

**CALENDAR ITEM
C62**

A 5, 23, 31

06/28/16
PRC 9280.9
R. Collins

S 8, 12

AMENDMENT OF LEASE

LESSEE:

United States Bureau of Reclamation

AREA, LAND TYPE, AND LOCATION:

Eight parcels of sovereign land in the San Joaquin River, at Ledger Island, Highway 41 Bridge, Scout Island, Milburn, Highway 99, Herndon, Donnie Bridge, and Gagnani property, Fresno and Madera Counties.

AUTHORIZED USE:

Temporary placement of fish collection structures.

LEASE TERM:

10 years, beginning April 23, 2014.

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 interests.

PROPOSED AMENDMENT:

Amend the Lease to add a ninth parcel of land for the temporary placement of fish collection structures at the Wallace property, as described in Exhibit A and as shown on Exhibit B (for reference purposes only), in the San Joaquin River. All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, and 6301; California Code of Regulations, Title 2, section 2000, subdivision (b).

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Public Trust and State's Best Interests Analysis:

The Lessee is responsible for implementing the goals of the San Joaquin River Restoration Program (Program). One of those goals of the Program is to restore and maintain self-sustaining populations of salmon and other fish in the San Joaquin River from Friant Dam to the confluence of the Merced River. The lease authorizes the Lessee to temporarily place fish collection structures from mid-February through May in authorized locations of the San Joaquin River to capture juvenile fall-run Chinook salmon as they make their way downstream after hatching. The captured fish are then transported around dry segments of the river to release sites downstream.

Restoring salmon populations to the San Joaquin River is consistent with the common law Public Trust Doctrine because established salmon populations will offer future fishing opportunities as well as the public's enjoyment of watching the salmon return to spawn at the San Joaquin Hatchery. Furthermore, the common law has expressly recognized fisheries and the development of a hatchery for fish as a public trust consistent use of State sovereign lands.

The V-shaped fence weirs placed in the river to direct juvenile salmon to fish collection structures will include flashing lights and flagging to alert boaters. Special provisions in the Lease require that the fence weirs shall not pose a navigational hazard to the fullest extent feasible. The temporary fence weirs will include a removable panel marked with bright paint and signage to allow the passage of boaters upstream and downstream through the weirs. Commission staff believes implementation of these special lease conditions will ensure that the weirs and collection structures do not substantially interfere with the public trust needs and values related to boating and recreation at these locations because provisions for passing through the temporary fish collection structures will be provided.

For the reasons stated above, Commission staff believes the amendment of this lease to add a ninth parcel of land for the temporary placement of fish collection structures at the Wallace property in the San Joaquin River is consistent with the common law Public Trust Doctrine and in the State's best interests.

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OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. On April 23, 2014, the Commission authorized the issuance of Lease No. PRC 9280.9, a General Lease – Public Agency Use, for a 10-year term to the U.S. Bureau of Reclamation, for four parcels of sovereign land in the San Joaquin River.
3. On April 23, 2015, the Commission rescinded its authorization of the issuance of Lease No. PRC 9280.9, and authorized a General Lease – Public Agency Use, for a 10-year term to the U.S. Bureau of Reclamation for eight parcels of sovereign land in the San Joaquin River, at Ledger Island, Highway 41 Bridge, Scout Island, Milburn, Highway 99, Herndon, Donnie Bridge, and Gragnani property. The lease will expire on April 22, 2024.
4. The Lessee has applied for a lease amendment to add a ninth parcel of land for the temporary placement of fish collection structures at the Wallace property in the San Joaquin River.
5. The Commission adopted an Environmental Assessment/Finding of No Significant Impact (EA/FONSI) as a Negative Declaration (ND)-equivalent document at their April 23, 2014 meeting as part of Calendar Item C46 (http://archives.slc.ca.gov/Meeting_Summaries/2014_Documents/04-23-14/Items_and_exhibits/C46.pdf). The Commission adopted a second FONSI as an addendum-equivalent document at their April 23, 2015 meeting as part of Calendar Item C78 (http://archives.slc.ca.gov/Meeting_Summaries/2015_Documents/04-23-15/Items_and_exhibits/C78.pdf). The current lease amendment includes minimal changes to the location of the fish collection structures that were originally analyzed in the adopted EA, and were disclosed a second time in the 2015 FONSI.
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 California Environmental Quality Act (CEQA) review process,

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it is the staff's opinion that the project, as proposed, is consistent with its use classification.

