

MINUTE ITEM

This Calendar Item No. C17 was approved as Minute Item No. 17 by the California State Lands Commission by a vote of 3 to 0 at its 12-09-03 meeting.

**CALENDAR ITEM
C17**

A 14
S 25

12/09/03
PRC 8123 WP 8123.9
D. Jones

AMENDMENT OF LEASE

LESSEE:

Turlock Irrigation District
333 East Canal Drive
Turlock, California 95381

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Tuolumne River at the M. J. Ruddy Segment of the Gravel Mining Reach (APN's 008-05-10; 008-06-04; 008-06-05; 008-06-06; 008-10-01; 008-10-23; 008-10-26), near the city of Waterford, Stanislaus County.

AUTHORIZED USE:

Construction and maintenance of a salmon restoration project known as the Habitat Restoration Plan for the Lower Tuolumne River.

LEASE TERM:

25 years, beginning November 15, 1999.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

The proposed project amends the lease to include all sovereign lands included in the Tuolumne River in the area called the M.J. Ruddy Segment of the Gravel Mining Reach of the Habitat Restoration Plan for the Lower Tuolumne River. 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, and has provided staff with copies of the Project Concurrence Agreements that were executed by the adjacent property owners.

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2. The Turlock Irrigation District (TID) is a publicly-owned irrigation district and electric utility. The main storage reservoir for the District is the New Don Pedro Reservoir on the Tuolumne River. The New Don Pedro Project (NDPP) license from the Federal Energy Regulatory Commission (FERC) required a re-evaluation the project's minimum streamflow requirements after 20 years of operation. In 1995, the NDPP FERC Settlement Agreement was entered into between the TID, Modesto Irrigation District, the city and county of San Francisco and other water suppliers, state and federal resource agencies, and several environmental groups wherein it was agreed that a Tuolumne River Technical Advisory Committee would develop and administer a Habitat Restoration Plan for the Lower Tuolumne River (Restoration Plan) to be implemented by TID.

The Restoration Plan is divided into three subprojects known as the downstream Special Run Pool's (SRP) 9 and 10 and the upstream Gravel Mining Reach Floodway Restoration which is divided into four segments: The 7/11 Segment, the M.J. Ruddy Segment, the Warner/Deardorff Segment, and the Reed Segment. It involves approximately 7 miles of floodway. The third subproject that is being developed is the Spawning Gravel Supplementation, which is also upstream near La Grange.

The Restoration Plan entails implementing a restoration and mitigation project designed to protect, restore, enhance, and improve Tuolumne River's aquatic and riparian habitats in the project area. It will rehabilitate the channel and floodplain system and improve natural functions to restore and maintain instream and floodplain habitats for the benefit of salmon and other corridor dependent species. The floodway will be maintained and expanded to a width of at least 500 feet (from an existing width of 200 feet) by moving the dikes that presently attempt to isolate the River from off-channel aggregate extraction pits further back from the channel. Moving these dikes back and filling the area between the low water channel and the dikes to an appropriate elevation and morphology will provide a functioning floodplain on which riparian and floodplain habitat will be rehabilitated. By sizing the channel to be maintained by the contemporary flow regime, the project will not only rehabilitate the habitat structure, but will also reestablish processes necessary to maintain habitat and the ecosystem in the long-term future, which benefit salmon habitat and other species.

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On December 3, 1999, the Commission authorized that portion of the project known as the downstream SRP's 9 and 10 (RM 25.2 to 25.9) and the first segment of the Gravel Mining Reach (7/11 Segment).

The proposed project involves the M. J. Ruddy Segment (RMs 36.6 to 37.7). The Warner/Deardorff Segment and the Reed Segment are to be completed during the next few years.

3. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by the Turlock Irrigation District on July 20, 1999. The California State Lands Commission's staff has reviewed such documents.
4. 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:

U. S. Army Corps of Engineers; U.S. Fish and Wildlife Service; California Department of Fish and Game; California Regional Water Quality Control Board, Central Valley Region; The Reclamation Board.

EXHIBIT:

- A. Site Plan and Location Map

PERMIT STREAMLINING ACT DEADLINE:

January 12, 2003

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY TURLOCK IRRIGATION DISTRICT ON JULY 20, 1999, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

