

MINUTE ITEM

This Calendar Item No. C14 was approved as Minute Item No. 14 by the California State Lands Commission by a vote of 3 to 0 at its 08/21/96 meeting.

**CALENDAR ITEM
C14**

A 25, 29

PRC 6945.9

08/21/96

S 12, 14

WP 6945.9

B. Dugal

**AMENDMENT OF PUBLIC AGENCY PERMIT AND
RIGHT OF WAY MAP**

PERMITTEE/APPLICANT:

California Department of Transportation
1352 West Olive Drive
Fresno, California 93778

CURRENT AREA, TYPE LAND AND LOCATION:

A 1.36, acre parcel, more or less, of State owned sovereign land located in the San Joaquin River, near the City of Fresno, Fresno and Madera Counties.

CURRENT LAND USE:

Highway purposes pursuant to Section 101.5 of the Streets and Highways Code, specifically the continued use and occupation of State lands underlying an existing bridge crossing the San Joaquin River on Route 41.

CURRENT PERMIT TERM:

Indefinite period from January 1, 1986.

CURRENT CONSIDERATION:

As set forth by Section 101.5, Streets and Highways Code and the public use and benefit.

TERMS OF PROPOSED AMENDMENT:

Amend the current Permit description to include an additional 6.93 acres, more or less, of State owned sovereign lands required for the construction and maintenance of two sets of bridges and necessary appurtenant facilities on Route 41 crossing the San Joaquin River.

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STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. At its meeting of February 27, 1986, Minute Item 4, the Commission authorized issuance of a Public Agency Permit and Right-of-Way Map pursuant to section 101.5 of the Streets and Highways Code to the California Department of Transportation (Caltrans) for an indefinite period of time for an existing bridge crossing the San Joaquin River on Route 41.
2. Caltrans proposes to construct a four-lane freeway within the adopted alignment of Route 41. As a part of this project, Caltrans proposes to construct two sets of parallel bridges adjacent to the existing Route 41 bridges. The existing Route 41 bridges will remain in place and will provide access to residential and commercial properties in the San Joaquin River Valley floor.
3. California Assembly Bill 3121 (Chapter 1025, Statute of 1990) set forth general goals for the development of a linear park along the San Joaquin River from Friant Dam to Highway 99. Ownership and management of the proposed parkway has not yet been determined. Caltrans coordinated with the San Joaquin Valley Parkway Task Force to ensure that access from the river valley floor to the Route 41 frontage road is wide enough to accommodate pedestrian, equestrian, and bicycle traffic across the Route 41 right-of-way. The Legislature enacted Chapter 1012, Statute of 1992 enabling the San Joaquin River Conservancy to implement the Task Force Plan.

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4. Based on the information provided, staff has determined that the proposed bridges will not significantly interfere with the public trust needs and uses between the ordinary high water marks.
5. A Negative Declaration was prepared and adopted for this project by The California Department of Transportation and the Federal Highway Administration. The State Lands Commission's staff has reviewed the document.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
7. A Mitigation Monitoring Plan was adopted by the California Department of Transportation.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

State Lands Commission, State Reclamation Board, Corps of Engineers, Department of Fish and Game, U. S. Fish and Wildlife Service, and the California Regional Water Quality Control Board.

