

MINUTE ITEM

This Calendar Item No. C27 was approved as Minute Item No. 27 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM
C27

A 2,3

06/26/06

S 1

PRC 8541.9

M. Hays

AMENDMENT OF GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

Department of Transportation
2800 Gateway Oaks Drive
Sacramento, CA 95833

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Bear River, near the town of East Nicolaus, Sutter and Yuba counties.

AUTHORIZED USE:

To widen, use and maintain the existing State Route 70 bridge and to construct, use and maintain a new parallel bridge.

LEASE TERM:

Continuous use plus one year beginning August 17, 2004.

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.

PROPOSED AMENDMENT:

To authorize the use of a temporary construction right of way and the placement, use and removal of a temporary bridge crossing within the construction right of way during the construction period of the State Route 70 bridge widening project as shown on the attached Exhibit A. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns or has the use of the uplands adjoining the lease premises.

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2. On August 17, 2004, the Commission approved a lease pursuant to Section 101.5 of the Streets and Highway Code for the State Route 70 (SR 70) highway upgrade and bridge-widening project. The highway upgrade project consists of widening SR 70 to a four-lane expressway/freeway for a distance of 15.5 miles, which creates a four-lane freeway facility from Marysville to Sacramento. The existing two lane bridge will be widened by eight feet to create a one-way bridge and a new parallel two lane bridge will be constructed to the east of the existing bridge. The project includes the placement and use of a temporary bridge crossing structure during the construction period for use by construction vehicles and equipment. The bridge will be removed and the disturbed area restored after construction is complete.
3. The August 17, 2004, Commission approval did not include authorization of the temporary construction right of way and the bridge crossing portion of the project and staff is now recommending approval of the amendment to include the temporary construction area and the placement, use and removal of the temporary bridge crossing.
4. On September 21, 2005, the Region 2 Manager of the Department of Fish and Game (DFG) executed a "conditioned" Streambed Alteration Agreement (Agreement) with CalTrans that governs the proposed placement and use of a temporary bridge crossing within the construction right-of-way of the SR 70 bridge widening project over the Bear River. While the DFG initially determined that such operations "may substantially affect existing fish and wildlife resources including: Giant Garter snakes; Central Valley steelhead; Central Valley fall/late fall-run Chinook salmon; cliff swallows; Swainson's hawks; warm water fish species, amphibians and other aquatic and terrestrial plant and wildlife species," it proposes measures within the Agreement to protect fish and wildlife during the CalTrans project. All conditions specified by the DFG have been accepted by CalTrans.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it,

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that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

5. 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:

US Army Corps of Engineers
Regional Water Quality Control Board
Department of Fish and Game