7. This action is consistent with Key Action 1.2.4 of the Commission's Strategic Plan to prioritize the use of sovereign lands where appropriate for open space, wetlands, riparian habitat and habitat preservation, restoration, and enhancement, including through habitat management plans, mitigation agreements with public agencies, private parties, and other conservation efforts, consistent with applicable law.

EXHIBITS:

- A. Land Description
- B-1. Site and Location Map
- B-2. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the Commission adopted the EA and 2014 FONSI prepared for this Project and adopted by the U.S. Bureau of Reclamation in place of a Negative Declaration on April 23, 2014 (Cal. Code Regs., tit. 14, §§ 15221 and 15225).

Find that the Commission adopted the 2015 FONSI prepared for this Project and adopted by the United States Bureau of Reclamation in place of an addendum on April 23, 2015.

Find that the Commission has reviewed and considered all the information contained in the Negative Declaration (EA and 2014 FONSI) together with the addendum (2015 FONSI), as contained on file in the Sacramento Office of the State Lands Commission as Exhibit C to Calendar Item C78 from the April 23, 2015 Commission meeting, and that in its independent judgment, none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

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PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment will not substantially interfere with the public trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

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 9280.9, a General Lease – Public Agency Use, effective June 28, 2016, to add a ninth parcel of sovereign land for the temporary placement of fish collection structures as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 9280.9

LAND DESCRIPTION

Eight parcels of sovereign land situate in the bed of the San Joaquin River, Counties of Fresno and Madera, State of California and more particularly described as follows:

PARCEL 1 (Ledger Island Site)

A circular parcel of land having a one hundred (100) foot radius with a central point having a NAD 83 coordinate of 36° 56' 38.34" North Latitude, 119° 44' 18.93" West Longitude.

PARCEL 2 (Highway 41 Bridge Site)

A circular parcel of land having a one hundred (100) foot radius with a central point having a NAD 83 coordinate of 36° 52' 15.56" North Latitude, 119° 47' 59.87" West Longitude.

PARCEL 3 (Scout Island Site)

A circular parcel of land having a one hundred (100) foot radius with a central point having a NAD 83 coordinate of 36° 51' 38.31" North Latitude, 119° 50' 48.13" West Longitude.

PARCEL 4 (Milburn Site)

A circular parcel of land having a one hundred (100) foot radius with a central point having a NAD 83 coordinate of 36° 51' 20.52" North Latitude, 119° 52' 39.89" West Longitude.

PARCEL 5 (Highway 99 Site)

A circular parcel of land having a one hundred (100) foot radius with a central point having a NAD 83 coordinate of 36° 50' 31.42" North Latitude, 119° 56' 00.18" West Longitude.

PARCEL 6 (Herndon Site)

A circular parcel of land having a one hundred (100) foot radius with a central point having a NAD 83 coordinate of 36° 50' 13.40" North Latitude, 119° 56' 06.61" West Longitude.

PARCEL 7 (Donnie Bridge Site)

A circular parcel of land having a one hundred fifty (150) foot radius with a central point having a NAD 83 coordinate of 36° 49' 59.93" North Latitude, 119° 57' 56.78" West Longitude.

PARCEL 8 (Wallace Property Site)

A circular parcel of land having a one hundred (100) foot radius with a central point having a NAD 83 coordinate of 36° 48' 59.40" North Latitude, 120° 02' 39.23" West Longitude.

PARCEL 9 (Gragnani Site)

A circular parcel of land having a one hundred (100) foot radius with a central point having a NAD 83 coordinate of 36° 47' 52.77" North Latitude, 120° 09' 34.19" West Longitude.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the right and left banks of said river.

END OF DESCRIPTION

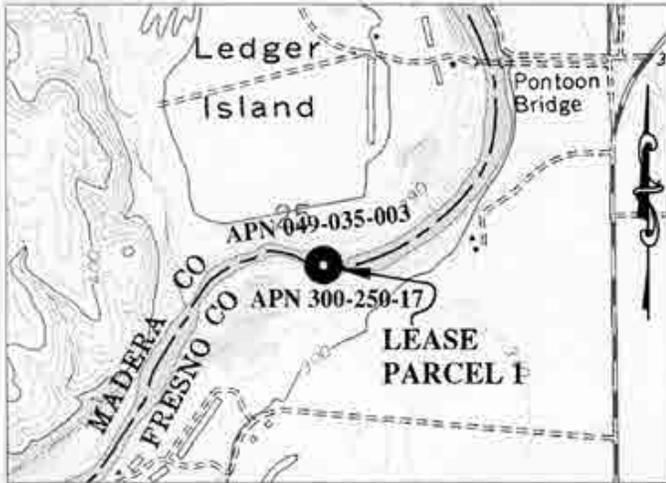
NAD 83 Geographic Coordinates provided by the U.S. Bureau of Reclamation.

