Meeting Date: 06/05/23 Lease Number: 2202 Staff: M. Schroeder

# Staff Report 35

### LESSEE:

County of Stanislaus

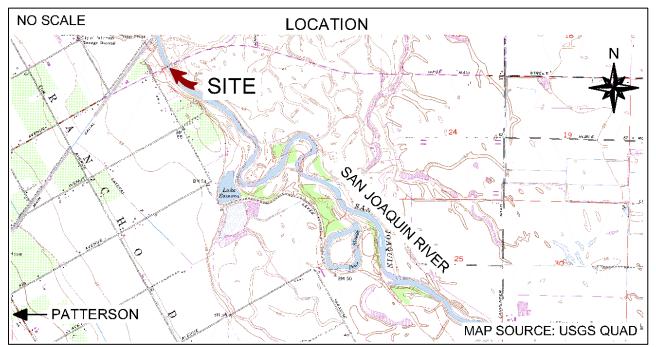
## **PROPOSED ACTION:**

Amendment of a General Lease – Public Agency Use

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

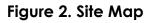
Sovereign land in the San Joaquin River, adjacent to Assessor's Parcel Numbers 022-004-001 and 047-037-013, near Patterson, Stanislaus County (as shown in Figure 1).

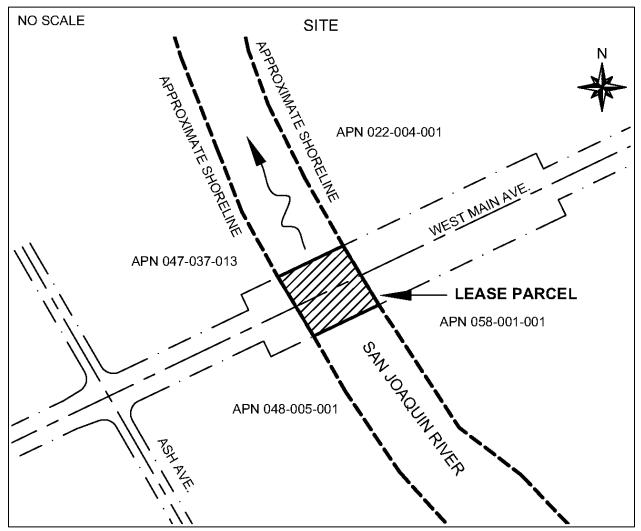
#### Figure 1. Location



#### AUTHORIZED USE:

Continued use of an existing bridge known as the East Las Palmas Avenue Bridge (as shown in Figure 2).





NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

#### Term:

20 years, beginning July 21, 2007

#### **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:

- Authorize installation of supplemental grouted steel column/pile encasements around existing steel casings.
- Include the attached Exhibit A, Mitigation Monitoring Program (MMP).
- Amend Section 2, Special Provisions, to include provisions related to the MMP and construction.

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

## STAFF ANALYSIS AND RECOMMENDATION:

#### AUTHORITY:

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

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

On August 11, 2009, the Commission authorized issuance of a General Lease – Public Agency Use for a term of 20 years for the continued use of an existing bridge known as the Las Palmas Road Bridge (<u>Item C14, August 11, 2009</u>). The lease will expire on July 20, 2027. The Lessee is now applying to amend the lease for the proposed installation of new supplemental grouted steel column/pile encasements around the existing steel casings.

The Lessee, in coordination with the California Department of Transportation, proposes to perform maintenance on the East Las Palmas Avenue Bridge (No. 38C-0033) over the San Joaquin River as part of the East Las Palmas Avenue Bridge Maintenance Project (Project). The objective of the project is to clean the existing steel casings that surround the concrete bridge columns between piers four and eight. The cleaning will remove the sections of corrosion on those piers. Thereafter, new supplemental grouted steel column/pile encasements would be installed around the existing steel casings.

The new encasements would both strengthen the piles and protect them from further corrosion. The encasements would be installed to cover a minimum of three feet beyond the limits of the existing corrosion for both the normal high and low water conditions. Rehabilitation of these piles would not substantially reduce the area between the piles which would ensure channel flow is not obstructed. The Project would repair corroded and deteriorated steel casings around the piles. In addition, the proposed Project would improve structural deficiencies, increase the expected life of the existing bridge, and enhance safety on one of the lessee's main crossings over the San Joaquin River.