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8541.9, A GENERAL LEASE – PUBLIC AGENCY USE, EFFECTIVE

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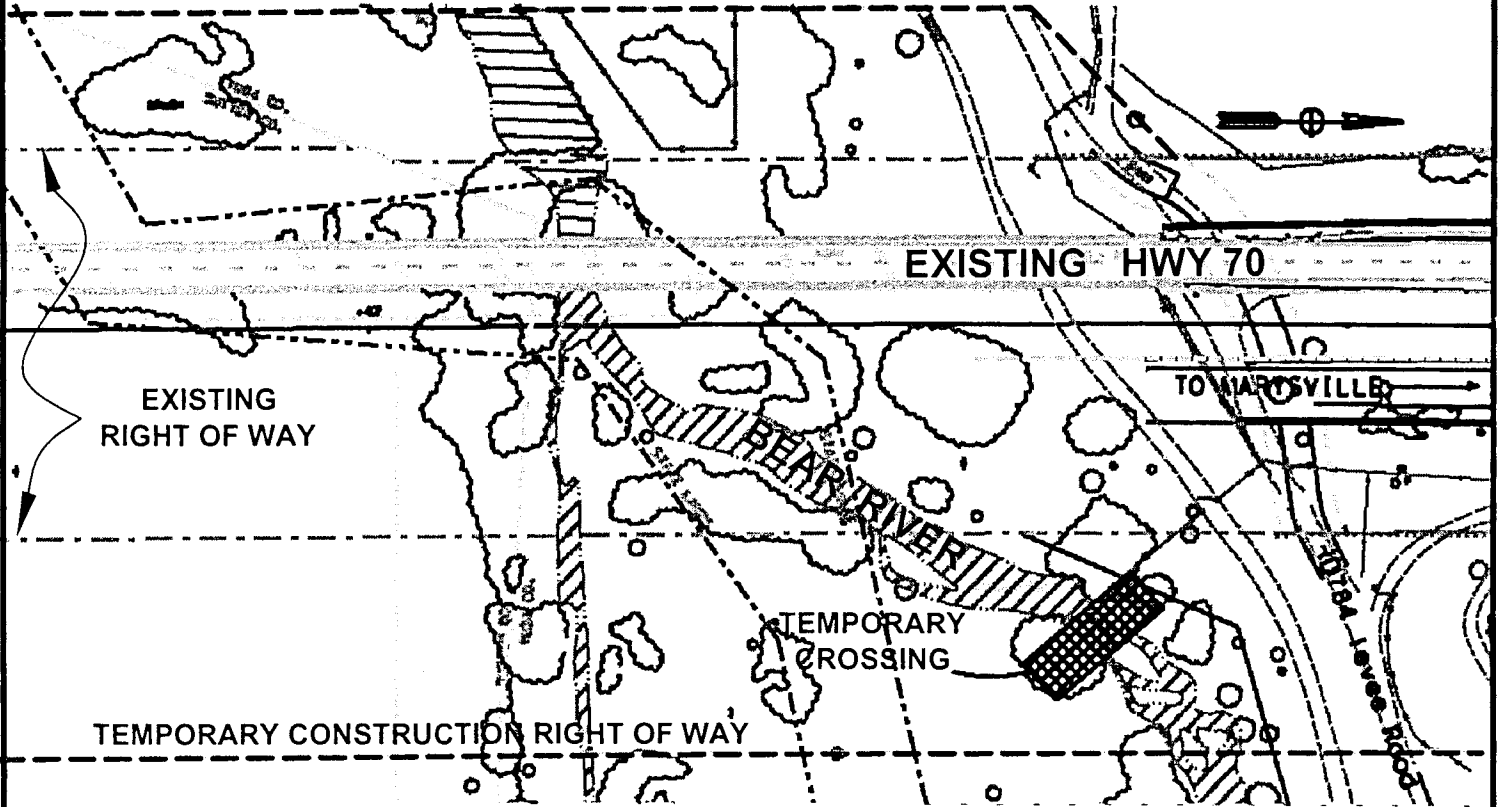
JUNE 26, 2006, TO INCLUDE THE USE OF A TEMPORARY CONSTRUCTION RIGHT OF WAY AND THE PLACEMENT, USE AND REMOVAL OF A TEMPORARY BRIDGE CROSSING WITHIN THE CONSTRUCTION RIGHT OF WAY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE



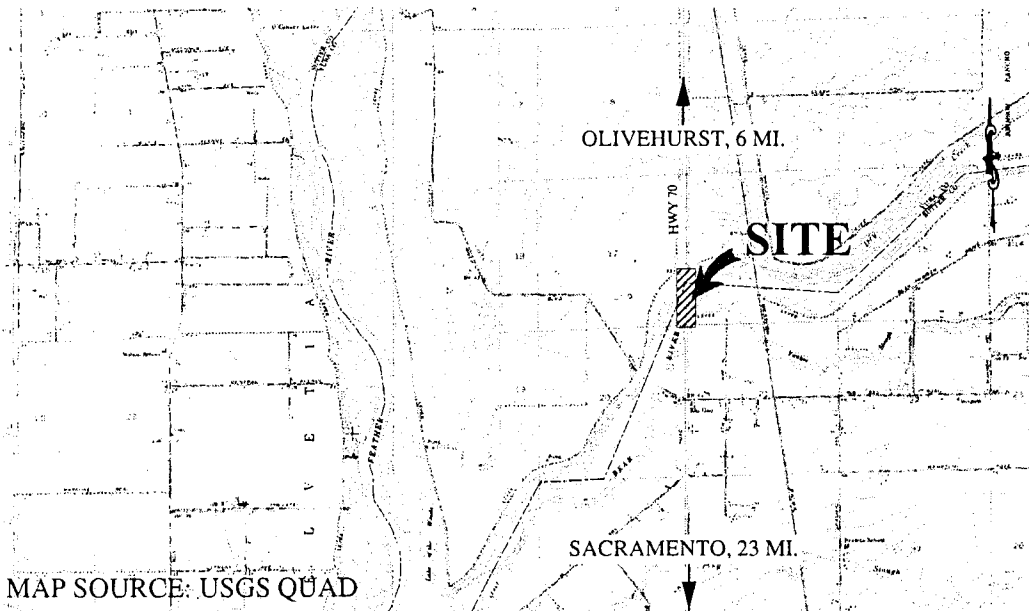
TEMPORARY CONSTRUCTION RIGHT OF WAY



STATE ROUTE 70, BEAR RIVER CROSSING

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.

CALENDAR PAGE

MINUTE PAGE

Exhibit A

PRC 8541.9
CALTRANS
STREETS & HIGHWAYS
TEMPORARY CONSTRUCTION
CODE SEC. 101.5
YUBA & SUTTER COUNTIES



MJF 4/13/06