MINUTE ITEM

This Calendar Item No. C18. was approved as Minute Item No. 18 by the State Lands Commission by a vote of 2 to 0 at its 9.26.79 meeting.

CALENDAR ITEM

C18.

9/79
W 20818
Atkins
PRC 5727

GENERAL PERMIT
PUBLIC AGENCY USE

APPLICANT: Kings River Conservation District
4886 East Jensen Avenue
Fresno, California 93725

Attn: Jeff L. Taylor
General Manager
Chief Engineer

AREA, TYPE LAND AND LOCATION:
5.7 acres of sovereign land in the Kings River, near Fresno, Fresno County.

LAND USE: Hydroelectric plant, Tailrace Channel, associated dredging and dredging site spoil area, and temporary construction yard.

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

Special: That portion of the permit dealing with the construction area terminates December 1, 1984.

CONSIDERATION: The public 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. Permittee will pay the State $0.15 a cubic yard for any dredged material taken from the permit area which is used or sold for private or commercial benefit.

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

Filing Fee and processing costs have been received.

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STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

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

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be $1,000.

2. A final EIR was prepared by the Kings River Conservation District, pursuant to CEQA and implementing regulations. A notice of determination has been received.

3. This project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy.

4. Portions of the Commission's standard lease covenants were modified to conform the terms of this permit with the requirements of a permit from the California Department of Water Resources. Specifically, Water Resources would like the opportunity to cure any conditions that would cause the State Lands Commission to cancel this lease.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
California Water Quality Control Board,
California Department of Water Resources,
Federal Energy Regulatory Commission.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

A. Land Description. B. Location Map.
C. EIR Summary.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY KINGS RIVER CONSERVATION DISTRICT ON FEBRUARY 14, 1979.

2. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR OF KINGS RIVER CONSERVATION DISTRICT HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.

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

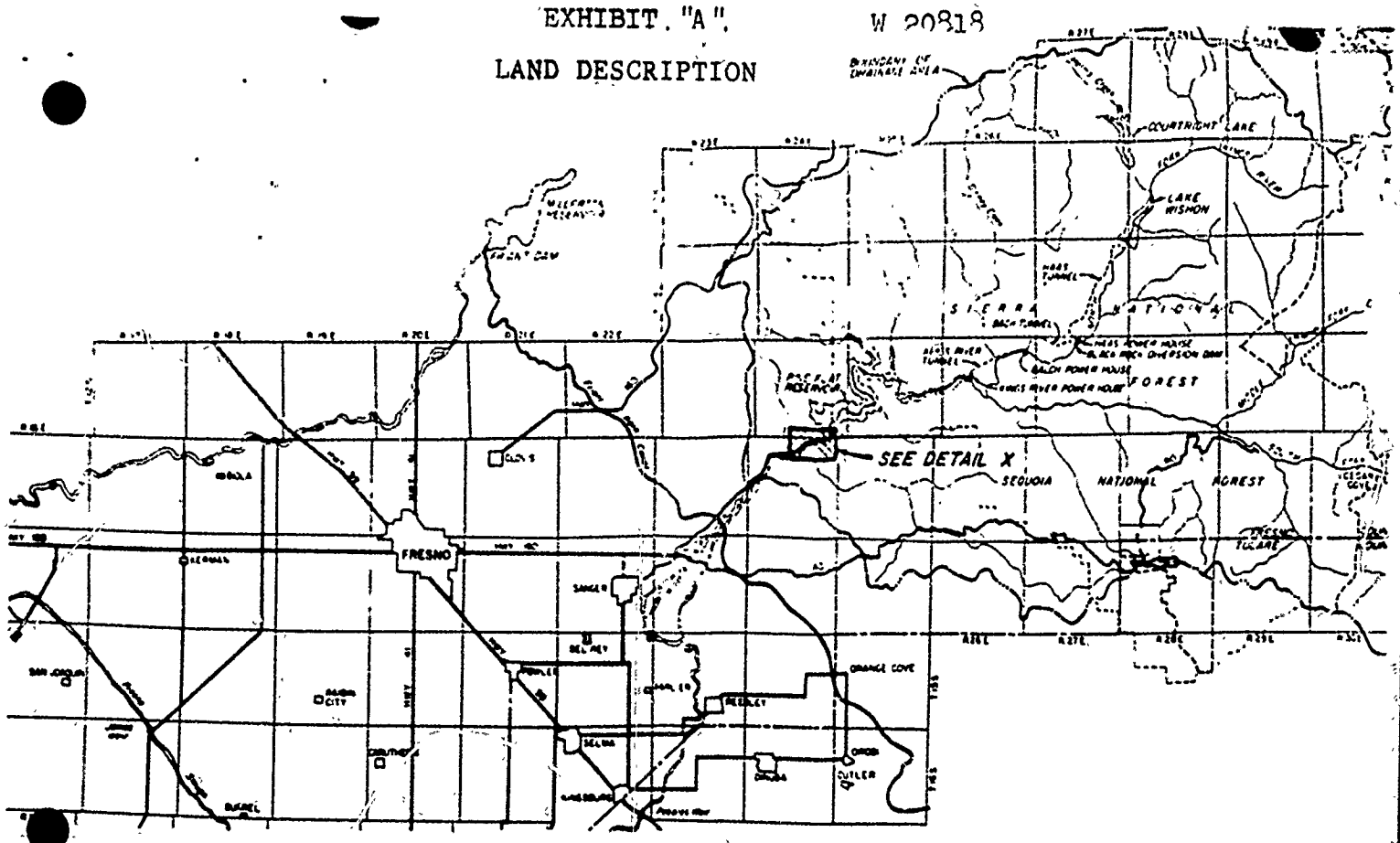
4. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

