

MINUTE ITEM

This Calendar Item No. C17  
was approved as Minute Item  
No. 17 by the State Lands  
Commission by a vote of 3  
to 0 at its 6-30-92  
meeting.

CALENDAR ITEM

**C 17**

A 27

S 12

06/30/92

W 24543

PRC 7637

Grimmett

GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT:

George Reed, Inc.  
P.O. Box 3191  
Modesto, California 95353

AREA, TYPE LAND AND LOCATION:

Three parcels of sovereign land and one parcel in the  
present bed of the Tuolumne River, totaling 1.7 acre, near  
Waterford, Stanislaus County.

LAND USE:

A paved quarry haul-road and bridge.

TERMS OF PROPOSED LEASE:

Lease period:

Twenty-five (25) years beginning July 15, 1992.

Surety bond:

\$10,000

Public liability insurance:

Combined single limit coverage of \$2,000,000.

CONSIDERATION:

\$450 per annum for lease years one and two and \$900 per  
annum, commencing with lease year three, with the State  
reserving the right to fix a different method and rental on  
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

(ADDED 06/29/92)

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**APPLICANT STATUS:**

Applicant is permittee of adjoining upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee has been received.

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 864:

10/02/92

**OTHER PERTINENT INFORMATION:**

1. George Reed, Inc. has applied for a lease to locate a paved quarry haul-road, a bridge, other temporary mining access roads, and to do prescribed revegetation pursuant to a Department of Fish and Game Agreement and SMARA in the bed of the Tuolumne River, approximately three miles east of Waterford, to serve a sand and gravel quarry site owned by Aggregates, Inc. Both Aggregates, Inc. and George Reed, Inc. are wholly owned subsidiaries of Basic Resources, Inc. The haul-road will be constructed in two phases with initial construction being the "Casey Slough" portion shown on Exhibit 2.

Staff investigated the historic conditions of the Tuolumne River at this location and determined the State's probable sovereign land claims. Data used to support the State's claims was developed by staff and the Applicant's consultants.

The total area of State lands involved in this proposal is 9.8 acres. An area of 3.7 acres of State lands was previously mined without Commission approval by an unknown party and is now a groundwater pond. The remaining State lands (approximately 6.1 acres) lie between the northwest wetland area and the northeast wetland area. These areas are illustrated on the attached Exhibit 2. The paved haul-road will be constructed between these two proposed mining sites and will involve State-owned lands within two channels of the Tuolumne River. No new mining activity is proposed to occur on State-owned land as part of this proposed authorization.

A reclamation plan dated November 1990 was prepared and adopted by Stanislaus County pursuant to Section 2.4 of the Department of Fish and Game Section 1603 Agreement of August 13, 1990, and Article 5, Section 2770 of the SMARA. The reclamation plan requires enhancement of the aquatic and riparian vegetation and wildlife values of the wetland ponds that would be created as a result of mining activities.

A riparian management plan has also been developed and will be implemented in concert with the reclamation plan. At the request of the Department of Fish and Game, areas that will not be mined are to be enhanced.

The implementation of the reclamation and riparian management plans are to be phased in as specified areas are mined. Monitoring, conducted by Stanislaus County, would consist of an initial survey of habitat features immediately after construction and annual vegetation surveys of planted areas for three consecutive years. After reclamation of the area has been completed, three cross sections would be surveyed. Survey of the cross sections would verify the final reclaimed elevation, the setbacks, and all trees greater than six inches in diameter at breast height (dbh). After the area has been planted, it would be surveyed to determine if reclamation requirements had been met. Four surveys would be conducted to record number of plants, plant vigor, height, new growth, stem dbh, canopy diameter, and plant mortality. Commission staff has requested that Stanislaus County submit copies of the vegetation monitoring reports to the Commission as they are prepared.

A report prepared by Trinity Restoration Associates, Inc. entitled "Vegetative Habitat Description and Biological Inventory of California State Lands within the George Reed, Inc. Surface Mining Site" (Section E3 in Reclamation Plan) indicates that the project site has undergone considerable landform and vegetative change due to manmade river flow modifications, agricultural encroachments, grazing, and sand and gravel excavation. Historic air photos (1961 to 1975)

indicate that this section of the Tuolumne River corridor once had extensive distinct riparian communities, but that now only remnants remain. The report indicates that the normal native plant species are poorly represented or missing and are mixed with non-native species.

