CALENDAR ITEM

C34

A 8 06/24/08

WP 8679.9

S 5 D. Jones

AMENDMENT OF LEASE

LESSEE:

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

AREA, LAND TYPE, AND LOCATION:

Original Lease: Sovereign lands in the Sacramento River at River Miles (RM) 164.0 and 154.5 near Princeton, Colusa County; Sacramento River at RM's 145.9 and 141.4 near Colusa Bypass, Colusa County; Sacramento River at RM 130.8 near Meridian, Colusa County; Bear River at RM 2.4 near Rio Oso, Sutter County; Sacramento River at RM's 85.6 and 69.9 near Knights Landing, Yolo County; Sacramento River at RM 56.8 near the city of West Sacramento, Yolo County; Sacramento River at RM 32.5 near Courtland, Sacramento County; Sacramento River at RM's 26.5 and 20.8 near Walnut Grove, Sacramento County; Steamboat Slough at RM 16.2 near the city of Rio Vista, Solano County; and Cache Slough at RM's 16.5 and 21.8 near Rio Vista, Solano County.

November 1, 2006 Amendment: Sovereign lands in the Sacramento River at RM 43.3R near the town of Clarksburg, Yolo County; and the Sacramento River at RM 56.1R near the city of West Sacramento, Yolo County.

November 21, 2006 Amendment: Sovereign lands located in the Bear River at RM 1.2L near Rio Oso, Sutter County; Sutter Slough at RM's 25.4R and 24.8L near Courtland, Yolo County; Sacramento River at RM 182R near Chico, Glenn County; Sacramento River at 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.

December 14, 2006 Amendment: Sovereign lands located in the Sacramento River at RM's 21.8R, 28.0R, 28.6R, and 32.4R; and Steamboat Slough at RM's 0.9L, 1.2L, 1.9L, and 4.0L, near the city of Isleton, Sacramento County.

September 13, 2007 Amendment: Sovereign lands located in the Sacramento River at RM's 10.9L, 11.1L, 11.2L, 12.5L, 12.6L, 12.7L, 12.8L, 12.9L, 13.0L, 13.4L, 13.6L, 15.3L, and 15.4L near the city of Isleton, Sacramento County.

October 30, 2007: Sovereign lands located in the Sacramento River at River Mile 155.5, near Colusa, Colusa County.

May 5, 2008: Sovereign lands located in the San Joaquin River at RM's 42.3, 43.4, 43.7, 44.0, 44.2, 44.40, 44.42, 45.2, 45.4, 45.8, 47.2, 47.9, 52.8, 53.2, 54.3, and 55.5 south of the city of Stockton, San Joaquin County; the Sacramento River at RM's 32.6, 32.3, 32.1, 31.8, 31.5, 30.9, 30.6, 30.5, 30.2, 30.0, 36.7, and 35.7 near the town of Courtland, Sacramento County; Steamboat Slough at RM's 21.3, 20.1, 19.7, 19.2, 19.2, 17.7, 17.6, 17.2, 16.0 in Sacramento County; the Sacramento River at RM's 15.57, 15.6, 16.4, 17.8, 18.1, 18.8, 22.1, 22.7, 22.9, 23.0, 23.2 near the town of Isleton, Sacramento County; Sacramento River at RM's 25.1, 25.5, 25.6, 28.0, 28.2, 28.3, 28.6, 28.8, 32.4 near the city of Walnut Grove, Sacramento County; and the Sacramento River at RM's 154.3 and 156.1 in Colusa County.

AUTHORIZED USE:

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 to add additional levee repair sites in the Sacramento River at RM's 34.99, 35.06, 35.44, 35.62, 36.21, 36.34, 37.72, 39.10, 39.49, 39.52, 40.60, 41.00, 41.40, 41.63, 41.71, 41.90, 42.0, 50.80, 51.17, 51.19, 51.30, 51.35 near Clarksburg, Yolo County; Cache Slough at RM's 22.30, 22.40, 22.50, 22.70, 22.80, two sites at RM's22.90, and 23.10 near the city of Rio Vista, Solano County; Haas Slough at RM's 0.10 and 0.20 near the city of Rio Vista, Solano County; and Lindsey Slough at RM's 20.70, 20.81, 20.94, 21.16, 21.49, 21.80, 21.90, 22.30, 22.48, 22.77, 22.91, 23.00, 23.10, 23.80, 23.96 and 24.30 near the city of Rio Vista, Solano 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 meetings of June 26, 2006, November 1, 2006, November 21, 2006, December 14, 2006, September 13, 2007, October 30, 2007, and May 5, 2008, the Commission authorized the Department of Water Resources (Lessee) to repair many critical levee sites in Colusa, Glenn, Sacramento, Yolo, Sutter, Solano, and Fresno counties.

