

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works ABM

BOARD AGENDA # *C-3

Urgent

Routine

AGENDA DATE January 24, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Authorize the Director of Public Works to Renew the General Lease Agreement with the California State Lands Commission for the Shiloh Road Bridge over the Tuolumne River

STAFF RECOMMENDATIONS:

Authorize the Director of Public Works to sign and submit the application for the renewal of the General Lease with the California State Lands Commission for the Shiloh Road Bridge over the Tuolumne River.

FISCAL IMPACT:

The required application fee for the renewal of the General Lease Agreement with the California State Lands Commission for the Shiloh Road Bridge over the Tuolumne River is \$3,025 (\$3,000 for California State Lands Commission estimated staff time for review of the General Lease Agreement renewal application, and a \$25 non-refundable processing fee). Any funds not expended by the California State Lands Commission for staff review of the application will be refunded. The renewal application fee covers the General Lease Agreement term of 20 years, effective June 26, 2012 through June 26, 2032. Funding for the application fee is available in the Fiscal Year 2011-2012 Public Works Road Operations Budget.

BOARD ACTION AS FOLLOWS:

No. 2012-033

On motion of Supervisor Monteith, Seconded by Supervisor Withdraw
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withdraw, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Authorize the Director of Public Works to Renew the General Lease Agreement with the California State Lands Commission for the Shiloh Road Bridge over the Tuolumne River

DISCUSSION:

The California State Lands Commission ("Commission") has jurisdiction and management control over those public lands of the State received by the State upon its admission to the United States in 1850 ("sovereign lands"). Generally, these sovereign lands include all ungranted tidelands and submerged lands, beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits. The Commission manages these sovereign lands for the benefit of all the people of the State, subject to Public Trust uses. In addition, the State manages land received after Statehood including swamp and overflow lands and schools lands. The Commission's Land Management Division in Sacramento administers the surface leasing of these lands, sand and gravel extractions from these lands, and dredging or disposal of dredge material on these lands.

The California State Land Commission has jurisdiction and management responsibility for the lands that the Shiloh Road Bridge crosses over the Tuolumne River. The General Lease for this bridge will expire on June 25, 2012 and requires renewal. Processing the application prior to its expiration date will allow time for revisions to be made per the California States Land Commission instruction. Upon approval by the Board, the Director of Public Works will sign and submit the renewal application along with the appropriate payment.

POLICY ISSUES:

This action is consistent with the Board's priorities of providing A Safe Community, A Healthy Community and A Well-Planned Infrastructure System by securing access for the placement and maintenance of County bridges.

STAFFING IMPACT:

There is no staffing impact associated with this item

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: (209) 525-4130.

ES/sn

L:\BRIDGES\LEASE AGREEMENTS\Shiloh Road Bridge\BOS\1-24-12 Shiloh Rd Bridge over Tuolumne River Lease Agmt_BOS item for EStagg

APPLICATION FOR LEASE OF STATE LANDS

PART I

GENERAL DATA

SECTION A: IDENTIFICATION OF APPLICANT AND CONTACT INFORMATION

Notice to individual(s) (natural person(s)): This page of the completed application containing personal information will not be subject to public disclosure. See Privacy Notice in Part V of this Application.

1. Applicant:

Name: Stanislaus County		
Mailing Address: 1716 Morgan Road		
City: Modesto	State: CA	Zip: 95358
Phone: (209) 525-4130	FAX: (209) 514-2509	
E-mail Address: publicworks@stancounty.com		

2. Applicant's authorized agent or representative (if any):

Name: Matt Machado		
Mailing Address: 1716 Morgan Road		
City: Modesto	State: CA	Zip: 95354
Phone: (209) 525-7581	FAX: (209) 525-6507	
E-mail Address: matt.machado@stancounty.com		

If you are *an elected or appointed official* as specified in Government Code section 6254.21, check this box. If you do not check this box, by signing this application you are deemed to have given consent to have your home address (when it is the project location) posted on the Internet.

Title: _____

Agency or Branch of Government: _____

INSTRUCTIONS TO COMMISSION STAFF:

Separate this page (Page 1A) from the rest of the application and place in a Confidential Envelope.

Do not disclose the information on this page unless approved by the Commission's Legal Office to avoid the possible disclosure of "personal information" as defined by the Information Practices Act (Civil Code section 1798.3).