Construction access would be from the east side of the river where there are existing levee maintenance roads that connect down to the floodplain. Additional access may be required for some construction activities on the west side of the river. Access to the bridge columns would be through construction of a temporary trestle or work platform over the river. Construction of the trestle would start on the east side of the river and progress to the west bank. The trestle would be located within the existing lease premises.

Staff believes that the proposed lease amendment for the installation of supplemental grouted steel column/pile encasements around the existing steel casings will not substantially interfere with the Public Trust needs and values at this location because the encasements would be installed over an existing structure.

#### CLIMATE CHANGE:

The Project area is not tidally influenced and therefore, would not be subject to sea level rise. However, as stated in the <u>Safeguarding California Plan: 2018 Update</u> (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 storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate. Climate change could increase the likelihood of damage to the bridge steel casings and the concrete bridge columns.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation of the bridge. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change.

#### **CONCLUSION:**

For all the reasons above, staff believes approval of the proposed amendment will not substantially interfere with the public rights to navigation, fishing and commerce; 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.

## **OTHER PERTINENT INFORMATION:**

- 1. Approval or denial of the proposed amendment 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. The lessee has no right to a new lease or to renewal of any previous lease.
- 2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
- 3. A Mitigated Negative Declaration, State Clearinghouse No. 2020059042, and a Mitigation Monitoring and Reporting Program were prepared by Stanislaus County (County) and adopted on August 25, 2020, for this project. Staff reviewed these documents and prepared an independent Mitigation Monitoring Program (attached, Exhibit A) incorporating the County's document and recommends adoption by the Commission.
- 4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but the activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is staff's opinion that the project, as proposed is consistent with its use classification.

## APPROVALS REQUIRED:

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

## EXHIBIT:

A. Mitigation Monitoring Program

## **RECOMMENDED ACTION:**

It is recommended that the Commission:

#### **CEQA** FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2020059042, and a Mitigation Monitoring and Reporting Program were prepared by Stanislaus County and adopted on August 25, 2020, 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 A.

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

Find that the proposed amendment for the installation of new supplemental grouted steel column/pile encasements around the existing steel casings would enhance the structural safety of the bridge, enhance public health and safety, and would not substantially interfere with the 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.

#### 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 section 6370 et seq.

#### **AUTHORIZATION:**

Authorize amendment of Lease Number PRC 2202, a General Lease – Public Agency Use, of sovereign land located in the San Joaquin River, effective June 5, 2023; to allow the installation of new supplemental grouted steel column/pile encasements around the existing steel casings, include the attached Exhibit A, Mitigation Monitoring Program, and amend Section 2, Special Provisions; all other terms and conditions of the lease will remain in effect without amendment.

#### EXHIBIT A CALIFORNIA STATE LANDS COMMISSION MITIGATION MONITORING PROGRAM EAST LAS PALMAS AVENUE BRIDGE MAINTENANCE PROJECT

(A3313, State Clearinghouse No. 2020059042)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the East Las Palmas Avenue Bridge Maintenance Project (Project). The CEQA lead agency for the Project is the County of Stanislaus.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on State lands. The purpose of a MMP is to impose 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 (MND). State CEQA Guidelines<sup>1</sup> section 15097, subdivision (a), states in part:

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 adopted an MND, State Clearinghouse No. 2020059042, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the whole of the Project (see Exhibit A, Attachment A-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table A-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and provided in Attachment A-1, is incorporated by reference in this Exhibit A.