The enhancement activities proposed for State-owned lands within the reclamation designs of the proposed adjacent mining project will retain, protect, and enhance all significant populations of remnant native vegetation, including valley oak trees greater than six inches dbh, Mexican elderberry, cottonwood groves, and all riparian vegetation along the river corridor. The goal of the revegetation is to establish healthy plantings to provide wildlife habitat and be self-sustaining.

The construction and use of the proposed haul-road, which will traverse a portion of the State land, and access roads may contribute to significant traffic and noise that could negatively impact wildlife use of the adjacent wetlands. In addition, the haul-road could create a travel barrier to wildlife between Casey Slough and the present location of the river. Planting of Quail Bush hedgerows, placement of quail food and planting of blackberry or Himalaya berry to provide a wildlife access corridor to the water will help reduce the impact of these disturbances.

The area within the previously mined area (Exhibit 20) will have low-slope shoreline benches created around the pond, while the nature of the pond itself will not be changed. The unmined upland State land area will be enhanced by the expansion of valley oak woodland community species.

Construction of the haul-road includes the construction and placement of a bridge over the present wet riverbed, for which the State Lands Commission maintains a public trust easement. During construction of the bridge, signs shall be constructed upstream from the bridge not less than 500 feet warning boaters of

possible hazards associated with the bridge construction, in accordance with the requirements of Title 14, Article 6 of the California Code of Regulations. The approximate clearance from the surface of the waterway to the bridge structure at 4,500 cfs is five and one-half feet. Normal summer flows are 250 cfs at this location. The Department of Fish and Game staff have indicated that the waterway at this location is not normally used for recreational boating. Staff believes that this clearance is adequate for the known conditions and uses of the area. After reclamation has been completed, the disposition of the bridge is addressed by the following clause being included in the lease terms:

Notwithstanding Paragraph 12(a) of Section 4 of this Lease, and upon expiration or sooner termination of this Lease, Lessee shall not be compelled to remove the bridge crossing over the present channel of the Tuolumne River unless one of the following occurs: (1) Lessor makes a finding, based on experience and new information, that the bridge is an obstruction to navigation and is inconsistent with the State's navigation easement; (2) any permitting agency, including, but not limited to, the Reclamation Board and the Department of Fish and Game requires the removal of the bridge; or (3) the bridge is not maintained and is subsequently determined to adversely affect public health and safety..

2. 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.
3. A Negative Declaration, JCH 91092057, was prepared and adopted for this project by Stanislaus County. The State Lands Commission's staff has reviewed and considered the information therein. The County will be responsible for monitoring the impacts of the proposed project. Commission staff have requested copies of the monitoring reports as they are prepared.

**APPROVALS OBTAINED:**

Stanislaus County Use Permit No. 88-12 and Department of Fish and Game.

**EXHIBITS:**

- A. Land Description
- B. Negative Declaration.
- C. Notice of Determination
  - 1. Site Map
  - 2. George Reed, Inc. Site
  - 20. California State Lands (Ptn.)

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. §370, ET SEQ.
2. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY STANISLAUS COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. AUTHORIZE ISSUANCE TO GEORGE REED, INC. OF A 25-YEAR GENERAL LEASE - RIGHT-OF-WAY USE, BEGINNING JULY 15, 1992, IN CONSIDERATION OF ANNUAL RENT FOR THE FIRST TWO YEARS, IN THE AMOUNT OF \$450, AND THEREAFTER, IN THE AMOUNT OF \$900, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT METHOD OR RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$2,000,000; FOR A PAVED QUARRY HAUL-ROAD AND BRIDGE ON THE LAND DESCRIBED ON EXHIBIT "A" AND TEMPORARY MINING ACCESS ROADS, AND PRESCRIBED REVEGETATION ON THE STATE LAND SHOWN ON EXHIBIT "20", THE EXHIBITS BEING ATTACHED AND BY REFERENCE MADE A PART HEREOF.

