

**CALENDAR ITEM
C25**

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S 3

08/15/14
W 26780
J. Sampson

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Decker Island, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Horseshoe Bend, city of Rio Vista, Sacramento County.

AUTHORIZED USE:

Installation, use, operation, and maintenance of a bucket-trenched three-inch-diameter shielded power cable.

LEASE TERM:

25 years, beginning August 15, 2014.

CONSIDERATION:

\$450 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$5,000,000 per occurrence.

Bond:

1. Lease Performance Bond or other security in the amount of \$5,000.
2. Construction Performance Bond or other security in an amount equal to the construction cost of the new shielded power cable within the lease premises.

Other:

This lease contains special provisions related to pre-construction and post-construction project engineering review and verification.

OTHER PERTINENT INFORMATION:

1. The Applicant, Decker Island, LLC (DI), owns the uplands adjoining the lease premises and has obtained access and use rights from the adjacent

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upland owner, William Siebert, Trustee of the William A. Siebert Revocable Trust dated January 3, 2013. DI is now applying for a General Lease – Right-of-Way Use.

2. DI currently extracts, handles, and ships aggregate materials from Decker Island for use in construction projects in the Delta and San Francisco Bay Area. At present, DI's power supply consists of a stand-alone diesel-powered electrical generator. The proposed shielded power cable will extend electrical supply from existing Pacific Gas & Electric (PG&E) lines on Sherman Island to DI's facilities via a buried electrical cable. The approximately 1,100-foot cable will cross approximately 900 feet of Horseshoe Bend and will consist of a single bucket-trenched three-inch-diameter shielded power cable.
3. The shielded power cable will be installed with a waterborne barge excavator. The trenching technique consists of temporary sidecasting of trenching spoils to be backfilled once the cable is laid in place. Construction is anticipated to occur in early Fall 2014 and be completed within one year. Construction and lease performance bonds are to be used as security for this lease.
4. A Mitigated Negative Declaration, State Clearinghouse No. 2014032039, was prepared by Reclamation District 341 and adopted on May 13, 2014, for this project. California State Lands Commission staff has reviewed such document.
5. A Mitigation Monitoring Program was adopted by Reclamation District 341.
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, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Reclamation District #341

APPROVALS NEEDED:

United States Army Corps of Engineers
United States Fish and Wildlife Service
Central Valley Flood Protection Board
California Department of Fish and Wildlife

CALENDAR ITEM NO. **C25** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation and Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2014032039, and a Mitigation Monitoring Program were prepared by Reclamation District 341 and adopted on May 13, 2014, for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

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 – Right-of-Way Use to Decker Island, LLC beginning August 15, 2014, for a term of 25 years, for the installation, use, maintenance, and operation of a new bucket-trenched three-inch-diameter shielded power cable crossing Horseshoe Bend as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$450, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in an amount no less than \$5,000,000 per occurrence; a construction performance bond or other security in an amount equal to the construction cost of the new shielded power cable within the lease premises; and a lease performance bond or other security in an amount no less than \$5,000.

EXHIBIT A

W 26780

LAND DESCRIPTION

A twenty (20) foot strip of tide and submerged land, lying in the bed of the Sacramento River, situated in the counties of Sacramento and Solano, State of California, the centerline line of which is more particularly described as follows:

COMMENCING at the southeast corner as shown in the deed from William A. Siebert to William A. Siebert, trustee of the William A. Siebert Revocable Trust dated January 3, 2013, recorded as in book 20130108, page 0408 January 8, 2013 in Sacramento County, California; said southeast corner being the easterly end of the course N 79°39' 15" W, 27.70 feet as described in said William A. Siebert Revocable Trust deed; for this description, said last course mentioned is rotated to California coordinate basis of N 79°28' 16" W; a tie to a USGS monument No. BMSA207 near the northwesterly end of the Sherman Island bridge is N 28°21'50" E, 3620.22 feet; and a tie to USGS monument No. BMI 1932 on a levee road is N 33°17' 11" E, 2934.54 feet from said southeast corner. Thence from said Point of Commencement N 10°15' 53" E, 366.27 feet to a riser pole in place at an approximate center line of an existing power line running north south. Said riser pole being the center line beginning of this twenty (20) feet wide strip of land. Thence from said Point of Beginning Due West 104.78' to an angle point and being on the westerly line in said William A. Siebert Revocable Trust deed; thence S 71°31' 24" W, and across the Sacramento River 398.45 feet to an angle point; thence continuing across said River S 87°50' 45" W, 83.11 feet to the easterly boundary line as shown in the 'Lands of Dozier & Pressley Company' being described in the decree quieting title recorded in book 243 of official records of Solano County, California, at page 245, and being portions of sections 4,5,8,9, 17, & 20. T3N, R2E, MDM, and a portion of Rancho De Los Ulpinos, as also shown in the record of survey (20 R/S 86) filed July 30, 1992 in book 20 at page 86 in said Solano County records. this point on said easterly boundary line is approximately 90 feet westerly of the high water line of said Sacramento River. this last said point also being N 10°56' 56" E, 30.05 feet to the northerly end of the course as shown on said 20 R/S 86 of S 10°58' 40" W, 132.00 feet. Said point also being the POINT OF TERMINUS for this description.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right and left bank of said River.