5. AUTHORIZE ISSUANCE TO KINGS RIVER CONSERVATION DISTRICT OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM SEPTEMBER 1, 1979; IN CONSIDERATION OF THE PUBLIC 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; PERMITTEE AGREES THAT ANY DREDGING WILL BE PERFORMED IN A WORKMANLIKE MANNER, AND WILL SUPPLY THE COMMISSION WITH REPORTS OF DREDGING ACTIVITIES, ALSO PERMITTEE WILL PAY A ROYALTY OF $0.15 A CUBIC YARD FOR ANY DREDGED MATERIAL TAKEN FROM PERMIT AREA WHICH IS USED FOR PRIVATE OR COMMERCIAL BENEFIT; THE PORTION OF THE PERMIT DEALING WITH THE CONSTRUCTION YARD TERMINATES DECEMBER 1, 1984; FOR A HYDROELECTRIC POWER PLANT, TAILRACE CHANNEL, ASSOCIATED DREDGING AND DREDGING SITE SPOIL AREA, AND TEMPORARY CONSTRUCTION YARD ON THE LAND SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

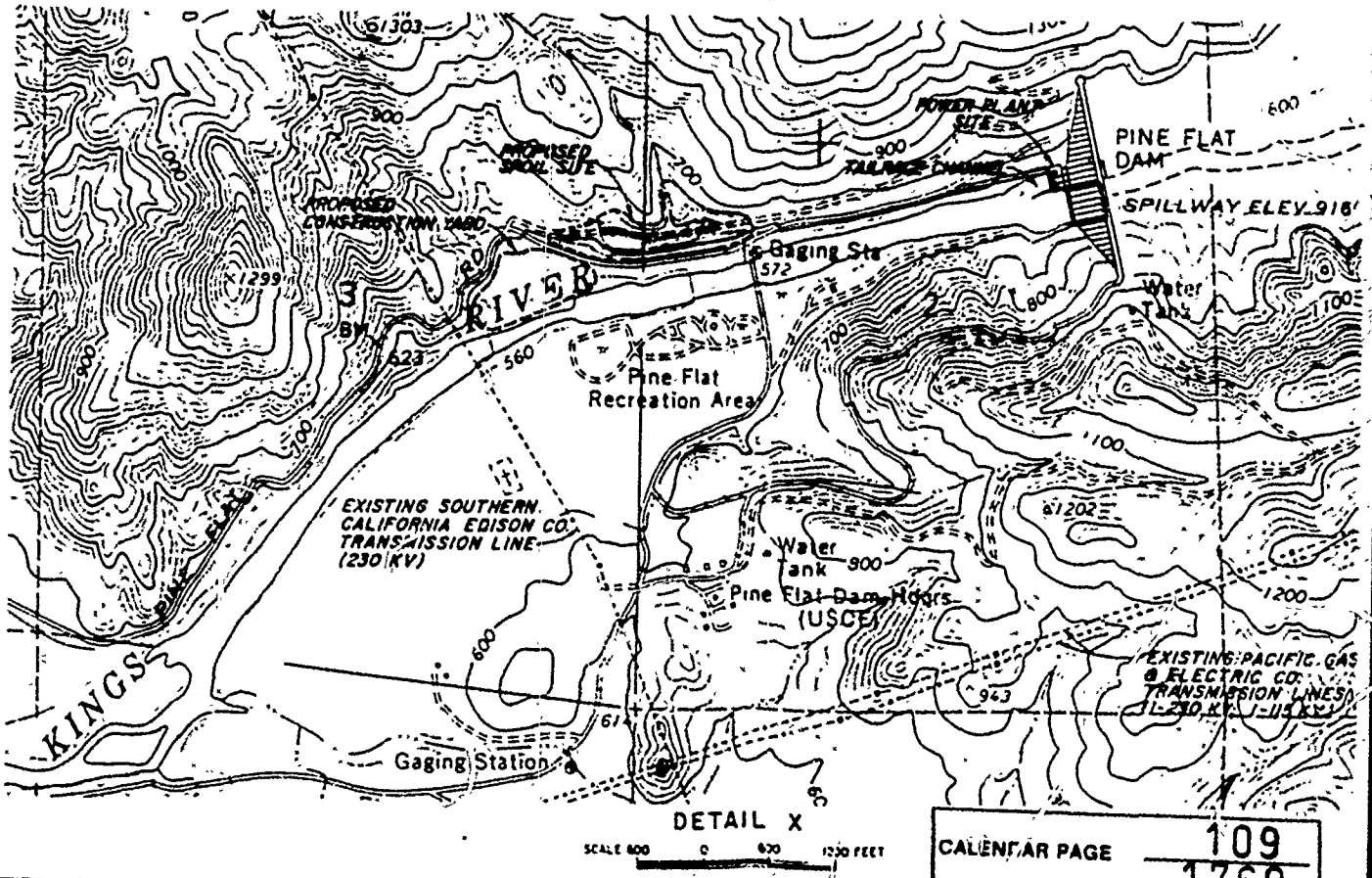
W 20818

LAND DESCRIPTION



LOCATION MAP

SCALE 2 0 2 4 6 8 MILES



DETAIL X

SCALE 600 0 600 1200 FEET

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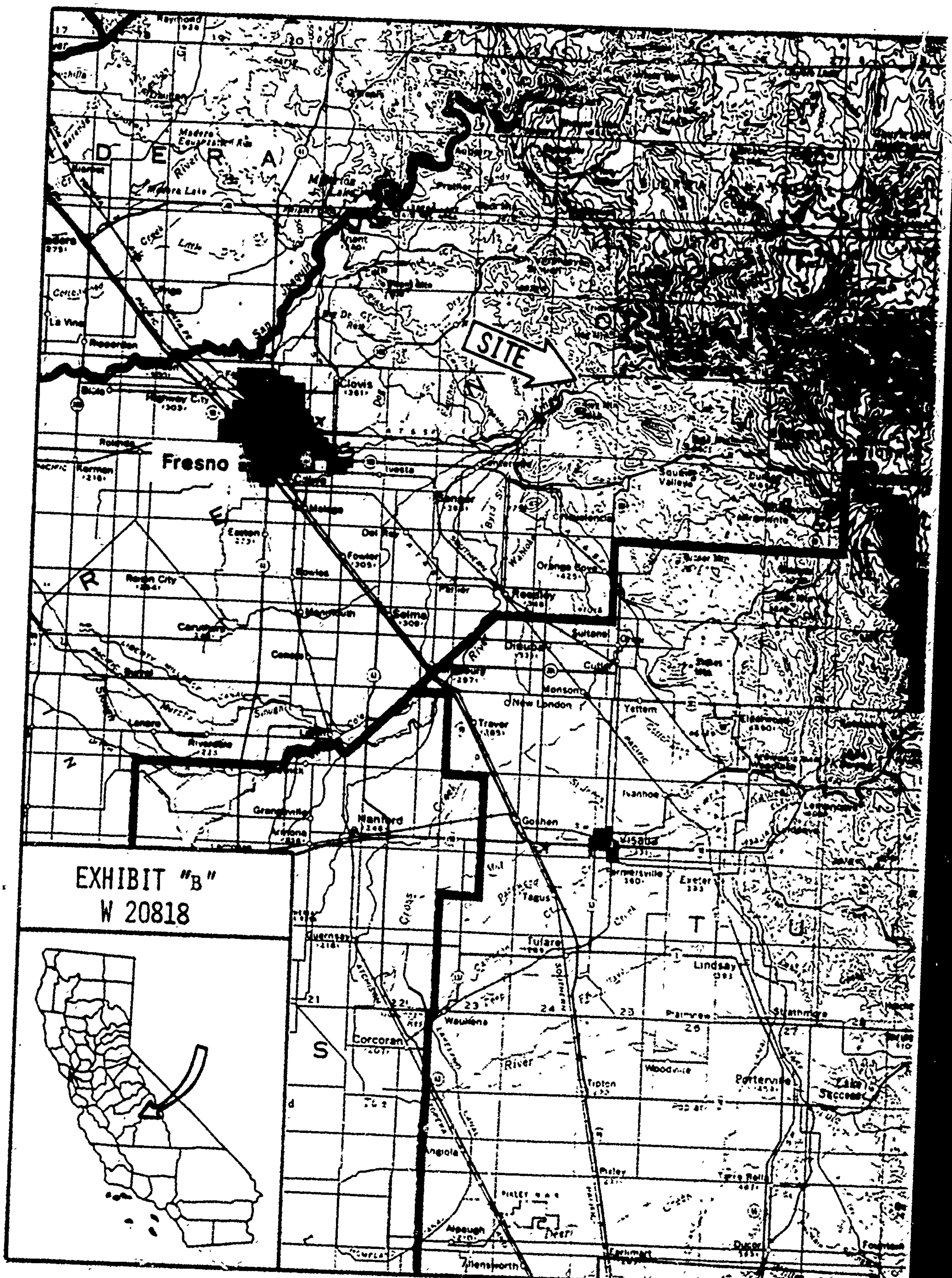

