

**CALENDAR ITEM
C29**

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01/26/12
WP 7656.9
R. Boggiano

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

California Department of Fish and Game

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to Assessor's Parcel Numbers 049-044-001 and 049-037-003, near the city of Newman, Stanislaus County.

AUTHORIZED USE:

Continued use and maintenance of an existing seasonal fish barrier and trapping facility for the purpose of repelling fall-run Chinook salmon from straying from their upstream migration.

LEASE TERM:

10 years, beginning January 1, 2012.

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.

SPECIFIC LEASE PROVISIONS:

Lessee shall install precautionary signage or warning buoys upstream and downstream of the Lease Premises to provide adequate warnings to recreational users on the San Joaquin River of the potential safety hazards associated with project activities.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. In 1992, the Commission authorized a two-year lease to the California Department of Fish and Game (DFG) to construct the Hills Ferry Barrier, a temporary seasonal electrical fish barrier immediately upstream from the confluence with the Merced River. In the fall of 1993, due to problems

CALENDAR ITEM NO. **C29** (CONT'D)

with electrode stability, fish passing through the barrier, and public safety, DFG terminated the electrical barrier program and installed a pipe-rack fish barrier which is operated in the same location. On November 15, 1994, the Commission authorized an amendment to extend the lease term an additional five years, terminating on September 30, 1999. On December 3, 1999, the Commission authorized an amendment extending the term of the lease to terminate December 31, 2009, to coincide with the funding which had been approved for the project. Since expiration, the lease has been in a month-to-month hold over. The Applicant is now applying for a new General Lease – Public Agency Use.

3. The fish barrier is placed across the width of the river bed and is used to block Chinook salmon from straying from their natal streams during their upstream migration. The fish barrier consists of tripod stands made from wood beams, rails made of aluminum, and racks made from steel conduit pipes. The design allows the barrier to slide down as the river bottom moves or fish dig at the bottom. The barrier will be installed September through December. One section of the racks will be removable to allow boat passage. The weir will be staffed on a 24-hour basis to assist with boat passage and to clean debris from the racks.
4. The effectiveness of the barrier is monitored by a salmon trapping facility in the San Joaquin River approximately 150 feet upstream from the barrier. The trapping facility consists of net panels supported by an aluminum frame and steel conduit on floating pontoons. It is designed to capture and hold salmon and steelhead until they can be sampled, tagged, and released.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301.

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

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370 et seq., but such activity will not affect those significant lands. 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.

CALENDAR ITEM NO. **C29** (CONT'D)

APPROVALS OBTAINED:

California Department of Fish and Game
United States Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

California Regional Water Quality Control Board, Central Valley Region

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301.

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the California Department of Fish and Game beginning January 1, 2012, for a term of 10 years, for the continued use and maintenance of a temporary fish barrier and trapping facility as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is 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 best interest of the State.

EXHIBIT A

PRC 7656.9

LAND DESCRIPTION

A one-hundred and fifty (150) foot wide strip of submerged land in the bed of the San Joaquin River, County of Stanislaus, State of California, lying adjacent to Rancho Orestimba and lying 125 feet northeasterly and 25 feet southwesterly of the following described centerline:

BEGINNING at point on the left bank of the San Joaquin River having the following coordinates N(y)=1949384.81 feet, E(x)=6423565.09 feet from which an NGS monument "NEWMAN NW BASE", PID:HS2391 having CCS83, Zone 3, Epoch 1991.35 coordinates N(y)=1945662.64 feet, E(x)=6408029.96 feet bears S 76°31'34" W 15974.82 feet; thence S 39°19'15" E 190.96 feet to a point on the right bank of the San Joaquin River.

Sidelines of said strip to terminate at low water of said river.