<sup>&</sup>lt;sup>1</sup> The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Potential Impact	Mitigation Measure (MM) <sup>2</sup>
Impacts to biological resources	BIO-1, BIO-2, BIO-3, BIO-22
Impacts from turbidity	BIO-4
Impacts from construction equipment leaks	BIO-6
Impacts from hazardous materials	BIO-7, BIO-8, BIO-9, HAZ-1, HAZ-2
Impacts to nesting birds	BIO-12
Impacts to native tress	BIO-13, BIO-14
Impacts to Swainson's Hawk	BIO-15
Impact to San Joaquin River	BIO-16
Impacts from installation of temporary trestle piles	BIO-17, BIO-18
Impacts to turtles	BIO-19
Impacts to swallows	BIO-20
Impacts from plastic monofilament netting	BIO-21
Impacts to cultural resources/tribal cultural resources	CR-1, CR-2
Impacts to recreation	REC-1

<sup>&</sup>lt;sup>2</sup> See Attachment A-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

#### ATTACHMENT A-1

## MITIGATION MONITORING AND REPORTING PROGRAM ADOPTED BY THE COUNTY OF STANISLAUS

M	ITIGATION MONITORING AND REPORTING PROGRAM FOR THE LAS PALMAS BRIDGE MAINTENANCE PROJECT	Reporting Milestone	Reporting / Responsible Party
AESTHE	TICS	During Construction	Contractor
VIS-1:	Caltrans Standard Specifications (2018) "Erosion Control" will be followed during construction. At the conclusion of construction, areas of bare soil shall be hydroseeded with native seed mix to prevent or at least minimize erosion.		
VIS-2:	Vegetation clearing would only occur within the delineated Project boundaries in an effort to minimize the impacts. Trees located in areas along the edge of the construction zone would be trimmed whenever possible and only those trees that lie within the active construction areas would be removed.	During Construction	Contractor
VIS-3:	All disturbed areas including staging of vehicles and equipment will be restored to pre-construction contours and revegetated, either through hydroseeding or other means, with native species.	During and Post Construction	Contractor
AIR QU	ALITY	During Construction	Contractor
AQ-1:	The construction contractor shall comply with Caltrans' Standard Specifications Section 14-11.04 Dust Control of Caltrans' Standard Specifications (2018).		
AQ-2:	The construction contractor shall comply with Section 7-1.02C Emissions Reduction and Section 18 Dust Palliative of Caltrans' Standard Specifications (2018).	During Construction	Contractor
AQ-3:	The Wind Erosion Control BMP (WE-1) from Caltrans' Construction Site Best Management Practices Manual will be implemented as follows:	During Construction	Contractor
	<ul> <li>Water shall be applied by means of pressure-type distributors or pipelines equipped with a spray system or hoses and nozzles that will ensure even distribution.</li> <li>All distribution equipment shall be equipped with a positive means of shutoff.</li> <li>Unless water is applied by means of pipelines, at least one mobile unit shall be available at all times to apply water or dust palliative to the Project.</li> </ul>		

<ul> <li>If reclaimed water is used, the sources and discharge must meet California Department of Health Services water reclamation criteria and the Regional Water Quality Control Board requirements. Non-potable water shall not be conveyed in tanks or drain pipes that will be used to convey potable water and there shall be no connection between potable and non-potable supplies. Non-potable tanks, pipes and other conveyances shall be marked "NON-POTABLE WATER – DO NOT DRINK."</li> <li>Materials applied as temporary soil stabilizers and soil binders will also provide wind erosion control benefits.</li> </ul>		
BIOLOGICAL RESOURCES	During Construction	Contractor
BIO-1: Best Management Practices:		
<ul> <li>Existing vegetation would be protected where feasible to reduce erosion and sedimentation. Vegetation would be preserved by installing temporary fencing, or other protection devices, around sensitive biological resources.</li> <li>Exposed soils would be covered by loose bulk materials or other materials to reduce erosion and runoff during rainfall events.</li> <li>Exposed soils would be stabilized, through watering or other measures, to prevent the movement of dust at the Project site caused by wind and construction activities such as traffic and grading activities.</li> <li>All concrete curing activities would be conducted to minimize spray drift and prevent curing compounds from entering the waterway directly or indirectly.</li> <li>All construction materials, vehicles, stockpiles, and staging areas would be situated outside of the stream channel as feasible. All stockpiles would be properly maintained until the site has returned to a pre-construction state.</li> <li>All disturbed areas would be restored to pre-construction contours and revegetated, either through hydroseeding or other means, with native or approved non-invasive exotic species.</li> <li>All construction materials would be hauled off-site after completion of construction.</li> </ul>		