# EXHIBIT A

## SECTION 3

### LAND DESCRIPTION

Four parcels of land fifty (50) feet wide in the bed of the Tuolumne River, situate in the southeast quarter of Section 25, Township 3 South, Range 11 East, and the southwest quarter of Section 30, Township 3 South, Range 12 East, Mount Diablo Meridian, in the County of Stanislaus, State of California, described as being:

Those portions of what is shown and designated as "Haul Road" on the attached Exhibit 2 and Exhibit 20, as said haul-road traverses the areas shown as "Dan Casey Slough" and "Tuolumne River" on said Exhibit 2 and the areas shown as "Tuolumne River" and "State Lands-Upland Habitat" on said Exhibit 20.

Subject to the revision as provided in Section 2, Special Provisions, paragraph 1 of this lease.

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NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. 88-12; George Reed

LOCATION OF PROJECT: Approximately three (3) miles east of Waterford, south of Yosemite Boulevard (State Highway 132), north of Leedom Road.

PROJECT DEVELOPER: George Reed, Incorporated

DESCRIPTION OF PROJECT: This application proposes to excavate sand and gravel from the flood plains of the Tuolumne River and to reclaim the site for agricultural and wetlands purposes. Included in this project will be the construction of a haul road leading to Yosemite Boulevard and a bridge across the Tuolumne River.

DECLARATION

Based upon the Initial Study, dated , the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. The applicant shall obtain a grading permit for approval of the haul road grading through the Terrace Escarpment.
2. Prior to construction of the bridge, the applicant shall obtain a permit from the Reclamation Board and the construction shall meet the standards of that board for flood protection purposes.
3. The applicant shall adhere to the attached Riparian Corridor Management Plan and Salmon Spawning Rearing and Restoration Design, which are addend to the attached 1603 Stream Bed Alteration Agreement, which includes a large number of mitigation measures associated with plant and animal life impacts.
4. The applicant shall relocate the irrigation line to Turlock Irrigation District standards.

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UP 88-12  
Negative Declaration  
December 19, 1991  
Page 2

5. If the powerlines are impacted, all work shall be done by the applicant to Modesto Irrigation District standards.
6. The applicant shall construct a driveway including turnout lanes to Caltrans specifications.
7. The applicant shall provide screen planting if additional plantings is possible or appropriate, a decision for the Commission to consider prior to certifying compliance with CEQA.
8. The applicant shall keep fences in good repair to keep cattle out of the site.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1100 H Street, Modesto, California.

Initial Study prepared by: Chip Sellers

Submit comments to: Environmental Coordinator  
Department of Planning and Community Development  
1100 H Street  
Modesto, CA 95354

kh/SR3

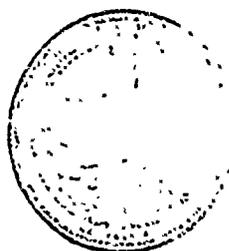
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The foregoing instrument is a  
correct copy of the original  
on file in this office

APR 28 1992

ATTEST:

KAREN L. MATHEWS



County Clerk-Recorder in and for  
the County of Stanislaus

*[Handwritten Signature]*

FILED

NOTICE OF DETERMINATION

92 APR 02 AM 9:06

MEMO TO: SENATOR J. G. CLAY, Clerk

FROM: BY Stanislaus County Planning Department  
DEPUTY

SUBJECT: Filing of Notice of Determination in compliance with Section 1108 or 21152 of the Public Resources Code.

PROJECT TITLE: Use Permit No. 88-12 - George Reed  
928 12th Street  
Post Office Box 3191  
Modesto, California 95353  
(209) 523-0734

PROJECT LOCATION: Approximately three miles east of Waterford, south of Yosemite Boulevard (State Highway 132), north of Leedom Road, Waterford area.

PROJECT DESCRIPTION: To excavate sand and gravel from the flood plains of the Tuolumne River and to reclaim the site for agricultural and wetlands purposes. Included in this project will be the construction of a haul road leading to Yosemite Boulevard and a bridge across the Tuolumne River.

This is to advise that the Stanislaus County Board of Supervisors on March 10, 1992 has approved the above described project and has made the following determinations regarding the above described project:

- 1. The project will not have a significant effect on the environment.
- 2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The Negative Declaration and record of project approval may be examined at:

Stanislaus County Planning Department  
1100 "H" Street  
Modesto, California 95354

- 3. Mitigation measures were made a condition of the approval of the project.
- 4. A statement of Overriding Considerations was not adopted for this project.