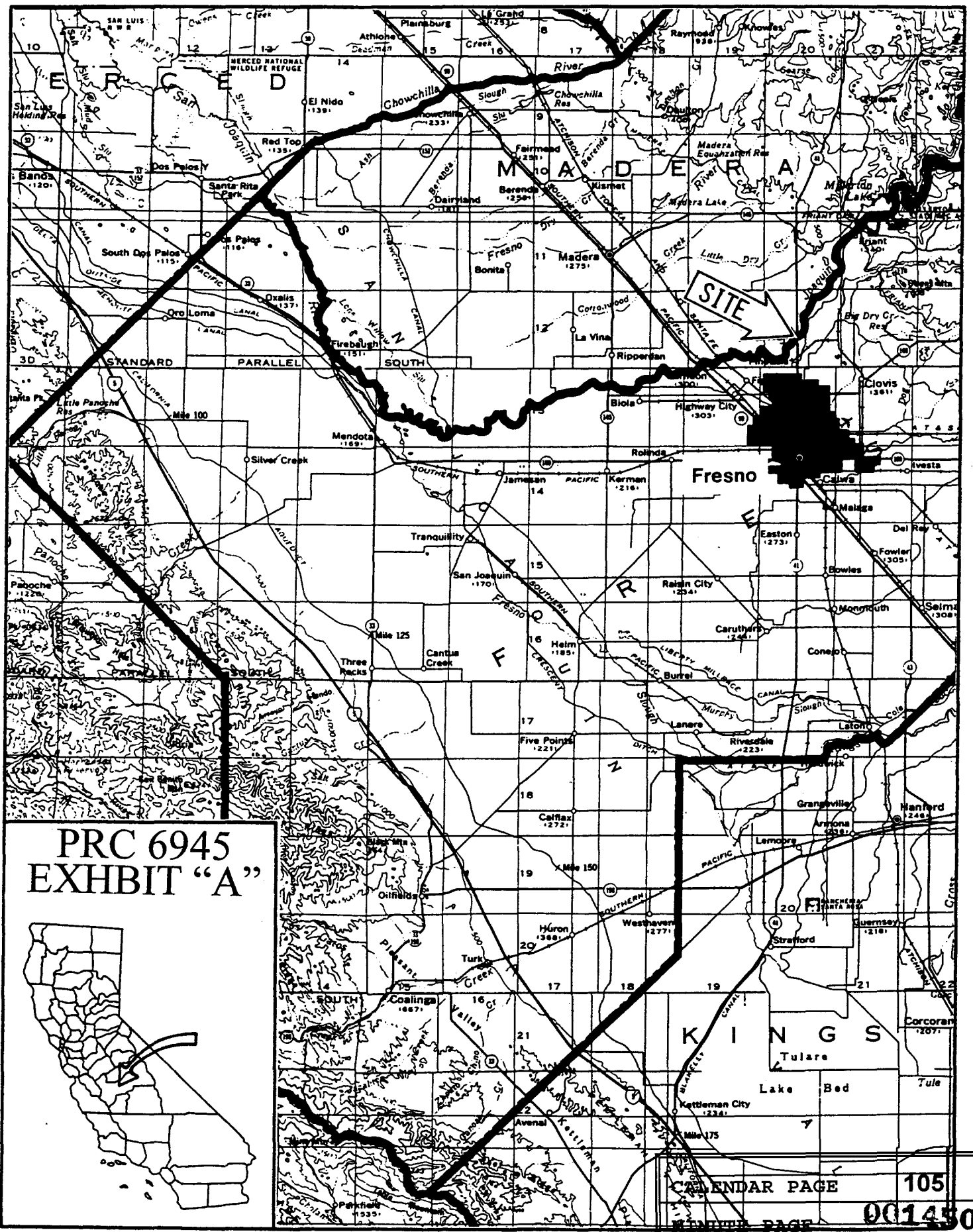
EXHIBITS:

- A. Location Map
- B. Right of Way Map
- C. Notice of Determination

CALENDAR ITEM NO. C14 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION AND A MITIGATION MONITORING PLAN WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE FEDERAL HIGHWAY ADMINISTRATION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.
3. APPROVE THE MAP FILED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, AS SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZE THE AMENDMENT OF A CONTINUOUS PUBLIC AGENCY PERMIT AND RIGHT-OF-WAY MAP PERMIT NO. PRC 6945.9, EFFECTIVE AUGUST 1, 1996, TO ADD TWO SETS OF BRIDGE CROSSINGS OF THE SAN JOAQUIN RIVER, MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" ATTACHED HERETO; AND FIND THAT THE PROPOSED BRIDGES WILL NOT SIGNIFICANTLY INTERFERE WITH THE PUBLIC TRUST NEEDS AND USES BETWEEN THE ORDINARY HIGH WATER MARKS OF THE SAN JOAQUIN RIVER; ALL OTHER TERMS AND CONDITIONS OF PERMIT NO. PRC 6945.9 REMAIN IN FULL FORCE AND EFFECT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON PERMITTEE'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.



