

**CALENDAR ITEM
C11**

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S 5

04/23/14
PRC 7203.9
D. Jones

AMENDMENT OF LEASE

LESSEE:

Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 140
Sacramento, California 95821

AREA, LAND TYPE, AND LOCATION:

Designated areas along the Sacramento River, sloughs, distributaries, and tributaries that join it.

AUTHORIZED USE:

Construction and maintenance of new and existing bank protection.

LEASE TERM:

30 years, beginning May 1, 1988.

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 a parcel of land and authorize the repair and maintenance of bank protection at River Mile (RM) 16.8L, as described in Exhibit A, in the Sacramento River near the city of Isleton, Sacramento County. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. The Sacramento River Bank Protection Project (SRBPP), authorized by Congress in 1960, directs the U.S. Army Corps of Engineers (Corps) to provide bank protection along approximately 405,000 linear feet of the Sacramento River and its tributaries. The State Legislature authorized the

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participation of the Central Valley Flood Protection Board (CVFPB), formerly called the Reclamation Board, in the SRBPP. The SRBPP area includes the Sacramento River from Chico (RM 0) to Collinsville (RM 194), Feather and American Rivers, the flood bypass system and associated canals, Delta sloughs; and reaches of lower minor tributaries including Cache Creek, Bear River, Yuba River, and Elder and Deer Creeks.

A Master Lease to CVFPB for the project was authorized by the Commission on May 9, 1988, effective May 1, 1988. The Master Lease authorizes maintenance of existing bank protection structures and construction of new bank protection structures as specific construction sites become known. The Master Lease also requires the CVFPB to seek amendments of the lease to include new sites. This Amendment is the fifteenth Amendment to the Master Lease. The Master Lease was previously amended on June 30, 1988; March 8, 1994; August 21, 1996; August 26, 1997; June 19, 1998; December 16, 1998; November 26, 2001; August 19, 2003; October 6, 2004; June 26, 2006; June 26, 2006; December 14, 2006; June 24, 2008; June 1, 2009; and June 21, 2013.

3. In 2009, the CVFPB, in partnership with the Corps, proposed to implement bank protection measures to prevent ongoing stream bank erosion at five sites: four along the Sacramento River and one along the Feather River. Four of the sites were approved at the Commission's June 1, 2009, meeting (Sacramento RM 42.7R, 55.2L, and 77.2L, and Feather River RM 28.5R). The last of the five sites is now being proposed to authorize bank protection repairs in the Sacramento River at RM 16.8L.
4. The proposed bank protection measures include: 1) protecting the toe of the bank from rock revetment both below and above the mean summer water level (MSWL); 2) placing one foot of soil fill on the revetment at elevations above MSWL; 3) placing additional, and preserving in-place existing, in-stream wood material clusters for fish habitat; and 4) planting pole and container plants to stabilize the bank and to provide riparian habitat and potential shade. Construction of the bank protection will take up to four months.
5. A Mitigated Negative Declaration, State Clearinghouse No. 2009042057, was prepared by the CVFPB and adopted on May 19, 2009, for this project. California State Lands Commission staff has reviewed such document.

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A Mitigation Monitoring Program was adopted by the CVFPB.

6. 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 California Environmental Quality Act (CEQA) review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

U.S. Fish and Wildlife Service, NOAA Fisheries, Central Valley Regional Water Quality Control Board, State Historic Preservation Office

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2009042057, was prepared by the Central Valley Flood Protection Board and adopted on May 19, 2009, for this Project 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 section 6370 et seq.

AUTHORIZATION:

Authorize the Amendment of Master Lease No. PRC 7203.9, a General Lease – Public Agency Use, to add a parcel of sovereign land to the lease premises as described on Exhibit A and shown on Exhibit B (for reference

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purposes only) attached and by this reference made a part hereof, effective April 23, 2014, to authorize repair and maintenance of bank protection; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

