

**CALENDAR ITEM
C22**

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S 4

06/29/15
W 26617
M. Schroeder

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

California Department of Parks and Recreation
One Capitol Mall, Suite 410
Sacramento, CA 95814

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Pine Creek, within Section 22, Township 22 North, Range 1 West, MDM, near the city of Chico, Butte County.

AUTHORIZED USE:

Removal of existing boat launching ramp, and construction, use and maintenance of a new boat launching ramp and riprap.

LEASE TERM:

25 years, beginning June 29, 2015.

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 interests.

SPECIFIC LEASE PROVISIONS:

1. Lessee shall place warning signage and/or buoys, clearly visible from the shore and in the water, both upstream and downstream of the construction site, to provide notice of the boat launching ramp construction project and to advise the public to exercise caution.
2. Construction activities in Pine Creek may only occur between April 15 and October 15.
3. Lessee agrees to implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate. Lessee shall post the BMPs for "Guest Dock Users and Boaters" in prominent places within the Lease Premises. The Lessee

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shall provide the Commission, on the first anniversary of the Lease and every three years thereafter, a report on compliance with BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. The Pine Creek boat launching ramp (ramp) has existed for many years, but was not previously authorized by the Commission. The ramp is 20 feet wide by 122 feet long and does not allow for boat launching when water levels in Pine Creek are low. An inspection determined the facility is structurally deficient and in need of repairs. Due to this structural deficiency, safety concerns for the boating public have arisen. The Applicant is now applying for a General Lease – Public Agency Use for the construction, use and maintenance of a new boat launching ramp and riprap.
3. The project will consist of removing the existing ramp, and constructing a new ramp and riprap. The existing ramp will be disposed of off-site. The new ramp will be partially constructed as a push-slab concrete ramp and partially constructed as a cast-in-place concrete ramp. Work to be performed outside of the Commission's leasing jurisdiction includes bringing the pathway between the restroom and the top of the boat ramp into compliance with the Americans with Disabilities Act.
4. A Mitigated Negative Declaration, State Clearinghouse No. 2012042027, was prepared for this project by the California Department of Boating and Waterways¹ and was adopted on May 18, 2012.
5. Since the Mitigated Negative Declaration was adopted, the project has been revised to:
 - Eliminate the need for beam removal and pile driving;
 - Remove accumulated material from under the boat ramp; and
 - Place an additional 300 cubic yards of riprap adjacent to the boat ramp.

Commission staff has reviewed the Mitigated Negative Declaration and made an independent analysis of the anticipated environmental consequences of the requested Lease, and recommends the Commission find based on substantial evidence gathered through this examination, that:

¹ The California Department of Boating and Waterways is now the Division of Boating and Waterways within California Department of Parks and Recreation.

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- None of the events identified in Public Resources Code section 21166 or CEQA Guidelines section 15162 has occurred or will occur due to the proposed Lease issuance allowing for boat ramp removal and replacement; and
 - Approval of the Lease would fall under the scope of the Mitigated Negative Declaration adopted by the California Department of Boating and Waterways.
6. A Mitigation Monitoring Program was adopted by the California Department of Boating and Waterways.
7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
Central Valley Regional Water Quality Control Board
California Department of Fish and Wildlife
Central Valley Flood Protection Board
National Marine Fisheries Service
U.S. Fish and Wildlife Service

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2012042027, and a Mitigation Monitoring Program were prepared by the California Department of Boating and Waterways and adopted on May 18,

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2012, for this Project and that the Commission has reviewed and considered the information contained therein.

Find that in its independent judgement, none of the events specified in Public Resources Code section 21166 or CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

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

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to California Department of Parks and Recreation, beginning June 29, 2015, for a term of 25 years, for the removal of an existing boat launching ramp and construction, use and maintenance of a new boat launching ramp and riprap 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 interests.

