

**CALENDAR ITEM
C22**

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W 26447

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D. Jones

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Department of Water Resources
2825 Watt Avenue, Suite 100
Sacramento, CA 95821

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Feather River near the city of Nicolaus, Sutter County; and the San Joaquin River in the San Joaquin River National Wildlife Refuge near the city of Modesto, Stanislaus County.

AUTHORIZED USE:

Scientific research, including the extraction of trees, in connection with the California Levee Vegetation Research Program.

LEASE TERM:

Five years, beginning December 10, 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 has the right to use the uplands adjoining the lease premises.
2. The State is currently engaged in an aggressive 25-year program to upgrade its flood management system. During this time, the State is searching for comprehensive solutions that address numerous issues including levee erosion, levee vegetation, and habitat for endangered and special-status species. In April 2007, the U.S. Army Corps of Engineers (USACE) released a draft white paper that called for the removal of wild growth, trees, and other encroachments that might impair levee integrity or flood-fighting access in order to reduce risk of flood damage.

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USACE policies regarding vegetation growing on levees are based on its conclusion that vegetation may restrict the ability to detect defects and distress on levees and may impair activities associated with fighting floods during a flood event. The USACE provides guidance on growing vegetation on levees. The Department of Water Resources (DWR) and others believe implementation of the USACE policies in California could result in severe and unavoidable adverse effects to the environment by eliminating important habitat for endangered and special-status species. Experts disagree on whether or not levee vegetation is detrimental or beneficial to levee integrity.

In light of this concern, the Sacramento Area Flood Control Agency (SAFCA), has teamed with the DWR, the USACE, the Central Valley Flood Protection Board (CVFPB), the National Marine Fisheries Service (NOAA), U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (DFG), the California Central Valley Flood Control Associates, the Universities of California at Davis and Berkeley, and consultants to evaluate the effects and risk factors of trees on levees. This interagency collaborative group, known as the California Levee Vegetation Science Team, is beginning a series of research projects to determine whether, and under what conditions, trees reduce the reliability of levees. The projects, known collectively as the California Levee Vegetation Research Program (LVRP), would provide the information needed to determine whether vegetation removal is required to facilitate improved levee maintenance.

The LVRP researchers will characterize critical forces necessary for windthrow of trees (natural disturbance from wind) on California levees by conducting tree-pulling experiments and then taking detailed measurements (windthrow studies) of the pulled tree and the root/soil pit created if the pulled tree uproots. If the tree does not uproot, a pit will be excavated to make necessary measurements. The tree is pulled by winching it using a cable fastened midway up the tree being pulled and anchored to the base of a nearby tree or piece of heavy equipment.

The research projects will be conducted during January and February of the field season (winter, where soils would be most saturated), because that is when California experiences the most wind storms and flooding.

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The project study areas include the Sacramento River Basin in Sacramento, Yuba, and Sutter Counties, and the San Joaquin River National Wildlife Refuge (NWR). There are two proposed sites that may involve State-owned sovereign lands: the Feather River near the city of Nicolaus, Sutter County; and the San Joaquin River within the San Joaquin River NWR near the city of Modesto, Stanislaus County.

3. A Mitigated Negative Declaration SCH# 2009102078 was prepared by the Sacramento Area Flood Control Agency and adopted on December 10, 2009, for this project. The California State Lands Commission staff reviewed such document.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code 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.

APPROVALS OBTAINED:

Central Valley Flood Protection Board

FURTHER APPROVALS REQUIRED:

State Water Resources Control Board
California Regional Water Quality Control Board

EXHIBITS:

- A. Location and Site Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

May 6, 2011

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH# 2009102078 was prepared for this project by the Sacramento Area Flood Control Agency and adopted on December 10, 2009 for this project, and that the Commission reviewed and considered the information contained there.

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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 Department of Water Resources beginning December 10, 2010, for a term of five years, for scientific research, including the extraction of trees, in connection with the California Levee Vegetation Research Program as shown on Exhibit A, for reference purposes only, and described on Exhibit B attached and by this reference made a part hereof; and 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.