APPLICATION FOR LEASE OF STATE LANDS

PART I

GENERAL DATA

SECTION A: IDENTIFICATION OF APPLICANT

1. Applicant:

Name: Stanislaus County

2. Applicant's authorized agent or representative (if any):

Name: Matt Machado

As part of the application, the applicant's authorized agent or representative must submit evidence of the agency agreement.

3. Who should receive correspondence relevant to this application? (Check one)

- Applicant Authorized agent or Representative Both

FOR COMMISSION USE ONLY:	
<i>Date Received:</i>	
<i>Work Order No.:</i>	<i>Assigned to:</i>
<i>Type of Document:</i>	
<i>Filing Fee:</i>	<i>Processing Fee:</i>
<i>Other Fees:</i>	

SECTION B: LEGAL STATUS OF APPLICANT

Check one of the following and submit the required information:

- INDIVIDUAL(S): (See Privacy Notice in Part V of Application)
- TRUST(S): Attach a copy of the trust agreement(s) and all amendments, if any. See Privacy Notice in Part V of Application if trustee(s) are individual(s).
- CORPORATION: Attach a Certificate of Incorporation issued by the State of California or a Certificate of Incorporation issued by the State of incorporation with the Certificate of Good Standing of Foreign Corporation issued by the Secretary of State of California authorizing the transaction of business in California; Articles of Incorporation and/or By-Laws; a certified statement of the names of the corporate president, secretary and/or

officer(s) authorized to execute contracts; and a board resolution or other evidence of authority to enter into the requested transaction.

- PARTNERSHIP:** Attach a certified copy of the partnership statement and partnership agreement. If no partnership statement has been filed in the county in which the partnership does business, so state in the application and provide all particulars of the partnership.
- LIMITED LIABILITY COMPANY:** Attach a copy of the Articles of Organization and Certificates of Amendment issued by the State; company organization; and operating rules and regulations.
- PUBLIC AGENCY:** Generally, all permits and leases issued by the State Lands Commission require monetary consideration. However, a public agency applicant may qualify for a rent-free lease/permit. In order to so qualify, the applicant must submit in writing a statement of justification for the rent-free status, which status shall be based on a statewide, as compared to a primarily local, public benefit. Such statement shall detail the statewide public benefit derived from the project. The State Lands Commission shall determine whether a statewide public benefit is derived from the project.

Leases and permits involving "School Lands" cannot qualify for rent-free status.

Public agencies will also be required to submit evidence of the authority of the official(s) to execute contracts together with a resolution or other document authorizing execution of the appropriate lease or permit.
- OTHER:** State the nature, membership and other particulars regarding the legal status of applicant. Provide legal documentation establishing the authority of applicant to enter into the requested transaction, and designating who is authorized to act on behalf of applicant.

SECTION C: PROJECT LOCATION

County: STANISLAUS
If unincorporated, nearest City:
Waterway: TUOLUMNE RIVER
Township, Range, Section and Reference Meridian:
Assessor's Parcel No. (of property in question or adjoining property):
Upland Address:

SECTION D: TYPE OF PROJECT AND AUTHORIZATION

You will be asked to provide specific project information in Parts II and III of this application.

1. Please check the type(s) of activity for which you are seeking Commission authorization (check all that apply):
 - Commercial (Income producing uses such as marinas, restaurants, clubhouses, recreation piers or facilities, docks, moorings, buoys, helicopter pads, decks or fuel service facilities)
 - Industrial (Uses such as oil terminals, piers, wharves, warehouses, storage sites, moorings, dolphins and islands together with necessary appurtenances)
 - Right-of-Way (Uses such as roadways, power lines, pipelines or outfall lines)

- Public Agency (Uses such as public roads, bridges, or for recreational, ecological or open space purposes)
- Non-commercial (Uses such as piers, boatlifts, boathouses, mooring buoys, marker buoys, speed buoys, swim areas, swim platforms/floats, stringlines, fishing platforms, recreational marine storage)
- Protective Structure (Riprap, seawall, groins, jetties, breakwaters, bulkheads, etc.)
- Grazing or other Agricultural Use.
- Dredging (Please check if any portion of the proposed project will involve dredging during construction or ongoing maintenance of the project.)
- Sand and/or Gravel Extraction.
- Salvage (Salvage of any abandoned property on State-owned lands; see Public Resources Code Section 6309)
- Other (please describe): _____

2. Please indicate whether you are seeking Commission authorization for (check all that apply):

- A lease or permit for a proposed new use of State-owned land.
- A lease for the continuation of an existing use of State-owned land not previously under lease.
- A new lease where a prior lease has expired.*
- A new lease for a lease that has not yet expired.*
- An amendment of an existing lease.*
- A sublease of an existing lease.*
- Consent to encumber an existing lease.*
- An assignment of an existing lease.*
- Other (please describe):

* Where applicable, please indicate file number of existing or prior lease PRC 3022.9.