EXHIBIT A

W 26617

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Pine Creek (tributary of Sacramento River), lying adjacent to real property as described in the deed from Annie E.K. Bidwell to the State of California, recorded August 20, 1909 in Book 111 at Page 320, Official Records of Butte County, State of California, more particularly described as follows:

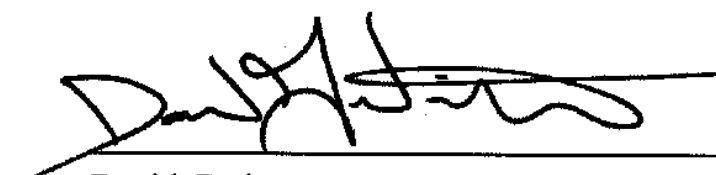
COMMENCING at a 3/4" iron pipe with aluminum cap stamped L.S. 3653 as delineated on Parcel Map No. 91-05 in Book 10, Parcel Maps, Page 98, Glenn County Records, from which point a U.S. Coast and Geodetic 3 1/2" Brass Disk stamped Hamilton bears South 74°03'28" West 6,134.02 feet, thence South 81°38'58" East 9543.49 feet to the **POINT OF BEGINNING**; thence the following four (4) courses:

- 1) North 75°43'52" East 40.00 feet;
- 2) South 14°16'08" East 125.00 feet;
- 3) South 75°43'52" West 40.00 feet;
- 4) North 14°16'08" West 125.00 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of said Pine Creek.

All distances and areas shown heron are grid distances. Bearings are on NAD 83(2011), California Coordinate System, Zone 2, Epoch 2010.00. Multiply by 0.99998090 to obtain ground distances.