3. Lessee and/or its maintaining agencies conducted flood fight activities while the U.S. Army Corps of Engineers (Corps) has been working with the State to restore the levee systems to pre-storm conditions. These efforts have been conducted under the authority of Public Law (PL) 84-99, Rehabilitation of Damaged Flood Control Works.

   Lessee has identified approximately 47 additional emergency levee repair sites in the Sacramento River near Clarksburg, Yolo County; the Sacramento River near the towns of Hood and Courtland, Sacramento County; Cache Slough; Haas Slough; and Lindsey Slough all located near the city of Rio Vista, Solano County.

4. The proposed levee repair work can include excavating damaged areas beyond the area of the identified repair site to include backfilling, compacting and grading to pre-flood conditions. The damaged areas will be covered with rock protection and bedding material for the planting of native grasses and approved native trees. These areas are dominated by native and non-native grasses, and herbaceous vegetation. Along and within the project repair sites are riparian corridors of various sizes consisting of large riparian trees and other woody vegetation. Project construction would be conducted to avoid or minimally disturb the existing vegetation.

   The levee slopes at these locations vary; several repair sites are away from the main water channel and others would be along the water and alter aquatic habitat. Work will be done within construction windows imposed by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) to protect salmonids. In addition, Lessee, through a Memorandum of Understanding entitled "State-Federal Action Plan for Expedited Levee Repair" dated October 31, 2006, and

5. The Lease requires the Lessee submit to Lessor a set of "as-built" plans for each of the sites within the Lease Premises.

6. The Corps has initiated informal Section 7 consultation with the USFWS. USFWS has issued a Planning Aid Letter with recommendations for avoiding impacts and has concluded that the project is not likely to adversely affect any listed species.

7. A Mitigated Negative Declaration was prepared and adopted for this project by the Central Valley Flood Protection Board. The California State Lands Commission's staff has reviewed such document.

8. A Mitigation Monitoring Program was adopted by Central Valley Flood Protection Board.

9. 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, U. S. Fish and Wildlife Service, NOAA Fisheries, California State Historic Preservation Office, California Water Quality Control Board, Central Valley Flood Protection Board, and California Department of Fish and Game

EXHIBITS:

A-1 Site and Location Map
A-2 Site and Location Map
A-3 Site and Location Map
A-4 Site and Location Map

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 THE CENTRAL VALLEY FLOOD PROTECTION BOARD AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERNCE MADE A PART HEREOF.

SIGNIFICANT LANDS INVENTORY FINDING:

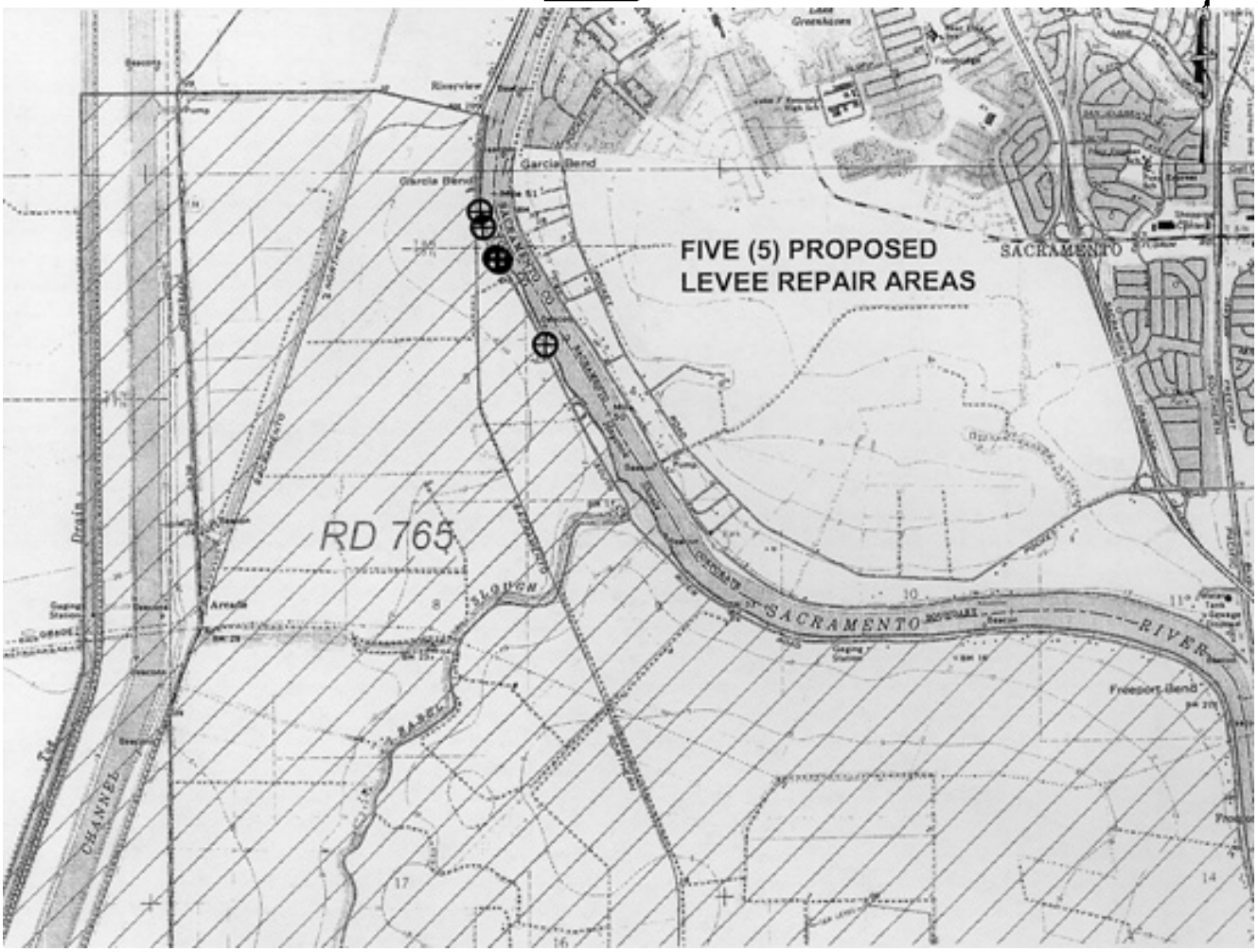
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8679.9, A GENERAL LEASE – PROTECTIVE STRUCTURE USE, EFFECTIVE JUNE 24, 2008, TO INCLUDE BANK PROTECTION WORK ON APPROXIMATELY 47 ADDITIONAL SITES SHOWN ON EXHIBITS A-1 THROUGH A-4 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

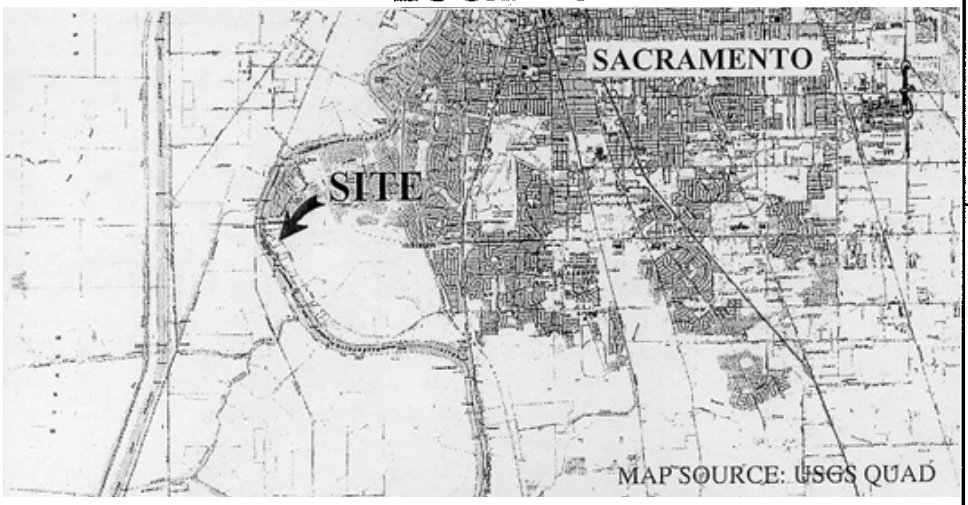
NO SCALE

SITE



NO SCALE

LOCATION



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.