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EXHIBIT "C"

ENVIRONMENTAL IMPACT REPORT SUMMARY

I. Introduction

The following is a summary of an EIR submitted by the King River Conservation District for the King River Hydroelectric Project -- Unit 1 -- Pine Flat Power Plant proposed to be located at Pine Flat Reservoir, Fresno County.

II. Project Description

The applicant is proposing to construct a hydroelectric power plant at the existing Pine Flat Dam located on the King The Power Plant is to be located on the downstream face of Pine Flat Dam adjacent to the right abutment. Hydroelectric generating facilities will consist of three generation units. Three existing steel-lined penstocks will be used as power conduits. The outdoor type power plant will be complete with station service transformers, associated switchgear and other auxilliary equipment. In conjunction with the construction of the Pine Flat Power Plant, a new transmission line will be constructed and operated by the Department of Water Resources. This line will extend from the power plant to an existing PG&E Company transmission tower and power system grid.

III. Environmental Setting

The proposed Pine Flat power plant site is situated in a hydrologic environment typical of the western slopes of the Sierra Nevada. The streams in the vicinity of the proposed project are part of the Kings River drainage system. The drainage area above the proposed plant site is about 1545 square miles; the runoff from this area is impounded in Pine Flat Reservoir and released in response to flood control, irrigation, fishery maintenance, and recreational requirements. Kings River below Pine Flat Dam contains excellent quality water, suitable for present uses of the river. Water temperatures in the river are generally adequate for the existing trout fishery, but extremely low water conditions in the reservoir can raise river temperatures to levels that threaten salmonid survival.