BIO-2:	All construction personnel shall be provided with environmental awareness training prior to being allowed to work on the job site. The training shall include an overview of sensitive habitats and special status species that are present within or adjacent to the Project area and Project specific protective measures that must be adhered to. The training will also include a description of the legal penalties for violating protective measures.	During Construction	Contractor
BIO-3:	In water work shall be limited to the summer low flow period between July 15th and October 31st.	During Construction	Contractor
BIO-4:	A turbidity curtain shall be installed downstream prior to installation of temporary trestle piles and shall remain in place for the duration of pile driving. The turbidity curtain shall be re-installed prior to removal of temporary trestle piles and shall remain in place for the duration of pile removal. Placement of the turbidity curtain shall be at the discretion of the contractor as long as the Project meets water quality objectives for turbidity.	During Construction	Contractor
BIO-5:	Refueling or maintenance of equipment shall not be permitted to occur on the temporary trestle and must occur at least 100 feet from the San Joaquin River. All onsite refueling and maintenance must occur over plastic sheeting or other secondary containment measures to capture accidental spills before they can contaminate the soil. Secondary containment must have a raised edge (e.g. sheeting wrapped around wattles).	During Construction	Contractor
BIO-6:	Equipment will be checked daily for leaks and will be well maintained to prevent lubricants and any other deleterious materials from entering San Joaquin River and the associated riparian area.	Prior to Construction	County
BIO-7:	A chemical spill kit must be kept onsite and available for use in the event of a spill.	During Construction	Contractor
BIO-8:	Secondary containment consisting of plastic sheeting or other impermeable sheeting shall be installed underneath all stationary equipment to prevent petroleum products or other chemicals from contaminating the soil or from spilling directly into the San Joaquin River. Secondary containment must have a raised edge (e.g. sheeting wrapped around wattles).	During Construction	Contractor

BIO-9:	Once the new casing is installed but prior to grouting, plastic sheeting shall be installed around the casing and secured to the side of the casing with a ratchet strap or similar device to prevent spilled concrete from entering the San Joaquin River.	During Construction	Contractor
BIO-10:	No less than 14 days prior to the start of ground disturbance, a 1 day "Take Avoidance Survey" shall be conducted in accordance with the recommendations of the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If burrowing owls are not detected, no further measures will be required. If burrowing owls are detected during the take avoidance survey, the County must notify CDFW and implement measure BIO-11.	Prior to Construction	County
BIO-11:	In accordance with the CDFW avoidance and mitigation protocols, during the breeding season (February 1 through August 31), occupied burrows must not be disturbed and shall be provided with a minimum 250 foot protective buffer until a qualified biologist approved by CDFW verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the birds may be passively evicted and the burrow collapsed.	During Construction	Contractor
BIO-12:	Prior to vegetation removal or initial ground disturbance during the nesting bird season (March 1 <sup>st</sup> – August 31 <sup>st</sup> ) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Project Area plus a 300-foot buffer. Within 2 weeks of the nesting bird survey, all areas surveyed by the biologist must be cleared by the contractor or a supplemental nesting bird survey is required.	Prior to Construction	County
	A minimum 300-foot no work buffer will be established around any active nests of raptor species. A 100-foot no work buffer will be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by a Project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have		

fledged. A reduced buffer can be established if determined appropriate by a Project biologist and approved by CDFW.		
<b>BIO-13:</b> Native tree removal shall be limited to the minimum amount necessary for equipment access through the Project area. Trees shall be preferentially trimmed rather than removed and trimming should not exceed 30% of the total canopy of each tree.	Prior to and During Construction	Contractor
<b>BIO-14:</b> To mitigate for the loss of native riparian trees, the County will replant riparian species within temporarily disturbed riparian floodplain habitat in the Project area or will fund a riparian restoration project to be completed by the non-profit River Partners at their Dos Rios Ranch property. The mitigation strategy will be determined after coordination with the relevant regulatory agencies.	After Construction	County
<b>BIO-15:</b> In accordance with the Swainson's Hawk Technical Advisory Committee Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (TAC 2000), protocol level surveys will be conducted during the appropriate survey periods immediately prior to construction to determine presence/absence of the species. If Swainson's hawk nests are discovered within 1/2 mile of the Project Area, the County will coordinate with CDFW to determine appropriate protective buffers at the discretion of an experienced biologist.	Prior to Construction	County
<b>BIO-16:</b> The San Joaquin River Riparian Corridor shall be established as an Environmentally Sensitive Area (ESA). Prior to ground disturbance, the Project limits adjacent to riparian vegetation shall be marked off with high visibility orange fencing (ESA Fencing) to prevent further encroachment into the ESA. Construction equipment, materials, and personnel shall not be permitted beyond the ESA fencing.	Prior to Construction	Contractor
<b>BIO-17:</b> In-water temporary trestle piles must be installed using a vibratory pile driver or drilled into place. Use of an impact pile driver will only be permitted to test the strength of each pile.	During Construction	Contractor
<b>BIO-18:</b> In-water pile driving and pile extraction for the temporary trestle piles must not be conducted during the steelhead winter spawning migration season (December – May).	During Construction	Contractor
<b>BIO-19:</b> Within 3 days prior to the start of initial ground disturbance, a Project biologist will search the ground disturbance area for evidence of potential turtle nests. Any nests	Prior to	County