SECTION E: PROPERTY DESCRIPTION, INCLUDING TITLE AND BOUNDARY INFORMATION

1. Submit a copy of the current vesting document (deed) for the property lying landward (if applicable) of and/or adjacent to the State lands you seek to use. If you are not the owner of this adjacent property, submit a copy of a lease, permit, or other evidence of your right to use this property. If there have been several transfers of ownership since the prior lease or expiring lease, please submit copies of the intervening ownership vesting documents (chain of ownership) to the current deed.
2. Submit a detailed plan or plot of proposed lease areas and existing and proposed structures showing their locations and dimensions with respect to property lines, and high and low water with reference to the datum of water line elevation used at the location.
3. Submit a vicinity map (8 ½" x 11" with scale) showing the general area and the project site in relation to the shoreline, major roadways, and other landmarks.
4. Submit a legal description of the area to be leased from the State, tied to a monument or monuments of record. The area to be leased includes the area occupied by the structures, or otherwise needed for the proposed project.
5. Provide the following photographs (*label all photos and list the date the photo was taken*):
 - a) Photos of the State lands you seek to use. If the State lands you seek to use are a water body, then provide photos looking towards the upland property and photos looking to both sides and out toward the State lands.
 - b) Photos of any improvements or structures on the State lands and the adjoining uplands.

SECTION F: OTHER GOVERNMENTAL JURISDICTIONS

On a separate sheet of paper or attachment, please provide the following information.

1. List, provide contact information for, and identify the status of applications submitted to other public agencies having approval authority over your proposed project (i.e., U.S. Army Corps of Engineers, local or regional planning bodies, city and/or county governmental permitting authorities, air or water quality boards, California Coastal Commission, San Francisco Bay Conservation and Development Commission, Tahoe Regional Planning Agency, etc.).
2. If applicable, submit the following with the application: (a) U.S. Army Corps of Engineers Public Notice or Letter of Approval for the project; (b) the number assigned to the project from the San Francisco Bay Conservation and Development Commission or California Coastal Commission; and (c) copies of any previously obtained existing approvals. Note: You may be required to submit the results of any consultation, e.g., Letter of Concurrence or Biological Opinion from the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service, for your project prior to consideration of your application by the Commission.
3. Identify any General Plan and Specific Plans that include the area in which the project will be located, including the date of the most recent revision to such Plan(s). What is the land use designation and zoning of the upland portion of the project under the General Plan and any applicable Specific Plan? Will the project require an amendment of the General and/or the Specific Plan? Will a variance from the existing zoning be required? Please provide the

name and telephone number of the individual(s) contacted within the local jurisdiction to answer the foregoing questions.

4. You will be required to submit a copy of local approvals (city and/or county) for your project prior to consideration of your application by the State Lands Commission. If you cannot obtain local approval of your project prior to consideration by the State Lands Commission, you must submit a letter or other document from the local agency setting forth the status of your local application and any concerns the local governmental agency has regarding your project.

PART II

SPECIFIC PROJECT INFORMATION

Please complete this Part II as indicated below. Submit responses on separate 8½" x 11" paper, indicating clearly the number (below) to which each response applies.

SECTION A: EXISTING CONDITIONS

1. Describe in detail existing activities, uses and improvements at the proposed project site, both on water covered lands ("water bodies") and on adjacent uplands. Provide construction dates of all existing improvements. Indicate whether facilities are temporary or permanent.
2. Describe existing public use of the water body and adjacent uplands, the type and frequency of the public use, and any existing public access to the water body across the project site.
3. Identify the type and location of any known habitat of rare, threatened, or endangered species of plant or animal within a one-mile radius of the proposed project site. Information in this regard may be acquired from the California Department of Fish and Game (<http://www.dfg.ca.gov/biogeodata/cnddb/>) the U.S. Fish and Wildlife Service (<http://www.fws.gov/cno/>), and/or National Marine Fisheries Service (http://www.nmfs.noaa.gov/pr/permits/esa_permits.htm). If the project area may have occurrences of rare, threatened, or endangered species, then provide a Biological Assessment that describes the species or potential species within the project limits. You may be required to provide maps and aerial or ground photographs which delineate existing vegetation at the proposed project site and along the shore of the water body upon which the project is to be located within a one-half (½) mile radius of the limits of the proposed project. Where appropriate, provide a delineation of waters of the U.S., including all wetlands, based on the current U.S. Army Corps of Engineers methodologies within the project limits.