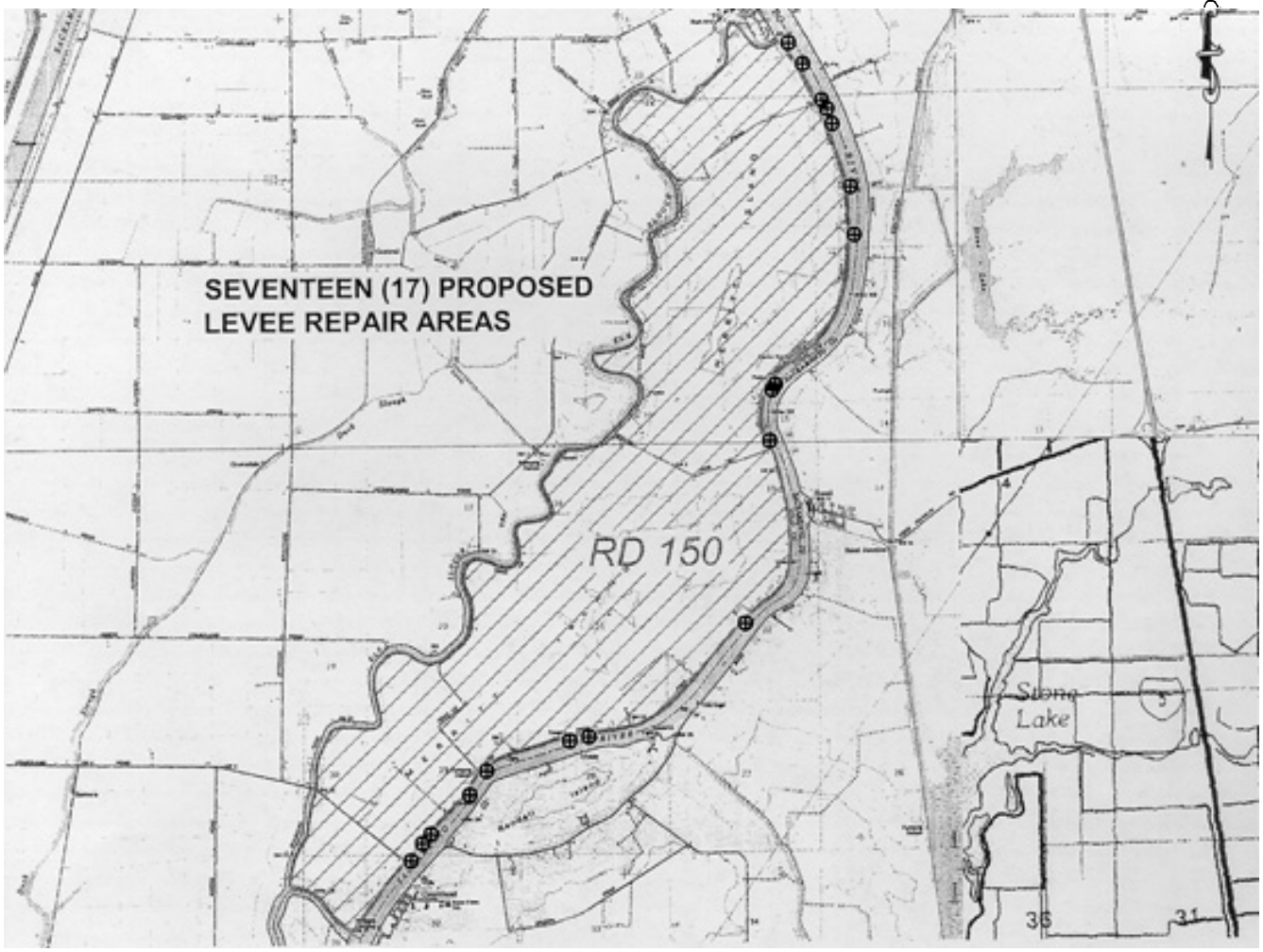
Exhibit A-1

WP 8679
DEPT. WATER RESOURCES
GENERAL LEASE
PUBLIC AGENCY USE
SACRAMENTO RIVER
YOLO COUNTY

JAK 05/08

NO SCALE

SITE



