

**CALENDAR ITEM
C27**

A 2
S 4

08/11/09
W 26060
N. Lee

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

County of Sutter
1130 Civic Center Boulevard
Yuba City, CA 95993

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Feather River, adjacent to 1100 Pennington Road, near Live Oak, Sutter County.

AUTHORIZED USE:

Removal of an existing public boat launching ramp, construction of a new public boat launching ramp and floating dock with gangway, placement of rock slope protection, construction and maintenance dredging, and the temporary placement of warning buoys during construction, as shown on the attached Exhibit A.

LEASE TERM:

25 years, beginning July 14, 2009.

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. The dredged material may not be sold.

SPECIFIC LEASE PROVISIONS:

1. At all times while construction activities are taking place in the Feather River, warning signs will be installed on the upland side of the construction site, in order to provide notice to the public that construction activities are taking place and to exercise caution. Prior to the start of construction, warning buoys will be placed in the Feather River, both upstream and downstream of the construction site, indicating the tentative dates that the construction will occur.

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2. Construction activities in the Feather River may only occur between June 15th and October 15th, and must be completed by October 15, 2010.
3. The lease contains provisions that encourage the implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the "BMPs for Guest Dock Users and Boaters" in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant has permission to use the uplands adjoining the lease premises.
2. The County of Sutter (County) is responsible for the maintenance of the existing concrete boat ramp extending into the Feather River (River), adjacent to 1100 Pennington Road, near the town of Live Oak. The existing ramp is located on State-owned sovereign lands, but has not been previously authorized by the Commission. The upland is owned by the Sacramento and San Joaquin Drainage District, whose management and control are vested in the Central Valley Flood Protection Board. In 1968, the County entered into an agreement with the Reclamation Board (now the Central Valley Flood Protection Board) for the operation and maintenance of the upland property facilities and boat launching ramp. The County has now applied to replace the existing ramp with a concrete v-grooved two-lane boat ramp, and install a floating dock with a gangway, place rock slope protection on both sides of the proposed boat ramp, dredge in the launch area, and install temporary warning buoys.
3. The existing boat ramp is used by the public although it is narrow and difficult to adequately negotiate at times. In addition, sediment builds up at the end of the ramp and the side has washed out occasionally. To provide better public access to the River, the County plans to replace the existing ramp with an expanded ramp with a floating dock and gangway. Dredging will be required in order to comply with the California Department of Boating and Waterway's (DBW) standards for the fairway and channel areas in the vicinity of the boat launching ramp. As a part of construction, the County plans to remove approximately 850 cubic yards of material with a bucket excavator and expects that approximately 30 to 60 cubic yards of material will need to be dredged every three years to maintain safe access to the launch ramp.

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4. Prior to project commencement, and in order to reduce potential water quality impacts, a turbidity curtain will be installed and remain in place during all in-water work. The dredged material will either be recycled as fill, disposed of at a land fill approximately 25 miles away, or disposed of at a hazardous waste facility 35 miles away, depending on whether or not contaminants are found. The dredged material will be stockpiled on the uplands and will be analyzed by a qualified testing consultant in order to determine which site will be used for disposal. Equipment staging for all other aspects of the project will occur on the upland parcel.
5. The boat launch project is being funded by the DBW. Funding expires on May 1, 2010, and cannot be extended. Pursuant to environmental permit limitations, work in the River can only be performed from June 15 through October 15. The County plans to perform in-water work between July and August to avoid peak anadromous fish migration periods. In order to meet these deadlines, the County submitted a request to Commission staff to proceed with the project prior to the formal consideration by the Commission. On July 14, 2009, Commission staff provided the County a letter of non-objection to proceed with the boat launch project, subject to formal approval by the Commission and in compliance with all other applicable permits from other government agencies having jurisdiction over the project. On July 22, 2009, the County accepted the conditions contained in the letter of non-objection.
6. A Mitigated Negative Declaration (SCH #2008122051) was prepared and adopted for this project by the Sutter County Board of Supervisors on March 4, 2009. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the Sutter County Board of Supervisors on March 4, 2009.
7. 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:

California Department of Fish and Game and Central Valley Regional Water Quality Control Board

FURTHER APPROVALS REQUIRED:

Central Valley Flood Protection Board and the U.S. Army Corps of Engineers

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EXHIBITS:

- A. Site and Location Map
- B. Land Description
- C. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

October 14, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION (SCH # 2008122051) AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE SUTTER COUNTY BOARD OF SUPERVISORS ON MARCH 4, 2009, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

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 ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE COUNTY OF SUTTER BEGINNING JULY 8, 2009, FOR A TERM OF 25 YEARS, FOR THE REMOVAL OF AN EXISTING PUBLIC BOAT LAUNCHING RAMP, CONSTRUCTION OF A NEW PUBLIC BOAT LAUNCHING RAMP AND FLOATING DOCK WITH GANGWAY, PLACEMENT OF ROCK SLOPE PROTECTION, CONSTRUCTION AND MAINTENANCE DREDGING, AND THE TEMPORARY PLACEMENT OF WARNING BUOYS DURING CONSTRUCTION AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION TO BE 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

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IN THE STATE'S BEST INTEREST, AND THE DREDGED MATERIAL
MAY NOT BE SOLD.

