

**CALENDAR ITEM
C57**

A 5, 21, 23, 31

02/22/13
PRC 8162.9
R. Collins

S 12, 14, 16

GENERAL LEASE - RIPARIAN HABITAT RESTORATION

APPLICANT:

San Joaquin River Parkway and Conservation Trust, Inc.
11605 Old Friant Road
Fresno, CA 93730

AREA, LAND TYPE, AND LOCATION:

Sovereign lands lying below the ordinary low water mark in the San Joaquin River, between Friant Dam and the confluence of the Merced River, Fresno, Madera, Merced, and Stanislaus Counties.

AUTHORIZED USE:

Removal of non-native, invasive exotic plants, and native plant revegetation.

LEASE TERM:

10 years, beginning November 25, 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:

Liability insurance in the amount of not less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has or will obtain the right to use the uplands adjoining the lease premises where necessary.

2. In 1992 the Legislature adopted legislation creating the San Joaquin River Conservancy Act. The San Joaquin River Conservancy was designated as the managing entity to implement the San Joaquin River Parkway Master Plan and to operate and maintain the San Joaquin River Parkway.

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3. In September 2006, a settlement was reached in an 18-year lawsuit brought by a coalition of conservation and fishing groups led by the Natural Resources Defense Council (NRDC) against the U.S. Bureau of Reclamation (Bureau) and the Friant Water Users Authority. *Natural Resources Defense Council, et al. v. Rodgers, Civ. No. S-88-1658 LKK/GGH (E.D. Cal.)*. The San Joaquin River Restoration Program (Program) is a direct result of the settlement. Federal legislation was passed in March 2009 authorizing federal agencies to implement the settlement. There are two primary goals of the settlement:
 - A. Restoration Goal - To restore and maintain fish populations in "good condition" in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish; and
 - B. Water Management Goal - To reduce or avoid adverse water supply impacts to all of the Friant Division long-term contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.
4. The San Joaquin River Parkway Conservation and Trust, Inc. (Applicant) was created in 1988. Its mission is to preserve and restore San Joaquin River lands having ecological, scenic, or historic significance, to educate the public on the need for stewardship, to research issues affecting the river, and to promote educational, recreational, and agricultural uses consistent with the protection of the river's resources. Since the inception of the San Joaquin River Parkway Plan, the Applicant has been a driving force in the Plan's implementation.
5. On April 20, 2000, the Commission authorized the Applicant Lease No. PRC 8162.9, for a 10 year term effective April 1, 2000, for removal of non-native, invasive exotic plants and native plant revegetation on sovereign lands lying below the ordinary low water mark in the San Joaquin River, between Friant Dam and State Highway 99 in Fresno and Madera Counties. The removal and restoration project was completed and the lease expired March 31, 2010.
6. The Applicant submitted a grant proposal to the Program and to the Bureau for the removal of non-native, invasive exotic plants, and native plant revegetation in the San Joaquin River between Friant Dam and the

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confluence of the Merced River, which implements one element of the San Joaquin River Restoration Program. Restored riparian habitat lowers water temperatures, making the river suitable habitat for salmon. The Program approved the application, and the grant agreement was signed in September 2011. The current grant continues through December 31, 2013, but is expected to be extended to continue the project in the years ahead. The proposed project implements the Program's Invasive Vegetation Monitoring and Management Plan. The project is funded by a grant from the Bureau.

7. There is no construction associated with this project. No mechanized land clearing or soil disturbance will occur within Waters of the U.S. or Waters of the State. The project focuses on four species: giant reed (*Arundo donax*), Chinese tallow (*Sapium sebiferum*), red sesbania (*Sesbania punicea*), and salt cedar (*Tamarix* species). Infested areas will either be mapped in the field directly or through aerial photograph interpretation followed by on-the-ground map verification surveys. The removal of invasive species will involve the use of hand tools and focused herbicide applications using directed foliar spray, manipulation of vegetation for strategic spraying, shielding of desirable species, cut-paint or similar application techniques when removing arundo or other invasive plants from areas containing native riparian vegetation. After removal of invasive species, cleared areas will be re-vegetated with native vegetation using: broadcast seeding, drill seeding, and/or planting plugs. All equipment and vehicles shall be confined to preexisting roads.
8. In 1992, Commission staff completed and published a set of **Administrative Maps of the San Joaquin River** between Friant Dam and State Highway 99 depicting the location of the high and low water lines. At several locations along this stretch of the San Joaquin River, the boundary between public and private ownership has been fixed by agreement. At those locations, the agreement(s) would supersede the Administrative Maps.
9. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

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

10. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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.