**PRC 6945
EXHIBIT "A"**

T.12S., R.20E., M.D.B. & M.

Section 21

ENGINEER'S STATEMENT

This map was prepared by me or under my direction to describe an application for State Lands made pursuant to Section 101.5 of the Streets and Highways Code.
Jena P. S. ...
Dist. R/W Engineer 3-21-96 Date
Licensed Land Surveyor No. 004294

DATE APPROVED: _____
Scale: 1"=100'

CITY

OF

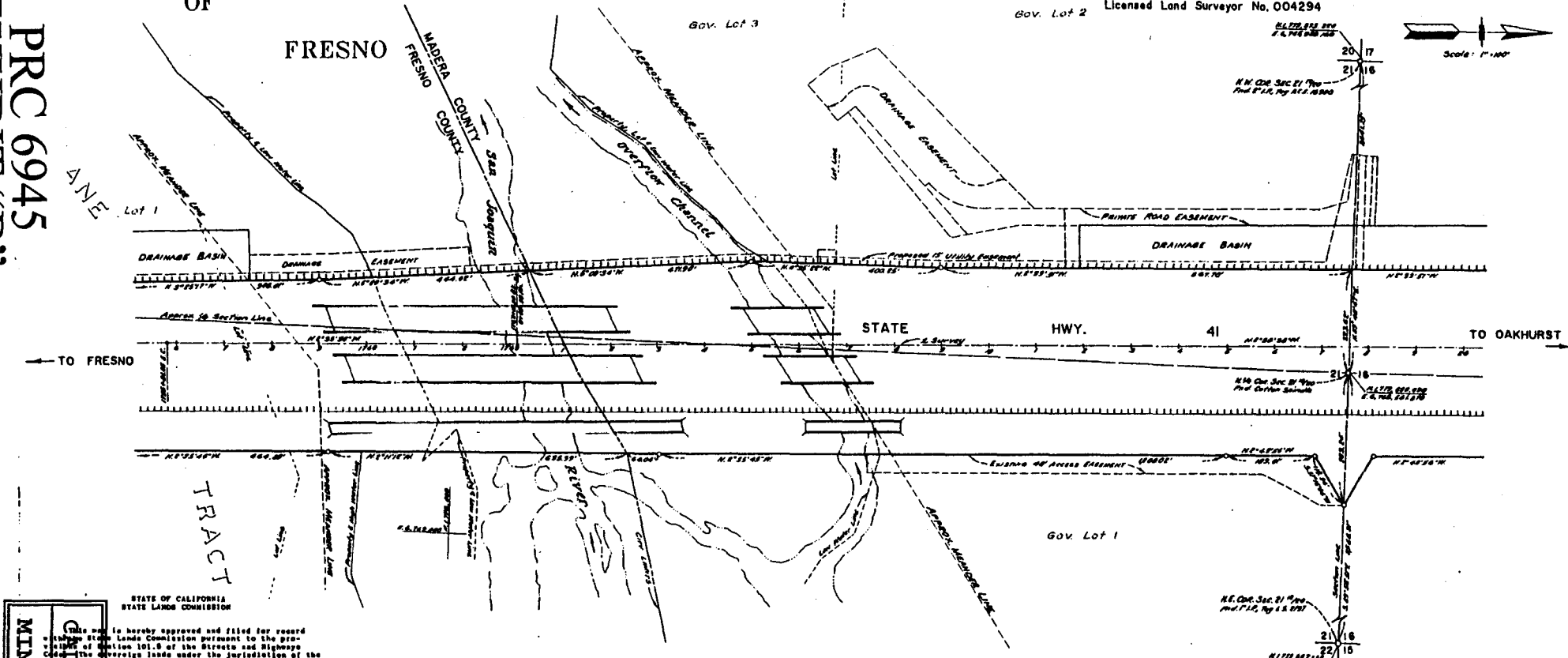
FRESNO

MADERA COUNTY
FRESNO COUNTY

Gov. Lot 3

Gov. Lot 2

PRC 6945
EXHIBIT "B"



STATE OF CALIFORNIA
STATE LANDS COMMISSION
I hereby approved and filed for record this map showing the application for the State Lands Commission pursuant to the provisions of Section 101.5 of the Streets and Highways Code. The State Lands Commission reserves the right to modify this map as they may see fit within the right of way upon this map are hereby reserved.
Deputy Chief, Division of Land Management and Conservation



LEGEND
|||||| Access Prohibited

THIS SURVEY IS BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983. THE BEARINGS SHOWN ARE ON SMO DISTANCES AND THE DISTANCES MULTIPLY BY 0.999999 TO CONVERT TO GROUND.

83102
STATE OF CALIFORNIA
BUSINESS AND TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

Map showing Sovereign Lands of the State of California in Fresno and Madera Counties across the San Joaquin River near Fresno, needed as a right of way for and for the protection of a State Highway, Road 06-Fre, Mad-41-33.4; 0.00

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To: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From (Public Agency)

California Department of Transportation
District 6
P. O. Box 12616
(Address)
Fresno, CA 93778

County Clerk
County of _____

Subject:

Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.

Freeway Improvements (A Tier II Environmental Assessment/Initial Study)
Project Title

95122034 Anthony J. Telesco 209/445-6773
State Clearinghouse Number Lead Agency Area Code/Telephone/Extension
(if submitted to Clearinghouse) Contact Person