NO SCALE

LOCATION

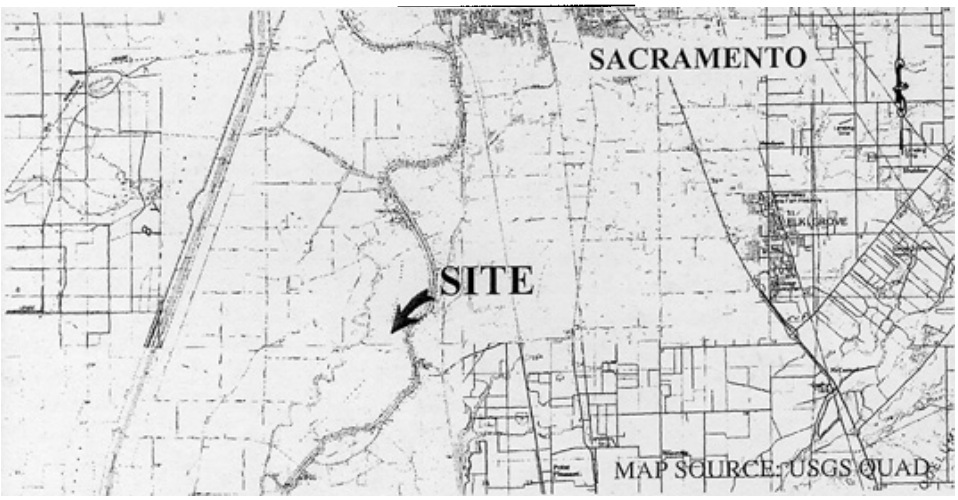


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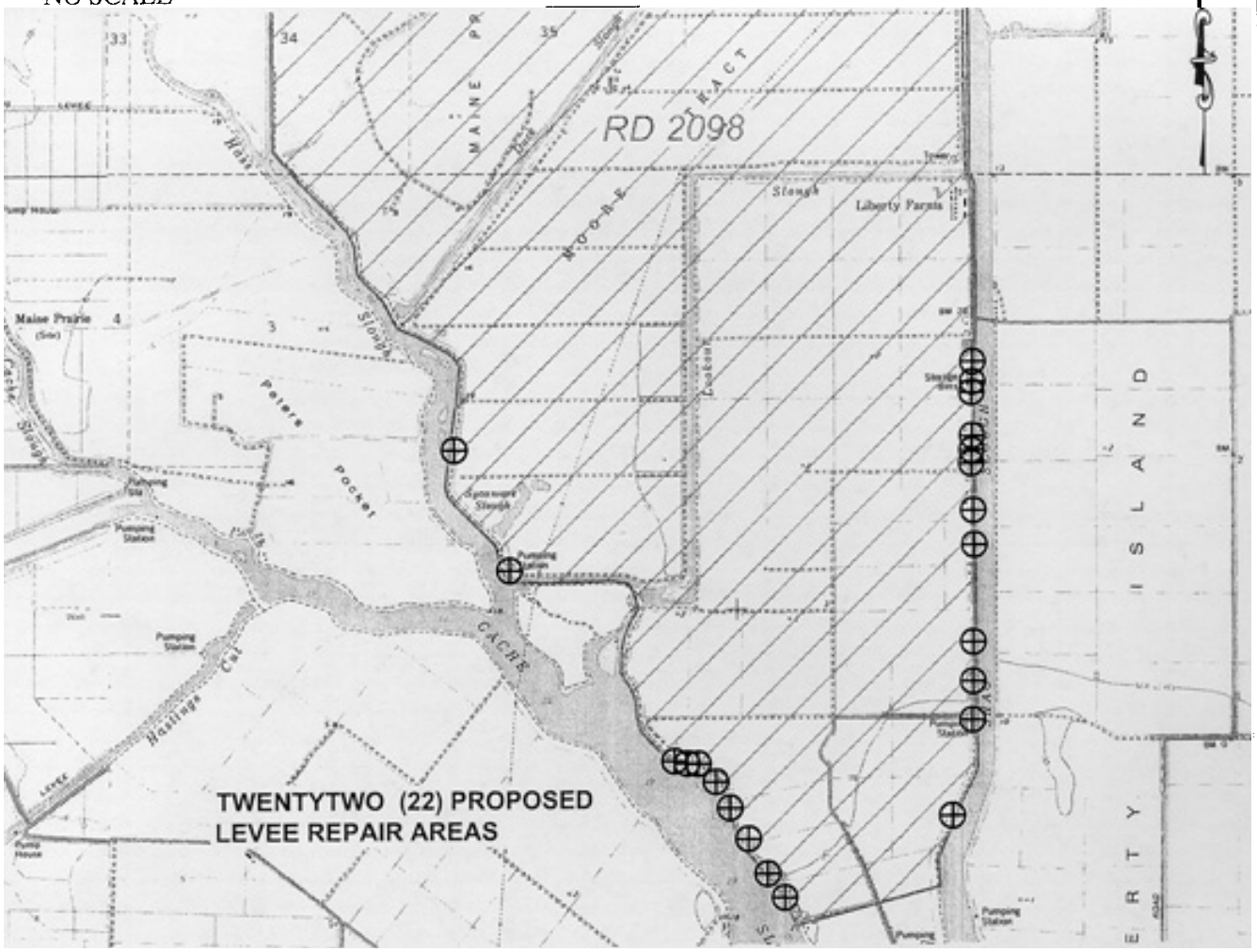
Exhibit A-2