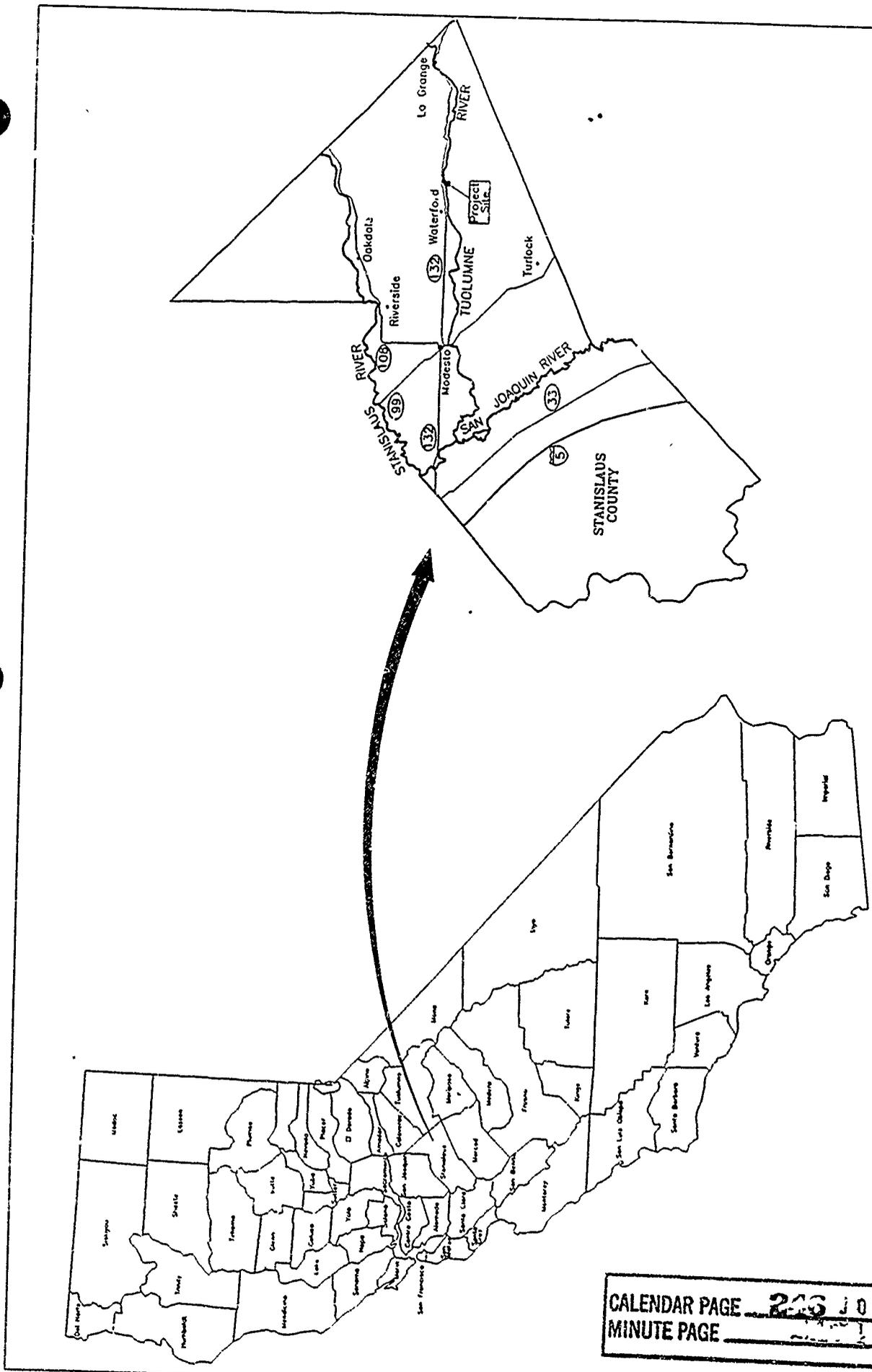
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Title

