MINUTE ITEM

This Calendar Item No. C11 was approved as Minute Item No. 11 by the State Lands Commission by a vote of 2 to 0 at its 5/22/86 meeting.

CALENDAR ITEM

C11

A 10, 26

S 5, 7

05/22/86
W 23785 PRC 6980
Gordon

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: United States Geological Survey
2800 Cottage Way, Room W-2234
Sacramento, California 95825

AREA, TYPE LAND AND LOCATION:
A 0.086-acre parcel and a 0.070-acre parcel of tide and submerged land, composing an aggregate of 0.156-acre, located in Middle and Old Rivers, respectively, San Joaquin and Contra Costa counties.

LAND USE: Installation and maintenance of acoustic velocity meter facilities utilized for hydraulic data collection purposes.

TERMS OF PROPOSED PERMIT:
Initial period: 15 years beginning June 1, 1986.

Special: 1. The permit conditions the utilization of the project sites on the consents of the littoral owners.

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.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is permittee of upland.

(PAGES 47-47.6 ADDED 05/13/86)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Applicant has been billed for the filing fee and processing costs.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 5.

AB 884: N/A.

OTHER PERTINENT INFORMATION:
1. The annual rental values of the two sites are $146, as to Parcel 1, and $119, as to Parcel 2.

2. This is a project which will provide continuous measurement of river flow direction and magnitude for use by numerous federal, state and local agencies participating in the water management programs of the central delta, San Francisco Bay system and the State and Central Valley Water Projects.

3. Applicant has advised staff that parties holding interests in the adjacent upland have refused to execute the standard consent form required by applicant and staff because said parties are unwilling to accept the limited indemnification provided by the Federal Tort Claims Act as it relates to federal projects. As no activity will be carried out or no structure will be placed on said upland and the two single piles on sovereign land are not, in fact, substantial structures, staff feels the potential risks fail to override the public benefits of the project. Staff recommends the Commission waive its consent requirement as to the littoral upland located adjacent to the single pile at the two project sites. However, applicant has provided the standard consent of the littoral owner located across each river from the single pile at the two project sites, where facilities will, in fact, be placed on the littoral upland.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 3, New Construction of Small Structures, 14 Cal. Adm. Code 15303.

   Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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:
None.

FURTHER APPROVALS REQUIRED:
United States Army Corps of Engineers, California Department of Fish and Game, California San Francisco Bay Regional Water Quality Control Board, California Central Valley Regional Water Quality Control Board, Bacon Island Reclamation District, Lower Jones Tract Reclamation District, Palm Tract Reclamation District, California Reclamation Board and the Counties of Contra Costa and San Joaquin.