4. Does the existing use involve a **pipeline**? Yes No

If **YES**, describe the pipeline, its use, and if applicable provide the most current pipeline integrity test results and photographs of signage.

5. Does the existing use involve a **marina**? Yes No

If **YES**, list and describe, within one river or lakeshore mile of the site:

- (a) Existing marina facilities (indicating for each facility) available berthing by berth size, whether finger, slip or side tie, fuel facilities, pump outs, accommodation docks, restrooms, restaurants, grocery stores, and other ancillary facilities.
- (b) Public and private boat launching and storage facilities.
- (c) Public fishing access and parking availability.
- (d) Other recreational facilities open to the public which are used for swimming, sunbathing, picnicking, sightseeing, etc.

Provide a site map illustrating the approximate distances of each of these facilities from the proposed project site.

SECTION B: PROJECT DESCRIPTION INVOLVING NEW CONSTRUCTION, EXPANSION, ALTERATIONS, CHANGE OF USE, OR USE NOT PREVIOUSLY AUTHORIZED BY THE COMMISSION

SUBSECTION 1: ALL PROJECTS. *All applicants should respond to (a) - (d) below.*

a. Provide a project development plan which clearly shows the following:

- (1) A full set of design plans that show the proposed improvements, existing topographic features, and dimensions of the area to be occupied within any water body. (This should include identification of the width of the waterway at the project site).

Note: The plans submitted by the Applicant or Agent are the basis for action by the Commission. Any change to the plans during the application process requires an amendment to the application. If the proposed project is not constructed as set forth in the plans submitted with the application, Applicant agrees that this shall constitute a default of any lease granted as a result of the application and that the Commission may take such action(s) available to it as provided by the lease provisions or such other and further relief available at law or in equity as it may deem proper.

- (2) The nature and location of all significant project features, including, but not limited to, the number, size and design of any berths, boat ramps or launches; the type, dimensions and location of any associated commercial facilities, utilities, parking, public access, and marine services; and any proposed exterior lighting or other security measures.
- (3) The type and location of any existing vegetation which will be preserved, any existing vegetation proposed for removal, and any planned restoration of vegetation or landscaping.
- (4) The size of the proposed project relative to any other improvements or facilities within 100 feet upstream or downstream of the proposed project site, including facilities on the opposite bank, particularly with regard to its linear extension into and along the water body.

- b. If the project will involve construction, describe in detail the construction methods and equipment which will be used and the anticipated time frame for construction activities.
- c. Describe how the project will affect any levees in the project area. Identify existing ecological and/or habitat features along the levee, and any proposed alterations or modifications to any levees and associated ecological and/or habitat features.
- d. Identify any project features which you believe will avoid or mitigate any effects of moving vessels (e.g., wave wash) on the proposed facility or shore of the water body.
- e. If the project involves development, in an area subject to tidal action, provide a risk analysis, implications of failure, and adaptation strategies for addressing projected sea level rise of 16 inches by year 2050 and 55 inches by year 2100, relative to the projected life expectancy of the project. Adaptation strategies may include alternate project designs to prevent impacts.
- f. What engineering standards are being relied on to address potential impacts from sea level rise on proposed or existing facilities throughout the life of the project?

SUBSECTION 2: SPECIFIC PROJECTS. Applicants should respond only to those paragraphs which apply to their project.

a. Does the proposed project involve a MARINA OR OTHER MULTIPLE BERTHING FACILITY?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
---	------------------------------	--

(If **NO**, go to (b) below. If **YES**, provide the following information.)

- (1) List and describe, within one river or lakeshore mile of the site:
 - (a) Existing or proposed marina facilities (indicating for each facility) available berthing by berth size, whether finger, slip or side tie, fuel facilities, pump outs, accommodation docks, restrooms, restaurants, grocery stores, and other ancillary facilities.
 - (b) Public and private boat launching and storage facilities.
 - (c) Public fishing access and parking availability.
 - (d) Other recreational facilities open to the public which are used for swimming, sunbathing, picnicking, sightseeing, etc.

Provide a site map illustrating the approximate distances of each of these facilities from the proposed project site.

