

## STAFF REPORT

**04**

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06/23/20

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A. Franzoia

### GENERAL LEASE – PUBLIC AGENCY USE

#### APPLICANT:

California Department of Transportation – District 3 (Caltrans)

#### PROPOSED LEASE:

##### *AREA, LAND TYPE, AND LOCATION:*

Sovereign land located in the Feather River, adjacent to the Feather River Bridge, near Marysville and Yuba City, Yuba and Sutter counties.

##### *AUTHORIZED USE:*

Temporary construction staging area for the mooring of construction equipment associated with the Feather River Bridge Scour Repair Project.

##### *LEASE TERM:*

3 years, beginning June 23, 2020.

##### *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 or buoys, or both, clearly visible from the shore and in the water, both upstream and downstream of the construction site, to provide notice of the Project and to advise the public to exercise caution. Lessee shall place and maintain such signage at all times during the term of the Project and shall notify the California Department of Parks and Recreation's Division of Boating and Waterways of the location, description, and purpose of such signage upon the installation and removal.

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### **STAFF ANALYSIS AND RECOMMENDATION:**

#### **Authority:**

Public Resources Code sections 6005, 6210.3, 6216, 6301, 6501.1, and 6503; Streets and Highways Code section 101.5; California Code of Regulations, title 2, sections 2000 and 2003.

#### **Public Trust and State's Best Interests Analysis:**

On December 16, 1998, pursuant to section 101.5 of the Streets and Highways Code, the Commission authorized a Public Agency Lease, Lease No. PRC 8056.9, and Approval of Right-of-Way Map for the continuous maintenance and operation of the Feather River Bridge No. 18-009, including installation of guardrail and seismic retrofit activities ([Item C105, December 16, 1998](#)). The Feather River Bridge was constructed in 1947-48.

The Applicant is applying for a General Lease – Public Agency Use for a temporary construction staging area associated with the proposed Feather River Bridge Scour Repair Project (project) to protect the Feather River Bridge. Pier 23, near the right bank of the river, will be retrofitted to protect the structural integrity of the bridge, reduce existing critical scour, and prevent future scour with rock slope protection (RSP). RSP will also be placed between pier 23 and the west bridge abutment to address potential west levee scour. This work is entirely within the existing right-of way under Lease No. PRC 8056.9.

The project, within the proposed Lease Premises, includes installing pilings, a temporary trestle, and a coffer dam conducted from barges temporarily moored in the river outside the existing bridge right-of-way. In addition, the RSP placed along the east bank and east floodplain will be removed to ensure the lateral migration of the channel.

The project will occur between May 15 and November 20, when sensitive fish species are less likely to be present. Work will occur during the day; no night work is anticipated. Most of the work will be around the bridge pier within the existing right-of-way. All other work and staging activities will be conducted entirely from barges moored in the river outside of the existing bridge right-of-way. The project will require mooring construction barges to the bridge pier. The barges will occupy a portion of sovereign land outside the footprint of the existing right-of-way. This proposed lease is to allow for the additional encroachment by those barges during the project period.

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Fisheries within the Feather River may also be temporarily affected by the project. Special-status species potentially affected include delta smelt, green sturgeon, Central Valley spring-run Chinook salmon, Central Valley steelhead, and Sacramento River winter-run Chinook salmon. Biological Opinions have been issued by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) on August 12, 2016, and June 20, 2016, respectively. As a result of some project modifications, the Applicant reinitiated consultation with USFWS and NMFS and received Biological Opinions based on the project modifications on December 3, 2018.

While reviewing the application, staff found that the project was potentially located near environmental justice and disadvantaged communities. Staff contacted several environmental justice and community organizations in the area to inform them about the proposed project and ask if they had any concerns about the project. Staff also provided information about the virtual Commission meeting, how to attend the meeting and let them know they could submit comments or concerns to the Commission at or prior to the meeting. To date, staff has not received any comments or concerns about the proposed project.

This bridge provides a statewide public benefit by providing a critical link over the Feather River for Highway 20 which extends from Interstate Highway 80, in the Sierras, to State Highway 1, near Fort Bragg. The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time or for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

### **Climate Change:**

The project area is not tidally influenced and therefore, would not be subject to sea-level rise. However, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and

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storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate.

