

**CALENDAR ITEM
C54**

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S 14

06/21/13
PRC 8520.9
R. Collins

**ACCEPTANCE OF A LEASE QUITCLAIM DEED AND ISSUANCE OF A GENERAL
LEASE – PUBLIC AGENCY USE**

LESSEE:

San Joaquin River Conservancy

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the bed of the San Joaquin River, near the city of Fresno, Madera County.

AUTHORIZED USE:

Replacement and maintenance of an existing river channel crossing.

LEASE TERM:

20 years, beginning June 21, 2013.

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 owns the upland adjacent to the lease premises.
2. On December 14, 2006, the Commission authorized a 10-year General Lease – Public Agency Use to San Joaquin River Conservancy for the use and maintenance of an existing river channel crossing. The lease will expire on December 31, 2016.
3. The existing crossing of the North Channel of the San Joaquin River is an unarmored earthen culvert crossing that provides the only access to Sycamore Island for fishing, recreation, management of wildlife habitat, and public safety. The crossing is inadequate to convey typical flows, is badly eroded, and is too narrow and unstable for safe vehicle passage.

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4. The Lessee has secured funding enabling these to enter into contracts with the California Department of Water Resources for the design and construction of a replacement structural steel plate arch culvert crossing and submitted an application to replace the existing crossing.
5. With only four years remaining on the lease, the Lessee agreed to terminate the existing lease by executing a quitclaim deed and apply for a new lease. Staff is recommending acceptance of the quitclaim deed, which will terminate the existing lease, and issuance of a new 20-year lease.
6. **Acceptance of Lease Quitclaim:** The staff recommends that the Commission find that the subject quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

7. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of the (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. 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
California Department of Fish and Wildlife
Central Valley Flood Protection Board
Central Valley Regional Water Quality Control Board

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EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of Lease Quitclaim: Find that the subject quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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:

1. Authorize acceptance of a quitclaim deed of Lease No. PRC 8520.9, a General Lease – Public Agency Use, issued to the San Joaquin River Conservancy, with a beginning date of January 1, 2007.
2. Authorize issuance of a General Lease – Public Agency Use to the San Joaquin River Conservancy, beginning June 21, 2013, for a term of 20 years, for the replacement and maintenance of an existing crossing of the North Channel of the San Joaquin River to Sycamore Island with a structural steel plate arch culvert on sovereign land as described in Exhibit A and shown on Exhibit B (for reference purposes only) 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.

EXHIBIT A

PRC 8520.9

LAND DESCRIPTION

A strip of state sovereign land 280 feet wide situated in Madera County, State of California, being in and adjacent to the San Joaquin River, also lying within and adjacent to fractional Section 29, T12S, R20E, MDM, according to the U.S. Government Township Plat approved June 26th, 1874 and lying 100 feet northeasterly of and 180 feet southwesterly of the following described centerline:

BEGINNING at a point on the low water line on the left bank of the San Joaquin River as shown on sheet 11 of Administrative Map San Joaquin River, dated April 1992, on file under W20473 in the office of the California State Lands Commission, said point being a distant S17°48'39"E 5229.18 feet from a found 2 1/8" O.D. Iron Pipe at the Northeast Corner of Section 30, T12S, R20E, MDM, as shown on Madera County Corner Record, said point having California Coordinate System 1983, Zone 4 grid coordinates of North = 2194586.96 feet, East = 6323341.42 feet; thence N36°58'22"W 167.95 feet more or less to the low water line on the right bank of the San Joaquin River as shown on said Administrative Map.

The sidelines of said strip shall be extended or shortened so as to terminate at said low water lines of said river.

EXCEPTING THEREFROM any portion lying landward of said low water line of said Administrative Map.

The Basis of Bearing for this description is California Coordinate System of 1983, Zone 4. All Bearings and Distances are Grid and in Feet.

