

CALIFORNIA STATE LANDS COMMISSION
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Established in 1938
JAN 22 2016

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File Ref: PRC 5482.9

JAN 25 2016

Federico Barajas, Manager
Northern California Area Office
U.S. Bureau of Reclamation
P.O. Box 988
Willows, CA 95988

SHASTA DIV. - WILLOWS

Subject: Emergency Authorization in connection with Application to Amend General Lease – Public Agency Use, Lease No. PRC 5482.9, for additional sites as part of the Rehabilitation and Restoration of King Salmon and Winter-Run Chinook Salmon project, in the Sacramento River, near the city of Redding, Shasta County

Dear Mr. Barajas:

This letter is in response to your request on behalf of the U.S. Bureau of Reclamation (BOR) for Emergency Authorization by the staff of the California State Lands Commission (Commission) to authorize the BOR to proceed with the proposed rehabilitation and restoration project in the Sacramento River, near the city of Redding, Shasta County.

On October 1, 2002, the Commission issued a General Lease – Public Agency Use, Lease No. PRC 5482.9, to the BOR for the placement of gravel at nine sites in the Sacramento River for the rehabilitation and restoration of King Salmon and Winter-run Chinook Salmon. On October 8, 2015, Commission staff received an application from the BOR to amend its lease by adding additional sites in the Sacramento River for the rehabilitation and restoration project.

The BOR has since contacted Commission staff requesting Emergency Authorization prior to formal consideration by the Commission at its February 9, 2016 meeting, to proceed with the restoration project at two of the proposed sites, known as North Cypress Side Channel and Kapusta 1a. As we understand, due to the ongoing drought these two sites have been deemed to have immediate benefit to winter-run Chinook salmon, a State and Federal listed Endangered Species. It is believed that it's

urgent to begin the implementation of the rehabilitation and restoration project in order to take advantage of low flow conditions in the Sacramento River in the vicinity of Redding. Any delay may risk missing these low flow conditions.

On December 28, 2015, the California Department of Fish and Wildlife (DFW), a partner in collaboration with BOR on this habitat restoration project, sent a letter to the Commission confirming that the proposed actions of BOR are related to the continuing drought emergency in California and for the purpose of restoring habitat for an endangered species harmed by the drought. DFW's letter affirmed that the proposed activities are consistent with the Governor's Declaration of Emergency Proclamation No. 1-17-2014, Proclamation of a Continued State of Emergency of 4-25-2014, and Executive Order B-36-15, providing regulatory relief to rapidly approve the work to benefit species. More specifically, the Proclamation of 4-25-2014, provisions 6, 7, 8, and 19 suspend the California Environmental Quality Act (CEQA) for state actions required to protect threatened or endangered species harmed by the drought emergency. On the basis of DFW's recommendation, Commission staff finds that CEQA is suspended and non-applicable for purposes of granting an emergency approval for the activities below.

Based on the information provided to us by the BOR and DFW, we understand the following activities are proposed:

1. North Cypress site:
 - a. Dredging to reconnect two partially functional side channels to the main channel to increase juvenile salmonid rearing habitat.
2. Kapusta 1A site:
 - a. Dredging to reconnect side channels with the Sacramento River.
 - b. Possible construction of a new side channel.
 - c. Placement of rocks/gravel.
 - d. Creating of nearshore benches along the channels.

Commission staff does not object and provides Emergency Authorization for BOR to utilize sovereign lands for the proposed Sacramento River rehabilitation and restoration project to the extent that such activities are limited to the scope of work and the locations described above. This Emergency Authorization is subject to the following conditions:

- 1) That the State of California, its officers, agents, and employees shall not be liable for any claims, damages, or injuries of any kind and from any cause, arising out of or connected in any way with the proposed action, and that the BOR shall indemnify, hold harmless, and, at the option of the State, defend the State, its officers, agents, and employees, against and for any and all liability for any claims, damages, or injuries of any kind and from any cause, arising out of or connected in any way with the proposed action; and
- 2) That BOR shall comply with any and all terms and conditions imposed by Commission staff;

- 3) That BOR shall obtain and secure, prior to commencement of the project, all approvals necessary or appropriate from any and all other agencies or governmental entities having jurisdiction;
- 4) That BOR has obtained authorization to access the North Cypress and Kapusta 1A project sites from the upland property owners;
- 5) That disturbance of the property under the Commission's jurisdiction shall be kept to a minimum area consistent with the nature and purpose of the proposed action, and that the BOR shall take all necessary and appropriate precautions to prevent littering or pollution on sovereign lands, waterways, and adjoining properties;
- 6) That BOR shall be responsible for any damage, destruction, or loss occurring to State lands, waterways, adjoining property, the State's lessees, or other members of the public;
- 7) That BOR shall provide Commission staff notice prior to any actual work or activity taking place pursuant to the approvals given and shall provide Commission staff with any information requested as to the work completed;
- 8) No refueling, maintenance, or repairs to any equipment or vehicles will be permitted on lands subject to the Commission's jurisdiction;
- 9) All personal property, tools, equipment, or other materials taken onto or placed upon sovereign lands shall remain the property of BOR and/or its contractors. Such property shall be promptly removed from these lands upon completion of the project. The Commission does not accept any responsibility for any damage, including damages to any property, including equipment, tools, machinery, or other materials placed on State-owned land;
- 10) The BOR shall provide photos and a written description of the condition of the site upon completion; and
- 11) This Emergency Authorization shall become effective upon the date executed by the BOR and shall remain in effect for one year.

The BOR acknowledges that Commission staff's issuance of this Emergency Authorization for the project is no assurance that future use of sovereign lands would be allowed. Each time the Commission takes action to approve or reject a project; it is exercising its authority and responsibility as trustee of the State's Public Trust lands as authorized by law (Public Resources Code section 6301 and 6216).

This letter is not intended, nor shall it be construed as, a waiver of any limitation of any right, title, or interest of the California State Lands Commission in any lands under its jurisdiction.

This letter and Emergency Authorization for the specific activities described herein is issued pursuant to the Commission's Comprehensive Delegation of Authority, as amended March 20, 2015.

On the basis of DFW's recommendations and pursuant to provisions 6,7,8, and 19 of the Governor's 4-25-2014 Proclamation of a Continued State of Emergency, Commission staff find that CEQA is suspended and non-applicable for purposes of granting Emergency Authorization for the activities described herein.

Please have an authorized representative of the BOR sign in the space provided below, accepting the conditions as set forth in this letter and return the signed original to this office. You may email a copy of the signed letter; however, if the signed original is not received within 10 business days after receipt of this letter, this Letter of Emergency shall be null and void.

If you have any questions, please contact appropriate contact and contact information.

Sincerely,



Brian Bugsch, Chief
Land Management Division

Accepted By:

Federico Barajas, Manager
Northern California Area Office
U.S. Bureau of Reclamation

By:  _____

Title: AREA MANAGER _____

Date: 1/27/16 _____

cc: Beverly Terry, Commission
Cynthia Herzog, Commission