CALENDAR ITEM

C02

A	8, 15	01/26/12
		WP 2066.9
S	2, 5	WP 2067.9
		R. Boggiano

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANTS:

Reclamation District 1601 and
Brannan-Andrus Levee Maintenance District

AREA, LAND TYPE, AND LOCATION:

Filled and unfilled sovereign land in Seven Mile Slough, adjacent to Assessor's Parcel Nos. 157-0130-010, 157-0130-011, 157-0140-012, and 157-0140-020, between Brannan Island and Twitchell Island, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of two existing earth fill access roads known as East Dam and West Dam and associated culverts previously authorized by the Commission; and use and maintenance of an existing pump house, flood control gates, two wood decks, steel platform, and water discharge pipes not previously authorized by the Commission.

LEASE TERM:

20 years, beginning February 18, 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. Applicants have the right to use the upland adjoining the lease premises.

2. On December 11, 1958, the Commission authorized two 49-year Right-of-Way Easements, Lease Nos. PRC 2066.9 and 2067.9, to Reclamation District 2067, Reclamation District 1601, and the County of Sacramento, for two earth fill access roads across the east and west ends of Seven Mile Slough. The access roads with culverts were constructed to provide

access to Twitchell Island from Brannan and Andrus Islands in lieu of ferry service and to serve as dams reducing salt water intrusion into the Delta. The Easements expired February 17, 2007. The Reclamation District 1601 and Brannan-Andrus Levee Maintenance District (formerly Reclamation District 2067) are now applying for a new General Lease – Public Agency Use.

3. The County of Sacramento (County) and the Reclamation Districts entered into a Resolution Agreement, dated December 5, 1947, which grants the Reclamation Districts a perpetual easement for maintaining the roadway on the dams. The County agreed to pay for the cost of construction and maintenance for the fill, roadway, and roadway surface. The Districts agreed to pay for the cost and maintenance of all irrigation and drainage facilities through the slough. The County has requested not to be named a party to the lease because they have granted responsibility to the Reclamation Districts.

4. Not long after the two earth fill access roads were authorized by the Commission, additional flood control structures were installed within the lease premises without Commission authorization. These flood control structures include a pump house, two wood decks, flood control gates, a steel platform, and water discharge pipes. Staff recommends the two original easements be combined into one lease, Lease No. PRC 2066.9, and approval of the unauthorized improvements within the lease premises.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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. Land Description
B. Site and Location Map

RECOMMENDED ACTION:
It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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 Least – Public Agency Use to Reclamation District 1601 and Brannan-Andrus Levee Maintenance District, beginning February 18, 2007, for a term of 20 years, for the continued use and maintenance of two earth fill access roads used as dams with culverts and for the use and maintenance of existing pump house, flood control gates, two wood decks, steel platform, and water discharge pipes as described in Exhibit A and shown on Exhibit B (for reference purposes only) 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.

EXHIBIT A

WP 2066.9

LAND DESCRIPTION

Two 160 foot wide strips of partially filled tide and submerged lands situate in the bed of Seven Mile Slough, County of Sacramento, State of California, lying 80 feet on each side of the following described centerlines:

PARCEL 1

COMMENCING at the coordinates N(Y)=1806506.57, E(X)=6653007.12 as shown on site plan "WEST DAM – GENERAL LEASE RENEWAL EAST & WEST DAMS", sheet 3 of 6, prepared by DCC Engineering Co., Inc.; thence N 13°58'14" E, 15.00 feet to the POINT OF BEGINNING; thence N 76°01'46" W, 263.67 feet to the POINT OF TERMINATION.

PARCEL 2

COMMENCING at the coordinates N(Y)=1804477.21, E(X)=6668111.12 as shown on site plan "EAST DAM – GENERAL LEASE RENEWAL EAST & WEST DAMS", sheet 4 of 6, prepared by DCC Engineering Co., Inc.; thence S 73°38'49" E, 15.00 feet to the POINT OF BEGINNING; thence N 16°21'11" E, 200.00 feet to the POINT OF TERMINATION.

Sidelines of said strips shall begin and terminate at a line lying perpendicular to the beginning and termination of said centerline

EXECPTING THEREFROM any lands lying landward of the ordinary high water mark of Seven Mile Slough.

BASIS OF BEARINGS is CCS83, Zone 2. All distances are grid distances.