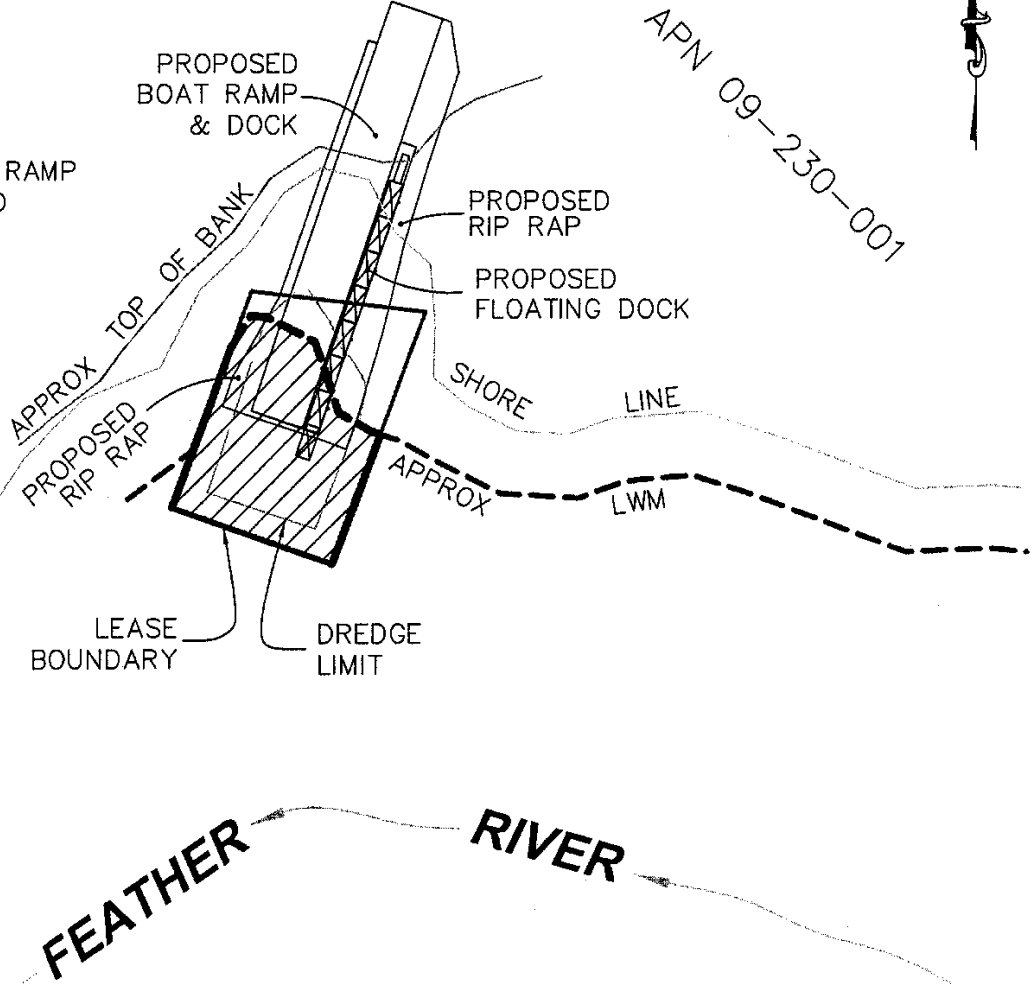
NO SCALE

SITE

to Pennington Rd

NOTE: EXISTING BOAT RAMP TO BE REMOVED

APN 09-230-001



LIVE OAK BOAT RAMP, 1100 PENNINGTON ROAD

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26060
 COUNTY OF SUTTER
 APN 09-230-001
 GENERAL LEASE
 PUBLIC AGENCY USE
 SUTTER COUNTY



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 C

XVIII MITIGATION MONITORING PROGRAM – Project #EA 06-003 (Live Oak Boat Ramp)

