

PERMIT ITEM NO. 13
APPROVED 12/76

CALENDAR ITEM

1/76
EPW
W 20769

13.

PUBLIC AGENCY PERMIT

APPLICANT: City of Stockton
Room 317, City Hall
Stockton, California 95202

AREA, TYPE LAND AND LOCATION:
An 0.032-acre parcel of tide and submerged land
in the bed of the San Joaquin River, at mile
40.5, San Joaquin County.

LAND USE: Two 48-inch diameter outfall siphons.

TERMS OF PROPOSED LEASE:
Initial Period: 49 years, from October 1, 1975.

Special: Construction limiting dates:
Begin October 1, 1974;
Completion October 1, 1976.

CONSIDERATION: The public use and benefit with the State reserving
the right at any time to set a monetary rental if
the Commission finds such action to be in the
State's best interest.

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Statement was circulated through the State Clearinghouse (SCH No. 71162530). A notice of completion for a Draft Environmental Impact Report was filed January 8, 1974. The United States Environmental Protection Agency, Region IX, stated in a letter dated April 10, 1974, that after having conducted an environmental impact appraisal, that it decided not to prepare an environmental impact statement. Compliance with NEPA, however, does not in itself deem the proposed project has satisfied CEQA. At this point, the City stopped processing under CEQA.

Therefore, after division consultation with staff of the City of Stockton, the State Lands Division agreed to act as lead agency in finalizing compliance with CEQA. Subsequent thereto, a Negative Declaration was prepared by the Division pursuant to CEQA and implementing regulations.

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2. This project is situated on State land identified as environmentally significant, pursuant to Public Resources Code 6370, and is classified as a limited use area category. The project is determined to be a compatible use consistent with identified significant environmental values.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT NEED NOT BE PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE DIVISION.
2. CERTIFY THAT THE NEGATIVE DECLARATION, NO. EIR ND 182, HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON THE ENVIRONMENTAL CHARACTERISTICS OF THESE LANDS.
4. AUTHORIZE ISSUANCE TO THE CITY OF STOCKTON OF A 49-YEAR PUBLIC AGENCY PERMIT FROM OCTOBER 1, 1975, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST FOR TWO 48-INCH DIAMETER OUTFALL SIPHONS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20769

A parcel of land 33 feet wide in the State-owned bed of the San Joaquin River in the City of Stockton, San Joaquin County, State of California, and being 13 feet on the right (southeast) and 20 feet on the left (northwest) of the following described line:

COMMENCING at a U.S.F.D. Monument FS 6-102 as said U.S.E.D. Monument is shown upon the map recorded in Book 6, page 102, of Records of Surveys, San Joaquin County Records; thence S $11^{\circ} 46'$ E 130.00 feet to the centerline of the right of way for the Atchison, Topeka and Santa Fe Railroad; thence S $78^{\circ} 14'$ W along said centerline 337.50 feet; thence leaving said line N $38^{\circ} 40'$ W 394.75 feet to the TRUE POINT OF BEGINNING; thence N $43^{\circ} 11'$ E 79 feet to the end of the herein described line.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark.

END OF DESCRIPTION