

**CALENDAR ITEM
C49**

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06/01/09
WP 1766.9
B. Terry

**AMENDMENT OF A GENERAL LEASE - PUBLIC AGENCY USE
UNDER SECTION 101.5 OF THE STREETS AND HIGHWAY CODE**

LESSEE/APPLICANT:

California Department of Transportation
703 B. Street
Marysville, CA 95901

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Feather River, along Highway 99 near Nicolaus, Sutter County.

AUTHORIZED USE:

Continued use and maintenance of the existing Highway 99 Feather River Bridge pursuant to Section 101.5 of the Street and Highway Code, as shown on the attached Exhibit A.

LEASE TERM:

Continuous use, beginning May 9, 1996.

PROPOSED AMENDMENT:

Amend the right of way map, pursuant to the provisions of Section 101.5 of the Streets and Highway Code, to include an additional temporary construction use area for the construction and use of a temporary trestle supported by approximately 75 temporary pilings; to include additional provisions related to the construction and removal of the temporary facilities and safety measures during construction; and a term for the temporary construction area beginning June 1, 2009 and ending December 1, 2013.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns or has the right to use uplands adjoining the 101.5 map on State sovereign lands in the Feather River.

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2. On May 9, 1996, the Commission authorized a General Lease - Public Agency Use with the California Department of Transportation (Caltrans) for widening and straightening the existing Feather River Bridge along Highway 99 near the town of Nicolaus. Caltrans is now applying to amend the lease and has filed an amended 101.5 map describing the temporary construction area pursuant to the provisions of Section 101.5 of the Streets and Highways Code.
3. Caltrans is proposing to construct a second bridge span across the Feather River east of the existing bridge. The proposed bridge is within the existing right-of-way easement authorized in 1996; however, an additional strip of approximately 0.72 acres of sovereign land in the River is needed to construct a temporary trestle to provide access in the River for construction equipment and material, which will be used for the new bridge construction. The temporary trestle will sit upon approximately 75 temporary pilings spaced 30 feet apart. The pilings are to be driven into the River bottom using a method approved by the California Department of Fish and Game, which will be either by a standard pile driver or vibration method.
4. The trestle will be built in two segments. Contractors will have access to the temporary use area starting September of 2009; however, the construction of the first segment is scheduled to start in the spring of 2010 and the second segment is scheduled to start in the spring of 2011 with the temporary construction use area expiring December 1, 2013. Prior to expiration, the trestle and all pilings will be removed from the temporary construction use area and the River restored to its prior condition.
5. During construction, Caltrans will place warning signs and/or safety buoys both upstream and downstream of the construction site in the River in order to provide notice to recreational users of potential safety hazards in the River and to exercise caution. A portion of the River will remain navigable during construction.
6. An EIR (SCH #200109264) was prepared for this project by the California Department of Transportation and certified on November 18, 2003. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program prepared in conformance with the provisions of the CEQA (Public Resources Code Section 21081.6) and adopted by the lead agency. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento Office of the California State Lands Commission.

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7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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:

California Department of Water Resources, Central Valley Irrigation District,
Central Valley Regional Water Quality Control Board

FURTHER APPROVALS REQUIRED:

NOAA Fisheries, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service,
and the California Department of Fish and Game

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

September 12, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR (SCH #2001092064) WAS PREPARED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND CERTIFIED ON NOVEMBER 18, 2003, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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

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LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 1766.9, A GENERAL LEASE - PUBLIC AGENCY USE, OF SOVEREIGN LANDS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JUNE 1, 2009, TO AMEND THE RIGHT OF WAY MAP, PURSUANT TO THE PROVISIONS OF SECTION 101.5 OF THE STREETS AND HIGHWAY CODE, TO INCLUDE A TEMPORARY CONSTRUCTION AREA AND THE PLACEMENT OF A TEMPORARY TRESTLE SUPPORTED BY APPROXIMATELY 75 TEMPORARY PILINGS; AUTHORIZE ADDITIONAL PROVISIONS RELATED TO THE CONSTRUCTION AND REMOVAL OF THE TEMPORARY FACILITIES AND SAFETY MEASURES DURING CONSTRUCTION; AND A TERM FOR THE TEMPORARY CONSTRUCTION USE AREA BEGINNING JUNE 1, 2009 AND ENDING DECEMBER 1, 2013; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.