Mitigation Measure	Timing	Monitoring Agency
III Air Quality		
1. All active portions of the construction site shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is completed for that day.	Ongoing during construction	Public Works Department
2. All clearing grading, earth moving or excavation activities shall cease during periods of winds greater than 20 miles per hour averaged over one hour.	Ongoing during construction	Public Works Department
3. Construction site vehicle speeds shall be limited to 15 miles per hour.	Ongoing during construction	Public Works Department
4. Pennington Road and the access road shall be swept as needed to remove silt that may have accumulated during construction activities.	Ongoing during construction	Public Works Department
IV Biological Resources		
5. Adequate sedimentation and erosion control devices, such as geotextile silt fences, straw wattles, or other devices capable of filtering sediment and preventing post-construction erosion shall be installed and properly maintained to minimize adverse impacts on waters during and after construction. These devices must be removed upon completion of work in the stream channel and upon stabilization of disturbed upland areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to this waterway. Implementation of storm water construction BMPs and preparation of an erosion control and SWPPP in compliance with the Central Valley Regional Water Quality Control Board (RWQCB) that may include, but not be limited to, a combination of temporary sediment basins, hydro-seeding of unprotected	Prior to Construction/ Ongoing during construction	Public Works Department

Mitigation Measure	Timing	Monitoring Agency
<i>erodible soils, silt fences, straw wattles, jute netting, and erosion control mats.</i>		
6. <i>Work within the wetted channel of the Feather River will be completed during the low water period, between July and August, to avoid peak anadromous fish migration periods. A cofferdam and silt curtain will be used to isolate the construction area from the Feather River during construction. A National Pollutant Discharge Elimination System (NPDES) construction dewatering permit would be required for construction activities in the wetted channel.</i>	During construction	Public Works Department
7. <i>Any impacts to riparian vegetation along the banks of the Feather River shall be revegetated at a 3:1 ratio by the project proponent to re-establish riparian vegetation to preproject levels and mitigate for EFH impacted.</i>	During construction	Public Works Department
8. <i>No temporary fill (e.g., cofferdams) may be placed in waters or wetlands unless specifically authorized by a USACE 404 permit, a RWQCB 401 permit, and a CDFG 1600 streambed alteration agreement. A Division of Water Resources (DWR) Reclamation Board encroachment permit and a California State Lands Commission permit will also be required to implement this project.</i>	Prior construction to	Public Works Department
9. <i>The authorized work shall be performed in a manner that precludes the erosion or slumping of adjacent riparian vegetation.</i>	During construction	Public Works Department
10. <i>All construction equipment will avoid operating within, and be stored outside of the stream channel. Any disturbed areas will be re-vegetated where applicable.</i>	During construction	Public Works Department
11. <i>To ensure successful implementation of BMPs, the contractor will develop a dust suppression plan, a hazardous materials control and spill prevention and response plan, a water quality management plan,</i>	Prior construction to	Public Works Department

Mitigation Measure	Timing	Monitoring Agency
<i>and an erosion control and SWPPP.</i>		
<p>12. Protocol-level cuckoo surveys should be conducted early in the breeding season (early April) to determine if cuckoos nest in or adjacent to construction areas. If cuckoos are determined to be nesting in or adjacent to construction area, then Section 7 consultation with USFWS will be required.</p>	<p>No more than 30 days prior to construction.</p>	<p>Public Works Department</p>
<p>13. Pre-construction surveys for raptors and migratory songbirds shall be conducted prior to initiation of demolition and construction. Timing of the surveys shall be less than 30 days prior to start of activities. Areas along the river, adjacent to the boat ramp in particular, contain sensitive resources and shall be protected from harm during construction via delay of construction in that area, reducing noise levels, protective fencing, and alteration of timing of construction.</p>	<p>No more than 30 days prior to construction.</p>	<p>Public Works Department</p>
<p>VI Geology and Soils</p>		
<p>14. Disturbed soils shall be covered with geotextiles, mats, plastic covers, or erosion control blankets to stabilize soils and protect soils from erosion by wind or water.</p>	<p>During construction</p>	<p>Public Works Department</p>
<p>15. Fiber rolls shall be placed in the disturbed area as necessary to intercept and remove sediment from any runoff that may occur as a result of the project.</p>	<p>During construction</p>	<p>Public Works Department</p>
<p>VIII Hydrology and Water Quality</p>		
<p>16. The boat launching ramp and parking lot shall be constructed in accordance with the standards set forth in the Layout, Design, and Construction Handbook for Small Craft Boat Launching Facilities published by the State Department of Boating and Waterways.</p>	<p>Prior to construction</p>	<p>Public Works Department</p>
<p>17. No construction shall take place during the rainy season (November 15 – April 15).</p>	<p>During construction</p>	<p>Public Works Department</p>

Mitigation Measure	Timing	Monitoring Agency
<p>18. Exposed soils resulting from construction shall be reseeded prior to the rainy season to reduce the potential for erosion and aid in the filtering of pollutants in stormwater runoff. Native grasses or groundcover should be utilized.</p>	<p>During construction</p>	<p>Public Works Department</p>