

MINUTE ITEM

This Calendar Item No. C22 was approved as
Minute Item No. 22 by the California State Lands
Commission by a vote of 2 to 0 at its
10-30-07 meeting.

CALENDAR ITEM

C22

A 2, 8

10/30/07

PRC 8679 WP 8679.9

S 4, 5

D. Jones

AMENDMENT TO GENERAL LEASE – PROTECTIVE STRUCTURE USE

LESSEE:

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

AREA, LAND TYPE, AND LOCATION:

Original Lease: 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 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.

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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 an additional levee repair site located on sovereign lands in the Sacramento River at RM 155.5 near Colusa, Colusa County.

OTHER PERTINENT INFORMATION:

1. Lessee 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 (Lessee) to repair many critical levee sites in Colusa, Glenn, Sacramento, Yolo, Sutter, Solano, and Fresno counties.
3. Lessee has identified an additional critical site where heavy damage has occurred to the levee from the late December 2005 and early January 2006. The site is located in the historic bed of the Sacramento River at River Mile 155.5, Colusa, Colusa County. In order to conduct the emergency levee repair work this year within the construction windows imposed by the U.S. Fish and Wildlife Service to protect the salmonids, the repairs must be conducted during the period October 7, 2007 and completed by October 30, 2007. On October 5, 2007, staff of the

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Commission issued a letter of non-objection to the Lessee to proceed with the emergency repairs.

4. The Lease will also be amended to require the Lessee, as of the effective date of this Amendment and hereafter, submit to Lessor a set of "as-built" plans for each of the sites within the Lease Premises.
5. The proposed damaged levee is located in the historic bed of the Sacramento River which is filled sovereign land. It is dominated by grasses, and other herbaceous vegetation. Adjacent to the site and within the cut face of the damaged levee is a large riparian corridor consisting of large riparian trees and other woody vegetation. Project construction would result in the trimming of the large woody vegetation but would not cause removal of any of the trees or shrubs.
6. The levee slope at this location is away from the main water channel and construction would not occur in the water or alter aquatic habitat. In addition, work will be done within construction windows imposed by the U.S. Fish and Wildlife Service (USFWS) to protect salmonids (October 7 to October 30, 2007). Construction activities would not result in negative impacts to listed fish species or designated critical habitat. As a result, the U.S. Army Corps of Engineers has made the determination that the project would have no effect on listed species; therefore, consultation with NOAA Fisheries is not required.
7. The U. S. Army Corps of Engineers has initiated informal Section 7 consultation with the USFWS. USFWS has issued a Planning Aid Letter with recommendations for avoiding impacts and has concluded that the project is not likely to adversely affect any listed species.
8. 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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

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9. 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 statutorily exempt project. The project is exempt because it involves emergency repairs to public service facilities necessary to maintain service.

Authority: Public Resources Code section 21080 (b) (2) and Title 14, California Code of Regulations, section 15269 (b).

10. 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, U. S. Fish and Wildlife Service

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game

EXHIBIT:

- A. Site and Location Map

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 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT

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PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080 (b)(1) AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15269 (b), EMERGENCY REPAIRS TO PUBLIC SERVICE FACILITIES NECESSARY TO MAINTAIN SERVICE.

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.

