

**STAFF REPORT
24**

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06/28/19
PRC 9422.9
A. Franzoia

AMENDMENT OF LEASE

LESSEE:

California Department of Transportation - District 3

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, near Sacramento and West Sacramento, Sacramento and Yolo counties.

AUTHORIZED USE:

Mooring of construction equipment associated with the Tower Bridge Fender System Replacement Project.

LEASE TERM:

6 years, beginning August 17, 2017.

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.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Land Description and Site and Location Map in Section 3 with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

Public Trust and State's Best Interests Analysis:

The Tower Bridge was listed in the National Register of Historic Places in 1982 for its significance at the statewide level as a historically important transcontinental route, for its rare use of Streamlined Moderne

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architectural styling on a lift bridge, and as an outstanding expression of the social and architectural climate of the period.

Recent inspections revealed that much of the existing timber fender system protecting the Tower Bridge piers is deteriorated beyond all practical repair. Fender sheathing has rotted away and the fenders have been deemed unsafe. U.S. Coast Guard regulations require bridge owners to keep navigational aids and marine traffic protection in a state of good repair. Full replacement is required to restore the fenders to the required service condition.

On August 17, 2017 ([Item C39, August 17, 2017](#)), the Commission authorized a General Lease – Right-of-Way Use to the California Department of Transportation – District 3 (Caltrans) for the Tower Bridge Fender Replacement Project. The project will occur over approximately two construction seasons due to required in-water work windows. Work will be conducted entirely from barges moored in the river within and outside of Caltrans' existing right-of-way.

Caltrans has awarded contracts for the work with construction to begin in July 2019. Caltrans' subcontractor is leasing an upland site situated beneath the Pioneer Memorial Bridge, downstream from the Tower Bridge, as a staging area for concrete pilings to be transported by barge, upstream in support of the project. The workplan calls for a barge to be moored adjacent to the upland staging site with a ramp allowing workers access to the barges. Caltrans is now applying for an amendment to the lease to include this additional location to allow for the additional encroachment by those barges during the project period.

Boat traffic on the river may be temporarily affected during construction. Boat traffic will be routed around the construction area and it is possible boat traffic may be stopped temporarily when work is being conducted in specific locations. However, overall, the temporary lease area for the barge affixed to the right bank of the Sacramento River near the Pioneer Memorial Bridge will not substantially interfere with navigation or other Public Trust needs or uses in the area.

The amendment does not alienate the State's fee simple interest or permanently impair public rights.

Climate Change:

The Staff Report for the August 17, 2017 Commission authorization provided a climate change analysis as part of the overall Tower Bridge Fender Replacement Project. This amendment is to include a temporary

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staging area for a barge moored in the Sacramento River. Because the staging area and barge are temporary activities to support the construction of the Tower Bridge Fender Replacement Project, the effects of climate change in the short term are not expected to affect this specific activity.

Conclusion:

For all the reasons above, Commission staff believes that the addition of a temporary staging area to the project will not substantially interfere with the Public's Trust needs and values over the lease term 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. 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 the Commission's 2016-2020 Strategic Plan Strategy 1.1 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 (MND) was prepared by Caltrans and adopted on January 8, 2016, for this project (State Clearinghouse No. 2015112002). The temporary staging area and barge location were not included in the MND as they were not considered to be available for subcontractor work at the time. On August 17, 2017, the Commission approved the Tower Bridge Fender System Replacement Project relying on the adopted MND and mitigation measures. Caltrans later conducted biological and cultural assessments on the temporary staging area and barge location to determine if further environmental documentation was required. Based on the assessments, Caltrans concluded the project modifications are within the scope of impacts evaluated in the original MND, that the original document remains valid, and no further documentation was necessary. Staff reviewed these assessments and concurs. Mitigation measures and avoidance and minimization measures that were made a condition of approval by Caltrans remain in effect.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon

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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.

EXHIBITS:

- A. Land Description
- B-1. Site and Location Map
- B-2. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a MND, State Clearinghouse No. 2015112002, and mitigation measures were prepared by Caltrans and adopted on January 8, 2016; further environmental assessments conducted by Caltrans determined that the project modifications subject to this lease amendment are within the scope of impacts evaluated in the original MND 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 amendment 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.

Mitigation measures as adopted by the Commission in its August 17, 2017 authorization remain in effect.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with the public's right to navigation and fishing or 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.

