MINUTE ITEM
This Calendar Item No. C31
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 3
to Ø at its 9/23/92
meeting.

CALENDAR ITEM

C 31

A 32

S 14

09/23/92
W 24893
Gordon
PRC 7652

APPROVE AN APPLICATION FOR A
GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT:

State of California
Department of Fish and Game
1234 E. Shaw Avenue
Fresno, California 93710

TERMS OF PROPOSED PERMIT:

1. Department of Fish and Game has applied for a one-year (1-yr.) General Permit - Public Agency Use encompassing 2.9243 acres of submerged and public trust lands in the bed of the San Joaquin River located southwest of Friant Dam near Friant, Fresno County.

Special:

1. Except as otherwise provided by law, permittee shall have no right, except upon written approval of the Executive Officer of the State Lands Commission, to restrict or limit the ability of members of the public to exercise public trust rights within the navigable channel of the San Joaquin River. As used in this paragraph, public trust rights include, but are not limited to, navigating, fishing, bathing, and sightseeing. The term "navigable channel" shall include any primary or secondary channel navigable by small watercraft such as canoes and rafts, but shall not include gravel ponds, other ponds, creeks, or sloughs.

CONSIDERATION:

$850 per annum and 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.

(ADDED pgs. 340-340.6)

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

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing and processing fees have not been received. Applicant's funding related to acquisition and management of the Milburn and Willow units of the San Joaquin River Ecological Reserve are inadequate to cover Commission staff costs related to this application and the application which is the subject of Calendar Item C34, also included on this agenda. Staff has advised Applicant that future applications will be subject to normal processing fees. In order to further the purposes of the Reserve and provide immediate protection, preservation, and restoration of the resources of the proposed lease premises, staff recommends that the Commission waive only the processing fees related to the applications for inclusion of State-owned lands in the Milburn and Willow units under consideration at this time.

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 884:
N/A

OTHER PERTINENT INFORMATION:
1. Applicant has acquired various parcels of land located adjacent to the San Joaquin River between the City of Fresno and Friant Dam that it proposes to utilize and administer as the San Joaquin River Ecological Reserve. The reserve lands have been acquired for preservation and restoration of riparian habitat and for potential inclusion in the proposed San Joaquin River Parkway to the extent the parkway is compatible with wildlife preservation and ecological reserve purposes.

   The upland area, located adjacent to the lands which are the subject of this application, is identified as

the Willow Unit of said reserve. When Applicant acquired the Willow Unit, it included a portion of land that is encumbered by the leasehold interest of a tenant operating a worm farm. Applicant presently contracts with the leasehold tenant for waste material that is produced at Applicant's upstream fish hatchery and utilized by the leasehold tenant in worm farming.

Because of a portion of the worm farm facilities are found to extend on to lands under the Commission's jurisdiction, Applicant respectfully requests that the Commission authorize the issuance of a one-year limited term permit, whereby such action will place the total operation of the worm farm facilities under Applicant's direct control.

Applicant proposes to exercise the degree of control over the area sufficient to operate the subject farm facilities and protect the riparian habitat without limiting the public navigation easement over the main channel of the San Joaquin River. The term of the permit is limited to one year on the understanding that the worm farm operation will be relocated to an undetermined site. Applicant will file an application with the Commission to convert the remaining worm farm structures to Applicant's use and purposes upon the expiration of the subject permit. Applicant and staff have been able to reach agreement on a number of issues concerning jurisdiction, use, and management of the area. Staff believes the subject lands can be beneficially administered by Applicant while reserving management flexibility for the Commission.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land, 14 Cal. Code Regs. 15304.

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

3. 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.

EXHIBITS:

A. Land Description
B. Site Map
C. 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. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND, 14 CAL. CODE REGS. 15304.

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

3. AUTHORIZE THE ISSUANCE TO THE STATE OF CALIFORNIA, DEPARTMENT OF FISH AND GAME OF A ONE-YEAR (1-yr.) GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING OCTOBER 1, 1992; IN CONSIDERATION OF AN ANNUAL RENT OF $850 AND THE PUBLIC BENEFIT, WITH THE STATE LANDS COMMISSION RESERVING THE RIGHT TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, FOR THE OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES UTILIZED FOR WORM FARMING AND FOR PURPOSES OF ECOLOGICAL PROTECTION, PRESERVATION, AND RESTORATION OF RIPARIAN HABITAT ON THE LAND DESCRIBED ON EXHIBIT "A" AND DELINEATED ON EXHIBIT "B", BOTH ATTACHED AND BY REFERENCE MADE A PART HEREOF.