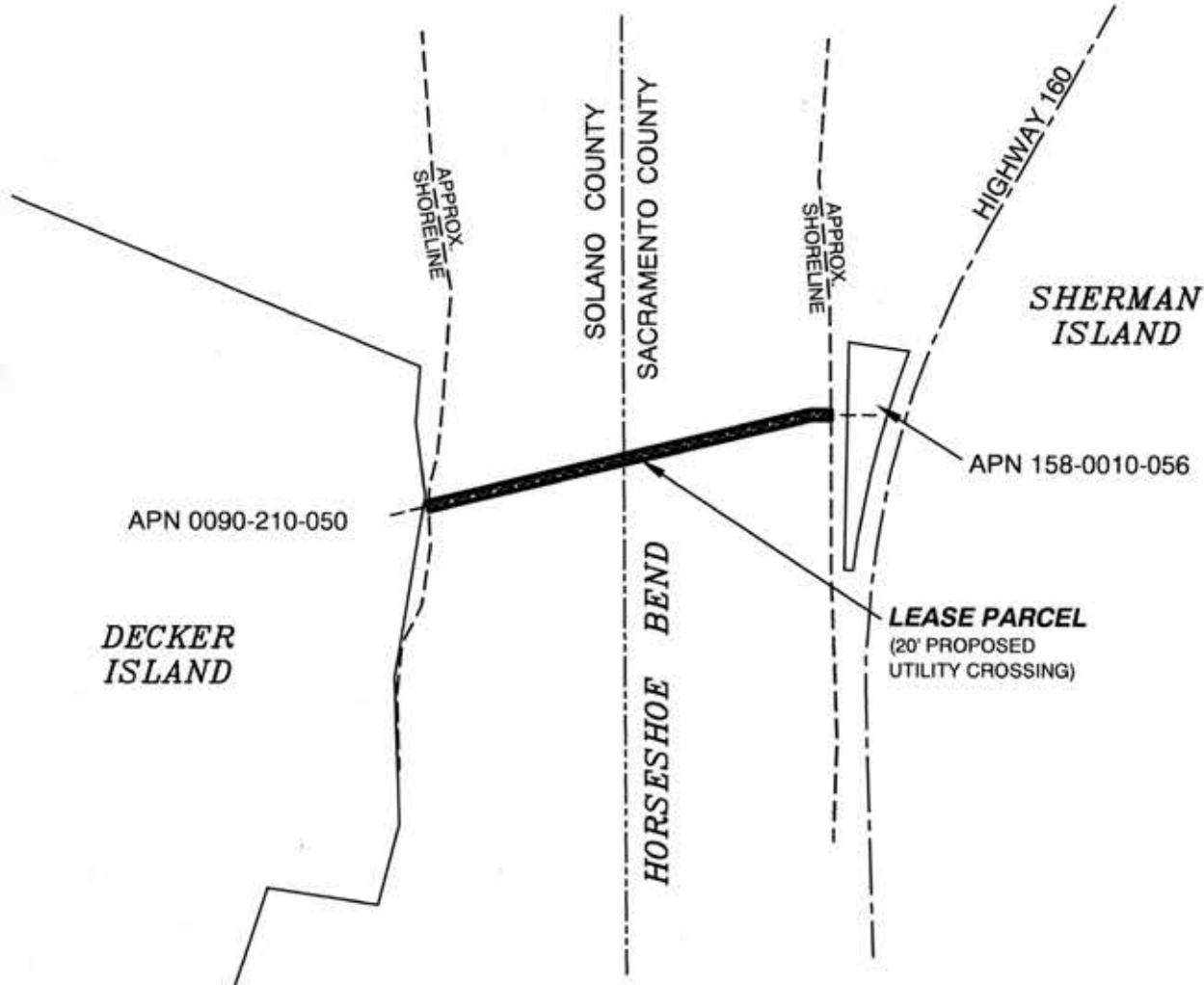
The sidelines of said strip are to be lengthened or shortened as to begin and terminate on the ordinary high water mark of the right and left banks of said River.