- (2) Identify whatever provisions are proposed for sewage disposal from boats, commercial uses, etc. If none, please identify the nearest pump-out facility, by name, location, and operating hours.
- (3) Identify whatever provisions are proposed for recycling and/or litter/garbage disposal, including frequency of pick-up.
- (4) Identify any proposed fueling facility and fully describe spill prevention and control features. Are fueling stations such that they are accessible by boat without entering or passing through the main berthing area, in order to avoid collisions? Provide a spill contingency plan and list equipment and training needed to implement the plan.
- (5) Describe any proposed vessel maintenance facility, i.e., its capacity, typical activities and quantities of potentially toxic materials expected to be used. Boat maintenance areas should be designed so that all maintenance activities that are significant potential sources of pollution can be accomplished over dry land and under roofs (where practical), allowing for proper control of by-products, debris, residues, solvents, spills, and stormwater runoff. All drains from maintenance areas should lead to a sump, holding tank, or pump-out facility from which the wastes can later be extracted for treatment and/or disposal. Indicate whether maintenance areas drain directly into surface or ground water or wetlands.

Will curbs, berms or other barriers be built or placed around areas used for the storage of liquid hazardous materials to contain spills?

If no boat maintenance facility is proposed, identify the off-site facility (ies) most likely to be used.
- (6) Identify the location of any engine and hull washing activities, expected numbers of washings and the types of detergents proposed for use. Only phosphate-free and biodegradable detergents should be used for boat washing.

- (7) Describe any proposed pollution control measures for vessel maintenance and haul-out facilities. Examples include:
- Use of tarps and vacuums to collect solid wastes produced by cleaning and repair of boats. Such wastes should be prevented from entering adjacent water.
 - Vacuum or sweep up and catch debris, sawdust, sandings, and trash from boat maintenance areas on a regular basis so that runoff will not carry it into the water.
 - An oil/water separator should be used on outside drains and be maintained to ensure performance.
 - Tarps should be used to catch spills of paints, solvents, or other liquid materials used in the repair or maintenance of boats.
 - Used antifreeze should be stored in a barrel labeled "Waste Antifreeze Only" and should be recycled.
- (8) Describe any special measures proposed to control the quality and quantity of urban and other runoff from surrounding areas.
- (9) Describe the terms and conditions under which periodic and transient berthing will be permitted at the proposed facility, and how those terms and conditions will be enforced. Indicate percentage of dry boat storage compared to wet slips.
- (10) Identify the method of handling fish wastes back into the natural ecosystem. Indicate how recycling of fish wastes will not degrade water quality or cause other adverse environmental impacts.
- (11) Describe the depth and location of navigation and access channels, if any. Are these channels located in areas with safe and convenient access to waters of navigable depth, based on the kind of vessel(s) expected to use the facility?
- (12) Describe the stormwater management system. Does the system provide a bypass or overflow systems so that the peak discharge from a 10-year, 14-hour storm will be safely conveyed to an erosion and scour-protected storm water outfall?
- (13) For proposed offstream marinas or berthing facilities, provide a water circulation plan for the facility which has been prepared and certified by a qualified hydrologic engineer. Such plan must indicate the direction and amount of flushing action in the facility.

b. Does the proposed project involve a LAUNCH RAMP OR OTHER LAUNCHING FACILITY?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

(If NO, go to (c) below. If YES, provide the following information.)

- (1) The capacity of related parking areas for boats, trailers, and vehicles.
- (2) Any ancillary features such as restrooms, trash disposal bins, and the like.
- (3) Any provisions for pump out and disposal of bilge water.
- (4) Any provisions for the identification, inspection, cleaning, and disposal of non-native species.

c. Does the proposed project involve DREDGING OR DREDGED MATERIAL DISPOSAL?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

*(If **NO**, go to (d) below. If **YES**, provide the following information. This section is to be prepared and certified by a qualified engineer with relevant expertise.)*

- (1) Provide the purpose for the proposed dredging activity.
- (2) An estimate of the amount and description of the method of dredging necessary to complete construction of the proposed project.
- (3) An estimate of the amount and frequency and a description of the method of any maintenance dredging anticipated for operation and maintenance of the project.
- (4) Identification and estimate of amounts and persistence of contaminants which may be released from the sediments during dredging, and during construction and operation and maintenance of the proposed project.
- (5) The method and location of disposal of dredged materials.
- (6) During dredging operations, will the dredging result in turbidity? If so, indicate how turbidity can be minimized (e.g., through the proper placement of silt screens or turbidity curtains).
- (7) Describe how the need to dredge has been minimized or avoided. For example, the marina could be sited adjacent to deep water and the area to be dredged could be the minimum needed for the marina itself, including the docking areas, fairways, and channels, and for other maneuvering areas that are needed. Is the bottom of the marina deeper than the adjacent open water?
- (8) Has siting been planned near currently permitted public areas for disposal of dredged materials? How far is it to the disposal area?
- (9) Provide a copy of the Sampling and Analysis Plan and results.
- (10) For projects located within San Francisco Bay and under the jurisdiction of the San Francisco Bay Conservation and Development Commission, provide an approval letter issued by the Dredged Material Management Organization (DMMO).

