

MINUTE ITEM

This Calendar Item No. C41 was approved as Minute Item No. 41 by the California State Lands Commission by a vote of 3 to 0 at its 6-14-99 meeting.

CALENDAR ITEM

C41

A 25, 29

S 12, 14

PRC 7969.9

06/14/99

WP 7969.9

J. Smith

AMENDMENT OF LEASE

LESSEE:

Friant Water Users Authority
854 N. Harvard Avenue
Lindsay, California 93247-1715

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the San Joaquin River, near Rank Island, Fresno and Madera counties.

AUTHORIZED USE:

Emergency flood repair consisting of removal of debris, solid waste and accumulated sediments; and revegetation of disturbed areas.

LEASE TERM:

Two years, beginning April 1, 1997.

CONSIDERATION:

The public health and safety; with the State reserving the right at anytime to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Authorize the short-term stabilization project involving the north and south channels of the San Joaquin River around Rank Island and amend the legal description to include this area.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. Lease No. PRC 7969.9 was authorized by the Commission on July 11,

CALENDAR PAGE	000201
MINUTE PAGE	005693

CALENDAR ITEM NO. C41 (CONT'D)

1997. The lease authorized emergency flood repair work consisting of removal of debris, solid waste and accumulated sediments which were a result of the January 1997 floods. The two year lease expired March 31, 1999.
3. In December 1997, the Lessee submitted an application to amend Lease No. PRC 7969.9 to accommodate a short-term emergency channel repair project around Rank Island. The project was proposed to restore this reach of the river to conditions prior to the 1997 flood and maintain the flows in the north channel of the San Joaquin River around Rank Island. The project involved the construction of a temporary berm at the upstream end of the south channel and the placement of approximately 575 cubic yards of washed and clean cobble material in the south channel, all within the area shown on Exhibit A as Parcel 2.
 4. Commission staff advised the Lessee that the project was not considered an emergency under the California Environmental Quality Act and that further environmental analysis was necessary. In January 1998, the Bureau of Reclamation prepared and circulated an Environmental Assessment. There were no adverse comments received and in October 1998, the Bureau issued a Finding of No Significant Impact (FONSI).
 5. The United States Army Corps of Engineers issued a letter of permission on January 14, 1999.
 6. The State Department of Fish and Game issued a Streambed Alteration Agreement pursuant to Sections 1601/1603 of the Fish and Game Code.
 7. Due to the need to implement the project during low flow conditions, the project was completed by the end of February 1999. Staff is now recommending that the Commission retroactively authorize the project.
 8. The project is a short-term solution to reduce further channel degradation and provide temporary relief from the effects of reduced flows in the north channel. The Lessee advises that they are diligently pursuing a long-term solution and Commission staff will ensure that future project(s) will be coordinated with all appropriate local, state, federal agencies, and public and private interest groups.
 9. A Finding of No Significant Impact (FONSI) was prepared and adopted for

CALENDAR ITEM NO. C41 (CONT'D)

this project by the U.S. Bureau of Reclamation. The document was circulated for public review as broadly as state and local law may require and notice was given meeting the standards in Title 14, California Code of Regulations, section 15072(a). Therefore, pursuant to Title 14, California Code of Regulations, sections 15221 and 15225, the staff recommends the use of the federal FONSI in place of a Negative Declaration.

10. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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:

United States Bureau of Reclamation; United States Army Corps of Engineers; State Department of Fish and Game.

EXHIBITS:

- A. Land Description
- B. Location/Site Map

PERMIT STREAMLINING ACT DEADLINE:

July 27, 1999

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT, PREPARED AND ADOPTED FOR THIS PROJECT BY THE U.S. BUREAU OF RECLAMATION MEETS THE REQUIREMENTS OF THE CEQA. THEREFORE, PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15221 AND 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE U.S. CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

CALENDAR ITEM NO. C41 (CONT'D)

LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370
ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7969.9, A
GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS DESCRIBED
ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART
HEREOF, EFFECTIVE FEBRUARY 3, 1999, TO AUTHORIZE A SHORT-
TERM PROJECT TO STABILIZE THE NORTH AND SOUTH CHANNELS
OF THE SAN JOAQUIN RIVER AROUND RANK ISLAND AND AMEND
THE LEGAL DESCRIPTION TO INCLUDE THE PROJECT AREA; ALL
OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN
EFFECT WITHOUT AMENDMENT.