END OF DESCRIPTION

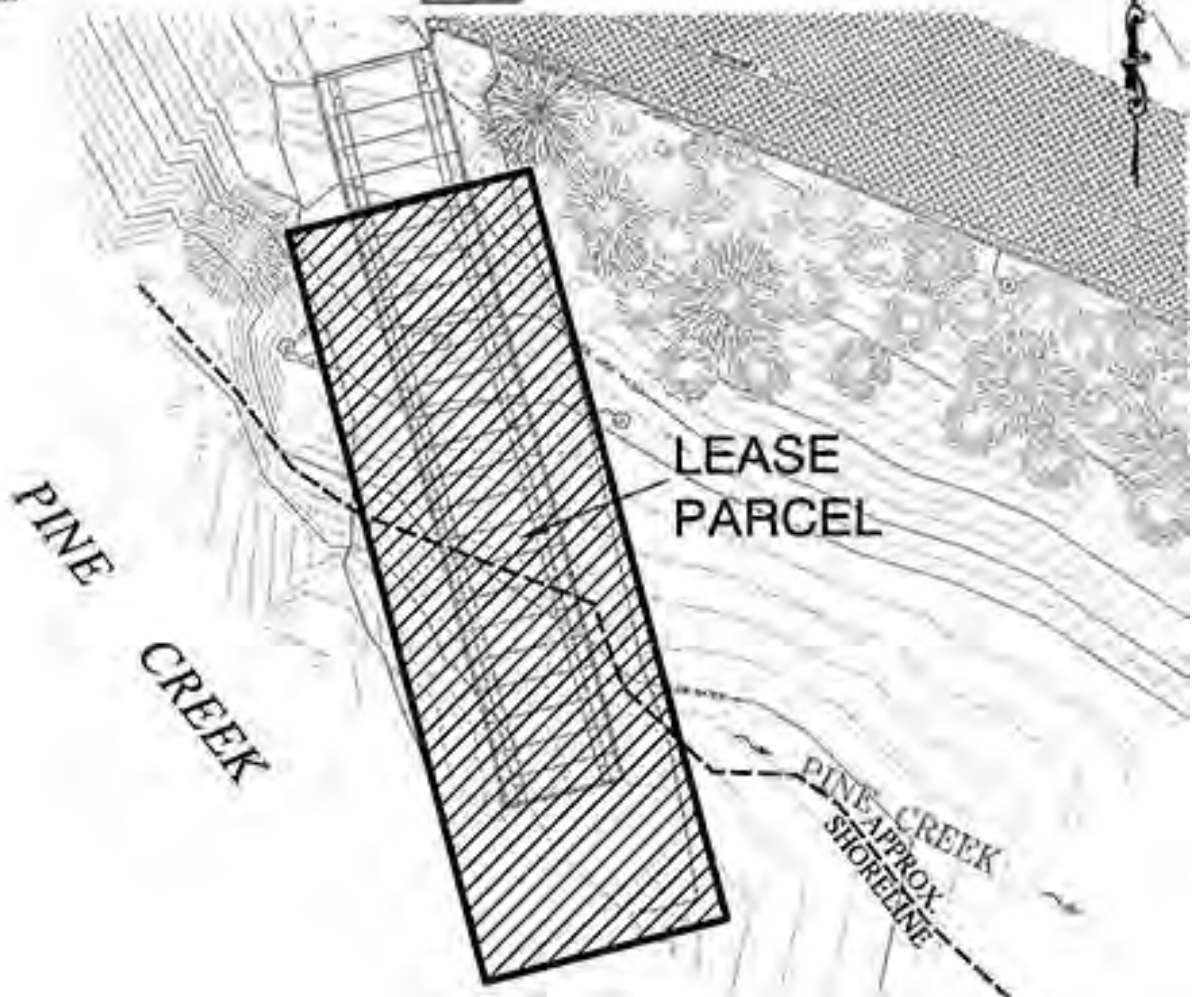


David Gutierrez LS 8852 6/2/2015
Date



NO SCALE

SITE



PINE CREEK, NEAR THE CITY OF CHICO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26617
 CA STATE PARK
 GENERAL LEASE -
 PUBLIC AGENCY USE
 BUTTE 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.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
PINE CREEK BOAT RAMP REPAIR PROJECT
(W 26617, State Clearinghouse No. 2012042027)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Pine Creek Boat Ramp Repair Project (Project). On May 18, 2012, the California Department of Boating and Waterways,¹ acting as the CEQA lead agency, adopted a Mitigated Negative Declaration (State Clearinghouse No. 2012042027) and a Mitigation Monitoring Program (MMP) for the Project.

In conjunction with approval of this Project, the Commission adopts this MMP for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. State CEQA Guidelines section 15097, subdivision (a), states in part:²

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency has adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measure occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measure listed in Table C-1 below. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The Department of Boating and Waterways is now the Division of Boating and Waterways within the California Department of Parks and Recreation.

² The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.

In addition to the MMP, the lead agency included minimization measures to minimize the impacts of the Project prior to mitigation. Attachment C-2 includes the minimization measures with notation of which measures occur on Commission lands.

Table C-1. Project Impacts and Applicable Mitigation Measures.

Potential Impact	Mitigation Measure (MM) ³ (Revised May 20, 2015)	Difference Between CSLC MMP and Lead Agency MMP
3.4(b): Potential Impact due to a substantial adverse effect on riparian habitat or sensitive natural community identified by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service	MM 3.4(b): The Proposed Project would result in the loss of 0.07 acres of riparian habitat adjacent to the southeast edge of the existing boat ramp. To mitigate for the loss of 0.07 acres, the U.S. Army Corps of Engineers has required compensatory mitigation be purchased from a Corps approved bank or in lieu fee program.	MM 3.4(b): The Proposed Project would result in the loss of 0.07 acres of riparian habitat adjacent to the southeast edge of the existing boat ramp. To mitigate for the loss of 0.07 acres of habitat, the California Department of Parks and Recreation shall purchase 0.07 acre of habitat credits from a mitigation bank approved by the U.S. Army Corps of Engineers has required compensatory mitigation be purchased from a Corps approved bank or in lieu fee program.
3.4(c): Potential impact due to a substantial adverse effect on a federally protected wetland as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means	MM 3.4(b) (see above)	MM 3.4(b) (see above)

³ See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT C-1

**Mitigation Monitoring Program Adopted by the
California Department of Boating and Waterways**

Pine Creek Boat Ramp Repair
 Bidwell-Sacramento River SP
 Mitigation Monitoring and Reporting Plan
 Revised May 20, 2015