END OF DESCRIPTION



NO SCALE

SITE



HORSESHOE BEND, SACRAMENTO RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26780
 DECKER ISLAND, LLC
 APNs 158-0010-056, 0090-210-050
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SACRAMENTO &
 SOLANO 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.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
DECKER ISLAND ELECTRICAL CROSSING PROJECT
(State Clearinghouse No. 2014032039)

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Biological Resources						
Bio(b): Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species	BIO-1: Work Windows. In-water construction shall be scheduled between August 1 and October 31 to reduce the potential impacts to special-status fish that occur in Horseshoe Bend on a seasonal basis. This work window may be adjusted through consultation with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS).	Project Area	Compliance Monitoring	Before and during construction	Proponent	Special status fish species impacts will be minimized
	BIO-7: Worker Awareness Training Program. A biological worker awareness training program shall be implemented to educate the construction crews of the biological diversity within the Project area. The worker awareness program shall include a presentation on the life history and legal status of potentially occurring special-status species and distribute informational packages to each worker. While endangered or threatened fish species with the potential to occur in the Project vicinity will be at least briefly addressed, the focal species of the worker awareness training program will be Swainson's hawk, burrowing owl, western pond turtle, tricolored blackbird, and Suisun marsh aster.	Project Area	Compliance Monitoring	Before construction	Proponent	Special status species impacts will be minimized
Bio(d): Substantial adverse effect on	BIO-8: Permit Conditions. Permits from the Army Corps of Engineers, California	Project	Compliance	Before	Proponent	Turbidity and resulting

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
federally protected wetlands as defined by section 404 of the Clean Water Act	Department of Fish and Wildlife, Regional Water Quality Control Board, Central Valley Flood Protection Board and a lease from the California State Lands Commission shall be secured prior to the placement of any fill material within jurisdictional waters of the United States. The applicant shall implement all permit conditions and mitigation measures related to the protection of habitats and species	Area	Monitoring	construction		impacts on wetlands will be minimized
	BIO-9: Vessel Cleaning. The Proponent will require the Decker Island cable installation contractor(s) to inspect and clean any construction vessels and in-water construction equipment that is to be moved into the Delta to prevent introduction of invasive aquatic species.	Project Area	Compliance Monitoring	Before construction	Proponent	Invasive species introductions will be prevented
Cultural Resources						
Cultural(b): Substantial adverse change in the significance of an historical resource or a unique archaeological resource	CU-1: Cultural Resources Procedures. If any subsurface or submerged cultural resources are encountered during Project construction, all construction activity in the vicinity of the encounter shall cease until a qualified archaeologist examines the materials, determines their significance, and recommends mitigation measures that reduce potentially significant impacts to a less than significant level, in accordance with CEQA. Reclamation District (RD) 341 and CSLC staff shall be immediately notified of the discovery, and the proponent shall be responsible for retaining a qualified marine archaeologist and for implementing recommended mitigation measures	Project Area	Compliance Monitoring	During construction	Proponent	Impacts to cultural resources will be minimized
Cultural(c): Direct or indirect destruction of a unique	CU-3: Paleontological Resources Procedures. If any paleontological resources are encountered during Project construction, all construction activity in the vicinity of the	Project Area	Compliance Monitoring	During construction	Proponent	Impacts to paleontological resources will be minimized

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
paleontological resource or site or unique geologic feature	encounter shall cease until a qualified paleontologist examines the materials, determines their significance, and recommends mitigation measures that reduce potentially significant effects to a less than significant level, in accordance with CEQA. RD 341 and CSLC staff shall be immediately notified of the discovery; the proponent shall be responsible for retaining a qualified paleontologist and for implementing recommended mitigation measures under the direction of RD 341, and if on State land, CSLC staff.					
Cultural(d): Disturbance of any human remains, including those interred outside of formal cemeteries	CU-2: Human Remains Procedures. If human remains are encountered, all construction activity in the vicinity of the encounter shall cease, and the County Coroner, RD 341, and if on State land, CSLC staff, shall be notified immediately. The Coroner will contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. The proponent, under the direction of RD 341, shall implement the requirements of the CEQA Guidelines, which detail steps to be taken when human remains are found to be of Native American origin. The proponent shall also retain a qualified archaeologist to evaluate the archaeological implications of the find and recommend any mitigation measures to reduce any potentially significant impact to a less than significant level under CEQA. The proponent, under the direction of RD 341, shall implement those recommendations.	Project Area	Compliance Monitoring	During Construction	Proponent	Impacts to human remains will be minimized