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AUTHORIZATION:

Authorize the amendment of Lease No. PRC 9422.9, a General Lease – Right-of-Way Use, effective June 28, 2018, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 9422.9

LAND DESCRIPTION

Two parcels of tide and submerged land situate in the bed of the Sacramento River, lying adjacent on the right bank to Swamp and Overflowed Land Survey 770, patented March 21, 1866, County of Yolo, and adjacent on the left bank to the Rancho New Helvetia, approved on February 18, 1860, County of Sacramento, State of California and more particularly described as follows:

PARCEL 1 (Tower Bridge)

Bounded on the northeast by the line parallel with and 400 feet northeasterly from the center line of the Tower Bridge (Bridge No. 22-0021) located on State Route 275 as shown on that State of California Department of Public Works Division of Highways (Caltrans) 101.5 map titled "Map Showing Sovereign Lands of the State of California in Yolo and Sacramento Counties Needed as a Right of Way for Protection of State Highway Road III-Vol-Sac-6-C-Sac" and on file with the California State Lands Commission;

Bounded on the southwest by the line parallel with and 400 feet southwesterly from the center line of the Tower Bridge (Bridge No. 22-0021) located on State Route 275 as shown on said map;

Bounded on the northwest by the ordinary high water mark of the right bank of Sacramento River;

Bounded on the southeast by the ordinary high water mark of the left bank of Sacramento River per Boundary Line Agreement (BLA) 245.

EXCEPTING THEREFROM any portion lying within right-of-way as shown on that State of California Department of Public Works Division of Highways (Caltrans) 101.5 map titled "Map Showing Sovereign Lands of the State of California in Yolo and Sacramento Counties Needed as a Right of Way for Protection of State Highway Road III-Vol-Sac-6-C-Sac" and on file with the California State Lands Commission.

PARCEL 2 (Near Pioneer Memorial Bridge)

COMMENCING at a Station B15-03 on that certain Record of Survey filed in Book 13 of Maps and Surveys, Pages 61 thru 69, Records of Yolo County, which bears North 79° 07' 01" East 1525.43 feet from a Station B15-02 as shown on said map; thence South 33° 21' 25" West 370.17 feet; thence South 42° 19' 38" West 608.92 feet; thence South 48° 50' 39" East 357.30 feet; thence South 42° 50' 38" West 299.46 feet to the POINT OF BEGINNING; thence South 43° 45' 43" East 215.00 feet; thence South 46° 14' 17" West 205.00 feet; thence North 43° 45' 43" West 215.00 feet; thence North 46° 14' 17" East 205.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said river.

END OF DESCRIPTION

Prepared 05/30/19 by the California State Lands Commission Boundary Unit



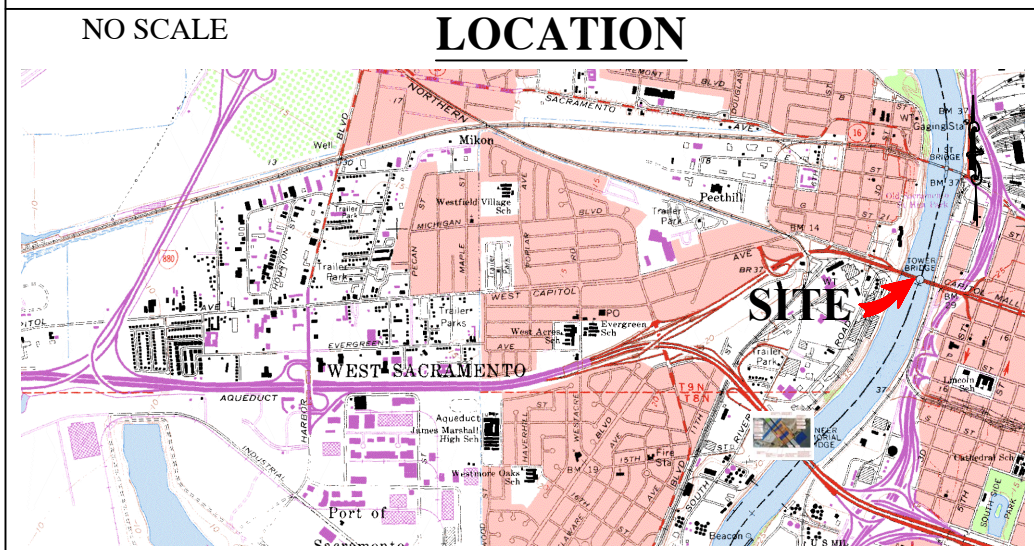
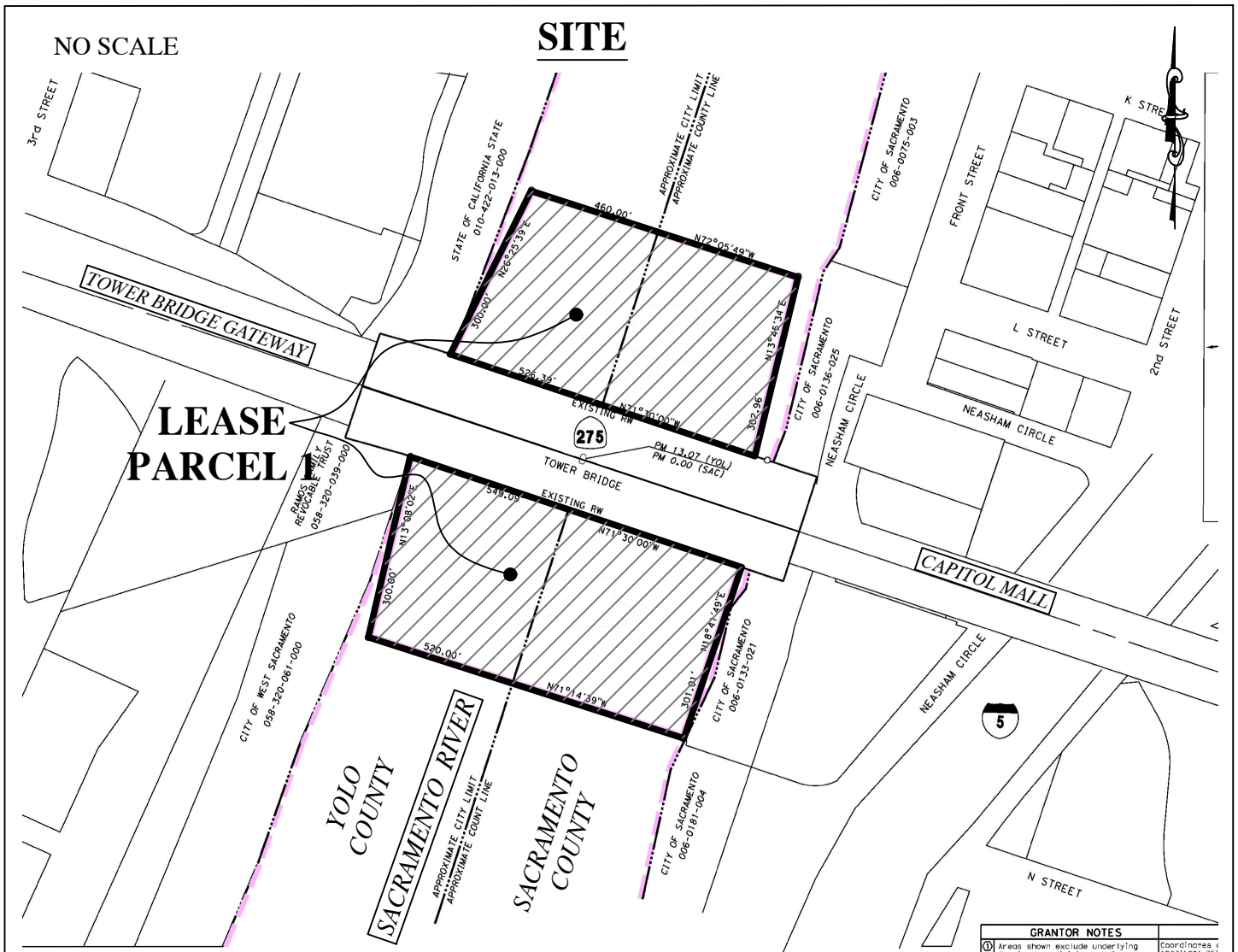


