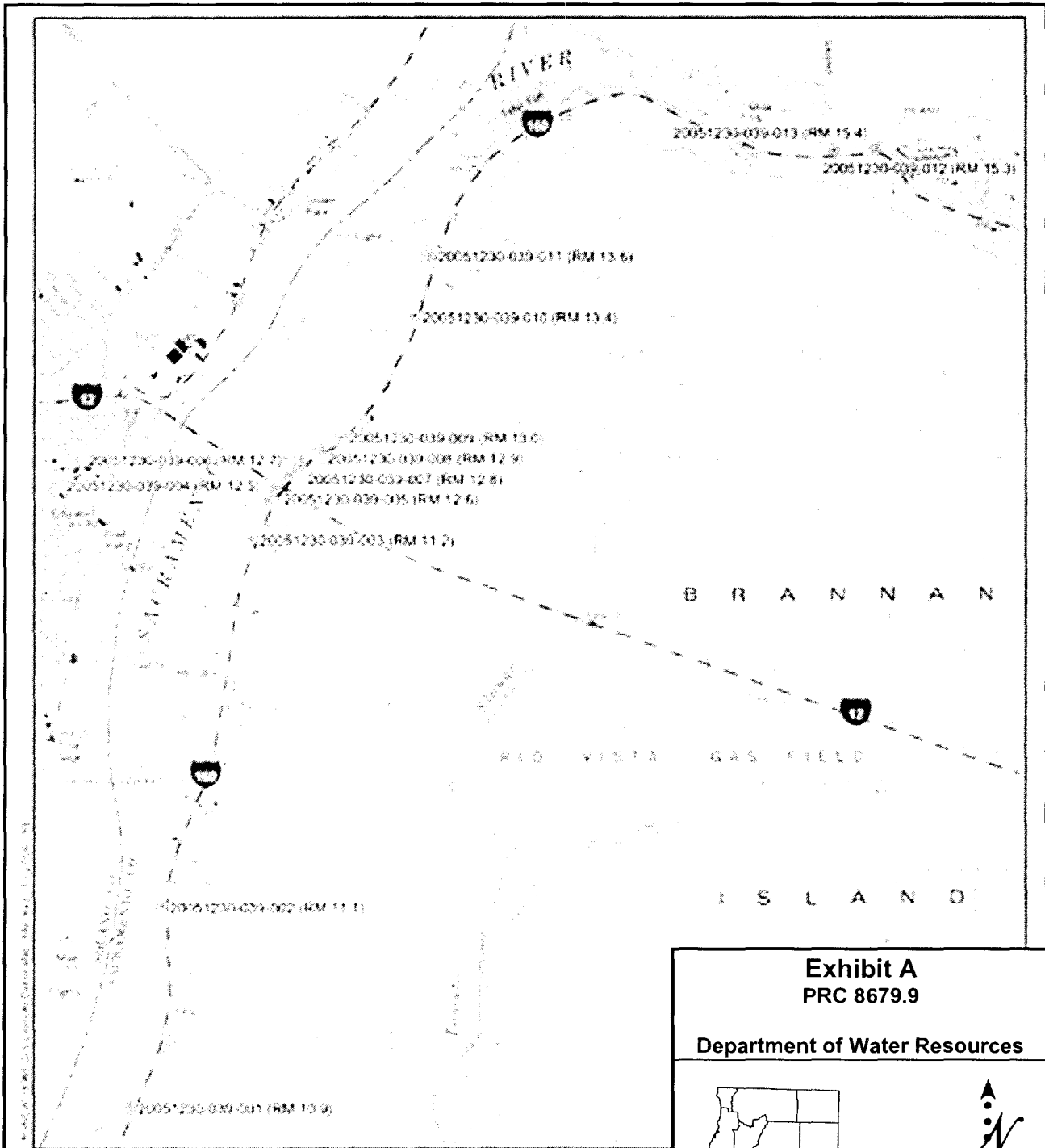
FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**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:**

1. AUTHORIZE RESCISSION OF MINUTE ITEM 12 AUTHORIZED BY THE STATE LANDS COMMISSION AT ITS DECEMBER 14, 2006, MEETING, EFFECTIVE SEPTEMBER 13, 2007.
2. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8679.9, A GENERAL LEASE – PROTECTIVE STRUCTURE USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 13, 2007, TO ADD 13 ADDITIONAL PARCELS OF LAND TO THE LEASE PREMISES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



**Exhibit A  
PRC 8679.9**

**Department of Water Resources**



This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties, 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.