WP 8679
DEPT. WATER RESOURCES
GENERAL LEASE
PUBLIC AGENCY USE
SACRAMENTO RIVER
YOLO COUNTY

JAK 05/08

NO SCALE

SITE



NO SCALE

LOCATION

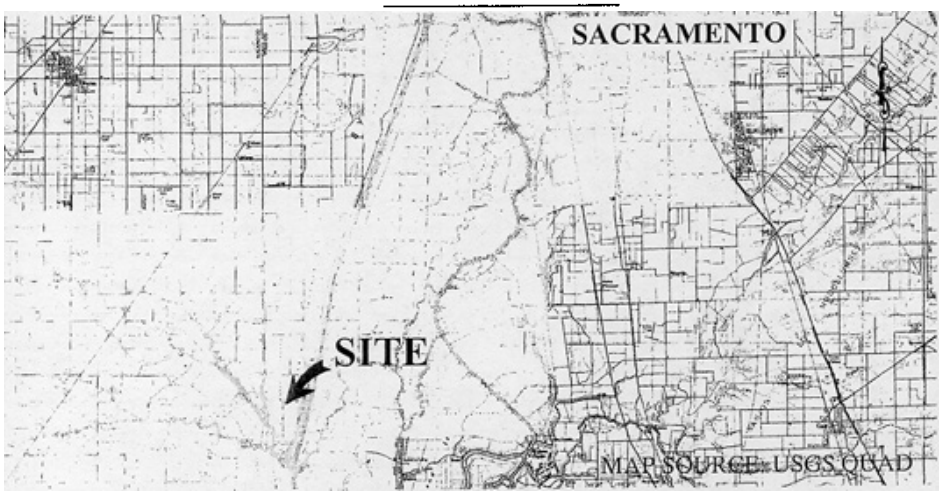


Exhibit A-3

WP 8679
DEPT. WATER RESOURCES
GENERAL LEASE
PUBLIC AGENCY USE
CACHE & HASS SLOUGH
SOLANO COUNTY

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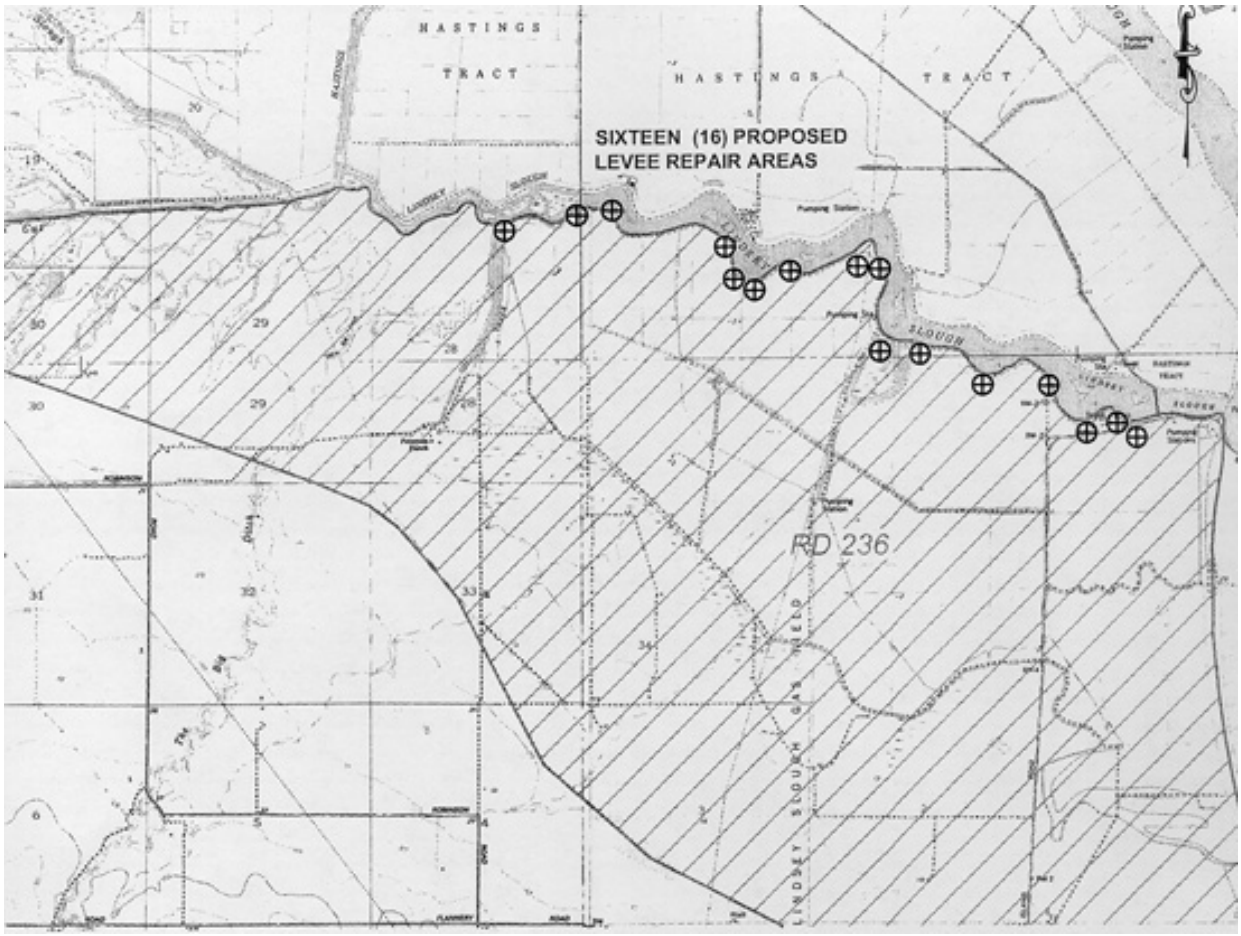