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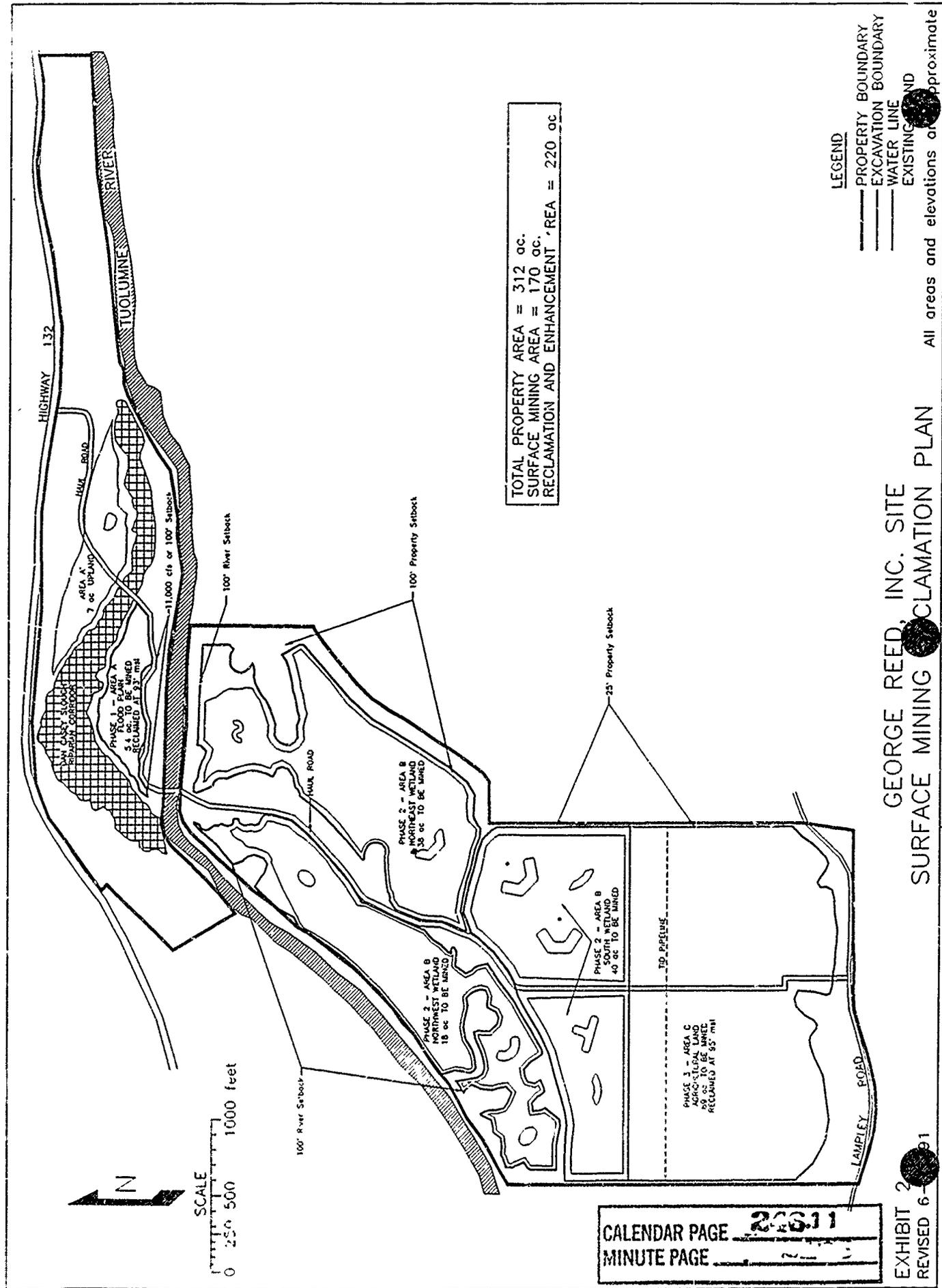
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GEORGE REED, INC.  
 SURFACE MINING RECLAMATION  
 PROJECT SITE LOCATION

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TOTAL PROPERTY AREA = 312 ac.  
 SURFACE MINING AREA = 170 ac.  
 RECLAMATION AND ENHANCEMENT AREA = 220 ac.