The proposed project as described above is specifically addressing the existing river scour around the Feather River Bridge. The project is to protect the structural integrity of the bridge by retrofitting a pier and adding RSP to the riverbanks to reduce the existing scour and prevent future scour. The current project and continuous maintenance, as required under the Public Agency Lease, will reduce the likelihood of severe structural degradation to the bridge.

### **Conclusion:**

For all the reasons above, staff believes that the proposed construction activities will not substantially interfere with the Public's Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, Caltrans will not be authorized to use the temporary construction staging area for the mooring of construction equipment associated with the Feather River Bridge Scour Repair Project. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. A Mitigated Negative Declaration, State Clearinghouse No. 2018102014, was prepared by Caltrans and adopted on January 15, 2019, for this project. Commission staff has reviewed this document and prepared an independent Mitigation Monitoring Program (attached, Exhibit C) that incorporates the Caltrans document and other avoidance and minimization measures that were made a condition of Caltrans' approval.

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**APPROVALS REQUIRED:**

California Department of Fish and Wildlife  
Central Valley Regional Water Quality Control Board  
Central Valley Flood Protection Board  
U.S. Army Corps of Engineers  
U.S. Coast Guard  
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. 2018102014, was prepared and adopted by the California Department of Transportation, and mitigation measures and avoidance and minimization measures were made a condition of approval, on January 15, 2019, for this project, and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

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

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing, or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning June 23, 2020, for a term of 3 years, for the temporary construction staging area for the mooring of construction

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equipment associated with the Feather River Bridge Retrofit Project, as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

## EXHIBIT A

A 2243

### LAND DESCRIPTION

(Temporary Construction Work Area)

A parcel of submerged land situate in the bed of the Feather River, lying adjacent to New Helvetia Rancho, patented on June 20, 1866, Sutter and Yuba Counties, State of California and more particularly described as follows:

Bounded on the south by the northerly right-of-way line of the State Highway 20, as shown on Highway Drawing Number Yub. 22 (004893R), filed in the District 3 Office of the Department of Transportation of Marysville, State of California;

Bounded on the north by the line 185 feet northerly and parallel with said northerly right-of-way line of the State Highway 20;

