

MINUTE ITEM

11/21/74
GRH

41. AMENDMENT OF LEASE PRC 1830, TIDE AND SUBMERGED LAND IN THE BED OF SAN FRANCISCO BAY CONNECTING ALAMEDA AND SAN MATEO COUNTIES; DEPARTMENT OF TRANSPORTATION, TOLL BRIDGE ADMINISTRATION - WP 1830, PRC 1830.

During consideration of Calendar Item 41 attached, Mr. James F. Trout, Manager, Land Operations, explained that the project under consideration is designated as ministerial under the current rules and regulations of the Commission, making the project exempt from environmental impact report requirements. However, the Division has asked for an informal opinion by the office of the Attorney General regarding this designation. The Division has been tentatively advised by the office of the Attorney General that the ministerial designation may be questionable. Therefore, the project has been changed from exempt to nonexempt, thereby requiring the Commission to 1) determine that an EIR has been prepared for this project and certified by the Department of Transportation; 2) certify that the information contained in the EIR of the Department of Transportation has been reviewed and considered by the Commission; and 3) determine that the project will have a significant effect on the environment and the reasons therefor.

Mr. Trout advised the Commission that the item was originally scheduled for the August 1974 meeting but because the staff learned that studies of alternatives to the proposed plan were underway, the matter was deleted from the agenda.

Mr. Trout indicated that the staff could support an alternative action if the studies revealed that the alternative would have a less significant environmental effect.

Mr. Jerome Hauke, Project Manager, Dumbarton Bridge Replacement Project, Department of Transportation, Toll Bridge Administration, appeared and gave a status report on the alternative studies underway. The main alternative he discussed was submitted by the group called "Citizens Against Dumbarton". He explained that their proposed plan did not require replacement of the existing Dumbarton Bridge. Because the Legislature had previously directed the Department of Transportation to prepare plans to replace the bridge, their plan could not be accepted as a viable alternative.

The question arose concerning a possible conflict of interest with Acting Chairman Verne Orr. To avoid the possibility of such a conflict, Mr. Orr at this time turned the gavel over to Commissioner Harmer who then became Acting Chairman, whereupon Mr. Orr withdrew from participating.

After being assured that the Department of Transportation's proposed alternative would have a less significant environmental effect than that certified, the Commission approved the item.

Upon motion duly made and carried, the following resolution was adopted:

A 13, 26
S 11, 12

MINUTE ITEM 41 (CONTD)

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY THE DEPARTMENT OF TRANSPORTATION ON NOVEMBER 27, 1973.
2. CERTIFIES THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT OF THE DEPARTMENT OF TRANSPORTATION HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINES THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. HOWEVER, DUE TO THE DEFICIENCIES OF THE OLD BRIDGE WITH RESPECT TO MOTORISTS' SAFETY, TRAFFIC CAPACITY, LOAD CAPACITY, NAVIGATIONAL INTERFERENCE, STRUCTURE MAINTENANCE AND TRAFFIC ROUTING; AND THE MITIGATING MEASURES PROPOSED TO MINIMIZE THE ENVIRONMENTAL IMPACT; THE PROJECT WAS APPROVED BY THE DIRECTOR OF TRANSPORTATION.
4. AUTHORIZES THE RESERVATION TO THE DEPARTMENT OF TRANSPORTATION, TOLL BRIDGE ADMINISTRATION, PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, BY AMENDMENT TO LEASE PRC 1830.9, OF THE RIGHT, TITLE AND INTEREST OF THE STATE OF CALIFORNIA IN ALL TIDELANDS AND SUBMERGED LANDS WITHIN THE PARCEL OF LAND SHOWN AND DESCRIBED ON DEPARTMENT OF TRANSPORTATION MAP R/M 6002-2 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AND APPROVE SAID MAP, AND THE SAME TO BE TRANSMITTED TO SAID DEPARTMENT.
5. DIRECTS THE STAFF TO MAINTAIN LIAISON WITH THE DEPARTMENT OF TRANSPORTATION, TOLL BRIDGE ADMINISTRATION, TO DETERMINE THAT ANY DEVIATION FROM THE PROJECT AS DESCRIBED IN THE ABOVE-MENTIONED EIR DOESN'T ENCROACH ON UNRESERVED TIDE AND SUBMERGED LAND.

