

**CALENDAR ITEM  
C35**

A 2, 8, 9

06/01/09  
WP 7203.9  
D. Jones

S 4, 5

**AMENDMENT OF LEASE**

**LESSEE:**

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 140  
Sacramento, CA 95825

**AREA, LAND TYPE, AND LOCATION:**

**Master Lease:**

Designated areas along the Sacramento River and sloughs, distributaries and tributaries that join it.

**AUTHORIZED USE:**

Construction and maintenance of new bank protection.

**LEASE TERM:**

**Master Lease:**

30 years, beginning May 1, 1988.

**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 premises to include the construction and maintenance of bank protection on 16 critical levee sites located in the Sacramento River at RM 35.4L near the town of Courtland, Sacramento County; the Sacramento River at RM 42.7R near the town of Clarksburg, Yolo County; the Sacramento River at RM's 55.2L and 73.5L in the city of Sacramento, Sacramento County; the American River at RM's 10.0L and 10.6L, near the city of Sacramento, Sacramento County; the Sacramento River at RM's 77.2L and 78.8L near the town of Verona, Sutter County; the Sacramento River at RM's 87.0L, and 93.7L near the town of Knights Landing, Sutter County; the Feather River at RM's 5.5L and 7.0L near the town

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of Nicolaus, Sutter County; the Feather River at RM 28.5R near the city of Yuba City, Sutter County; and the Sacramento River at RM's 114.5R, 136.7R and 136.9R near the city of Colusa, Colusa 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. The Sacramento River Bank Protection Project, authorized by Congress in 1960, directs the U.S. Army Corps of Engineers (Corps) to provide bank protection along the Sacramento River and its tributaries. The State Legislature authorized the participation of the Central Valley Flood Protection Board (CVFPB), formerly called The Reclamation Board, in the Sacramento River Bank Protection Project.

A Master Lease to CVFPB for the Sacramento River Bank Protection Project was authorized by the State Lands Commission on May 9, 1988, effective May 1, 1988. The Master Lease authorizes maintenance of existing bank protection structures and construction of new bank protection structures as specific construction sites become known. The Master Lease also requires the CVFPB to seek amendments of the lease to include new sites.

3. Under the current application, the CVFPB, in partnership with the Corps, is proposing to repair 16 additional levee sites requiring immediate work to prevent levee failure.
4. The damaged levees are located in the Sacramento River at RM 35.4L near the town of Courtland, Sacramento County; the Sacramento River at RM 42.7R near the town of Clarksburg, Yolo County; the Sacramento River at RM's 55.2L and 73.5L in the city of Sacramento, Sacramento County; the American River at RM's 10.0L and 10.6L, near the city of Sacramento, Sacramento County; the Sacramento River at RM's 77.2L and 78.8L near the town of Verona, Sutter County; the Sacramento River at RM's 87.0L, and 93.7L near the town of Knights Landing, Sutter County; the Feather River at RM's 5.5L and 7.0L near the town of Nicolaus, Sutter County; the Feather River at RM 28.5R near the city of Yuba City, Sutter County; and the Sacramento River at RM's 114.5R, 136.7R and 136.9R near the city of Colusa, Colusa County. The proposed levee repair work will consist of excavating damaged areas beyond the area of the identified repair site to include backfilling,

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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 NOAA Fisheries and the California Department of Fish and Game (CDFG) to protect salmonids. In addition, the Lessee, through a Memorandum of Understanding entitled "State-Federal Action Plan for Expedited Levee Repair" dated October 31, 2006, and through the Inter-Agency Collaborative, will consult on each repair site to ensure that activities will not result in a negative impact to endangered species and species of special concern.

5. The Corps has initiated informal Section 7 consultation with the U.S. Fish and Wildlife Service (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.
6. A Mitigated Negative Declaration (SCH#2009042052) was prepared and adopted for this project by The Central Valley Flood Protection Board on May 15, 2009. The California State Lands Commission's staff has reviewed such document.
7. A Mitigation Monitoring Program was adopted by the Central Valley Flood Protection Board on May 15, 2009.
8. 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.

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**APPROVALS REQUIRED:**

U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the California Regional Water Quality Control Board

**EXHIBIT:**

A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT A MITIGATED NEGATIVE DECLARATION (SCH#2009042052) AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CENTRAL VALLEY FLOOD PROTECTION BOARD ON MAY 15, 2009 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 REFERENCE 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 MASTER LEASE NO. PRC 7203.9, A GENERAL LEASE – PUBLIC AGENCY USE, TO INCLUDE BANK PROTECTION WORK ON 16 CRITICAL LEVEE SITES SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; EFFECTIVE JUNE 1, 2009, ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.