

MINUTE ITEM

This Calendar Item No. C5
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 11-20-79
meeting.

CALENDAR ITEM
C5.

11/79
W 20818
PRC 5727
Atkins

AMENDMENT OF PUBLIC AGENCY PERMIT

LESSEE:

Kings River Conservation District
4886 East Jensen Avenue
Fresno, California 93725
Attention: Jeff L. Taylor
General Manager
Chief Engineer

BACKGROUND:

On September 26, 1979 the Commission approved a 49-year Public Agency Permit to the Kings River Conservation District for a hydroelectric plant, tailrace channel, associated dredging and temporary construction yard on 5.7 acres of sovereign land in the Kings River, near Fresno; Fresno County. The portion of the permit dealing with the construction area will terminate on December 1, 1984. Additionally, the consideration for the permit is the public benefit with the State reserving the right to set a monetary rental if the Commission finds such action to be in the State's best interest. The Permittee will pay \$0.15 a cubic yard for any dredged material taken from the permit area which is used or sold for private or commercial benefit. Portions of the Commission's standard lease covenants were modified to conform the terms of this permit with the requirements of an agreement with the California Department of Water Resources. Among other things these modifications include the ability that would cause the State Lands Commission to cancel the lease. This provision was necessary because Water Resources will be purchasing all of the electricity produced by this hydroelectric plant for use in running the California Water Project.

CURRENT SITUATION:

The Commission's staff has been contacted by counsel, for the California Department of Water Resources, requesting that the Commission's earlier authorization be amended

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to provide for a 66-year term beginning September 1, 1979. This action is requested as the permitted improvements will be in place for at least this period of time, and to allow a term which is compatible with the Department of Water Resources contract to obtain electrical power from the facility. Their contract runs for 50 years from the time the project produces power. Also this contract automatically extends for the period of time the generation of power is interrupted by a breakdown in the plants ability to produce power.

Pursuant to Cal. Adm. Code, Title 2, Div. 3, Section 2004 a 66 year permit requires a special finding by the Commission that it is in the best interests of the State. As the electrical power from this project is used as power for the State water project it would appear to be in the State's best interest.

All of the necessary environmental and significant land findings were made during the Commission's action on this project in Calendar Item C18, on September 26, 1979 and attached as Exhibit "B".

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 & 2.
- B. Cal. Adm. Code: Title 2, Div. 3.

EXHIBITS:

- A. Location Map.
- B. Calendar Item C18.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT ISSUANCE OF A 66-YEAR PERMIT FOR THIS PROJECT IS IN THE BEST INTEREST OF THE STATE PURSUANT TO 2 CAL. ADM. CODE, SECTION 2003.

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2. DETERMINE THAT ALL NECESSARY ENVIRONMENTAL AND SIGNIFICANT LAND FINDINGS RELATIVE TO THIS PROJECT MADE AS PART OF CALENDAR ITEM C18 ON SEPTEMBER 26, 1979, AND THAT ADDITIONAL ENVIRONMENTAL DOCUMENTATION IS NOT REQUIRED.
3. AMEND THE TERM OF THE PUBLIC AGENCY PERMIT PRC 5727, TO THE KINGS RIVER CONSERVATION DISTRICT, APPROVED AS CALENDAR ITEM C18 ON SEPTEMBER 26, 1979, TO 66-YEARS, COMMENCING SEPTEMBER 1, 1979, WITH ALL OTHER ASPECTS OF THE COMMISSION'S ACTION ON THIS PERMIT TO REMAIN UNCHANGED.

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EXHIBIT "A"

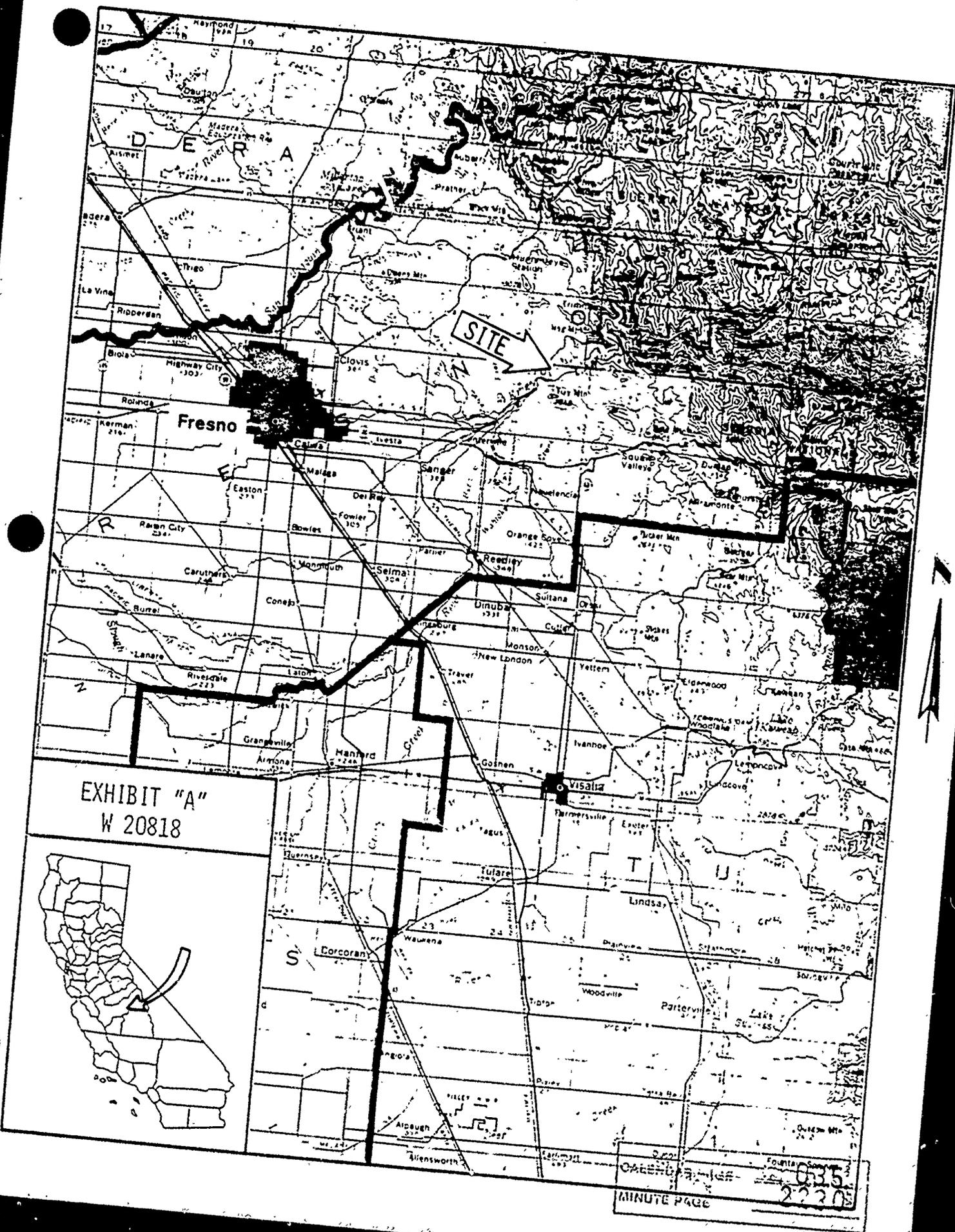


EXHIBIT "A"
W 20818



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EXHIBIT "B"

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.

GENERAL PERMIT
PUBLIC AGENCY USE

9/79
W 20818
Atkins
PRC 5727

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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CALENDAR ITEM NO. C18. (CONTD)

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.