MINUTE ITEM
This Calendar Item No. C18 was approved as Minute Item No. 18 by the California State Lands Commission by a vote of 3 to ø at its 11-21-06 meeting.

CALENDAR ITEM
C18

A 8 | 11/21/06
PRC 8679 | WP 8679.9
S 4 | D. Jones

AMENDMENT OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE

LESSEE:
California Department of Water Resources
1416 Ninth Street
Sacramento, California 95814

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in the Sacramento River, Colusa County near Princeton (Sites I and 2); Sacramento River, Colusa County near the Colusa Bypass (Sites 3 and 4); Sacramento River, Colusa County near Meridian (Site 5); Bear River, Sutter County near Rio Oso (Site 7); Sacramento River, Yolo County near Knights Landing (Sites 8, and 9); Sacramento River, Yolo County near the city of West Sacramento (Site 10); Sacramento River, Sacramento County, near Steamboat Slough (Site 11); Sacramento River near Walnut Grove (Sites 12 and 13); Steamboat Slough, Solano County near city of Rio Vista (Sites 14); and Cache Slough, Solano County near Rio Vista (Sites 15 and 16).

AUTHORIZED USE:
The construction, use and maintenance of bank protection.

LEASE TERM:
20 years, beginning June 26, 2006.

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:
Amend the lease premises to add additional levee repair sites located in the Bear River, RM 1.2L near Rio Oso, Sutter County; Sutter Slough at RM 25.4R and RM

24.8L near Courtland, Yolo County; Sacramento River RM 182R near Chico, Glenn County and Sacramento River RM 99.5R near Knights Landing, Yolo County; Sacramento River at RM 70.7R (two sites) near the city of Sacramento, Sacramento County; Sacramento River at RM 71.7R (two sites) near the city of Sacramento, Sacramento County, Sacramento River at RM 73.0R, near the city of Sacramento, Sacramento County; Sacramento River (three sites) between RM's 41 and 44 near the city of Clarksburg, Yolo County; and the San Joaquin River at T 13 S, R 16 E, Section 30, Fresno County. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the uplands adjoining the lease premises.

2. On February 24, 2006, Governor Arnold Schwarzenegger declared a state of emergency (Declaration of State of Emergency of California Levee System and March 7, 2006, Executive Order S-01-06) with respect to California's levee system. Pursuant to this Executive Order, at its June 26, 2006, meeting the Commission approved a 20-year lease to the Department of Water Resources (Department) to repair 15 critical levee sites located in the counties of Colusa, Sacramento, Solano, Sutter, Yolo and Yuba. The Commission approved two more sites in the Sacramento River in the city of West Sacramento at its November 1, 2006 meeting. The Department is now applying to amend its lease to include additional critical levee sites.

   Each of the proposed levee sites was selected based on a comprehensive erosion site evaluation prepared for the U. S. Army Corps of Engineers. The evaluation was based on field surveys and quantitative ranking of characteristics, such as bank slope, berm width, length and location of erosion, radius of curvature, bank stability, dynamic geomorphology, vegetation cover, tree hazards, soil type, water velocity, wave action, economic factors, human use, seepage potential and tidal fluctuation.

   The erosion damage at each of the sites generally consists of scour, surface erosion, slumping or undermining, or a combination of these factors. It has been determined that the Department will install a rock and soil-rock mixture at each site to fill the scoured or lost areas in order to re-establish the supporting slope and bench that were previously present. On appropriate sites, the Department will incorporate "woody debris",

willow plantings, and shrub vegetation to promote bank stabilization and enhance fish habitat. The designs for repair will identify any existing special status species habitat and designate buffers or restoration measures to assure their persistence after levee repair.

3. Lessee will incorporate mitigation measures as set forth in the May 26, 2006, "Mitigation Monitoring Plan for Riparian, Aquatic, and Valley Elderberry Longhorn Beetle Habitat" on file in the Sacramento Office of the Commission.

   Additional mitigation consists of placing instream woody material, and small diameter substrate, planting vegetated benches near summer water levels, and planting trees and shrubs that will improve shaded riparian areas. Should these onsite features not fully offset project impacts, mitigation, in the form of a setback levee or other fluvial-function restoring measure(s), will be implemented as specified.

   In addition, a Biological Opinion is being prepared by the U.S. Fish and Wildlife Service for the additional sites determined, based on compliance with all its terms and conditions, "that this level of anticipated take in this opinion is not likely to result in jeopardy to the delta smelt, valley elderberry longhorn beetle, or giant garter snake, and will not result in the destruction or adverse modification of designated critical habitat."

4. 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 requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

   Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

5. 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 requirements of the CEQA as a statutorily exempt project. The project is exempt because

it involves emergency repairs to public service facilities necessary to maintain service.
Authority: Public Resources Code section 21080 (b) (2) and Title 14, California Code of Regulations, section 15269 (b).