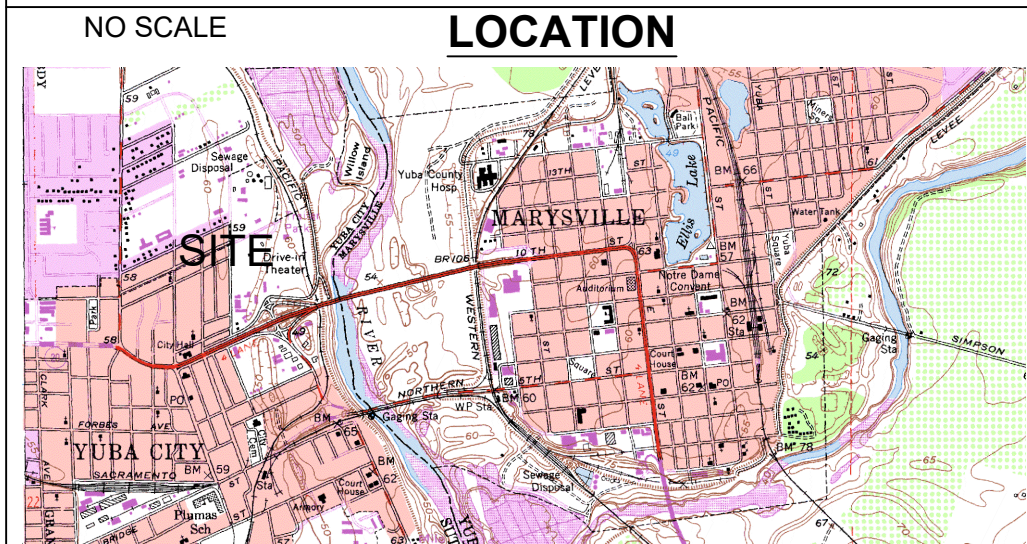
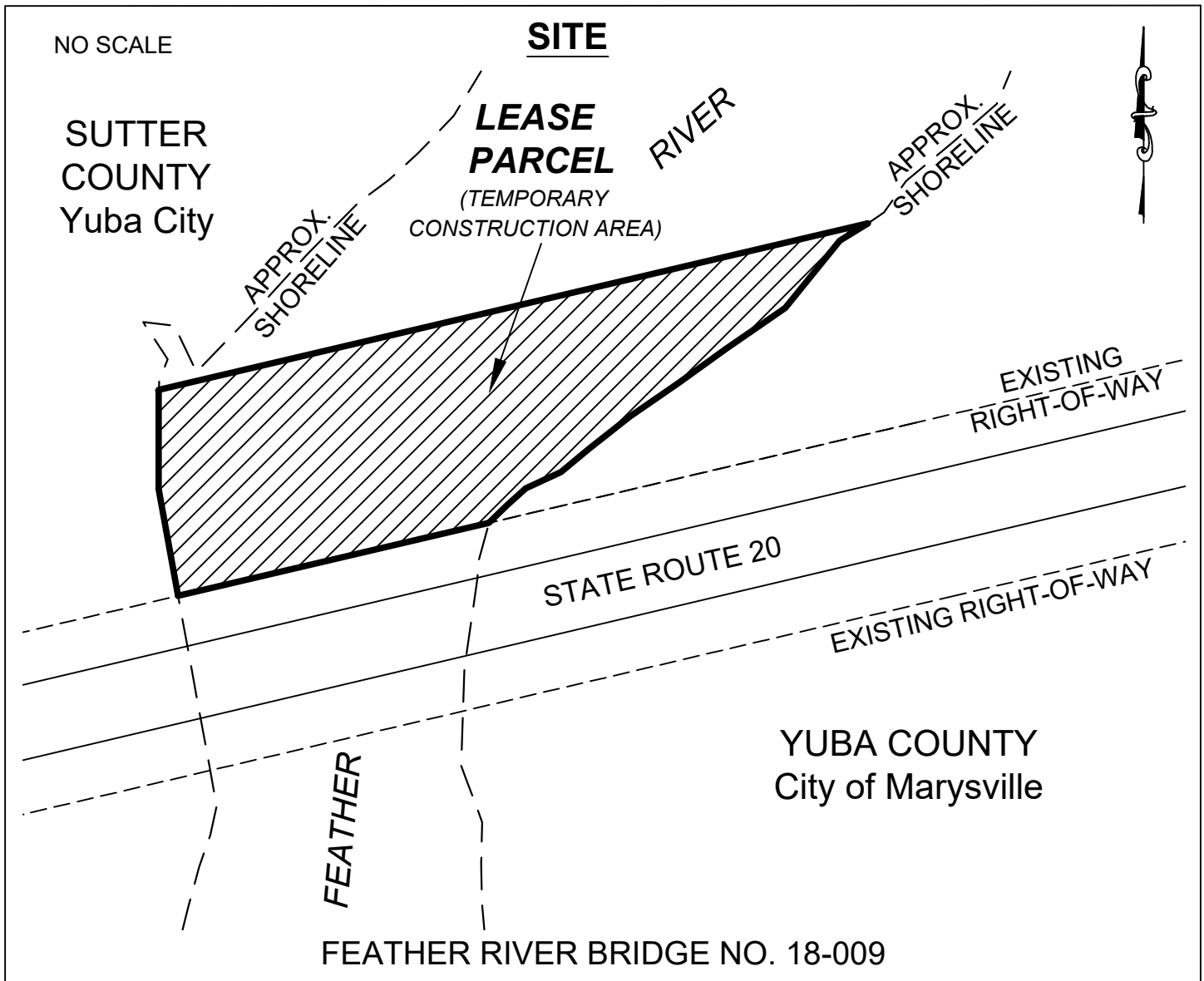
Bounded on the east by the low water line of the easterly bank of Feather River;

Bounded on the west by the low water line of the westerly bank of Feather River;

### END OF DESCRIPTION

Prepared 04/28/2020 by the California State Lands Commission Boundary Unit





**Exhibit B**  
A 2243  
CALIFORNIA DEPARTMENT  
OF TRANSPORTATION  
GENERAL LEASE -  
PUBLIC AGENCY USE  
YUBA & SUTTER 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.