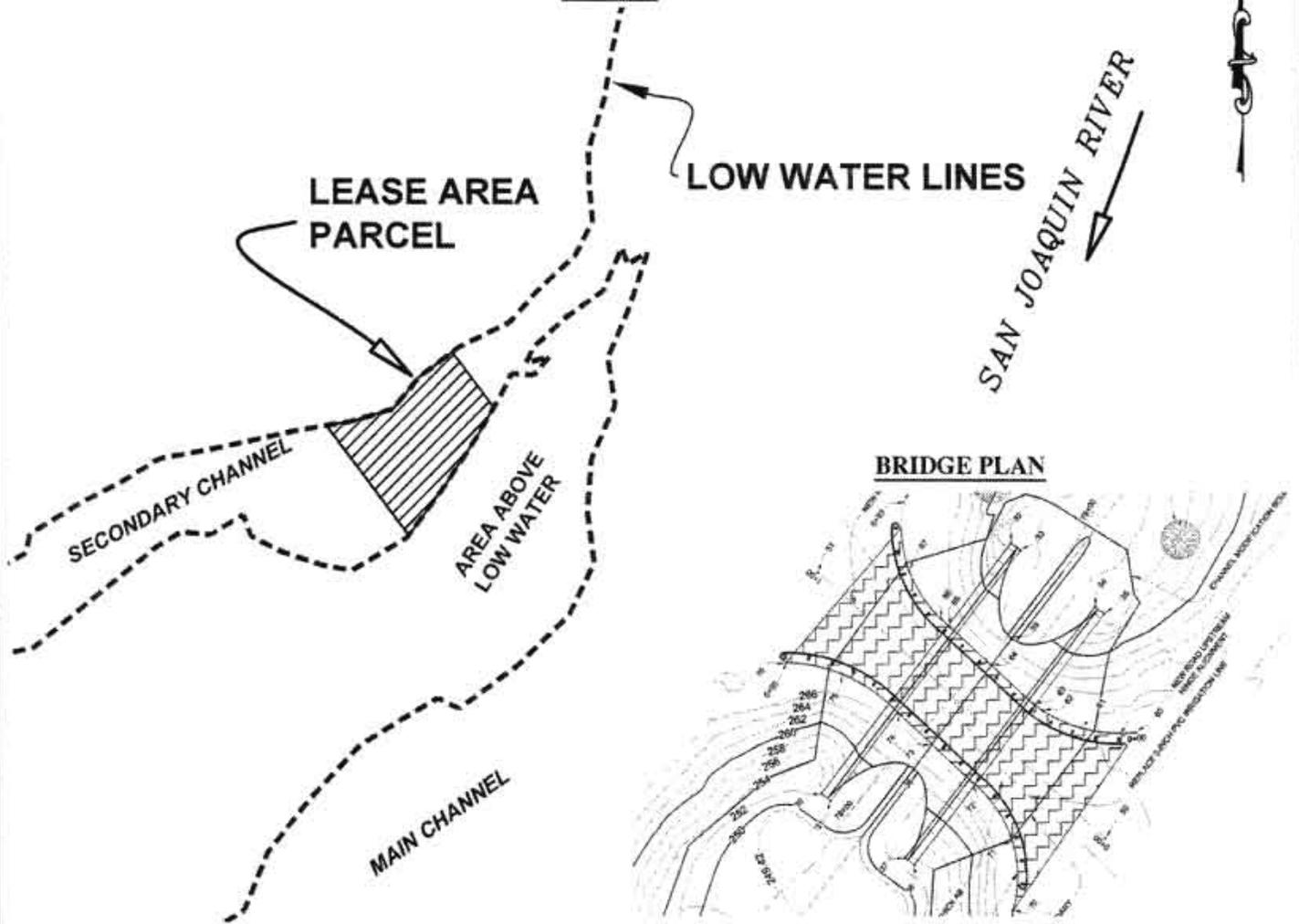
Revised May 22, 2013 by the Boundary Unit of the California State Lands Commission.

END OF DESCRIPTION



NO SCALE

SITE



**SAN JOAQUIN RIVER CONSERVANCY
SAN JOAQUIN RIVER CROSSING**

NO SCALE

LOCATION



Exhibit B

PRC 8520.9
SAN JOAQUIN RIVER
CONSERVANCY
GENERAL LEASE -
PUBLIC AGENCY USE
MADERA COUNTY



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.