The primary game fish species in Kings River is the Rainbow Trout. Although Brown Trout also inhabit the river, they are not nearly as abundant as the Rainbow. Mill Creek, a tributary of Kings River, provides an important Rainbow Trout spawning and rearing habitat. The most important warm water game fish inhabiting Kings River is the White Catfish. The nongame fishes most common in Kings River are the Sacramento Sucker and the Sacramento Squawfish. No fish species designated as rare or endangered are known to inhabit Kings River at the present time. Invertebrate species occurring in the greatest biomass in Kings River below the dam are caddis flies. Other predominant insect groups are mayflies, black flies, and midge flies. The vegetation of the project area is predominantly oak woodland and grass. Smaller areas of riparian, barren, agricultural, and riverwash are also present. The American peregrine falcon, southern bald eagle, California condor, and Prairie Falcon which are categorized as rare, endangered, or threatened species are known or expected to inhabit or visit the project area. Raptors include hawks, eagles, owls, falcons, and vultures. The proposed project site is located approximately 5 miles southwest of the lower boundary of the primary wintering area for migratory deer belonging to the North Kings deer herd. Some deer from this migratory herd frequent the study area during the winter.

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While the area near the proposed power plant has had both historic and prehistoric activities and human occupations, none of the known historic or archaeologic resources are considered to be of great value. No sites in the area are presently on the National Register of Historic Places or listed in the California Inventory of Historic Resources.

IV. Significant Environmental Impacts

1. Short-term construction related disturbances.
2. The change to lower water temperatures will eliminate some species from the benthic community and allow species capable of adapting to the new temperature to increase in numbers.
3. A reduction in upstream recruitment due to turbine inflicted injury and death, or merely less fish being drawn through the dam, is likely to cause a decline in the catfish population.
4. Potential soil erosion and sedimentation problems are not considered significant at the construction site, provided grading is completed before the advent of the winter rainy season, and construction and post construction erosion control and rehabilitation practices are established and followed.
5. Construction of the proposed facilities will require clearing approximately 7 acres of annual grasses and forbs.
6. Moisture dependent plants nurtured by the spray mist at the south base of the dam will be eliminated by the change in microclimate.
7. Construction related noise activity has the greatest potential for adverse impacts to wildlife.

V. Unavoidable Adverse Environmental Effects

1. Transitory loss of environmental quality during construction.
2. Elimination of fishing access to some stretches of the Kings River.
3. Removal of over 100,000 cubic yards of rock and soil from the power plant and tailrace excavations, and placement of spoils that will be visible from Pine Flat Road and the recreation area.
4. Operation of the turbines may result in a level of mortality that would reduce the natural restocking of catfish from Pine Flat Reservoir to Kings River following the periodic chemical treatment of the river below the dam.

VI. Mitigation Measures

1. Air Quality: minimize fugitive dust by watering haul roads and work areas; use chemical binding agents on haul roads; and use construction equipment with dust collection devices.
2. Noise: monitor construction noise levels; use construction equipment with adequate mufflers; and restrict high noise level construction to daytime hours.
3. Water Quality: minimize sedimentation in placement and removal of coffer dam; and install water temperature monitoring equipment downstream; monitor temperature and dissolved oxygen downstream.
4. Aquatic Biology: conduct fish turbine mortality study; and conduct catfish and trout population studies.

5. Geology: cut slopes to no greater than 2:1; and remove loose overburden to bedrock above plant.
6. Soils: establish erosion control measures in spoils area; install drainage structures in spoils area; and rip-rap where necessary.
7. Vegetation: prepare, fertilize and seed exposed areas after construction; and cut right-of-way selectively.
8. Wildlife: conduct field survey to determine presence of nesting raptors; postpone blasting until after nesting season if necessary; and feather edges of right-of-way.
9. Land Use: monitor construction noise; and limit construction noise to daytime hours.
10. Traffic Circulation: locate spoils site to minimize construction traffic on public highways; and open bridge across Mill Creek to allow alternate access to recreation area.
11. Archaeological Resources: avoid known archaeological sites; and fence in site if necessary.
12. Scenic values: place spoils on existing spoils area, grade and landscape; and selectively cut and feather edges of right-of-way.

VII. Alteratives

1. No action
2. Alternative design selection

VIII. Short-term v. Long-term

Pine Flat Power Plant construction and operation represents direct economic benefit to Kings River Conservation District from the local short-term use of the available hydro resources with rather negligible impacts and no long-term alteration of the environment. The hydroelectricity will be used to meet the increasing demand for electricity in California, and will reduce slightly the demand for other sources of electricity.