JAK 05/08

NO SCALE

SITE



LEVEE REPAIR SITES - RD3, SACRAMENTO RIVER

NO SCALE

LOCATION

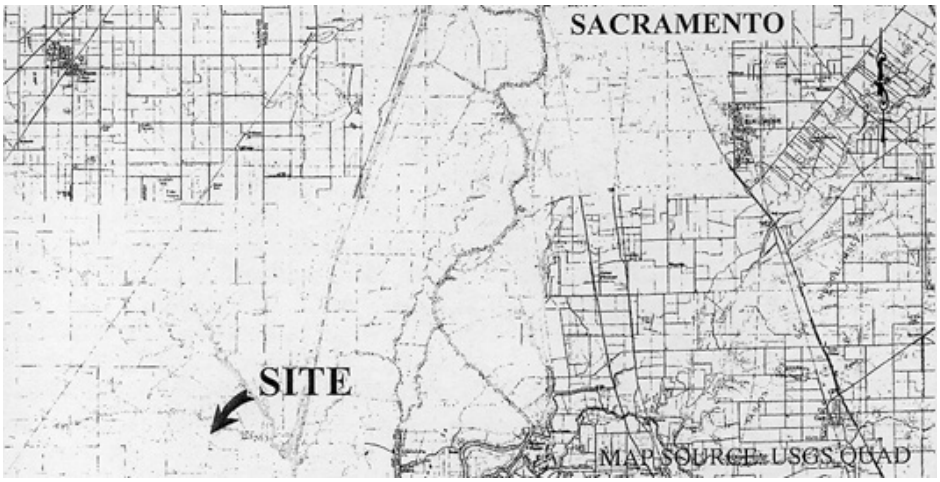


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Exhibit A-4

PRC 8679.9
DEPARTMENT OF WATER RESOURCES
GENERAL LEASE
PUBLIC AGENCY USE
SACRAMENTO COUNTY

MJ 04/08