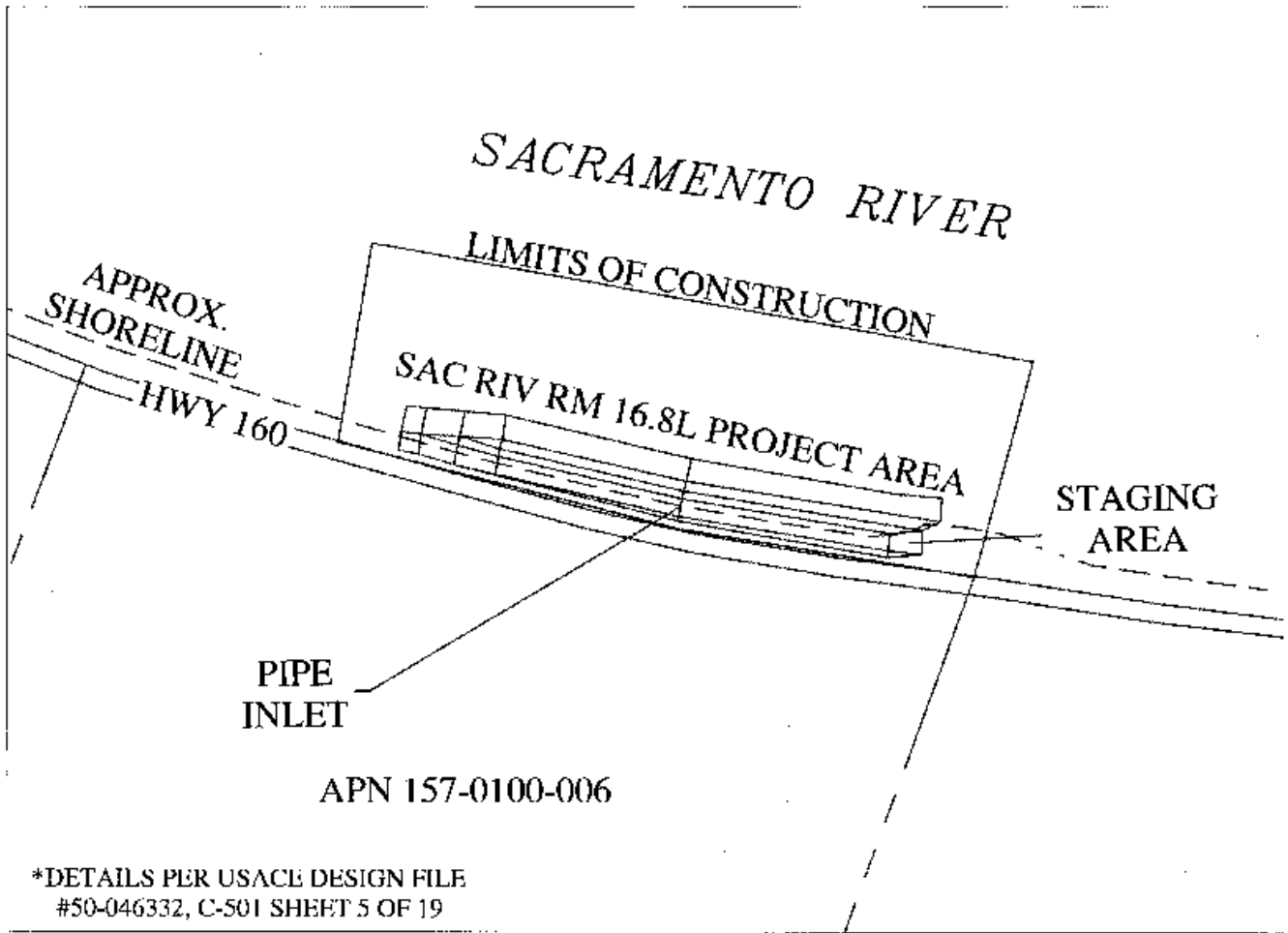
Amendment to Original Land Description

**MASTER LEASE NO. PRC 7203.9
GENERAL LEASE – PUBLIC AGENCY USE**

Located in the bed of the Sacramento River in Sacramento County, lying immediately beneath the proposed bank protection at River Mile 16.8L, near the town of Isleton, Sacramento County`