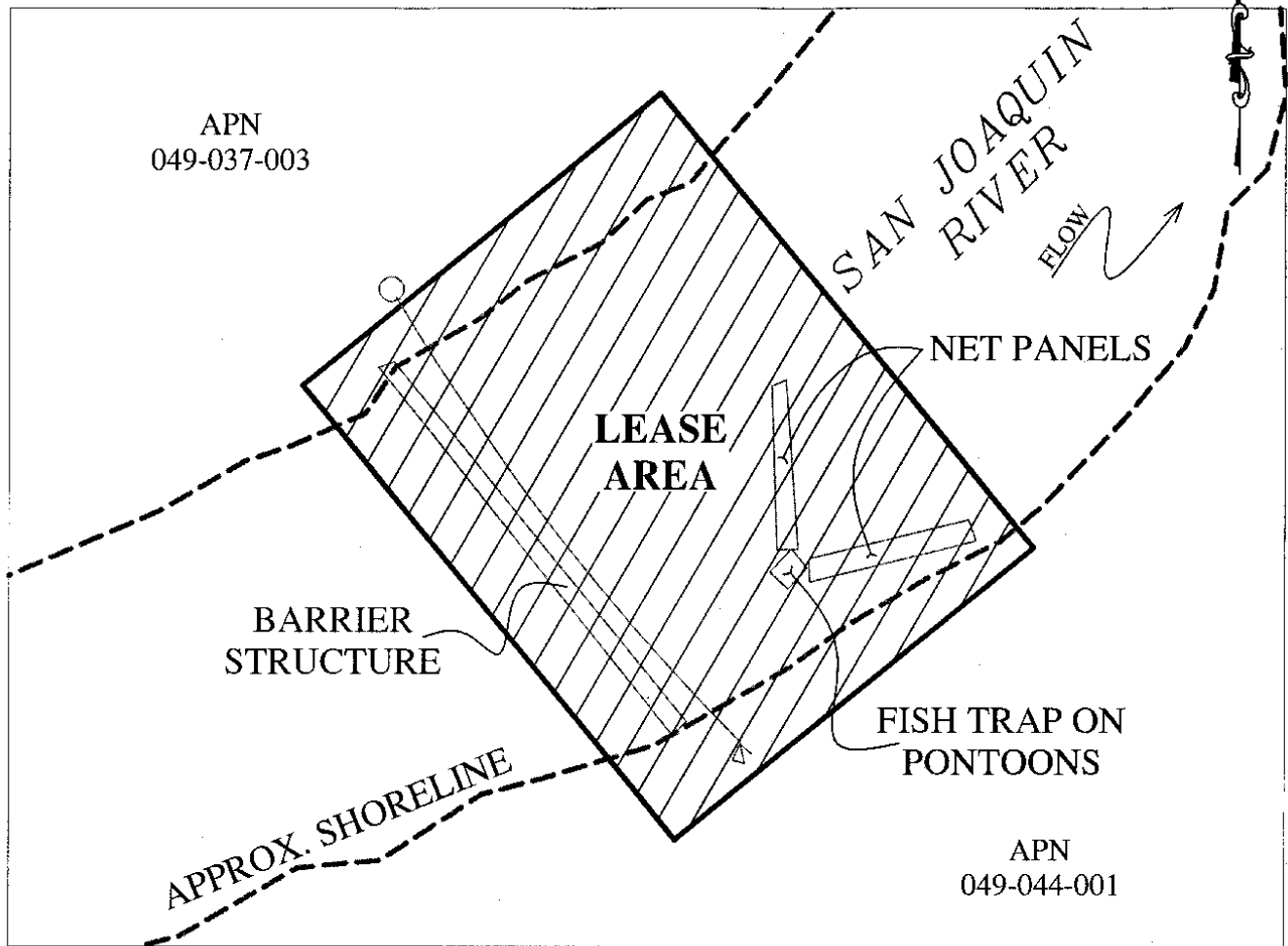
EXCEPTING THEREFROM any portion lying landward of low water of said river.

END OF DESCRIPTION

PREPARED 10/3/11 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

NO SCALE

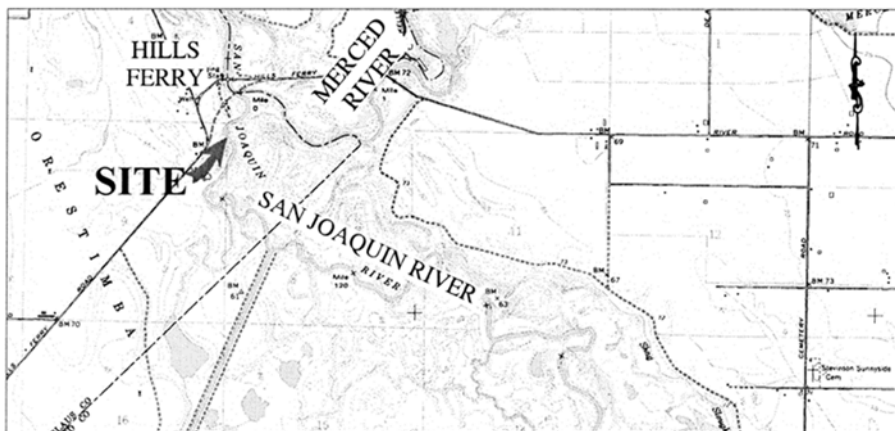
SITE



Hills Ferry, near confluence with Merced River

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 B

PRC 7656.9

DEPT OF FISH & GAME
APN 049-044-001,-037-003

GENERAL LEASE -
PUBLIC AGENCY USE
STANISLAUS COUNTY



MFJ 9/13/11