d. Does the proposed project involve GRAZING?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

*(If **NO**, go to Subsection 3 below. If **YES**, provide the following information.)*

- (1) Indicate the type and number of animals that will be located on State lands.
- (2) Indicate the months during which the animals will be located on State lands.
- (3) Estimate the carrying capacity of each parcel applied for.
- (4) Indicate whether applicant holds a current grazing permit from the U.S. Bureau of Land Management (BLM). If so, indicate when the permit expires, and provide a map showing the location of the grazing allotment.

- (5) Indicate whether there are any known water sources on the parcel(s) applied for. If such water sources are inadequate for the number of animals to be located on the State land, indicate how you will provide additional water.

SUBSECTION 3: PROJECT SITING AND FEASIBILITY. *Complete if the proposed project is a commercial or industrial use as defined in Part I, Section D, above.*

- a. If the project involves berthing or docking facilities, describe how siting has been planned to ensure that tides and currents are adequate to flush the site, or renew its water regularly. Will water quality standards be violated?
- b. Will the project be sited away from wetlands, shellfish resources, submerged aquatic vegetation, and critical habitat areas?
- c. Is the project sited such that it will have easy access to roads, utilities, public sewers (where available), and water lines?
- d. Were alternative sites considered for the proposed project? If the answer is no, please explain. If the answer is yes, please identify such alternative sites. List any criteria used during the site selection process: 1) What factors were used in the selection of the proposed site? 2) What factors make this site superior for the proposed project?
- e. On what basis is there a demonstrated public need for the proposed project at the designated location?
- f. Please furnish any studies, which demonstrate demand for and feasibility of the proposed project. What is the minimum size or level of activity necessary to sustain the commercial viability of the project?
- g. If the proposed project will generate revenue, estimate the anticipated annual gross and net revenues and show your basis for the estimates.
- h. Describe any other existing or proposed projects that will be related to or dependent upon this project, will be affected by this project, or will affect this project, and explain the anticipated relationship or effect.

SUBSECTION 4: PUBLIC BENEFIT

Describe any statewide, regional or local benefits of the proposed project, if any, and the extent to which such benefits are provided by other facilities in the vicinity of the proposed project site.

PART III

PROJECT ENVIRONMENTAL DATA

SECTION A: ENVIRONMENTAL SETTING

1. Describe the project site as it presently exists. Include information such as topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, the use of the structures, and whether they will be retained or removed. Include photograph(s) of the site. Information regarding historic or archaeologically significant values within the site may be obtained from the California Historic Resources Information System Information Center for the county in which the project is to be located. (For more information click on the CHRIS/IC tab at www.ohp.parks.ca.gov.)
2. Describe the surrounding properties. Include information such as topography, soil stability, plants and animals, and any cultural, historic or scenic aspects. Indicate the type of land use, (e.g. residential, commercial, agricultural, etc.) intensity of land use (e.g., single-family dwellings, apartments, shops, etc.) and the scale of development. Include photographs.
3. Include a statement of the proposed liquid, solid or gaseous waste disposal methods necessary for the protection and preservation of existing land and water uses.
4. For Development Projects only (see Part IV for definition), provide information on whether any portion of the project site is on the list of known hazardous materials sites also known as the "Cortese List" maintained by the California Environmental Protection Agency (CalEPA). (For more information see: <http://www.calepa.ca.gov/SiteCleanup/CorteseList/> and Government Code section 65962.5.)

SECTION B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

All phases of a project, such as planning, acquisition, development, and operation, shall be considered when evaluating its impact on the environment. Please answer the following questions by placing a check in the appropriate box. Provide an explanation of each answer on a separate 8½" x 11" paper, listing, as appropriate, studies, documents, or other information used to support your answer.