Fresno and Madera Counties - Route 41 - P.M. R31.7/33.5, 0.0/3.5
Project Location (include County)

Project Description:

Construct a Four-lane Freeway on Route 41 from Friant Road in the City of Fresno to 0.3 mile north of Avenue 12 in Madera County

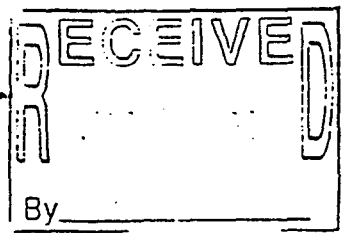
This is to advise that the California Department of Transportation has approved the above described project on
February 7, 1996 and has made the following determinations regarding the above described project:
(Date)
 Lead Agency Responsible Agency

1. The project [will / will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were / were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [was / was not] adopted for this project.
5. Findings [were / were not] made pursuant to the provisions of CEQA.

The above identified document with comments and response and record of project approval is available to the General Public at:
Caltrans District 6, 4545 North West Avenue, Fresno, CA 93705

[Signature] 2/29/96 Chief, Office of Environmental Management
Signature Date Title

Date received for filing at OPR:



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PRC 6945
EXHBIT "C"



NEGATIVE DECLARATION

State Highway Route 41 North Freeway Project Between Friant Road in Fresno County and 0.5 Kilometer (0.3 mile) north of Avenue 12 in Madera County

Prepared pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code).

Project Description. The California Department of Transportation (Caltrans) proposes to construct a four-lane freeway within the adopted alignment of Route 41 from Audubon Drive in Fresno County to Avenue 11 in Madera County. The limits of the project extend from Friant Road in Fresno to 0.5 kilometer (0.3 mile) north of Avenue 12 in Madera County to allow for possible future repaving of the existing Route 41 freeway from Friant Road to Audubon, to provide a safe transition from the proposed freeway back to a two-lane rural highway, and to allow for possible temporary storage areas for project construction equipment and materials.