EXHIBITS:
A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

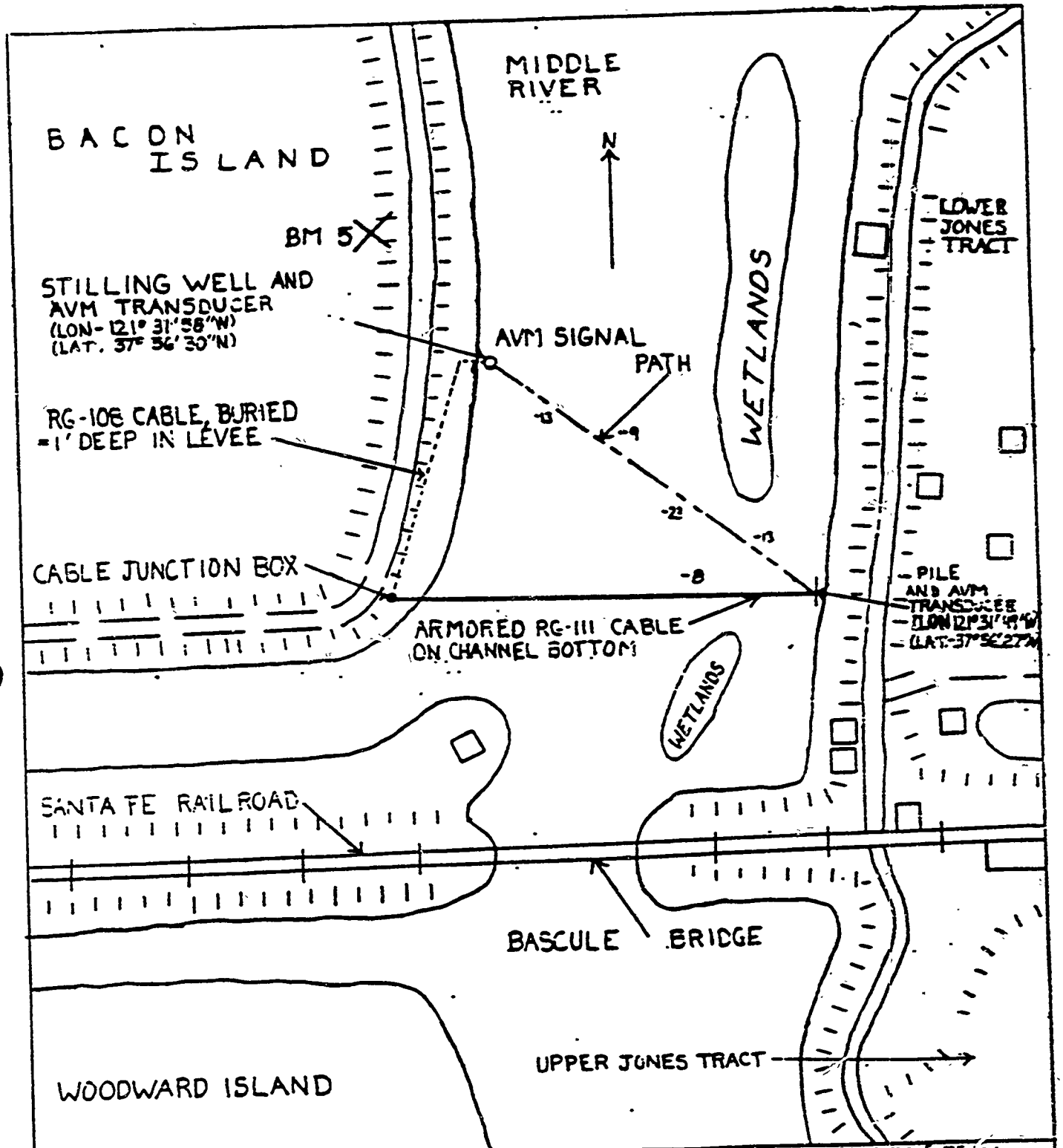
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES, 14 CAL. ADM. CODE 15303.

CALENDAR ITEM NO. C11 (CONT'D)

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

3. WAIVE THE STANDARD CONSENT REQUIREMENTS AS TO THE LITTORAL UPLAND LOCATED ADJACENT TO A SINGLE PILE SUPPORTING AN ACOUSTIC VELOCITY METER AT EACH PROJECT SITE IN PARCELS 1 AND 2 OF EXHIBIT "A" ATTACHED.

4. AUTHORIZE ISSUANCE TO UNITED STATES GEOLOGICAL SURVEY OF A 15-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING JUNE 1, 1986; 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; FOR INSTALLATION AND MAINTENANCE OF ACOUSTIC VELOCITY METER FACILITIES UTILIZED FOR HYDRAULIC DATA COLLECTION PURPOSES ON THE LAND DELINEATED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.



PURPOSE: TO PROVIDE STREAMFLOW DATA DATUM: MLW ADJACENT PROPERTY OWNERS: BACON ISLAND RD. LOWER JONES TRACT RD.	PLAN VIEW OF SITE # 1 0 225 450 U.S GEOLOGICAL SURVEY SACRAMENTO, CA	PROPOSED AVM SITE #1 IN: MIDDLE RIVER AT: BACON ISLAND AND LOWER JONES TRACT; COUNTY SAN JOAQUIN; STATE CA APPLICATION BY: U.S.G.S.

