CALENDAR ITEM

C14

A 17, 26 08/11/09

WP 2202.9

S 12 M. Clark

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

County of Stanislaus
1716 Morgan Road
Modesto, California 95358

AREA, LAND TYPE, AND LOCATION:

0.75 acres, more or less, of sovereign lands in the bed of the San Joaquin River, adjacent to Assessor's Parcel No. 022-004-001 and 047-037-013, between the cities of Turlock and Patterson, Stanislaus County .

AUTHORIZED USE:

Continued use and maintenance of an existing bridge known as the Las Palmas Road Bridge as shown on Exhibit A.

LEASE TERM:

20 years, beginning July 21, 2007.

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.

OTHER PERTINENT INFORMATION:

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

2. On September 2, 1958, the Commission authorized a General Lease – Right of Way Easement to the County of Stanislaus. That lease expired July 20, 2007. The Applicant has applied for a new General Lease – Public Agency Use.

3. The Las Palmas Road bridge span crossing the San Joaquin River was constructed in 1959 with a total width of 32 feet and a total length of 648 feet of which approximately 200 feet crosses the bed of the River. On

September 19, 2007, an inspection of the bridge was conducted by the California Department of Transportation and no substantive issues were found. The County continues to perform regularly scheduled bridge maintenance and repairs.

4. In 1972, the California Department of Water Resources (DWR) attached a stream gage station (station) to the Las Palmas Road Bridge to monitor stream flows. The attached station consists of a can, intake, and monitoring equipment. Staff of the Commission considers the station to be authorized under the October 19, 1979 Memorandum of Understanding between the Commission and DWR authorizing projects as specified in Water Code Sections 11130, 12931, and Public Resources Code Section 6327. Therefore, a lease for the station is not required.

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 categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301.

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

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.

EXHIBITS:

A**.** Site and Location Map
B**.** Legal Description

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 1, EXISTING FACILITIES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301.

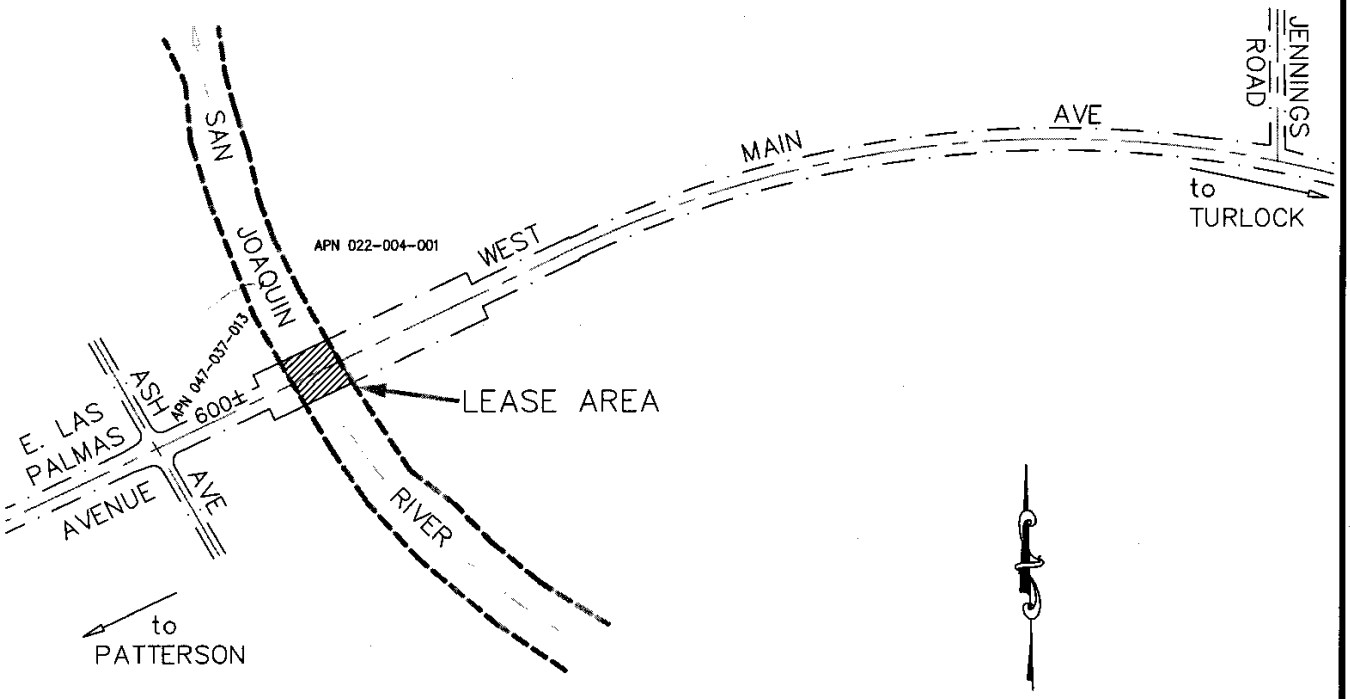
SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE COUNTY OF STANISLAUS BEGINNING JULY 21, 2007, FOR A TERM OF 20 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING BRIDGE AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION TO BE 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.

SITE

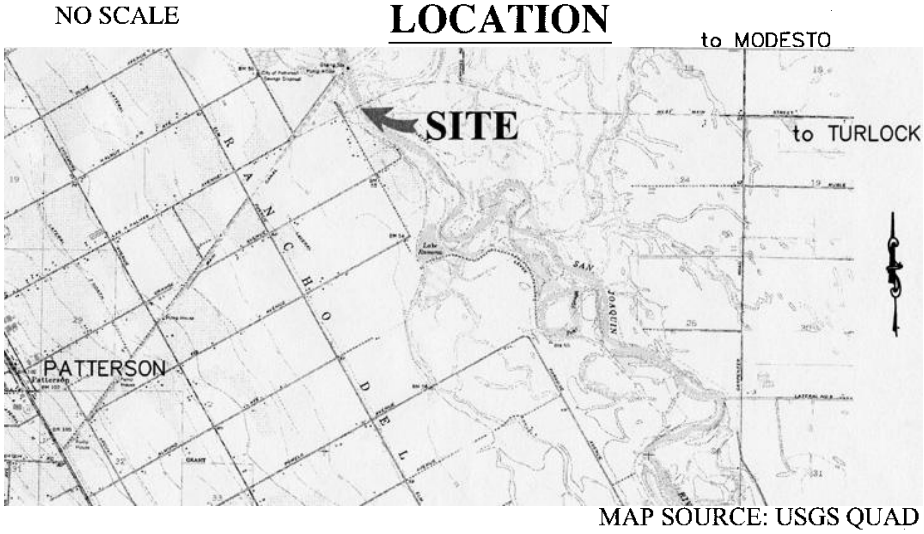


NO SCALE

LAS PALMAS BRIDGE CROSSING, PATTERSON AREA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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 2202.9
GENERAL LEASE
PUBLIC AGENCY USE
COUNTY OF
STANISLAUS

EAP 08/06/2008