MINUTE ITEM
This Calendar Item No. C36 was approved as Minute Item No. 36 by the California State Lands Commission by a vote of 3 to 0 at its 12/9/04 meeting.

CALENDAR ITEM
C36

A 25, 29

S 14

PRC8583

12/09/04
W 26028
J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-4025

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in the San Joaquin River, Fresno County.

AUTHORIZED USE:
Removal and disposal of tires from the bed of the San Joaquin River.

LEASE TERM:
Nine months beginning December 9, 2004.

CONSIDERATION:
The public health and safety.

SPECIFIC LEASE PROVISIONS:
Insurance:
Contractor will maintain liability insurance with coverage of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.

2. Commission staff was contacted by staff of the California Integrated Waste Management Board (CIWMB) concerning the discovery of a significant number of tires that have been placed in the San Joaquin River (River) at the intersection of N. Herndon and W. Dickenson Avenues in Fresno County. Public Resources Code section 42846 provides that the CIWMB may take action to prevent substantial pollution, nuisance, or injury to the public health and safety. The CIWMB is requesting

permission from the Commission to remove the tires from sovereign lands under the Commission's jurisdiction. The cleanup will be performed under the CIWMB's Waste Tire Stabilization and Abatement Program. CIWMB staff estimates that the cost for removal and disposal of the tires will be $72,000.

A Preliminary Work Plan has been submitted to Commission staff, which outlines the scope of work to be performed. Personnel in a small boat or raft will use hooks to snag the tires and attach the hooks to a cable, which will bring the tires to the northern bank of the River. The tires will be stockpiled until there are enough tires to be hauled away.

The CIWMB has entered into a contract with Sukut Construction, Inc., to perform the work. It is estimated that the removal effort will take 15 days and will begin sometime in Spring 2005. Approximately 60 days prior to the start of work, the contractor will solicit bids from potential subcontractors for ultimate disposal of the tires.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the reuqirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land. Title 2, California Code of Regulations, section 2905(d)(3).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands.

EXHIBITS:

A. Location and Site Map
B. Land Description

PERMIT STREAMLINING ACT DEADLINE:
N/A

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

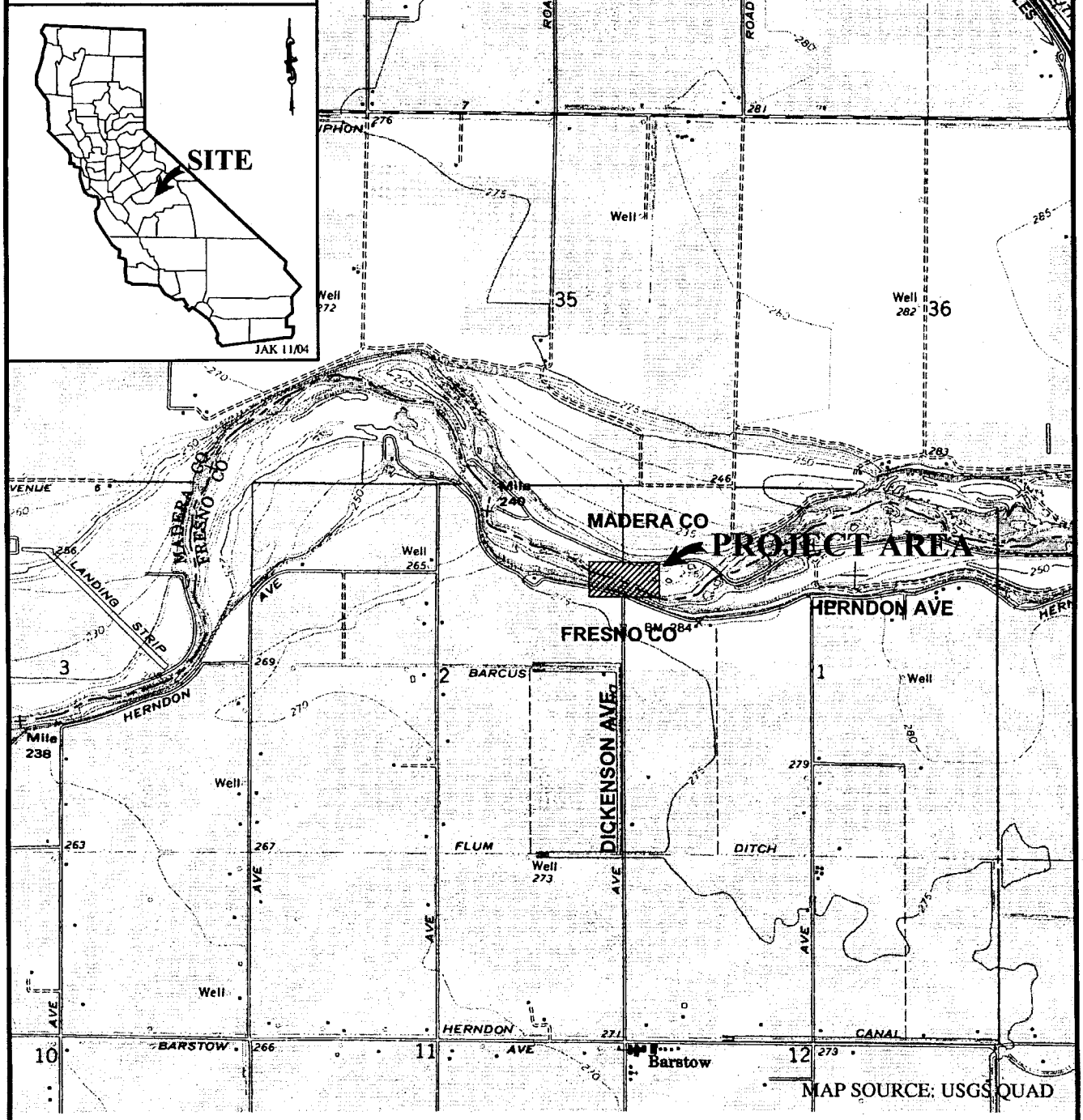
CEQA FINDING:
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(d)(3).

SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON THOSE RESOURCES FOR WHICH SUCH LANDS ARE IDENTIFIED.

AUTHORIZATION:
AUTHORIZE ISSUANCE TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING DECEMBER 9, 2004, FOR A TERM OF NINE MONTHS, FOR REMOVAL AND DISPOSAL OF TIRES FROM THE SAN JOAQUIN RIVER, NEAR THE INTERSECTION OF N. HERNDON AND W. DICKENSON AVENUES IN FRESNO COUNTY, ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY; CONTRACTOR TO MAINTAIN LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $1,000,000.

Exhibit A

W 26028
PUBLIC AGENCY LEASE
REMOVAL OF TIRES
SAN JOAQUIN RIVER
FRESNO/MADERA CO



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.

EXHIBIT "B"

W26028

LAND DESCRIPTION

A parcel of submerged land in the bed of the San Joaquin River, Counties of Fresno and Madera, State of California, situate adjacent to Lot 2 and Lot 3 of Section 1 and Lot 1 and Lot 3 of Section 2, T13S, R18E, MDM, as per U.S. Government Survey approved on November 30th, 1854, more particularly described as follows:

> Said parcel of submerged lands being bounded on the east by a line running parallel to and being 500 feet east of the section line common to sections 1 and 2 of the above described township and range; bounded on the west by a line running parallel to and being 500 feet west of the section line common to sections 1 and 2 of the above described township and range; bounded on the north and south by the respective low water lines of the San Joaquin River.

EXCEPTING THEREFROM any portion of land lying landward of the low water line of the San Joaquin River.

END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Unit November 15, 2004

LICENSED LAND SURVEYOR
STEVE C. LEHMAN
Exp. 12/31/04
No. 7377
STATE OF CALIFORNIA