Determination. An Initial Study has been prepared by Caltrans. On the basis of this study, it has been determined that the proposed project in combination with proposed mitigation measures would not have a significant effect on the environment for the following reasons:

- The project would not increase flood risk in the San Joaquin River floodplain, and would not interrupt or terminate a transportation facility which is needed for emergency vehicles or provides a community's only evacuation route in the event of a flood or other catastrophic event.
- The project would not increase seismic hazards.
- The project would conform to the State Implementation Plan for air quality compliance. There would be no increase in the number or severity of carbon monoxide violations of the State ambient air quality standards.
- The project would result in the removal of 1.02 hectares (2.52 acres) of riparian woodland, 1.68 hectares (4.2 acres) of wetlands, and 0.04 hectare (0.1 acre) of vernal pool habitat. These habitat types support vernal pool fairy shrimp, western spadefoot toad, and valley elderberry longhorn beetle, which are threatened or endangered species. These impacts would be mitigated to a level of insignificance by habitat replacement in kind.
- The project would displace 5 habitable single-family residences and 4 commercial buildings containing 7 businesses. There are sufficient vacant commercial and residential lots within the neighborhood affected by the project for all displaced businesses and residents to relocate in the neighborhood. These relocations would be accomplished under the Relocation Assistance Program. Therefore, relocation impacts would not be significant.

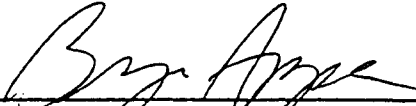
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- The project would result in noise approaching or exceeding 67 dBA at Woodward Regional Park and Bird Sanctuary and the Woodward Bluffs Mobile Home Estates. These impacts would be mitigated to a level of insignificance by the installation of sound barriers.
- The relative proximity of the project to Woodward Regional Park and Bird Sanctuary would not impair the protected activities, features, or attributes that qualify the Park for protection under Section 4(f) of the Transportation Act (23 CFR 771.135[p][2] to [5]).
- The project would have no impact on cultural resources that are on or eligible for the National Record of Historic Places.



BRYAN APPER, AICP
Chief, Office of Environmental Management
California Department of Transportation
District 6

2/7/96
Date

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
FOR
STATE ROUTE 41 IN FRESNO AND MADERA COUNTIES

The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the attached Environmental Assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the environmental assessment.

Dennis A. Scovill
for FRED J. HEMPEL
Division Administrator
Federal Highway Administration

2/23/96
DATE


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ENVIRONMENTAL ASSESSMENT/INITIAL STUDY

**STATE HIGHWAY ROUTE 41 NORTH FREEWAY PROJECT
BETWEEN FRIANT ROAD AND 0.5 KILOMETER (0.3 MILE) NORTH
OF AVENUE 12, COUNTIES OF FRESNO AND MADERA,
CALIFORNIA**

Prepared pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code), the National Environmental Protection Act (42 U.S.C. 4332(2)(C) and 49 U.S.C. 303


Project Description. The California Department of Transportation proposes to construct a four-lane freeway within the adopted alignment of Route 41 from Audubon Drive in Fresno County to Avenue 11 in Madera County. The limits of the project extend from Friant Road in Fresno to 0.5 kilometer (0.3 mile) north of Avenue 12 in Madera County to allow for possible future repaving of the existing Route 41 freeway from Friant Road to Audubon, to provide a safe transition from the proposed freeway back to a two-lane rural highway, and to allow for possible temporary storage areas for project construction equipment and materials.



BRYAN J. APPER, Chief
Office of Environmental Management
California Department of Transportation
District 6
4545 North West Avenue
Fresno, CA 93705
(209) 488-4347

12/8/95

Date



FRED HEMPEL
Division Administrator
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724
(916) 498-5034

12/14/95

Date