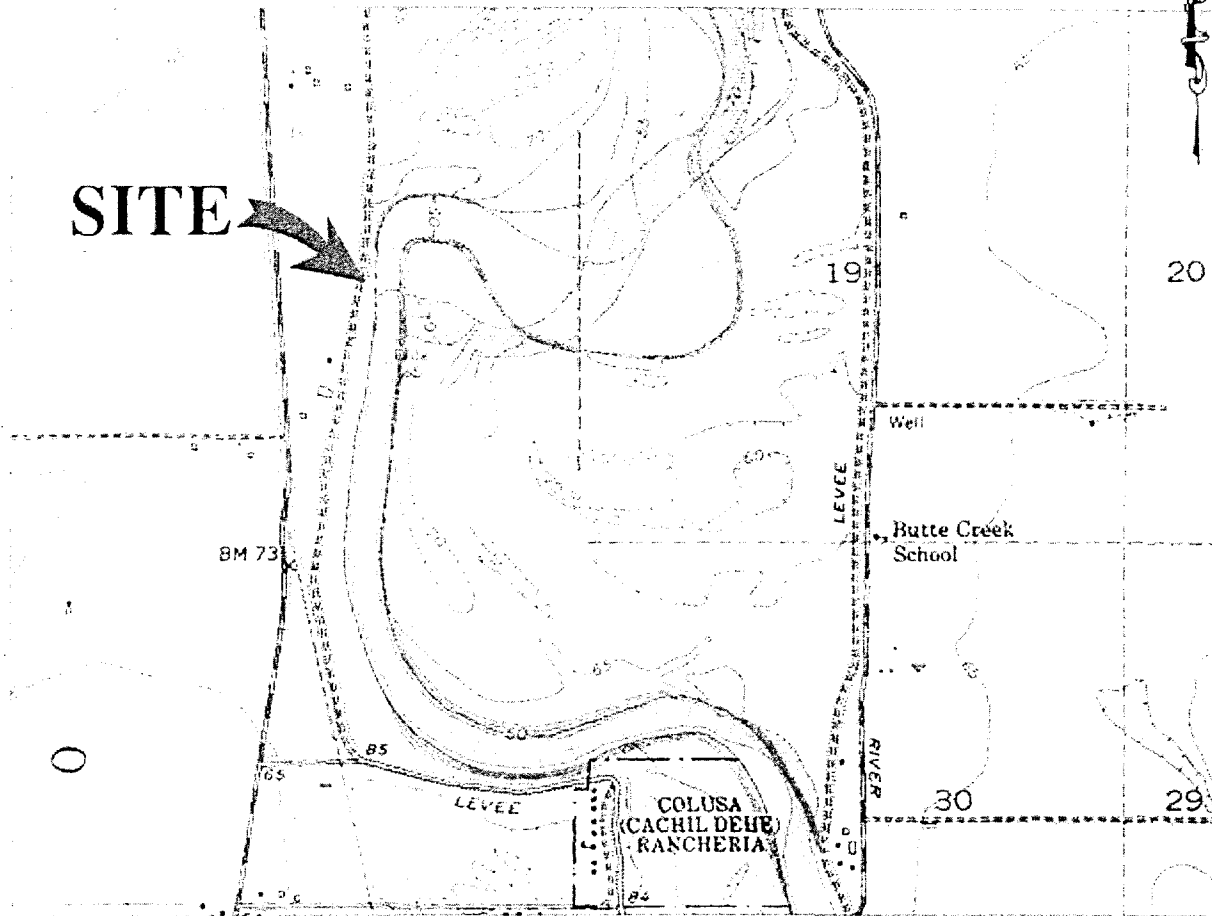
AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8679.9, A GENERAL LEASE – PROTECTIVE STRUCTURE USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE OCTOBER 5, 2007, TO ADD ONE ADDITIONAL SITE TO THE LEASE PREMISES AND TO REQUIRE THE LESSEE TO SUBMIT POST-CONSTRUCTION PHOTOGRAPHS AND “AS-BUILT” PLANS TO LESSOR WHEN CONSTRUCTION IS COMPLETED; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE

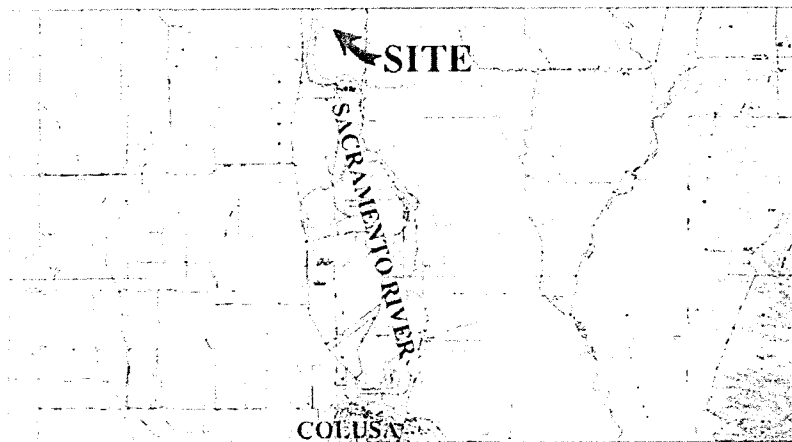
SITE



LEVEE REPAIRS
 SITE MA-01, SACRAMENTO RIVER, MILE 155.5±

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit A

WP 8679.9
 DEPT. OF WATER RESOURCES
 GENERAL LEASE
 PROTECTIVE STRUCTURE USE
 SACRAMENTO RIVER
 COLUSA COUNTY



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