MINUTE ITEM
This Calendar Item No. C11.
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 3
to 0 at its 6-27-79
meeting.

PRC 5683

CALENDAR ITEM
C11.

6/79
W 21833
Reese

GENERAL PERMIT
PUBLIC AGENCY USE

APPLICANT: Department of Water Resources (DWR)
1416 Ninth Street
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands within Suisun Marsh generally; Roaring River, Goodyear Slough and Morrow Island areas of the marsh specifically, Solano County.

LAND USE: Restoration and protection of Suisun Marsh waterfowl habitat by excavating a new pond, dredging existing sloughs for levee borrow, construction of new channels and levees, and constructing new water control structure.

TERMS OF PROPOSED PERMIT:
Initial period: 49 years from April 1, 1979.

CONSIDERATION: The public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is permittee of upland.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

C. Water Code: Section 11900 and 11130.

D. P.R.C.: 15011.

OTHER PERTINENT INFORMATION:
1. Staff has concluded that a statewide public benefit will be derived from this project, and it is therefore recommending that the Commission waive all expense and processing fees in this case.

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2. Currently, DWR and Commission staffs are drafting a Memorandum of Understanding for implementing Water Code Sections 11130 and 11131. Those provisions deal with the use by DWR of land under the jurisdiction of the State Lands Commission. This permit will be executed prior to the date the Memorandum of Understanding will be effective. This permit will be executed without prejudicing the rights and/or jurisdiction of either agency.

3. A negative declaration was prepared by DWR, pursuant to CEQA and implementing regulations. A notice of determination has been received.

4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

   Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS OBTAINED: United States Army Corps of Engineers, Department of Fish and Game, Regional Water Quality Control Board, San Francisco Bay Conservation and Development Commission, Solano County Planning Department (cooperative effort since County permit is not mandatory for State projects).

EXHIBITS: A. Land Description. B. Location Map. C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE EXECUTION OF THIS LEASE IS NOT A DETERMINATION AS TO THE APPLICABILITY OF WATER CODE SECTIONS 11130

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AND 11131 BUT RATHER IS INTENDED TO FACILITATE THE PROPOSED PROJECT WITHOUT PREJUDICING THE RIGHTS OF EITHER DEPARTMENT OF WATER RESOURCES OR THE STATE LANDS COMMISSION.

2. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS PROJECT BUT A NEGATIVE DECLARATION HAS BEEN PREPARED BY DEPARTMENT OF WATER RESOURCES ON NOVEMBER 11, 1978.

3. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.

4. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

5. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

6. WAIVE ALL EXPENSE AND PROCESSING FEES.

7. AUTHORIZE ISSUANCE TO DEPARTMENT OF WATER RESOURCES OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM APRIL 1, 1979; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR RESTORATION AND PROTECTION OF SUISUN MARSH WATERFOWL HABITAT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT A

All right, title and interest in State land under the jurisdiction of the State Lands Commission as shown on the Department of Water Resources drawing entitled "Proposed Suisun Marsh Initial Facilities", Location Map, Sheets 1 through 14, dated November 6, 1978 and on file with the staff of the State Lands Commission.