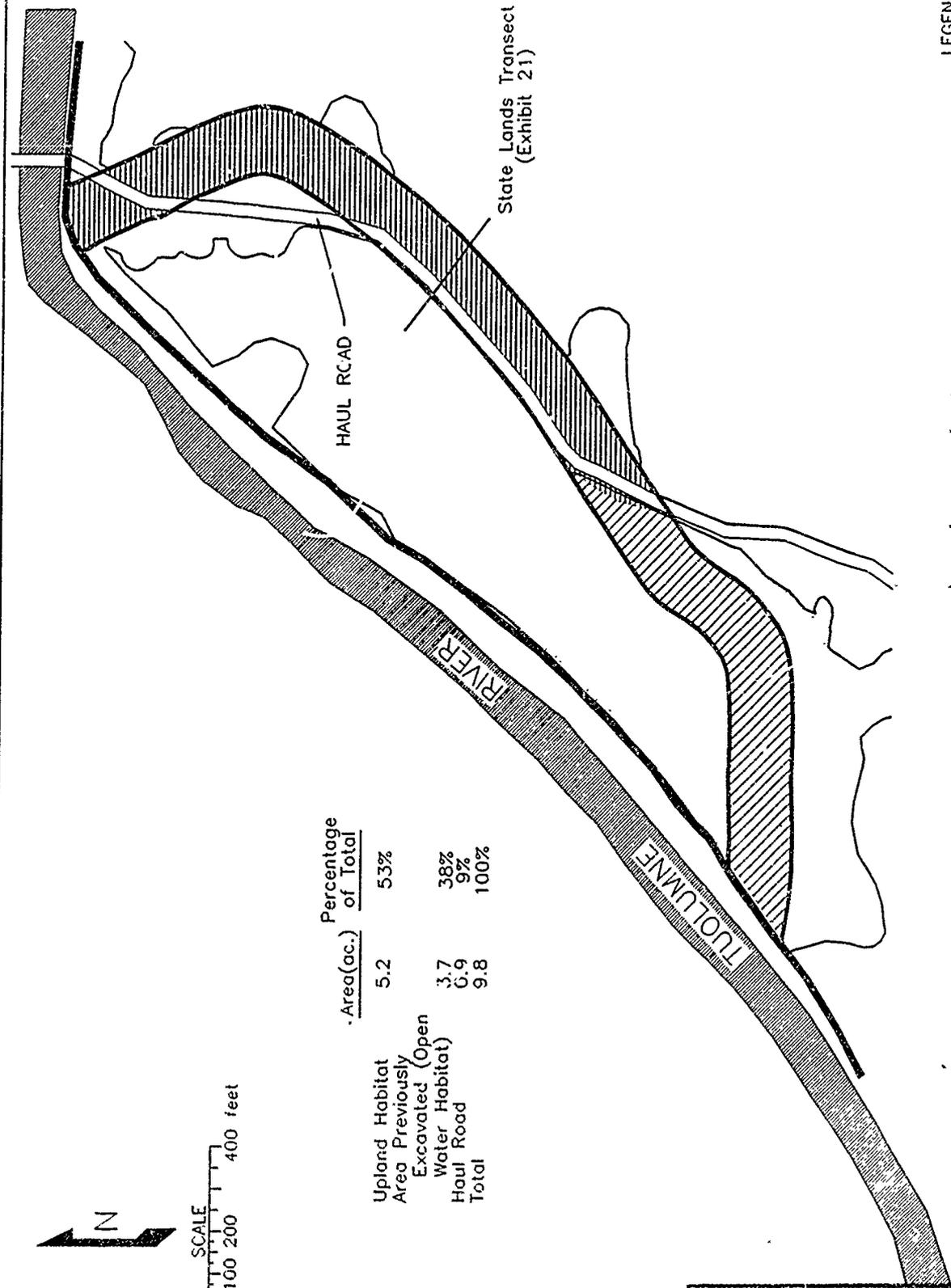
- LEGEND**
- PROPERTY BOUNDARY
  - EXCAVATION BOUNDARY
  - WATER LINE
  - EXISTING LAND

GEORGE REED, INC. SITE  
 SURFACE MINING RECLAMATION PLAN

All areas and elevations are approximate

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EXHIBIT 2  
 REVISED 6-1991



	Area(ac.)	Percentage of Total
Upland Habitat Area Previously Excavated (Open Water Habitat)	5.2	53%
Haul Road	3.7	38%
Total	8.9	9%
	9.8	100%

SURFACE MINING RECLAMATION PLAN  
 AREA B - CALIFORNIA STATE LANDS

- LEGEND**
- PROPERTY BOUNDARY
  - EXCAVATION BOUNDARY
  - STATE LANDS
  - UPLAND HABITAT
  - OPEN WATER HABITAT
  - EXISTING POND
- All areas are approximate

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EXHIBIT 20  
 REVISED 6-25-91