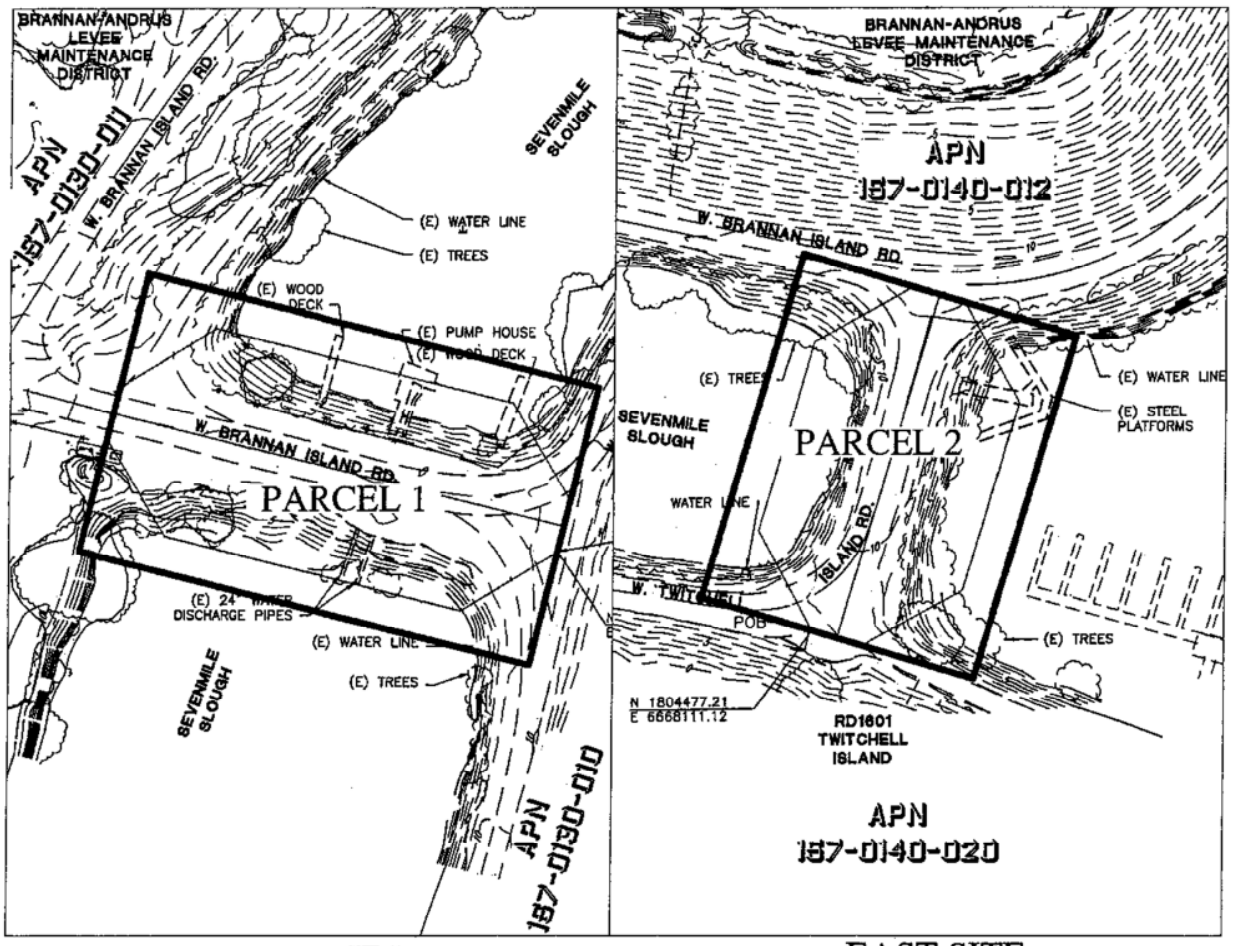
END OF DESCRIPTION

PREPARED 9/23/09 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

LICENSED LAND SURVEYOR
STEVE C. LEHMAN
Exp. 12/31/11
No. 7377
STATE OF CALIFORNIA

NO SCALE

SITE

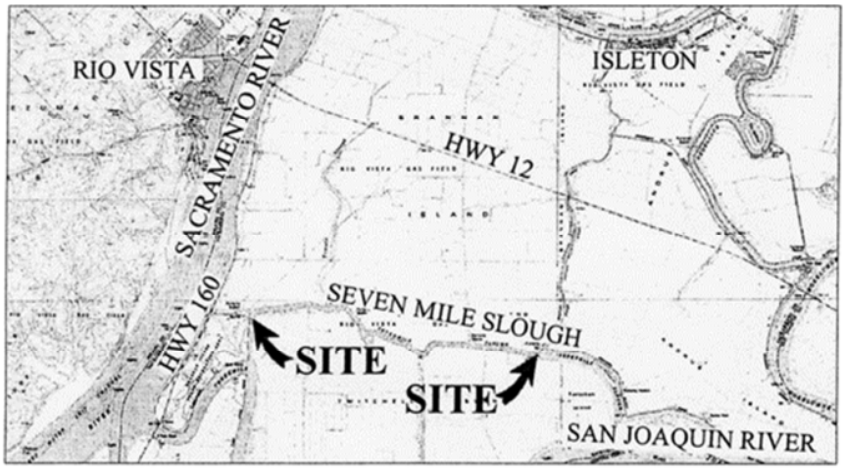


WEST SITE EAST SITE

Seven Mile Slough - Dam & Culvert Pipe

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 B

WP 2066.9
APN 157-0130-010,-011
157-0140-012,-020
ANDRUS LEVEE MAINT. DIST. &
RECLAMATION DIST. 1601
GENERAL LEASE -
PUBLIC AGENCY USE
SACRAMENTO COUNTY

MJF 11/17/11