	that are discovered will be protected in place with a minimum 20-foot no work buffer and CDFW will be contacted to determine appropriate protection or relocation measures. No work may occur within the no work buffer until approved by a Project biologist.	Construction	
BIO-20	: If construction on the existing bridge is planned to occur during the swallow nesting season, measures will be taken to avoid impacts to migratory swallows. To protect migratory swallows, unoccupied nests must be removed from the existing bridge structure prior to the nesting season (February 15th – September 15th).	Prior to and During Construction	Contractor
BIO-21	: Plastic monofilament netting shall not be used in straw wattles or other erosion control materials.	During Construction	Contractor
BIO-22	: Following construction, the Project area shall be re-graded to pre-construction or better conditions and hydroseeded with a mix of regionally appropriate native species.	After Construction	Contractor
CULTU	RAL RESOURCES	During Construction	County and Contractor
CR-1:	If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find and develop a plan for documentation and removal of resources if necessary. The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must first be approved by the Commission. An additional archaeological survey will be needed if Project limits are extended beyond the present survey limits.		
	Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage	Prior to and During Construction	County and Contractor

	Commission within twenty-four hours of such identification. CEQA details steps to be taken if human burials are of Native American origin.		
GREEN	HOUSE GASES	During Construction	Contractor
CC-1:	According to the Caltrans' Standard Specification Section 14-9.02, the contractor must comply with air pollution control rules, regulations, ordinances, and statutes that apply to work performed under the Contract, including air pollution control rules, regulations, ordinances, and statutes provided in Govt Code § 11017 (Pub Cont Code § 10231).		
HAZAR	DS AND HAZARDOUS WASTE	Prior to During	Contractor
HAZ-1:	The contractor shall prepare a Spill Prevention, Control, and Countermeasure Program (SPCCP) prior to the commencement of construction activities. The SPCCP shall include information on the nature of all hazardous materials that shall be used on-site. The SPCCP shall also include information regarding proper handling of hazardous materials, and clean-up procedures in the event of an accidental release. The phone number of the agency overseeing hazardous materials and toxic clean- up shall be provided in the SPCCP.	Construction	
HAZ-2:	As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during Project construction. For any previously unknown hazardous waste/ material encountered during construction, the procedures outline in Appendix E (Caltrans Unknown Hazard Procedures) shall be followed.	During Construction	Contractor
NOISE		During Construction	Contractor
NOI-1:	<ul> <li>To minimize the construction-generated noise, abatement measures from Standard Specification 14-8.02 "Noise Control" and SSP 14-8.02 must be followed:</li> <li>Do not operate construction equipment or run the equipment engines from 7:00 p.m. to 7:00 a.m. or on Sundays, with the exception that you may operate equipment within the Project limits during these hours to:</li> </ul>		

<ul> <li>Service traffic control facilities</li> <li>Service construction equipment</li> <li>Equip an internal combustion engine with the manufacturer recommended muffler.</li> <li>Do not operate an internal combustion engine on the job site without the appropriate muffler.</li> </ul>		
RECREATION REC-1: Stanislaus County shall maintain passage for typical use boating on the San Joaquin River throughout construction.	During Construction	Contractor