Will the project involve:

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. A change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. A change in scenic views from existing residential areas or public lands or roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. A change in pattern, scale or character of the land use at or in the general area of the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Impacts to plants or animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. The potential introduction or spread of non-native species? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Any feature subject to sea level rise or other effects associated with climate change over the life of the project? If so, please explain in detail and address any planned adaptation strategies. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Generation of solid or liquid waste or litter? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Will the project involve:

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
8. A violation of any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. A change in the amount of greenhouse gas emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Generation of, or additional, dust, smoke, fumes or odors in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. A change in ocean, bay, lake, stream or ground water quality or quantity or an altering of existing drainage patterns?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. A change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Construction on filled land or on a slope of 10% or more?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Creation of a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Any activity on a hazardous materials site (a site included on any list compiled pursuant to Government Code section 65962.5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Use or disposal of potentially hazardous materials such as flammable, toxic, or radioactive substances, or explosives?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. An increase in traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. A change in demand for municipal services (e.g., police, fire, water, sewage, electricity, gas)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. An increase in fossil fuel consumption (e.g. electricity, oil, natural gas)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. A larger project or a series of projects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Historic structures and/or archeological sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SECTION C: STATE LANDS COMMISSION AS A RESPONSIBLE AGENCY

When it is determined that the Commission is a Responsible Agency under the California Environmental Quality Act (CEQA) (another governmental agency prepares the appropriate environmental documentation), the applicant must submit the following materials as early as possible in the application process and substantially prior to scheduling the application for consideration by the Commission:

1. A copy of the project's environmental documents prepared by the Lead Agency, i.e. the Initial Study, Negative Declaration or Mitigated Negative Declaration, or the draft and Final Environmental Impact Report (EIR), and evidence that these documents were circulated through the State Clearinghouse pursuant to the CEQA Guidelines (Title 14, California Code of Regulations, Section 15073 or 15087).
2. A copy of any environmental mitigation monitoring program prepared and adopted by the Lead Agency pursuant to Public Resources Code Section 21080.6.
3. A copy of the "Findings" made by the Lead Agency relative to potential environmental impacts of the project as approved by the Lead Agency, pursuant to Section 15091 of the CEQA Guidelines.
4. A copy of the Statement of Overriding Considerations made by the Lead Agency if one was necessary.
5. A copy of the Notice of Determination filed with the Office of Planning and Research by the Lead Agency.

PART IV

PERMIT STREAMLINING ACT

(Government Code Section 65920 and following).

Government Code Section 65927 defines "development" as "...on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions to the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, 'structure' includes, but is not limited to, any building, road pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line."

Government Code Section 65928 defines a "development project" as "...any project undertaken for the purpose of development. 'Development project' includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. 'Development project' does not include any ministerial projects to be carried out or approved by public agencies."

Government Code Section 65943 - Please complete the following statement:

The project that is the subject of this application is is not a development project as defined by Government Code Section 65928.

Your application will not be complete without this information.

PART V

PRIVACY NOTICE AND CERTIFICATION

<p align="center">PRIVACY NOTICE FOR INDIVIDUAL(S) (see Part I, Section B)</p> <p>Section 1798.17 of the Civil Code requires this notice be provided when collecting personal information from individuals. Each individual has the right to review his or her personal information maintained by this agency, unless access is exempted by law. An individual means a natural person.</p>
<p>AGENCY NAME / DIVISION California State Lands Commission / Land Management Division</p>
<p>TITLE OF OFFICIAL RESPONSIBLE FOR MAINTENANCE OF THE INFORMATION Records Manager</p>
<p>BUSINESS ADDRESS OF OFFICIAL / TELEPHONE 100 Howe Avenue, Suite 100 South, Sacramento, California 95825 / (916) 574-1900</p>
<p>AUTHORITY THAT AUTHORIZES THE MAINTENANCE OF THE INFORMATION Public Resources Code Section 6501 et seq.</p>
<p>THE FOLLOWING ITEMS OF INFORMATION ARE VOLUNTARY, ALL OTHERS ARE MANDATORY All information requested on the application is mandatory, unless otherwise noted.</p>
<p>THE CONSEQUENCES, IF ANY, OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION The Application will not be deemed complete and may not be considered by the California State Lands Commission for approval. A lease may not be granted.</p>
<p>THE PRINCIPAL PURPOSE(S) WITHIN THE AGENCY FOR WHICH THE INFORMATION IS TO BE USED The information will be used to consider whether a lease of State lands is allowed by law and is in the best interests of the State. Information from the application including the Applicant's name and the project location may be posted permanently on the Internet at the Agency's website: www.slc.ca.gov. Applications will be retained for as long as allowed by the Agency's Records Retention Schedule as established in accordance with the State Administrative Manual and as approved by the Department of General Services. This may be for as long as the State has an interest in the land involved.</p>
<p>KNOWN OR FORESEEABLE DISCLOSURES OF THE INFORMATION PURSUANT TO CIVIL CODE SECTION 1798.24(e) or (f) Bureau of State Audits; local, state, and/or federal regulatory agencies with jurisdiction over any aspect of the proposed project.</p>

For any Applicant submitting this application as an individual(s), Applicant acknowledges and agrees that by submitting this application the Applicant gives consent for information contained in the Application, except as set forth on page 1A, to be disclosed as described in the Privacy Notice above. This consent meets the consent requirements of Civil Code Section 1798.24.

