

**CALENDAR ITEM  
C47**

A 25

06/23/11

S 14

WP 8609.9

C. Hudson

**GENERAL LEASE – HABITAT RESTORATION**

**APPLICANT:**

Friends of the Tuolumne, Inc., a California Non-Profit Corporation  
1900 NE 3<sup>rd</sup> Street, Suite 106 #314  
Bend, Oregon 97701

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Tuolumne River channel and floodplain at Bobcat Flat, approximately five miles west of the community of La Grange near River Mile 43, Stanislaus County.

**AUTHORIZED USE:**

Restoration and rehabilitation of the bed of the Tuolumne River channel and associated floodplain to improve wildlife and aquatic habitat as shown on the attached Exhibit A.

**LEASE TERM:**

Two years, beginning June 23, 2011.

**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.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Other:

1. 10 days prior to the start of construction, Lessee shall post signs on the upland indicating the dates that the construction will begin and duration of closure of the river access.

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2. Lessee agrees to install and maintain at all times during construction precautionary signage or warning buoys upstream and downstream of the construction in the river in order to provide adequate warning notices to recreational users on the river of the potential safety hazards associated with project construction.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On June 20, 2005, the Commission authorized a General Lease - Habitat Restoration with Friends of the Tuolumne, Inc., a California Non-Profit Corporation. That lease expired on June 30, 2008. The Applicant is now applying for a lease for Phase II of the multi-phase Tuolumne River Channel and Floodplain Restoration Project.
3. The proposed project consists of slough and riparian restoration along the north bank of the Tuolumne River between river miles 42.5 to 43.5. The project will restore and enhance spawning and rearing habitat of Chinook Salmon and Central Valley Steelhead, and to benefit other biota that depend on riverine, riparian, and floodplain habitats.
4. The proposed project footprint on the north bank includes about 11 acres, where approximately 36,500 cubic yards will be excavated from the degraded floodplain at five existing borrow sites. Two areas totaling 1.8 acres will be used to store screened, sorted, and cleaned cobble and gravel during the construction period. No excavated materials will be transported off the project site or sold.
5. As proposed, approximately 16,000 cubic yards of cobbles and coarse gravels will be introduced to several patches within the river channel, which will facilitate restoration of the natural pool-riffle morphology. At the downstream end of the project area, work will be done to reconnect and improve habitat conditions in a remnant dredger swale. This will require the excavation of 4,500 cubic yards to reconnect Duck Slough and to partially fill the slough with 2,500 cubic yards to create a shallow side channel. The remaining material will be used to fill in two remnant off-channel mining pits, which will prevent potential stranding and adverse conditions for salmonids during moderate flow events. The restored floodplain surfaces will be revegetated through natural recruitment and riparian plantings of trees and shrubs.
6. It is anticipated that localized excavation and grading will be performed using small excavators and back-hoes, tractors, loaders, and haul trucks.

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Cobble sorting and cleaning equipment will be used to support in-water work. The project does not include structures or other physical improvements.

7. The project will be funded by the U.S. Fish and Wildlife Service Anadromous Fish Restoration Program. The restoration is scheduled to begin August 1, 2011 and completed by October 31, 2013. Construction and restoration work activities in the river and floodplain are limited to between August 1 and September 30 of each year.
8. Find that a Mitigated Negative Declaration SCH # 2010072048 was prepared by the California Department of Fish and Game and adopted on August 25, 2010, for this project. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the California Department of Fish and Game.
9. 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 OBTAINED:**

U.S. Army Corps of Engineers, U.S. Fish and Wildlife, NOAA's National Marine Fisheries Service, California Regional Water Quality Control Board, California Department of Fish and Game, Central Valley Food Protection Board, and the San Joaquin Valley Unified Air Pollution Control District

**EXHIBITS:**

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

**PERMIT STREAMLINING ACT DEADLINE:**

August 1, 2011

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that a Mitigated Negative Declaration SCH # 2010072048 was prepared by the California Department of Fish and Game and adopted on August 25, 2010, for this project and that the Commission has reviewed

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and considered the information contained therein. Adopt the Mitigation Monitoring Program, as contained on file in the Sacramento office of the California State Lands Commission.

