

**CALENDAR ITEM
C22**

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12/10/10

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.

CALENDAR ITEM NO. **C22** (CONT'D)

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.

CALENDAR ITEM NO. **C22** (CONT'D)

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.

CALENDAR ITEM NO. **C22** (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

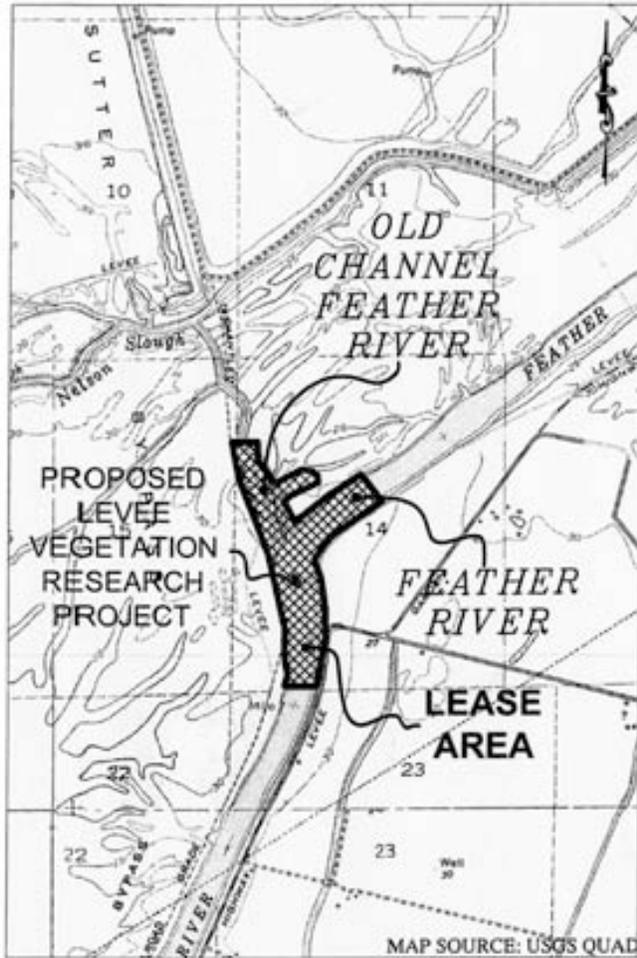
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

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.

NO SCALE

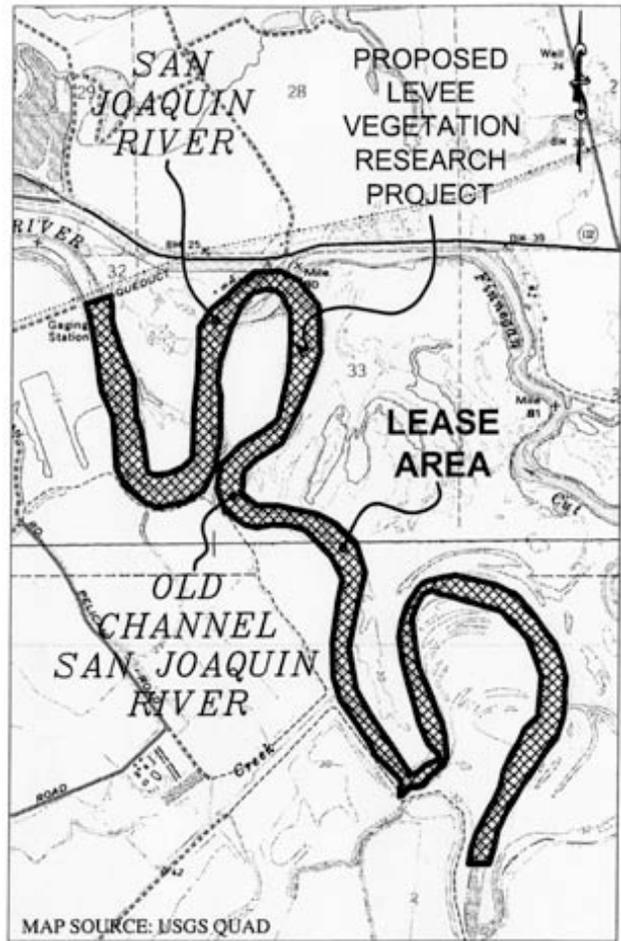
SITE 1



FEATHER RIVER MEDIAL LEVEE

SITE 2

NO SCALE



SAN JOAQUIN NATIONAL WILDLIFE REFUGE

NO SCALE

LOCATION

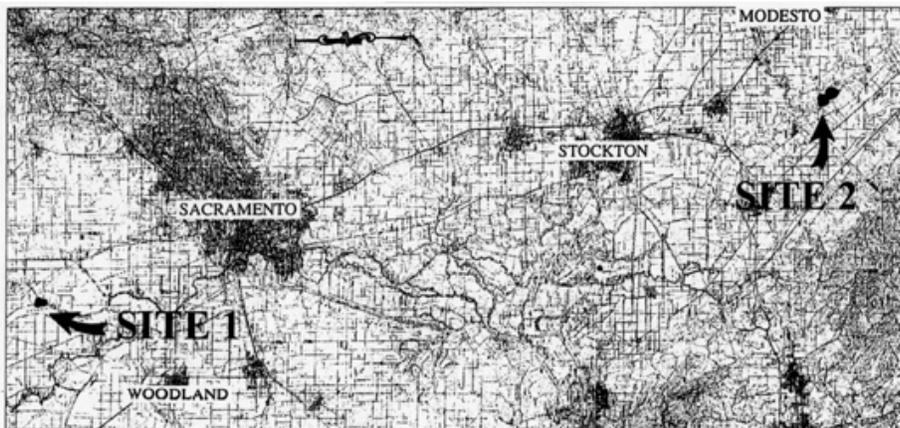


Exhibit A

W 26447

DEPARTMENT OF
 WATER RESOURCES
 GENERAL LEASE - PUBLIC
 AGENCY USE
 STANISLAUS AND
 SUTTER COUNTIES



JWP 11/10

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.