EXHIBIT "A"

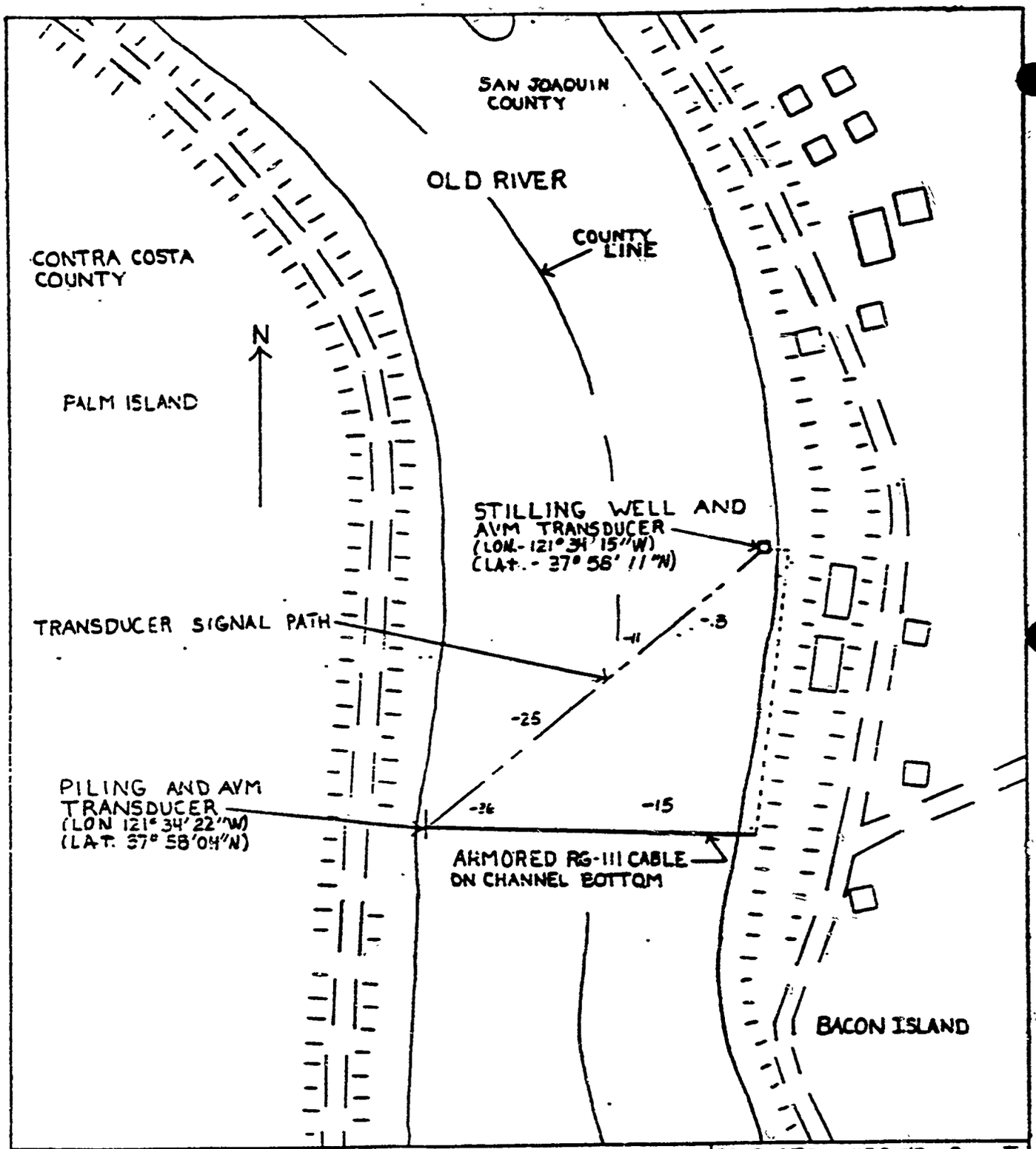
PARCEL 1 of 2

LAND DESCRIPTION

W 23785

CALENDAR PAGE 47.4

MINUTE PAGE 1242



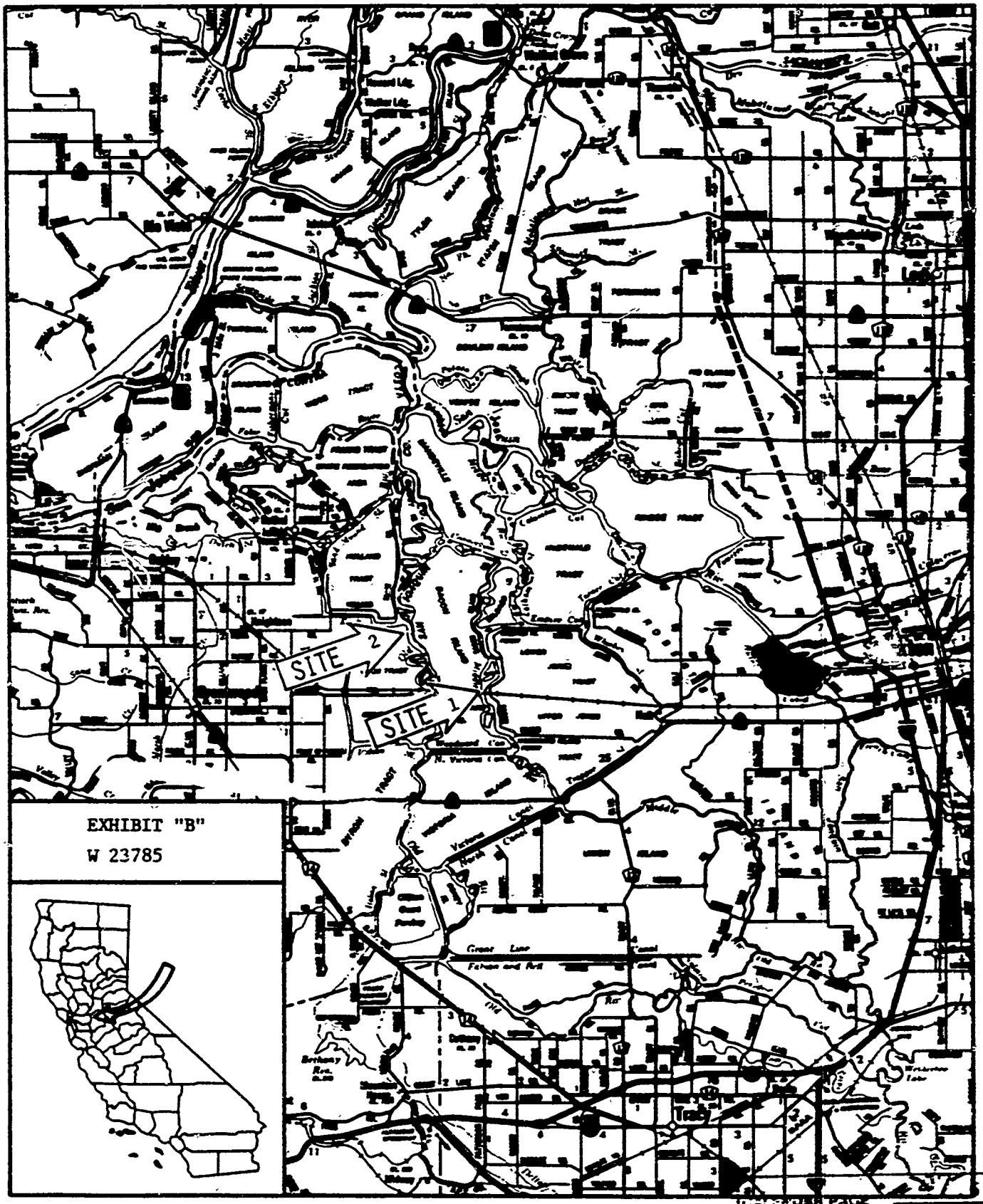
PURPOSE: TO PROVIDE STREAMFLOW DATA DATUM: MLW ADJACENT PROPERTY OWNERS: BACON ISLAND R.D. PALM ISLAND R.D.	PLAN VIEW OF SITE # 2 0 235 470 U.S. GEOLOGICAL SURVEY SACRAMENTO CA	PROPOSED AVM SITE #2 IN OLD RIVER; AT: BACON ISLAND AND PALM ISLAND COUNTIES. CONTRA COSTA AND SAN JOAQUIN; STATE: CA APPLICATION BY: U.S.G.S.

EXHIBIT "A"

LAND DESCRIPTION

PARCEL 2 of 2

CALENDAR PAGE 47 5
243



CALENDAR PAGE 1244
MINUTE PAGE