**SIGNIFICANT LANDS INVENTORY FINDING:**

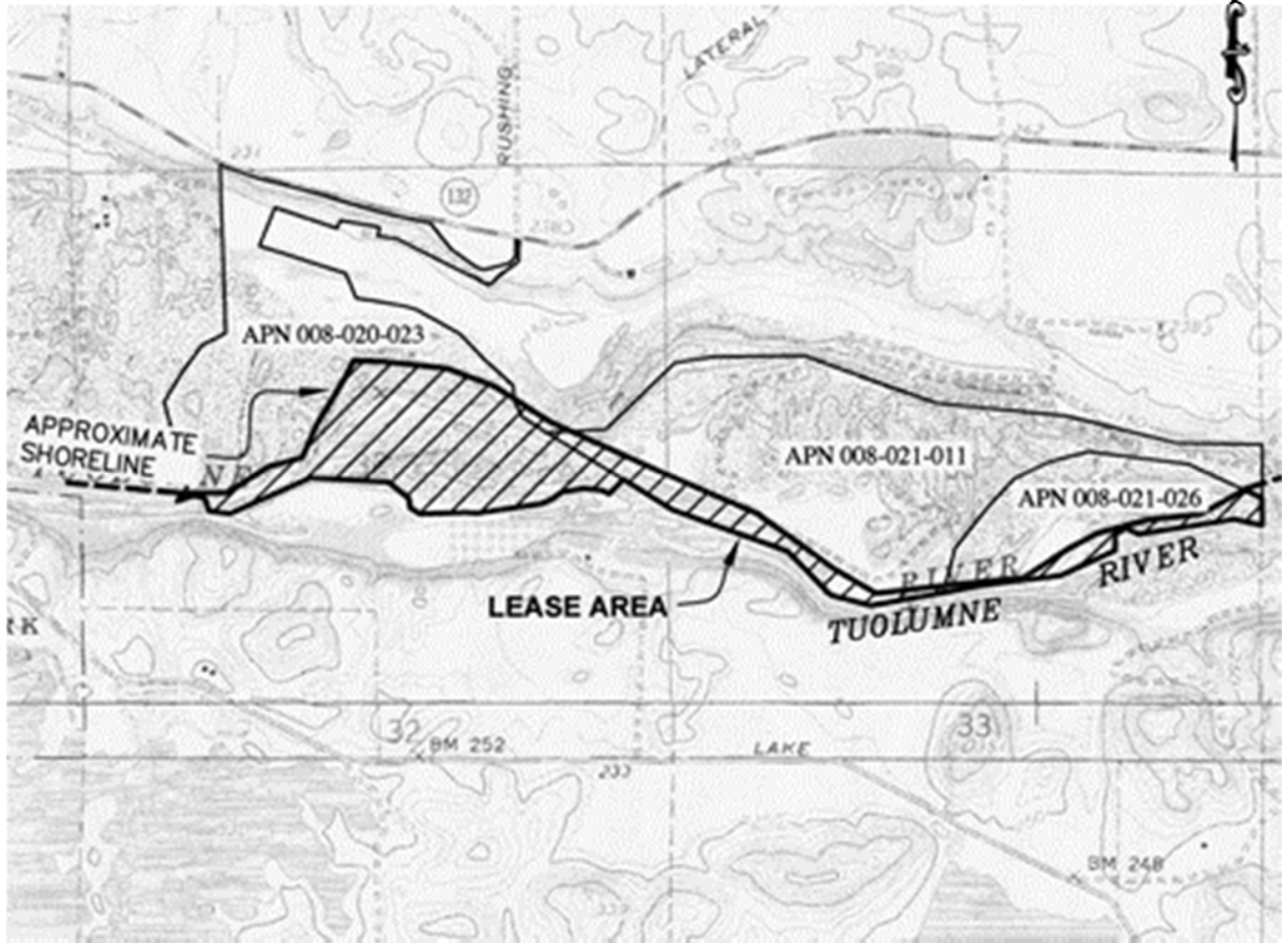
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

**AUTHORIZATION:**

Authorize Issuance of a General Lease – Habitat Restoration to Friends of the Tuolumne, Inc., a California Non-Profit Corporation, beginning June 23, 2011, for a term of two years, for the restoration and rehabilitation of the bed of the Tuolumne River Channel and associated floodplain as shown on Exhibit A (for reference purposes only) and described in Exhibit B attached and by this reference made a part hereof; consideration being 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; and liability insurance with coverage of no less than \$1,000,000.

NO SCALE

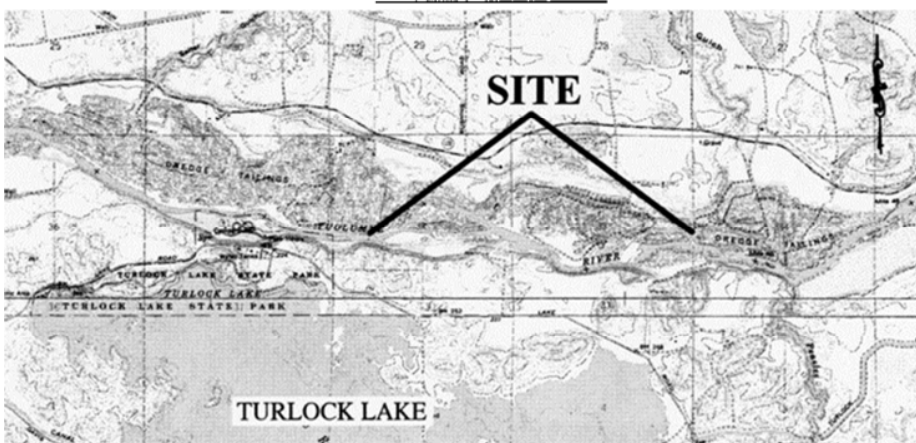
**SITE**



**TUOLUMNE RIVER AT BOBCAT FLAT, NEAR WATERFORD**

NO SCALE

**LOCATION**



MAP SOURCE: USGS QUAD

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 A**

WP 8609.9  
FRIENDS OF THE TUOLUMNE  
APN 008-021-011 & 026,  
008-020-023  
GENERAL LEASE - HABITAT  
RESTORATION  
STANISLAUS COUNTY



**EXHIBIT B**

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**LAND DESCRIPTION**

All that sovereign land lying in the bed of the Tuolumne River, Stanislaus County, California as described in:

Exhibit A of Doc-2001-0066758-00, a Grant Deed dated May 25, 2001 and recorded June 20, 2001 in the office of the County Recorder of said County and

Adjusted Parcel C of Doc-2002-0094209-00, a Correction Grant Deed dated July 22, 2002 and recorded July 24, 2002 in the office of the County Recorder of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary Low Water Mark of the Tuolumne River.

Prepared June 14, 2005 by California State Lands Commission Boundary Unit