Mitigation Measures	Timing	Responsible for Implementing Mitigations	Responsible for Insuring Implementation	Required for Task to be Complete	Verification and Implementation	
					Date Completed	Status / Comments
BIOLOGICAL RESOURCES						
RIPARIAN HABITAT						
The Proposed Project would result in the loss of 0.07 acres of riparian habitat adjacent to the southeast edge of the existing boat ramp. To mitigate for the loss of 0.07 acres, the U.S. Army Corps of Engineers has required compensatory mitigation be purchased from a Corps approved bank or in-lieu fee program.	Prior to the start of construction	California Department of Parks and Recreation	US Army Corps of Engineers	Proof of purchase of mitigation credits submitted to US Army Corps of Engineers		

ATTACHMENT C-2

Revised Project Description and Minimization Measures

California Division of Boating and Waterways

Submitted to the CSLC on April 23, 2015

PINE CREEK BOAT RAMP PROJECT REVISED PROJECT DESCRIPTION AUGUST 2013

PROJECT PURPOSE

The purpose of the Pine Creek Boat Ramp Repair Project (Proposed Project) is to improve the safety and efficacy of the facilities at the Pine Creek Boat Ramp and to bring the facilities into compliance with the Americans with Disabilities Act (ADA).

Every year, each division of the California Department of Parks and Recreation (DPR), generates a list of projects for improvements to boating-related facilities within state parks. This project was submitted by the head superintendent of the Northern Buttes District of DPR.

An inspection of the Pine Creek Boat Ramp site revealed a number of problems. The existing boat ramp is constructed of precast concrete aboveground panels, held up by piles and girders. The girders are sagging, the ramp has cracks and gaps in it, and some of the panels have shifted position. Boat launching year round is not possible because the ramp is too short for launching during periods when water levels in Pine Creek are low. In addition, more than 30-inches of drop-off exists on both sides of the boat ramp at present, posing a safety hazard.

Other elements were found not to be in compliance with ADA standards. The slope of the walkway between the curb at the restroom and the parking lot and lateral slope of the asphalt surface between the restroom and the top of the ramp are higher than current ADA standards.

PROJECT DESCRIPTION

The existing Pine Creek Boat Launch Area is located in western Butte County on Pine Creek, tributary to the Sacramento River (Figure 1). It is a sub-unit of the Bidwell-Sacramento River State Park, owned and operated by the California Department of Parks and Recreation (State Parks) (Figure 2). Due to deterioration of the facilities at the Pine Creek Boat Ramp (described above under *Project Purpose*) and the need to upgrade certain facilities to Americans with Disabilities Act (ADA) standards, DPR directed their Boating Facilities Unit to design and construct a replacement boat ramp and to make ancillary improvements at the site.

The existing facilities on the project site include a 23-space parking lot, restroom, three picnic tables with canopies, and a 20-foot wide by 122-foot long boat ramp.

The Proposed Project would involve the following activities:

- Removal of the existing precast panels, and legal disposal of the debris off-site.

- Removal of approximately 50 cubic yards of silt and organic material that has accumulated under the existing ramp and is considered to be structurally unsound;
- Removal of 0.07-acres of vegetation on the east and west sides of the ramp (approximately 0.05 acre of which is below the Ordinary High Water mark [OHW] of Pine Creek);
- Placement of approximately 175 cubic yards of structural fill/soil upon which to construct the ramp. The soil will be wrapped on all sides by geotextile fabric to prevent erosion.
- Placement of approximately 500 cubic yards of rip-rap to decrease the drop-offs on both sides of the ramp and provide structural support of the ramp (approximately 300 cubic yards will be below OHW).
- Placement of a push-slab concrete ramp (approximately 35 cubic yards of concrete) and a cast-in-place concrete ramp (approximately 65 cubic yards of concrete) to form the new ramp, which will be expanded from its current dimensions of 20 feet wide and 122 feet long, to the proposed dimensions of 24-feet wide and 142 feet long. The greater length is needed to allow year-round use of the ramp, and the greater width is needed in order to provide room for possible future installation of a boarding float on the ramp, while still providing an 18-foot launch lane;
- Construction of a wheelchair-accessible ramp between the bathroom and the top of the boat ramp to be ADA compliant;
- Replacement of some signage on the bathroom to be ADA compliant.