EXHIBIT B

W 26447

LAND DESCRIPTION

Two parcels of land situate in the beds and historic beds of the Feather River and San Joaquin River, described as follows:

PARCEL 1 (Feather River Medial Levee)

A parcel of submerged land situate in the bed and historic bed of the Feather River, lying adjacent to Sections 14 and 15, Township 12 North, Range 3 East, Mount Diablo Meridian as shown on Official U.S. Government Plat approved April 15, 1868, in Sutter County, State of California, and being more particularly described as follows:

BEGINNING at a point having CCS83, Zone 2 coordinates: Northing (y) = 2082619.52 feet and Easting (x) = 6672167.22 feet which bears North 76°06'39" West 20,355.62 feet from NGS monument PID JS4847 having CCS83, Zone 2 coordinates: Northing (y) = 2077733.31 feet and Easting (x) = 6691927.69 feet; thence from said point of beginning the following eleven (11) courses:

- (1) North 11°57'17" East 1193.20 feet,
- (2) North 06°00'32" West 893.01 feet,
- (3) North 49°59'24" East 1266.96 feet,
- (4) North 29°36'21" West 607.22 feet,
- (5) North 80°38'48" West 825.86 feet,
- (6) South 76°14'30" West 696.05 feet,
- (7) North 11°02'55" West 560.71 feet,
- (8) South 88°30'12" West 685.27 feet,
- (9) South 18°17'03" East 1945.74 feet,
- (10) South 07°56'16" East 2070.85 feet, and
- (11) South 89°56'52" East 562.94 feet to the point of beginning.

EXCEPTING THEREFROM any portions lying landward of the low water marks of the Feather River.

The BASIS OF BEARINGS of PARCEL 1 of this description is the California Coordinate System of 1983, Zone 2 (2007.00). All distances are grid distances.

PARCEL 2 (San Joaquin National Wildlife Refuge)

A parcel of submerged land situate in the bed and historic bed of the San Joaquin River, lying adjacent to Sections 32 and 33, Township 3 South, Range 7 East, Mount Diablo Meridian as shown on Official U.S. Government Plat approved March 6, 1875, and also lying adjacent to Sections 3, 4, and 10, Township 4 South, Range 7 East, Mount Diablo Meridian as shown on Official U.S. Government Plat approved June 18, 1870 in Stanislaus County, State of California, and being more particularly described as follows:

BEGINNING at a point having CCS83, Zone 3 coordinates: Northing (y) = 2054934.18 feet and Easting (x) = 6354685.98 feet which bears South 84°27'33" West 6380.00 feet from NGS monument PID HS0712 having CCS83, Zone 3 coordinates: Northing (y) = 2055550.20 feet and Easting (x) = 6361036.17 feet; thence from said point of beginning the following forty-one (41) courses:

- (1) South 12°56'42" East 2880.24 feet,
- (2) North 76°16'25" East 459.80 feet,
- (3) North 03°56'53" East 2306.66 feet,
- (4) North 53°12'14" East 1173.12 feet,
- (5) South 87°08'21" East 862.89 feet,
- (6) South 34°10'44" East 728.68 feet,
- (7) South 07°17'11" West 1302.30 feet,
- (8) South 28°32'50" West 1217.31 feet,
- (9) South 57°21'28" West 665.25 feet,
- (10) South 28°43'36" East 419.89 feet,
- (11) South 79°21'27" East 1244.32 feet,
- (12) South 48°40'20" East 567.14 feet,
- (13) South 16°37'04" East 754.99 feet,
- (14) South 14°37'43" West 1064.19 feet,
- (15) South 14°41'58" East 1212.55 feet,
- (16) South 31°11'19" East 794.27 feet,
- (17) North 64°06'35" East 258.69 feet,
- (18) North 16°51'50" West 1673.21 feet,
- (19) North 15°06'23" East 1046.08 feet,
- (20) North 64°07'22" East 761.17 feet,
- (21) South 75°18'47" East 838.59 feet,
- (22) South 56°45'53" East 969.83 feet,
- (23) South 21°11'04" East 1232.76 feet,
- (24) South 06°07'28" West 1199.46 feet,
- (25) South 39°54'37" West 1136.29 feet,
- (26) South 27°17'06" West 1014.92 feet,
- (27) West 525.80 feet,
- (28) North 13°30'16" East 1011.76 feet,
- (29) North 27°13'32" East 1950.21 feet,
- (30) North 19°55'01" West 1208.81 feet,
- (31) North 72°00'29" West 1237.04 feet,
- (32) South 06°24'55" East 2632.41 feet,
- (33) South 54°36'09" West 1082.51 feet,
- (34) North 31°52'05" West 2284.20 feet,
- (35) North 04°17'40" East 1661.17 feet,
- (36) North 33°11'49" West 918.90 feet,
- (37) North 84°54'06" West 1109.30 feet,
- (38) North 77°38'10" West 1667.41 feet,
- (39) North 28°51'41" West 1253.60 feet,
- (40) North 08°18'12" West 2402.79 feet, and
- (41) North 78°10'42" East 738.68 feet to the point of beginning.

EXCEPTING THEREFROM any portions lying landward of the low water marks of the San Joaquin River.

The BASIS OF BEARINGS of PARCEL 2 of this description is the California Coordinate System of 1983, Zone 3 (2007.00). All distances are grid distances.

END OF DESCRIPTION

Prepared 11/15/2010 by the California State Lands Commission Boundary Unit.