NO SCALE

SITE

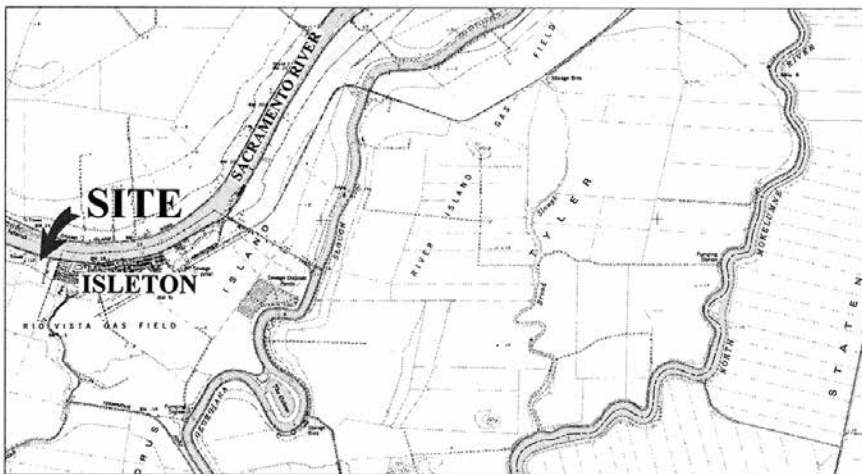


*DETAILS PER USACE DESIGN FILE #50-046332, C-501 SHEET 5 OF 19

Sacramento River, RM 16.8L, Isleton - Erosion Repair

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

MASTER LEASE PRC 7203.9
CENTRAL VALLEY FLOOD
PROTECTION BOARD
GENERAL LEASE -
PUBLIC AGENCY USE
SACRAMENTO COUNTY



EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION (CSLC)
MITIGATION MONITORING PROGRAM
SACRAMENTO RIVER BANK PROTECTION PROJECT- SAC 16.8L
(PRC 7203.9)

Potential Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Air Quality						
Violate applicable air quality standards	Standard construction practices at the erosion sites would ensure that exhaust emissions from all off-road diesel-powered equipment used on the sites do not exceed 40% opacity for more than 3 minutes in any 1 hour. Additional BMPs would be implemented for O ₃ and PM10 to help protect ambient air quality conditions. The contractor would also monitor dust conditions along access roads and within the construction area to ensure that the generation of fugitive dust is minimized below the 50 ug/m ³ 24-hour threshold and soil-disturbing activities would be suspended during periods with winds over 25 miles per hour. The project applicant or representative shall provide a plan for approval by Sacramento Metropolitan Air Quality Management District (SMAQD), the Central Valley Flood Protection Board (CVFPB), and the United States Army Corps of Engineers (USACE) demonstrating that the erosion sites will not exceed 85 lbs./day of NO _x for Sac 16.8L.	SAC 16.8L	Report to AQMDs during construction	During construction	CVFPB and contractor	Approval from AQMD

Potential Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Contribute substantially to an existing or projected air quality violation	The USACE and CVFPB shall pay the appropriate local air quality agency an off-site mitigation fee based on the incremental significant emissions at a rate of \$16,000/ton (or other negotiated amount) of NOx, and that the fee would be paid to the agency prior to beginning construction.	SAC 16.8L	Report to AQMDs during construction	During construction	USACE and CVFPB	Payment and approval from the appropriate AQMD
Biological Resources: Vegetation and Wildlife Resources and Special Status Species						
Interfere with the movement of any resident or migratory wildlife species	A qualified biologist shall conduct a pre-construction breeding-season survey (approximately March through August) of the erosion sites during the same calendar year that construction is planned to begin. Appropriate “no disturbance” buffers shall be established near any identified active nest sites.	SAC 16.8L	Conduct pre-construction surveys	Before construction	CVFPB and Contractor	Completion of pre-construction surveys
Result in the substantial loss, degradation, or fragmentation of any natural plant communities and wildlife habitat	The design of the erosion repair sites would include necessary onsite mitigation. Replacement of existing ruderal habitats with reconstructed riparian plantings using native plant materials within the erosion sites is anticipated to exceed existing habitat values.	SAC 16.8L	Design and restore any altered habitat along the levee prism	Before, during and after construction	CVFPB and contractor	Completion of design and restoration of the Project Site
Substantially diminish habitat for any fish life stage or result in displacement of spawning fish such that year-class strength is substantially reduced	The retention of existing IWM (in-stream woody material) would create fisheries habitat and promote IWM recruitment and retention during winter and spring flows. In addition, the USACE would prepare a SWPPP that identifies BMPs for potential storm-water discharges.	SAC 16.8L	Placement of IWM along levee repair after construction	After construction, during restoration	CVFPB and contractor	Place IWM after completion of the levee repairs
Adversely affect	During construction operations, stockpiling	SAC 16.8L	Place	Before during,	CVFPB and	Place

Potential Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
critical habitat	of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas outside of any environmentally sensitive areas.		equipment away from sensitive habitat	and after construction	Contractor	equipment and supplies away from the construction area
Result in an unmitigated take of a special-status species	Where impacts to Valley Elderberry Long-horn Beetle (VELB) habitat occur, the USACE shall compensate for the shrubs according to the USFWS 1999 Conservation Guidelines. The USACE will transplant all impacted shrubs and/or compensate for them at a conservation mitigation bank approved by the USFWS. A qualified biologist (monitor) will be on-site for the duration of any transplanting of elderberry plants to ensure that no unauthorized take of VELB occurs. If unauthorized take occurs, the monitor shall have the authority to stop work until corrective measures have been completed. The monitor will then immediately report any unauthorized take of the beetle or its habitat to the USFWS and to the CDFW.	SAC 16.8L	Monitor before and identify impacted plants and move according to guidelines	Before and during construction	CVFPB and Contractor monitor	Survey and mitigate for any habitat loss
Adversely affect a special-status species	A qualified biologist will provide Worker Environmental Awareness Program (WEAP) training to contractors and construction crews regarding all special status species known to occur on the erosion sites, including the status of VELB, its relationship with its host plant, the need to avoid damaging elderberry shrubs, and the possible penalties for not complying with these requirements. In the event that a previously unidentified nesting or roosting Swainson's hawks and other raptors are identified within any of the	SAC 16.8L	Provide training before construction on-site	Before construction	CVFPB and contractor	Certify monitors and construction personnel or crew will not be allowed on site to complete required work