*For **appointed or elected officials** specified in Government Code Section 6254.21: If you did not check the box on page 1A, by signing this application you are deemed to have given consent to have your home address (when it is the project location) posted on the Internet.*

I hereby certify under penalty of perjury that I have read this completed application and all related exhibits and that, to the best of my knowledge, the information is full, complete, and correct. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for terminating the application or for denying a lease. I understand if a lease is executed by the State Lands Commission as a result of the application, the project will be constructed as described in the application. I further understand that if the project is not constructed as set forth in the application, this shall constitute a default of the lease and that the State Lands Commission may take such action(s) available to it as provided by the lease or to seek such other and further relief as it may determine proper and as authorized by law.

Signature of Applicant: _____ Date: _____

Signature of Co-Applicant: _____ Date: _____

By: _____ Title: _____
(If Agent)

Date: _____

NOTE: Please remember to submit the fees as outlined on pages viii and ix of the Application Guidelines. You need to return all pages of the Application for Lease of State Lands.

**CALIFORNIA STATE LANDS COMMISSION
APPLICATION PROCESSING REIMBURSEMENT AGREEMENT
Agreement 19411**

For your records.

1. PARTIES. This Agreement is between Stanislaus County (hereinafter Applicant), whose mailing address is 1716 Morgan Road, Modesto, CA 95358, whose Project Manager is Matt Machado, and the California State Lands Commission (hereinafter 'State') whose Project Officer is Nicholas Lavoie. BOARD OF SUPERVISORS
2012 APR - 5 P 2:13

2. AGREEMENT: Applicant agrees to reimburse the State for services (hereinafter 'the Services') reasonably necessary to process the application submitted by Applicant, identified in the State's records as WP3022 (hereinafter 'Application'), for consideration by the California State Lands Commission of project described as Lease: General - Public Agency Use, within Stanislaus County(ies). The estimated cost will be \$3,000. Applicant agrees to submit a deposit in the amount of the estimated total cost of the Agreement.

Note: If the total deposit has previously been submitted, no further deposit is necessary at this time.

The State will advise Applicant if actual costs exceed the above estimate by ten percent (10%) or more. Costs in excess of the initial deposit shall be invoiced and mailed to Applicant. Applicant shall notify State within fifteen (15) days of being advised of any estimated cost increase if the Applicant wishes to dispute the costs or terminate the project in accordance with Section 4 of this Agreement. No response shall be deemed agreement to pay the revised estimated costs. No Commission action shall be taken on the application until all amounts due have been paid.

Additional payments shall be mailed to the California State Lands Commission, 100 Howe Avenue, Suite 100 South, Sacramento, CA 95825, within 30 days of receipt of invoice. Should the advance deposits exceed actual costs, a refund will be mailed to the Applicant within sixty days of completion of the transaction, or earlier termination as provided in Section 4 below.

Applicant agrees to indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting from Applicant's performance under this Agreement.

Applicant understands that by entering into this Agreement, the State is not representing that the Application will be approved by the California State Lands Commission or other state, local or federal permitting agencies.

3. TERM. This Agreement shall be effective from 02/03/2012 and shall continue in full force and effect through 02/02/2014, unless terminated earlier pursuant to the provisions contained herein.

4. TERMINATION. Either party may elect to terminate this Agreement at any time upon ten (10) days written notice to the other party. Applicant agrees that in the event of termination of this Agreement by either party, it shall reimburse the State upon its written request one hundred percent (100%) of all costs incurred by the State for the performance of its obligations as described in this Agreement through the termination date.

5. APPLICABLE LAW. This Agreement shall be governed by the laws of the State of California.

STATE OF CALIFORNIA

BY: David W. Brown

David W. Brown
Chief, Fiscal and Information Services

STAFF COUNSEL REVIEW _____

BY: Matt Machado 3/13/12

Name (date)

Matt Machado

Address

**1716 Morgan Road
Modesto CA 95358**