APPROVALS OBTAINED:

U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and San Joaquin River Conservancy

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 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

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 - Riparian Habitat Restoration to the San Joaquin River Parkway and Conservation Trust, Inc. beginning November 25, 2012, for a term of 10 years, for removal of non-native, invasive exotic plants and native plant revegetation as described in Exhibit A attached and by this reference made a part hereof and shown on Exhibit B (for reference purposes only); consideration is the public use and benefit, with the State reserving the right at any time to set a monetary

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rent if the Commission finds such action to be in the State's best interest;
liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 8162.9

LAND DESCRIPTION

All of those sovereign submerged lands of the State of California lying between the low water lines of the bed and historic bed of the San Joaquin River, situated in the counties of Merced, Madera, and Fresno, and lying between the Friant Dam and the confluence of the San Joaquin River and the Merced River.

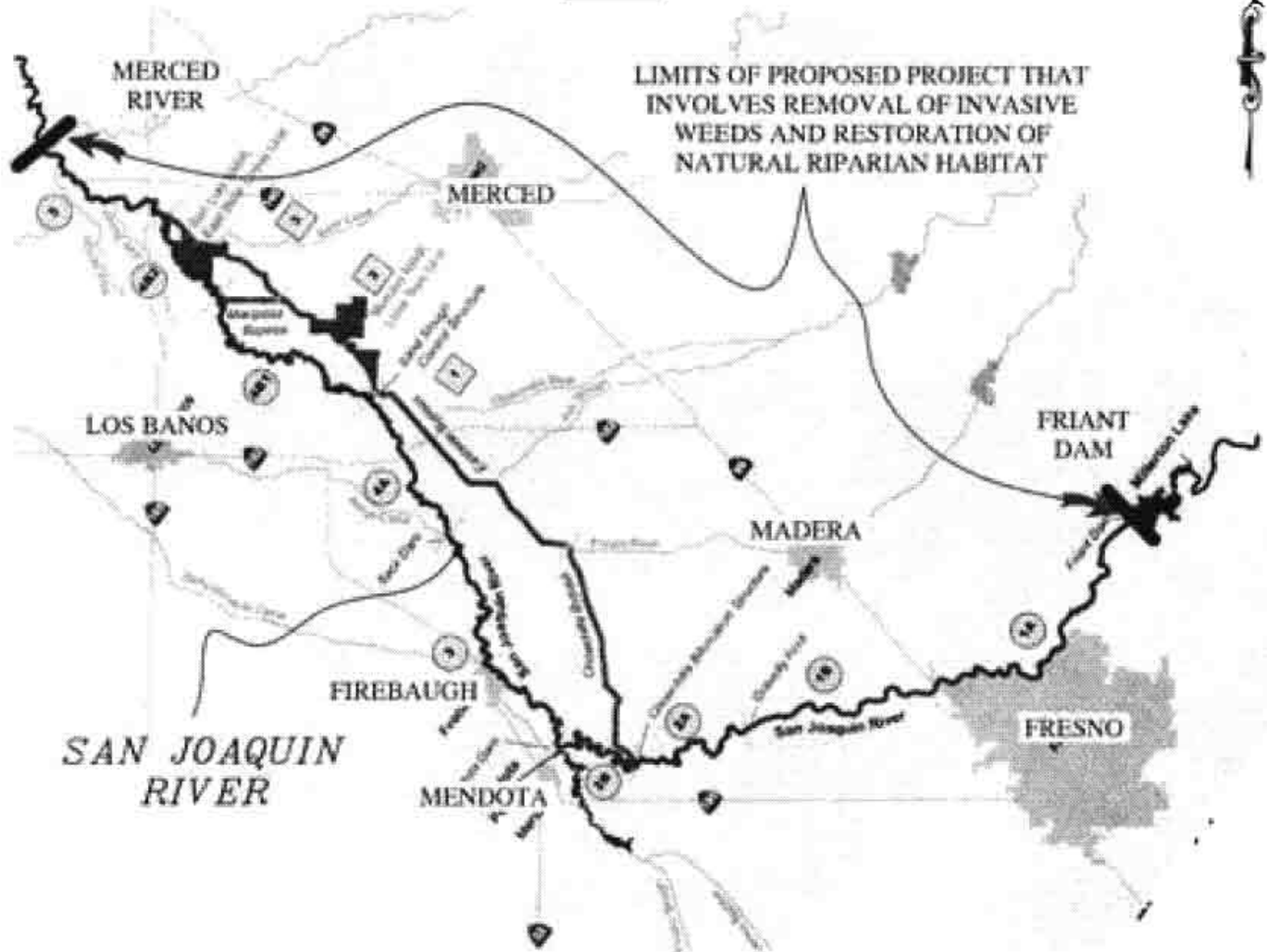
END OF DESCRIPTION

Prepared 11/01/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



SAN JOAQUIN RIVER, FROM FRIANT DAM TO MERCED RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 8162.9
 SAN JOAQUIN RIVER
 PARKWAY &
 CONSERVATION TRUST
 GENERAL LEASE - RIPARIAN
 HABITAT RESTORATION
 FRESNO, MADERA, &
 MERCED COUNTIES



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.