The total construction period for the Proposed Project is expected to be 2 months. Equipment used is expected to include: a backhoe; a skidsteer; a crane, a dozer; and paving equipment.

MINIMIZATION MEASURES

The following measures have been included in the Project Description to avoid or minimize environmental impacts. They will also be included in the construction contract to be let by DPR for the Proposed Project, to ensure that they are adhered to.

General Measures

1. Existing precast concrete panels will be hauled off-site and recycled or disposed of by the contractor according to all relevant laws and regulations. All other construction waste, including vegetation removed, will also be hauled off-site.
2. Contractor shall, at all times, keep the premises free from accumulation of waste materials or rubbish caused by their work. At the completion of the work contractor will be required to remove all rubbish, tools, and surplus materials, and leave the job in a broom clean condition.

3. Selective demolition shall be done in accordance with the construction documents. The contractor shall repair any demolition performed in excess of that required, and shall return structures and surfaces to the condition prior to commencement of selective demolition. Contractor shall repair adjacent construction or surfaces, soiled or damaged, by selective demolition work.
4. A location for the contractor's corporation yard will be designated within the site by the state. Contractor is permitted to fence this area to protect offices, stored material and equipment. Contractor will be responsible for securing his/her equipment from theft or vandalism.
5. The contractor will be responsible for site conditions continually during working hours, including public safety, dust control, and erosion and sediment control.
6. The contractor will be financially responsible for the maintenance or repair of offsite street surfaces where damage has been sustained because of the construction traffic.
7. Construction noise shall be in compliance with Department of Parks and Recreation rules and local county noise ordinances. Consult the county for specific restrictions. Construction shall occur during daylight hours only.
8. No soils report is provided. The contractor will be responsible for determining soil conditions prior to bidding.
9. It is possible that previous activities have obscured surface evidence of cultural resources or that previously undiscovered cultural resources are located on the site. If previously unidentified cultural resources are encountered during earth-moving activities, all construction activity within 100 feet of the resources shall be halted immediately, and the appropriate authorities notified. If suspected human remains are encountered, the County Coroner and the DPR shall be notified immediately. If prehistoric or historic-era resources are encountered, the DPR and a qualified archaeologist should be notified immediately.
10. Air Quality Measures
 - a. Land Clearing/Earth Moving:
 - Water shall be applied by means of truck(s), hoses and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emission.
 - A water truck (or water hoses and/or sprinklers) shall be on site at all times during ground disturbance activities.
 - Water shall be applied to disturbed areas a minimum of 2 times per day or more as necessary.
 - On-site vehicles limited to a speed which minimizes dust emissions on unpaved roads.
 - Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
 - The telephone number of the BCAQMD shall also be visible to ensure compliance.
 - b. Visibly Dry Disturbed Soil Surface Areas:
 - All visibly dry disturbed soil surface areas of operation shall be watered to minimize dust emission.
 - c. Paved Road Track-Out:

- Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency.
 - Haul vehicles transporting soil into or out of the property shall be covered.
- d. Vehicles Entering/Exiting Construction Area:
- Vehicles entering or exiting construction area shall travel at a speed which minimizes dust emissions.
- e. Employee Vehicles:
- Construction workers shall park in designated parking areas(s) to help reduce dust emissions.
- f. Soil Piles:
- Soil pile surfaces shall be moistened if dust is being emitted from the pile(s). Adequately secured tarps, plastic or other material may be required to further reduce dust emissions.
11. Temporary wildlife exclusionary fencing (e.g., silt fence) should be installed around work areas during construction.