6. 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 REQUIRED:

U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, California Department of Fish and Game, the Reclamation Board, and the California Regional Water Quality Control Board

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

January 6, 2007

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 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080 (b) (1) AND TITLE 14, CALIFORNIA CODE OF REGULATIONS,

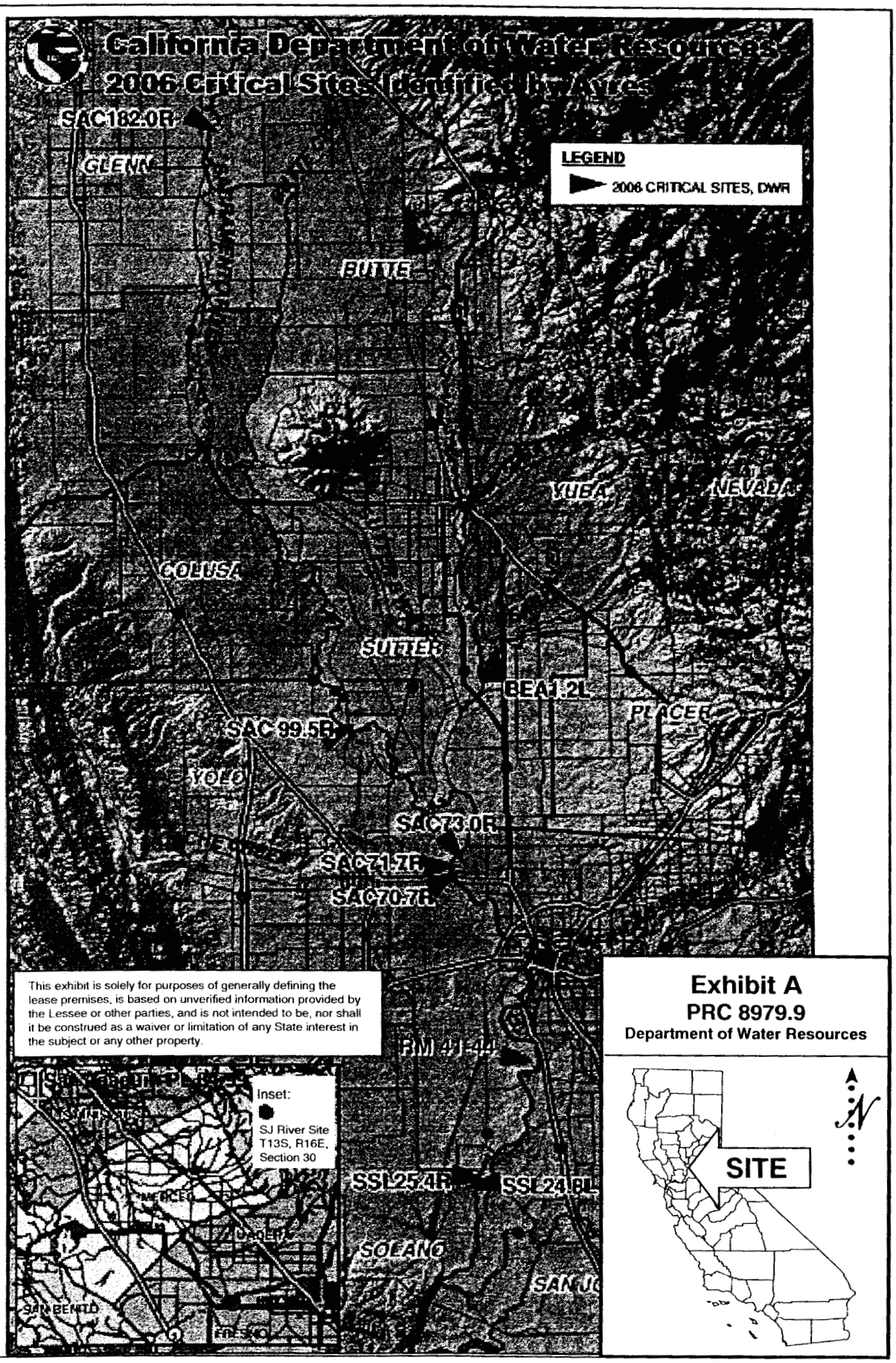
SECTION 15269 (b), EMERGENCY REPAIRS TO PUBLIC SERVICE FACILITIES NECESSARY TO MAINTAIN SERVICE.

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 8679.9, A GENERAL LEASE – PROTECTIVE STRUCTURE USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE NOVEMBER 21, 2006, TO ADD ADDITIONAL PARCELS OF LAND TO THE LEASE PREMISES AS REFERENCED ABOVE; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



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 A
PRC 8979.9
Department of Water Resources