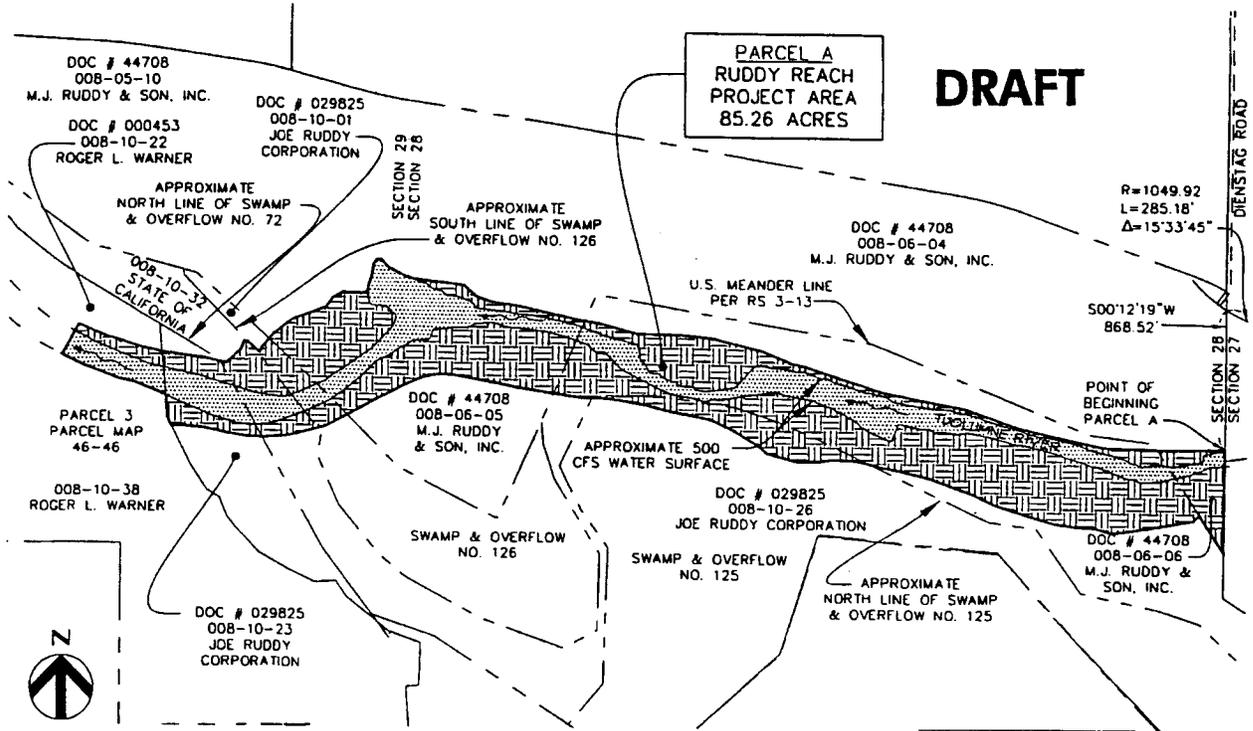
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8123.9, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE DECEMBER 1, 2003, TO AMEND THE LEASE TO ADD ALL SOVEREIGN LANDS IN THE M. J. RUDDY SEGMENT OF THE TUOLUMNE RIVER SALMON HABITAT RESTORATION PROGRAM; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE MAP



Tuolumne River, Stanislaus County
From river mile 37.7 to 36.6

LOCATION MAP NO SCALE

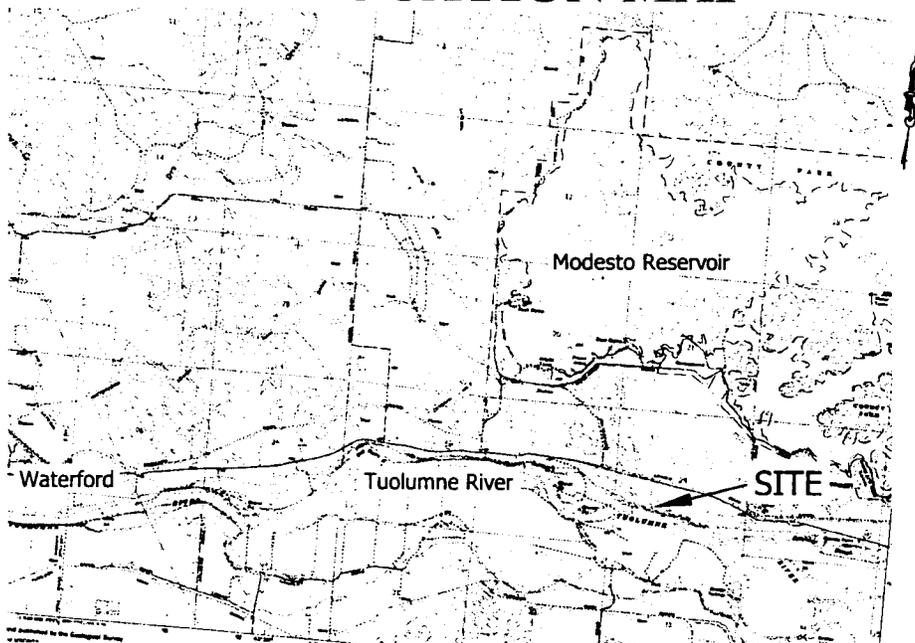


Exhibit A
WP 8123.9
Turlock Irrigation District
Channel Restoration
Right of Way Widening
Stanislaus County



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.

CALENDAR PAGE MAP SOURCE: USGS TOP PAGE