CALENDAR PAGE	000204
MINUTE PAGE	005696

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A parcel of sovereign submerged land in the bed of the San Joaquin River, lying within the exterior boundaries of Section 35, T 11 S, R 20 E, and Section 2, T 12 S, R 20 E, both M. D. M. situated in Fresno and Madera Counties, California described as follows:

BEGINNING at a point on the RIVERBEND RANCH AGREED BOUNDARY LINE as said boundary line is described in Exhibit "A" in that certain document recorded December 9, 1996 as Instrument Number 9633066 in the Official Records of Madera County, California, said point having California Coordinate System, Zone 4 (NAD 83) coordinates of N = 2218882.056 feet and E = 6338544.421 feet; thence along said agreed boundary line the following four courses N 57°42'54" E, 495.73 feet; N 89°47'46" E, 1021.48 feet; N 61°56'45" E, 1276.21 feet; and N 31°17'50" E, 618.22 feet; thence S 73°14'07" E, 255.82 feet to point number 7607 in the Low Water Line of the San Joaquin River as shown on sheet 6 of 27 of the Administrative Maps of the San Joaquin River, dated April 1992, on file in the Office of the State Lands Commission; thence along said low water line as shown on said Sheet 6 and on Sheet 7 the following 23 courses; S 38°17'33" W, 83.20 feet; S 26°13'19" W, 174.78 feet; S 30°42'35" W, 169.40 feet; S 33°30'27" W, 169.41 feet; S 47°05'42" W, 137.24 feet; S 50°33'41" W, 211.41 feet; S 40°49'35" W, 224.36 feet; S 58°13'45" W, 200.35 feet; S 56°06'54" W, 176.21 feet; S 56°36'15" W, 181.44 feet; S 55°33'04" W, 214.74 feet; S 62°19'23" W, 263.60 feet; S 71°12'10" W, 253.20 feet; S 54°54'12" W, 154.62 feet; S 65°59'28" W, 72.57 feet; S 85°32'44" W, 83.11 feet; S 84°34'56" W, 133.18 feet; S 85°50'30" W, 119.34 feet; S 86°52'44" W, 126.10 feet; S 80°38'39" W, 100.92 feet; S 88°03'08" W, 91.82 feet; N 56°51'56" W, 80.11 feet; and N 55°07'03" W, 54.91 feet; thence leaving said Low Water Line N 11°57'01" W, 39.99 feet to point number 7694 of the Low Water Line as shown on said Sheet 7; thence along last said Low Water Line the following four courses: N 44°30'03" W, 42.11 feet; N 66°00'09" W, 74.94 feet; S 89°19'43" W, 65.98 feet; and S 62°17'29" W, 108.35 feet; thence N 15°06'01" W, 270.66 feet to the POINT OF BEGINNING.

PARCEL 2

A parcel of Sovereign submerged land in the bed of the San Joaquin River, lying within the exterior boundaries of Section 35, T 11 S, R 20 E, M. D. M., situated in the County of Fresno and Madera, State of California, described as follows:

BEGINNING at point in the line described as the AGREED ORDINARY HIGH WATER MARK in EXHIBIT "C" of that certain Agreement between the State Lands Commission and Gary R. and Sandra S. Elrod, recorded December 9, 1988 as Instrument Number 88137161 in Official Records of Fresno County, California, said point being the northerly terminus of that course described as S 1° 11' 01" W, 112.40 feet; thence along said AGREED ORDINARY HIGH WATER MARK line the following three courses, S 1°56'03" W, 112.40 feet; S 24°24'41" E, 60.00 feet; and S 16°20'21" W, 210.94 feet; thence leaving said line N 81°40'43" W, 47.74 feet to point number 4285 of the Low Water Line of the Left Bank of the San Joaquin River as shown on said Sheet 6 of the Administrative Maps of the San Joaquin River, dated April 1992, on file in the Office of the State Lands Commission; thence along said line S 12°40'24" W, 175.75 feet; thence N 53°27'45" W, 280.03 feet; thence N 14°19'30" E, a distance of 406.31 feet; thence S 83°55'43" E, a distance of 250.00 feet to the POINT OF BEGINNING.

Coordinates, bearings and distances used in the above descriptions are based on the California Coordinate System, Zone 4 (NAD 83).

END OF DESCRIPTION



Revised June 7, 1999

CALENDAR PAGE	000206
April 6, 1999 MINUTE PAGE	005698