Prepared 04/01/16 by the California State Lands Commission Boundary Unit

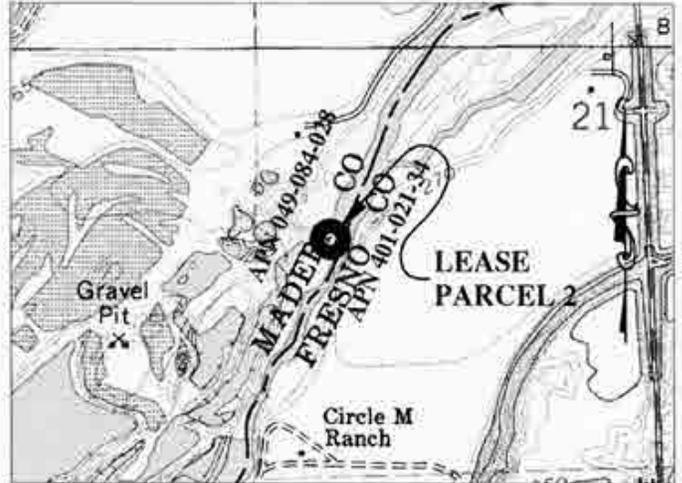


NO SCALE

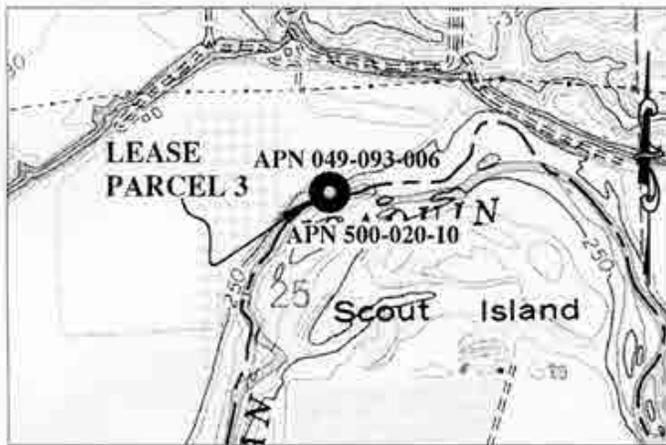
SITE



LEDGER ISLAND SITE



HIGHWAY 41 BRIDGE SITE



SCOUT ISLAND SITE



MILBURN SITE

FISH COLLECTION STRUCTURES, SAN JOAQUIN RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B-1

PRC 9280.9

U.S. BUREAU OF RECLAMATION
 APNs - MULTIPLE
 GENERAL LEASE -
 PUBLIC AGENCY USE
 FRESNO & MADERA
 COUNTIES



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.

NO SCALE

SITE



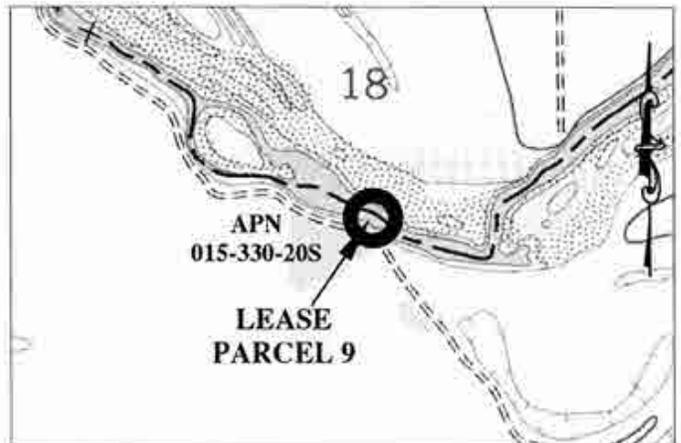
HIGHWAY 99 AND HERNDON AVENUE SITES



DONNIE BRIDGE SITE



WALLACE PROPERTY SITE



GRAGNANI SITE

FISH COLLECTION STRUCTURES, SAN JOAQUIN RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B-2

PRC 9280.9

U.S. BUREAU OF
RECLAMATION
APNs - MULTIPLE
GENERAL LEASE -
PUBLIC AGENCY USE
FRESNO & MADERA
COUNTIES



TS 04/01/16

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