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	<p>erosion sites, the USACE will coordinate with the CDFG to identify appropriate measures to ensure that these raptors are not adversely affected. In addition to the mitigation measures included as part of the project work schedule and design, and those implemented as part of the SWPPP, off-site mitigation would be implemented to compensate for long-term losses of near shore aquatic and riparian habitat values for special status fish.</p> <p>If a northwestern pond turtle is discovered on any of the erosion sites, work shall cease until either (1) the turtle leaves the site of its own volition or (2) a qualified biologist is contacted to relocate the turtle to a suitable downstream location.</p> <p>If special-status plants are identified during floristic surveys, their locations shall be marked by GPS technology. During construction activities, efforts will be made to avoid direct impacts on any special status plant species. If impacts to those species cannot be avoided, a qualified botanist shall be present to oversee transplantation to a temporary nursery site until such time that the plant can eventually be replanted at the impacted erosion site, following construction activities.</p>					
Cultural Resources						
Disturb any human remains, including those interred outside of formal cemeteries	The County Coroner shall be immediately notified of the finding of any human remains. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage	SAC 16.8L	Report to County Coroner then NAHC as appropriate	Upon immediate discovery	CVFPB and contractor	Notification made to regulatory agency

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	Commission (NAHC), which will determine and notify the most likely descendent. The most likely descendent shall complete a site inspection within 24 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.					
Adversely affect undocumented cultural resources, including human remains	If cultural resources are encountered, work within 100 feet of the find shall be stopped until a qualified archeologist has evaluated the resources. The archeologist will make recommendations in conformance with Public Resources Code 5097.98.	SAC 16.8L	Report to County Coroner then NAHC as appropriate	Upon immediate discovery	CVFPB and contractor	Notification made to regulatory agency
Recreation						
Result in a substantial loss of recreational opportunities	Where recreational trails currently exist, alternative routes and detours shall be provided during construction.	SAC 16.8L	Monitor trails	During construction	CVFPB and contractor	Provide recreational alternative detours
Substantially increase the risk of injury to the public on, or adjacent to, the proposed repair sites	Signage and/or buoys shall be placed to warn of potential construction hazards. Design shall reduce the risk of entrapment associated with IWM placement and ensure local approach visibility for recreational boaters through the use of natural indicators.	SAC 16.8L	Monitor and place signage	Before and during construction	CVFPB and contractor	Ensure signs and monitoring are used to ensure recreation is not effected
Hazards and Hazardous Materials						
Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials	The construction contractor shall be required to prepare a Hazardous Material Control and Response Plan prior to construction. The possibility exists that fuels, lubricants and other construction materials could be released on the erosion sites during construction activities. If any undocumented hazardous waste is	SAC 16.8L	Provide HazMat Control and Response plan on Site and implement as needed	Before and during construction	CVFPB and construction contractor	Complete HazMat plan and have on-site as needed

Potential Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
into the environment	discovered during construction activities, construction shall stop and the proper local authorities shall be notified.					
Hydrology and Water Quality						
Alteration in the quantity and quality of surface runoff	The contractor shall develop and implement a hazardous materials management plan prior to initiation of construction that includes BMPs to reduce the likelihood of spills of toxic chemicals and other hazardous materials during construction. A SWPPP would be implemented during and after construction to minimize turbidity-generating activities.	SAC 16.8L	Monitor during construction	Before and during construction	CVFPB and contractor	Monitor and implement BMP's for reducing problematic runoff
Degradation of water quality	A 404(b) 1 analysis for the project under the CWA and water quality certification application shall be completed for the project.	SAC 16.8L	Monitor during construction	During construction	CVFPB through the USACE	Secure 404(b)1 and monitor during construction
Violation of any water quality standards or waste discharge requirements	Contractors shall also obtain and comply with the conditions of a state General Construction Activity Storm-water Permit adopted by the SWRCB.	SAC 16.8L	Monitor during construction	Before and during construction	CVFPB through SWRCB	Secure stormwater permit through the SWRCB