Erosion Control Measures

12. All erosion & sediment control BMP's shall be in accordance with:
- a. Caltrans Stormwater Quality Handbook, Construction Site Best Management Practices Manual, latest edition
 - b. Caltrans Stormwater Quality Handbook, Construction Contractors Guide and Specifications, latest edition
13. All work equipment shall be washed at a location off the project site.
14. Straw wattles and silt fences shall be placed in appropriate areas to prevent silt/sediment from entering the creek at all times during construction.
15. Erosion control best management practices (BMP's) shall be installed and maintained during the wet season. Sediment control BMP's shall be installed and maintained all year round.
16. Hydroseed, if utilized, must be placed by September 15. Hydroseed placed during the wet season shall use a secondary erosion protection method such as straw mulch, soil binder or erosion control blankets/mats.
17. During the rainy/wet season, all non active disturbed soil areas must be stabilized with erosion controls within 14 calendar days or prior to forecasted rain event (whichever comes first).
18. Erosion controls devices using monofilament netting will not be permitted anywhere on site.
19. The Contractor is responsible for dust control during all phases of construction. Water or other approved methods shall be used to control windblown dust and particles. Dust and particles shall not leave the construction site. Dust control shall be utilized over all disturbed areas (unless suitably stabilized) regardless of whether active work is underway. The specific measures described above under Minimization Measure #10 will minimize erosion at the construction site. In addition, the following measures shall be implemented:
- a. Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency.
 - b. Minimize the amount of disturbed area, the amount of material actively worked, and the amount of material stockpiled.
 - c. Haul vehicles transporting soil into or out of the property shall be covered.

20. Any seed, straw, or mulch brought into the site should be certified weed-free. Areas of ground disturbance should be monitored for invasive species infestation. If necessary, hand labor or mechanical methods should be used to control exotic and unwanted vegetation.

Biological Protection Measures

VELB - The following measures are taken from the USFWS (1999) conservation guidelines for the VELB and will be implemented to avoid and minimize potential effects of the project on the VELB:

21. Fence and flag all elderberry shrubs to be avoided. Provide a minimum setback of at least 20 feet from the drip line of each elderberry plant wherever feasible. In no event should heavy equipment drive within the drip line of elderberry shrubs.
22. In lieu of trimming any elderberry branches that may encroach into the parking lot area where heavy equipment will be present, branches shall be pulled back from the work area and secured with twine, rope, or mesh fencing material for the duration of construction activities.
23. Construction and maintenance personnel will participate in a USFWS-approved worker environmental awareness-training program explaining the life history of the VELB and the importance of maintaining the barriers to protect the elderberry shrubs. DBW will put up signs every 50 feet along the edge of the avoidance areas with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." These signs should be clearly readable from a distance of 20 feet and must be maintained for the duration of construction.
24. Implement dust control measures as described in Minimization Measure #10.

Swainson's Hawk - Standard measures which are applicable to this project include the following:

25. Pre-construction surveys shall be conducted by a qualified biologist to determine whether any active Swainson's hawk nests are located within 0.25 mile of construction activities. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by CDFG.
26. If breeding Swainson's hawks (i.e., exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) shall occur within 0.25 mile of an active nest during the nesting season or until a qualified biologist has determined that the young have fledged or that the nest is no longer occupied.
27. This non-disturbance distance may be modified on a case-by-case basis (with CDFG approval) if a qualified biological monitor determines, through repeated observations, that the activity is not disruptive to the breeding pair. Any such nests will be monitored on a daily basis to determine whether construction activities are likely to impact nesting birds. Where disturbance to a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., defer construction activities until later in the nesting

cycle, such as after July 15th, when the adults are less likely to abandon the nest).

28. If it is determined by the biological monitor that a nesting pair of Swainson's hawks appears to be adversely affected by construction activities (based on behavioral observations), work at this location will stop until the young have fledged or until the biologist determines that certain activities may proceed.

Fish Species – The following measures would protect special-status fish species:

29. Boat ramp demolition and construction shall be confined to the period of June 15 to October 15.
30. A turbidity curtain will be installed around the entire in-water work area, prior to initiating any in-water work.