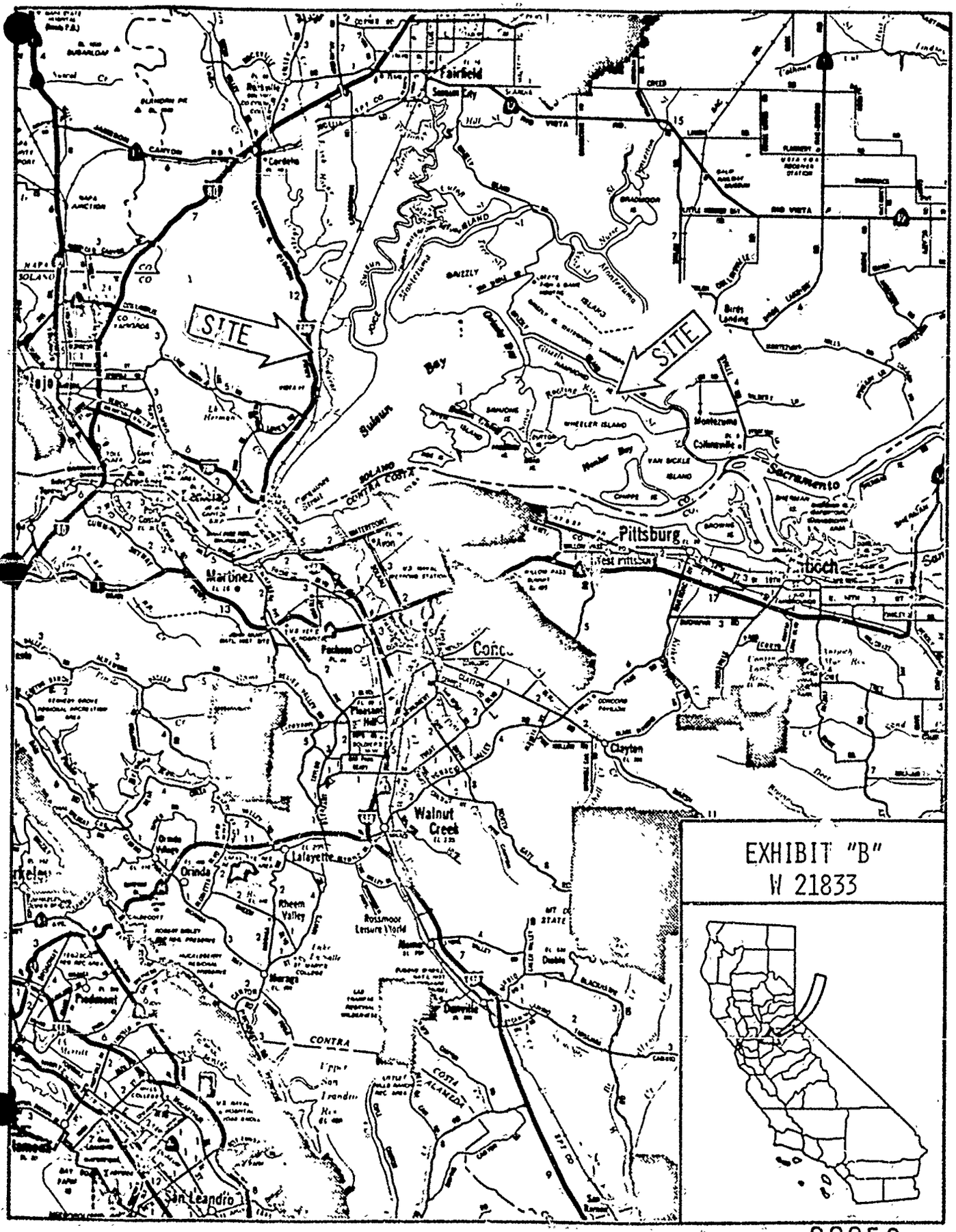

EXHIBIT "B"
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STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
CENTRAL DISTRICT

EXHIBIT "C"

NEGATIVE DECLARATION

SUISUN MARSH INITIAL FACILITIES

The Project: The project consists of excavating a new pond, dredging of existing sloughs, construction of new channels and levees, improving existing levees, and constructing new water control structures in the southern portion of the Suisun Marsh for the purpose of improving water quality and circulation to preserve the environmental conditions of the Marsh.

The Finding: The project will not have a significant adverse effect on the environment. This finding is based on an Initial Study dated October 1978.

Mitigation Measures: Following is a listing of the environmental effects that may require mitigation.

Action	Impact	Proposed Mitigation
Borrow areas on landward side of levees.	Land area adjacent to levees stripped of vegetation -- visually objectionable.	The areas will be seeded with native plants by DWR.
Increased diversions from Montezuma Slough.	Possible loss of fish through tide gates.	During the first year of operation no screens would be installed due to time shortage and screen unavailability. Experimental screens would be installed during second year. Following a period of evaluation, all culverts would be screened to DFG's satisfaction.

This Negative Declaration for the Initial Facilities is filed pursuant to Section 15083 of the Guidelines for Implementation of the California Environmental Quality Act of 1970. Additional environmental documentation will be prepared for the long-term facilities at a future date.

Wayne MacRostie, Chief
Central District
Date 11 7 78

Gerald H. Meral, Ph.D.
Deputy Director
Date 11/11/78

Approved as to legal form and sufficiency:

Porter Towner, Chief Counsel
Department of Water Resources
Date NOV 8 1978

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