CALENDAR ITEM
C32

A 31 02/01/10
W 26376
S 16 J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:
City of Firebaugh
1133 P Street
Firebaugh, California 93622

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

AUTHORIZED USE:
Construction and maintenance of bank protection along a 300± foot section of the west bank of the San Joaquin River.

LEASE TERM:
Ten years, beginning March 1, 2010.

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 owns the uplands adjoining the lease premises.

2. The city of Firebaugh (City) is proposing to stabilize a 300± foot section of the west bank of the San Joaquin River (River) located adjacent to the Andrew Firebaugh Community Center. The bank of the River at this location has eroded as a result of high waters and flooding that occurred in 2006. The project is intended to stabilize the bank and protect it from future flood events.

   The project will consist of the installation of approximately 300 linear feet of sheet piling with a concrete cap at the toe of the bank. Approximately 1,200 cubic yards of fill material (875 cubic yards excavated from the

River channel) will be placed behind the sheet piling. Wire mesh baskets (known as a Reno Mattress System) filled with approximately 120 cubic yards of rock will be placed on top of the sheet piling. The Reno Mattress System allows the voids between the rocks to become filled with silt, promoting vegetation growth. Construction equipment will use a portion of a bluff top recreational trail that was damaged during the 2006 flood event. This portion of the trail will be repaved upon completion of the bank repair project.

The City's project will also include removal of concrete debris that has been dumped down the bank over the years. The equipment used to remove the debris will be located on the bank, and the concrete will be disposed of off-site.

The area will be restored pursuant to a Revegetation Plan that will be reviewed and approved in advance of construction by staffs of the Commission and the California Department of Fish and Game.

3. A Mitigated Negative Declaration was prepared and adopted for this project by the city of Firebaugh (SCH #2008071141) on October 20, 2008. Commission staff has reviewed such document.

   A Mitigation Monitoring Program was adopted by the City of Firebaugh on October 20, 2008.

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 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
Central Valley Regional Water Quality Control Board
California Department of Fish and Game
Central Valley Flood Protection Board

EXHIBITS:

A. Location and Site Map
B. Land Description
C. Mitigation Monitoring Program

RECOMMENDED ACTION:
It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration (SCH #2008071141) and a Mitigation Monitoring Program were prepared and adopted for this project by the city of Firebaugh on October 20, 2008, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, attached as Exhibit C hereto.

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 issuance of a General Lease – Public Agency Use to the City of Firebaugh beginning March 1, 2010, for a term of ten years, for construction and maintenance of bank protection as shown on Exhibit A (for reference purposes only) and described on Exhibit B, attached and by this reference made a part hereof; consideration being 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.

NO SCALE

SITE

APPROX BANK AND EDGE OF WATER SURFACE PER DEBRIS COMMISSION MAP, CSLC FILE LRA 240, SHEET 38, 1914-15

Approx. G.L.O. Meander Line

SAN JOAQUIN RIVER

APPROX. TOP OF BANK

MADERA COUNTY

APPROX EDGE OF WATER SURFACE

10th St

Q Street

FRESNO COUNTY

PROPOSED SHEET PILE BANK PROTECTION

LEASE AREA

P Street

11th Street

APPROX EDGE OF WATER SURFACE

APPROX. TOP OF BANK

Community Center

CITY OF FIREBAUGH, RIVER BANK REPAIR

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

W 26376
CITY OF FIREBAUGH
GENERAL LEASE
PUBLIC AGENCY USE
FRESNO COUNTY

EAP 09/09

Mitigation Measures and Monitoring Program

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
1. AIR QUALITY				
a. All active portions of construction sites, earthen access roads, and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	*Though not specifically considered to be "mitigation measures", construction-related air quality measures are listed here to improve clarity and effectiveness*
b. All clearing, grading, earth moving, or excavation activities shall cease during periods of winds greater than 20 miles per hour averaged over one hour.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
c. All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
d. The area disturbed by clearing, earth moving, or excavation activities shall be minimized at all times. This can be accomplished by mowing instead of disking for weed control and seeding and watering inactive portions of the construction site until grass is evident.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	Public Works Director / Project Manager	Post construction	
e. Construction site vehicle speeds shall be limited to 15 miles per hour	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
f. If used, petroleum-based dust palliitives shall meet the road oil requirements of the Air District's rule regarding Cutback Asphalt Paving Materials	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	

Mitigation Measure	Responsible Agency/Depart-ment	Monitoring By	Timing / Frequency	Comments
g. Streets adjacent to the project site shall be swept as needed to remove silt that may have accumulated from construction activities. The streets are required to be wet prior to or in conjunction with rotary sweeping.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
h. All internal combustion engine driven equipment shall be properly maintained and well tuned according to the manufacturer's specifications	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
i. During the smog season (May through October) the construction period shall be lengthened to minimize the number of vehicles and equipment operating at the same time	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
j. When available, diesel powered or electric equipment shall be utilized in lieu of gasoline-powered engines.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
l. Adherance to the foregoing measures will be made a part of the contract with all contractors involved with the project	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
2. BIOLOGICAL RESOURCES				
a. Western Pond Turtles 1. A tailgate meeting discussing the purpose of implementing precautionary measures to avoid impacts to transient western pond turtles shall be conducted with onsite workers prior to the start of construction.	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	
a. Western Pond Turtles 2. Pre-construction surveys shall be conducted to ensure that western pond turtles are absent from the construction	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	