Attachment:

Calendar Item 41 (2 pages)

CALENDAR ITEM

11/74
GRH
WP 1830

41.

AMENDMENT OF LEASE PRC 1830.9

APPLICANT: Department of Transportation, Toll Bridge Administration.

AREA, TYPE LAND AND LOCATION:

Approximately 70.025 acres of tide and submerged land in the bed of San Francisco Bay connecting Alameda and San Mateo Counties.

LAND USE: A replacement bridge serving State Route 84.

TERMS OF ORIGINAL LEASE:

Period: Indefinite period, from November 28, 1956.

CONSIDERATION: As set forth by Section 101.5, Streets and Highways Code. The public use and benefit.

BASIS FOR CONSIDERATION:

Chapter 1052, Statutes of 1969.

PREREQUISITE TERMS:

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1, 2 & 10.
- c. Streets and Highways Code: Section 101.5.

OTHER PERTINENT INFORMATION:

1. This project was originally placed on the Commission's agenda for consideration at its meeting on August 29, 1974. The Executive Officer requested that this item be considered at a later date so that Division staff could review correspondence received the morning of the Commission meeting concerning the Dumbarton Bridge Replacement Project.

Staff has now concluded its review of the correspondence and has received responses from the Department of Transportation on the various issues and questions raised in the correspondence. Division staff believe the issues raised have been satisfactorily resolved and the project should at this time be placed before the Commission for consideration.

CALENDAR ITEM NO. 41. (CONTD)

2. The present Dumbarton Bridge is covered by State Lands Commission Lease PRC 1830.9, issued for an indefinite period from November 28, 1956. The Department of Transportation has applied to the State Lands Commission for an amendment to the lease in conjunction with the Dumbarton Bridge Replacement project.
3. An environmental impact report covering this project was prepared and circulated by the Toll Bridge Administration of the Department of Transportation in accordance with the requirements of the Environmental Quality Act of 1970, as amended, and the Resources Agency Guidelines. The Director of Transportation determined that the bridge replacement project would have a significant effect on the environment, that the adverse environmental impact had been considered and that the project as proposed was so designed as to mitigate adverse environmental impact to the maximum extent possible. Based on all the data available, the Director of Transportation approved the project.
4. The environmental impact report prepared for this project was reviewed and certified by the San Francisco Bay Conservation and Development Commission.
5. Pursuant to current Commission regulations (2 Cal. Adm Code Section 2910), reservations of State lands for highway purposes under Streets and Highways Code Section 101.5 have been determined to be exempt from the provisions of CEQA, as amended, as ministerial projects.
6. The Division has been advised that a final plan for the bridge replacement project has not yet been approved; however, regardless of the final approved plan, the right-of-way needed across State lands will remain the same.

EXHIBITS: A. Right-of-Way Map. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT ITS ACTION RELATING TO THIS PROJECT IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, UNDER PRC 21080; 14 CAL. ADM. CODE 15073; AND 2 CAL. ADM. CODE 2910.
2. AUTHORIZE THE RESERVATION TO THE DEPARTMENT OF TRANSPORTATION, TOLL BRIDGE ADMINISTRATION, PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, BY AMENDMENT TO LEASE PRC 1830.9, OF THE RIGHT, TITLE AND INTEREST OF THE STATE OF CALIFORNIA IN ALL TIDELANDS AND SUBMERGED LANDS WITHIN THE PARCEL OF LAND SHOWN AND DESCRIBED ON DEPARTMENT OF TRANSPORTATION MAP R/M 6000-2 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AND APPROVE SAID MAP, AND THE SAME BE TRANSMITTED TO SAID DEPARTMENT.