

**CALENDAR ITEM
C49**

A 8

06/23/11
WP 8890.9

S 5

D. Jones

AMENDMENT OF LEASE

APPLICANT:

Department of Water Resources
3310 El Camino Avenue
Sacramento, CA 95821

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River at River Mile (RM) 46.7, in the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Construction, repair, use, and maintenance of existing bank protection.

LEASE TERM:

20 years, beginning August 20, 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.

PROPOSED AMENDMENT:

The proposed amendment amends Section 3 of the lease to add a new levee repair site (RM 46.7) to the existing lease. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. To maintain the flood control integrity of the Sacramento River Flood Control Project, the Department of Water Resources (DWR), Division of Flood Management (DFM), Flood Maintenance Office (FMO), needs to conduct levee repairs at an additional site. Maintenance Area (MA) 9 consists of 19.61 levee miles in length running along the left bank (east side) of the Sacramento River starting at Sutterville Road in Sacramento

CALENDAR ITEM NO. **C49** (CONT'D)

at RM 55.9 and ending approximately two miles south of the town of Hood at RM 36.7. This section of levee protects both high-density urban populations as well as agricultural lands of both the City and County of Sacramento. On August 20, 2010, the Commission authorized a General Lease – Public Agency Use to the Department of Water Resources for the construction, repair, use, and maintenance of bank protection at two sites: RM 36.8 near the town of Hood, Sacramento County, and RM 53.6 in the city of Sacramento, Sacramento County. The proposed action would amend the lease to authorize the construction, repair, use, and maintenance of bank protection at RM 46.7 in the Sacramento River in the city of Sacramento, Sacramento County.

3. The site at RM 46.7 has been previously rocked. Current damage consists of a 490-foot long, two-foot high scarp (60-foot angular width from near toe towards crown), as well as two additional three-foot high scarps near the crown of the levee with dimensions 20- and 40 feet long. The existing rock at the site has slipped or been scoured away, leaving behind small areas of erosion or sloughing. Vegetation at the site is composed mostly of ruderal species with a small strip of riparian vegetation. The repair will be done either from the river via a barge or by ground crews from the levee crown. If the repair is conducted from the levee, a staging area will be located upstream of the repair site.

4. Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff 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; Title 14, California Code of Regulations, section 15301 (d).

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

5. 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.

APPROVALS REQUIRED:

CALENDAR ITEM NO. **C49** (CONT'D)

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

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

June 27, 2011

RECOMMENDED ACTION:

it is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301 (d).

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 the Amendment of Lease No. PRC 8890.9, a General Lease - Public Agency Use as shown on Exhibit A and as described on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, effective June 23, 2011, to amend Section 3 to add an additional levee repair site (RM 46.7) in the Sacramento River, city of Sacramento, Sacramento County; all other terms and conditions of the lease will remain in effect without amendment.