Exhibit B-1

PRC 9422.9
DEPARTMENT OF TRANSPORTATION
APNs 006-0133-021, 006-0136-025;
058-320-039, -061; & 010-442-013
GENERAL LEASE -
RIGHT-OF-WAY USE
SACRAMENTO &
YOLO 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.

NO SCALE

SITE

LEASE PARCEL 2

APN
058-350-048

YOLO
COUNTY

SACRAMENTO RIVER

APPROX.
SHORELINE

INTERSTATE HWY
BUSINESS 80

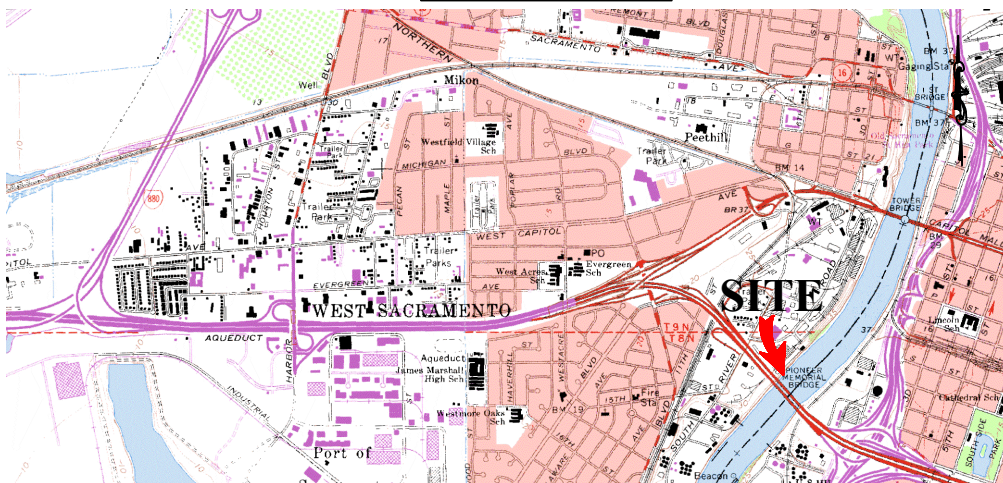
APPROX.
SHORELINE

SACRAMENTO
COUNTY

PIONEER MEMORIAL BRIDGE, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B-2

PRC 9422.9
 DEPARTMENT OF
 TRANSPORTATION
 APN 058-350-048
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SACRAMENTO &
 YOLO 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.