4. WAIVE FILING AND PROCESSING FEES RELATED TO THE APPLICATIONS FOR INCLUSION OF STATE-OWNED LANDS IN THE MILBURN AND WILLOW UNITS OF THE SAN JOAQUIN RIVER ECOLOGICAL RESERVE UNDER CONSIDERATION ON THIS AGENDA.

EXHIBIT "A"

W 24893

LAND DESCRIPTION

A parcel of state-owned land in Fresno County, California, more particularly described as follows:

COMMENCING at southeast corner of Parcel B as shown in Parcel Map No. 1175, recorded on December 22, 1972 in Book 5 of Parcel Maps, Page 73, Fresno County records; thence along the south line of said Parcel B S 89° 22' 14" W, (S 89° 22' 30" W, record), 2961.21 feet; thence leaving said south line S 31° 19' 32" W, 679.84 feet; thence N 63° 51' 29" W, 310.71 feet; thence S 32° 16' 04" W, 869.47 feet to the POINT OF BEGINNING; thence N 44° 05' 37" W, 97.36 feet; thence S 44° 38' 10" W, 206.10 feet; thence S 56° 40' 48" W 660.82 feet; thence S 11° 49' 38" E, 177.26 feet; thence N 63° 44' 11" E, 129.82 feet; thence N 20° 43' 05" E, 127.04 feet; thence N 64° 31' 30" E, 461.27 feet; thence N 32° 16' 04" E, 282.13 feet to the point of beginning.