Mitigation Measure	Responsible Agency/Depart-ment	Monitoring By	Timing / Frequency	Comments
area supporting potentially suitable habitat prior to ground disturbance.				
a. Western Pond Turtles 3. The construction zone should be cleared, and silt fencing should be erected and maintained around construction zones to prevent western pond turtles from moving into these areas.	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	
a. Western Pond Turtles 4. A biological monitor should be present onsite during construction within potentially suitable habitat to ensure that no western pond turtles are harmed, injured, or killed during project build out.	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	
b. Giant Garter Snake 1. To reduce the likelihood of giant garter snake mortality, the project applicant shall implement and comply with the U.S. Fish and Wildlife Service's *Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (Thamnophis gigas) Habitat*. These standard avoidance and minimization measures include, but are not limited to: • Avoiding, to the maximum extent practicable, construction activities within 200 ft. from the banks of giant garter snake aquatic habitat; • Conducting all construction activities between May 1 and October 1, when giant garter snakes are active and, therefore, easier to detect and relocate (i.e., the likelihood of mortality is reduced). If	City of Firebaugh	City Engineer, project contractor	Prior to and/or during construction, as noted.	

Mitigation Measure	Responsible Agency/Depart-ment	Monitoring By	Timing / Frequency	Comments
construction is to occur between October 2 and April 30, the USFWS Sacramento office should be contacted to determine if additional measures are necessary to minimize and avoid take. • Conducting an in-service presentation and awareness training to workers by a qualified biologist. This training, which would include hand-out brochures, would instruct workers to recognize giant garter snakes and their habitat. • Having a qualified biologist survey the project area for giant garter snakes within 24 hours prior to construction activities. The project area should be resurveyed if no construction activities have occurred within two weeks of the previous survey. If a snake is encountered during construction, all activities in the immediate vicinity of the snake shall cease until appropriate corrective measure have been completed or it has been determined that the snake will not be harmed. Any sightings and/or incidental take will be reported to the USFWS immediately.				
b. Giant Garter Snake 2. If trenches are to be dug into which a snake could potentially fall, construction crews should either fill the trench or provide a slope at one end of the trench of no more than 45 degrees at the end of each workday. Doing so would preclude giant garter snakes from being trapped in the trench after	City of Firebaugh	City Engineer, project contractor	Daily, as construction is concluded	

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
working hours.				
b. Giant Garter Snake 3. Any pipes in a trench that are to be left open overnight should be capped in order to prevent entry by snakes.	City of Firebaugh	City Engineer, project contractor	Daily, as construction is concluded	
b. Giant Garter Snake 4. A biological monitor should be present for all subsequent construction activities in areas considered possible habitat for the giant garter snake.	City of Firebaugh	City Engineer	During and after construction	
c. Loggerhead Shrike 1. For development that would occur on parcels with suitable trees and large shrubs, trees and large shrubs planned for removal should be removed during the non-breeding season (September 1 through January 31).	City of Firebaugh	City Engineer	Prior to construction	
c. Loggerhead Shrike 2. If it is not possible to avoid such disturbance during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for nesting raptors and loggerhead shrikes in all trees on the project site within 30 days of the onset of site disturbance. If nesting raptors and/or loggerhead shrikes are detected on or adjacent to the site during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffers (up to 250 feet) would be determined at that time and may vary depending on	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	

Mitigation Measure	Responsible Agency/Depart-ment	Monitoring By	Timing / Frequency	Comments
location. The buffer areas should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.				
d. Migratory Nesting Birds 1. For construction activities that would occur in areas supporting suitable trees and large shrubs, trees and large shrubs planned for removal should be removed during the nonbreeding season (September 1 through January 31). However, if it is not possible to avoid such disturbance during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for nesting raptors, loggerhead shrikes, and other migratory birds in all trees on the project site within 30 days of the onset of site disturbance. If nesting migratory birds, including raptors and/or loggerhead shrikes, are detected on or adjacent to the site during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffers (up to 250 feet) would be determined at that time and may vary depending on species and location. The buffer areas should be enclosed with temporary fencing, and construction	City of Firebaugh	City Engineer & Consulting biologist	Prior to construction and during construction as necessary.	

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during the non-breeding season are not necessary for migratory birds, as they are expected to abandon their roosts during construction.				
3. NOISE				
a. Noise-generating construction activities at the site shall be limited to daylight hours, Monday through Saturdays	City of Firebaugh	City Engineer and project contractor	During construction	