END OF DESCRIPTION

PREPARED AUGUST, 1992 BY LLB

PARCEL B
Parcel Map No. 1175
Book 5 PM Page 73

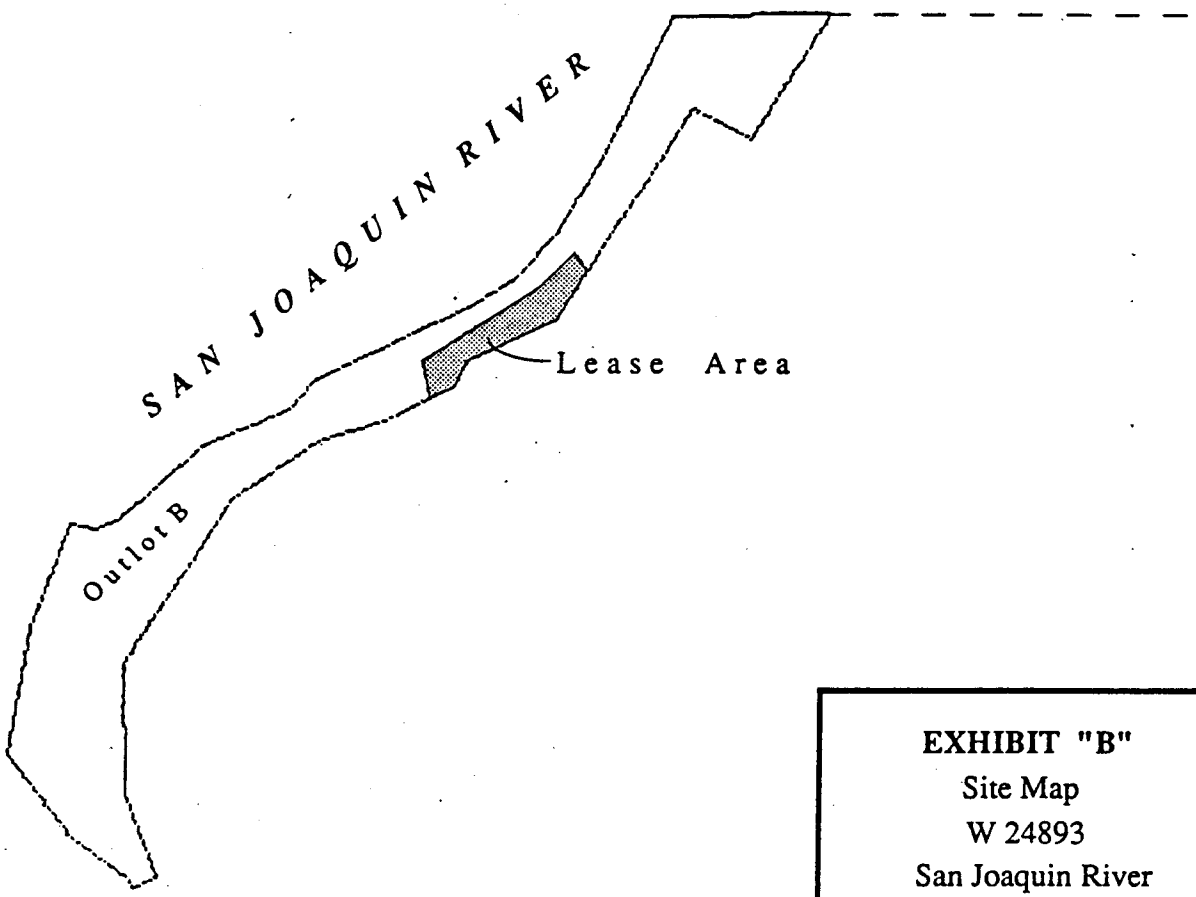
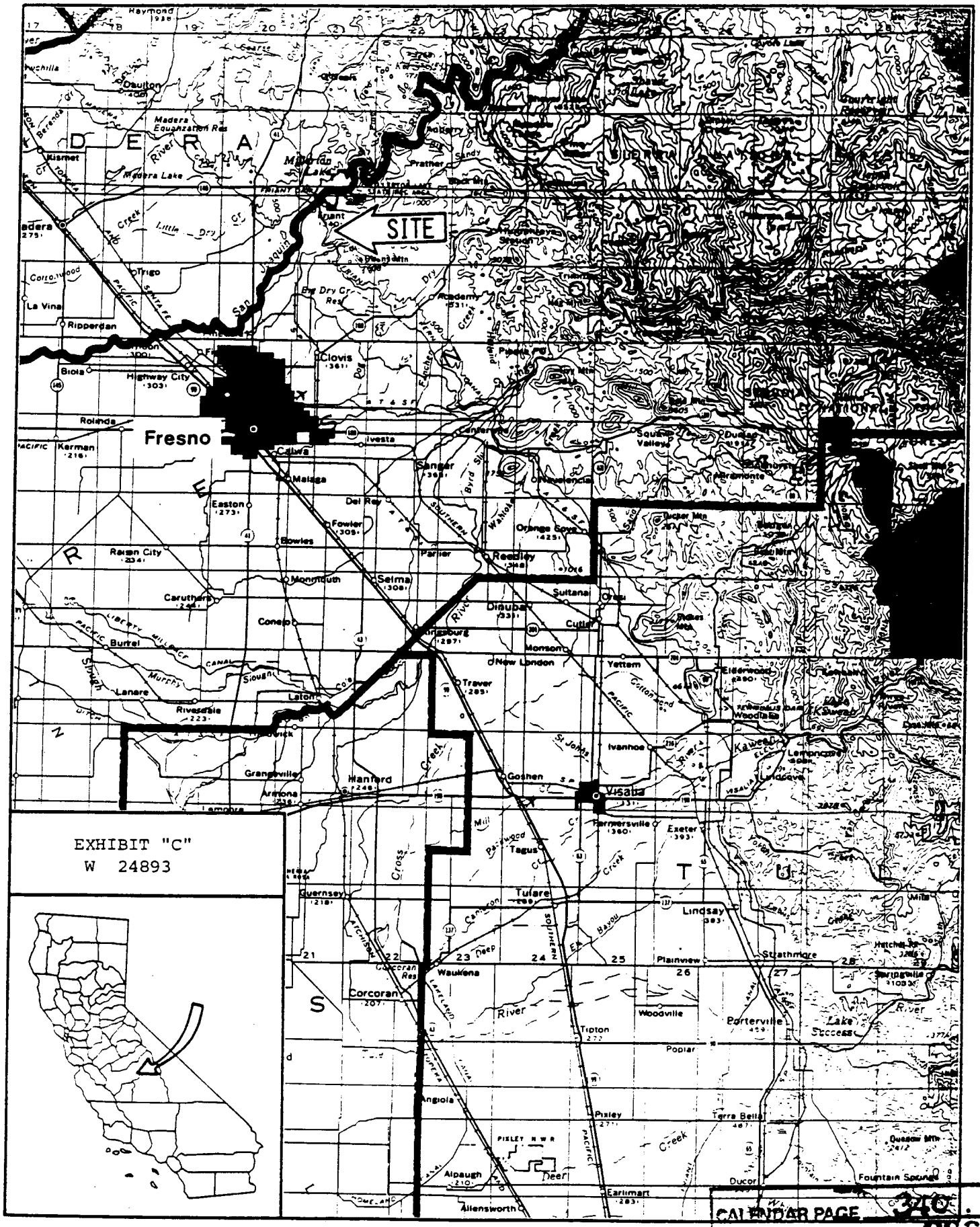


EXHIBIT "B"
Site Map
W 24893
San Joaquin River
FRESNO COUNTY

Portions of Sections 25 & 36
T 11 S, R 20 E, M.D.M.

R-Y 8/92



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