

MINUTE ITEM

This Calendar Item No. C02 was approved as Minute Item No. 02 by the California State Lands Commission by a vote of 3 to 0 at its 1-30-02 meeting.

**CALENDAR ITEM
C02**

A 26
S 12

01/30/02
PRC 8365 W 25798
L. Burks

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Merced County
Department of Public Works, Roads Division
715 Martin Luther King Jr. Way
Merced, California 95340

AREA, LAND TYPE, AND LOCATION:

Submerged lands in the Merced River, seven miles north of the town of Atwater, Merced County.

AUTHORIZED USE:

Construct a two-lane, three span, box girder, reinforced concrete bridge over the Merced River and realign Oakdale Road to the new bridge; refurbish the existing historic bridge (Shaffer Bridge); and remove the remains of an old railroad trestle just north of the existing bridge.

LEASE TERM:

25 years, beginning February 1, 2002.

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.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has a right to use the uplands adjoining the lease premises.
2. The purpose of the project is to replace the existing Shaffer Bridge, thereby increasing the safety and efficiency of the Merced River crossing for Oakdale Road. Oakdale Road is a two-lane, rural roadway connecting State Route 59, north of the city of Merced, to State Highway 132 in

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Stanislaus County. The proposed alignment for this project will place the new bridge 94 feet upstream of the existing bridge. The existing historic Shaffer Bridge (constructed in 1912), which is eligible for listing in the National Register of Historic Places, will remain in place for pedestrian and bicycle use, and its historic status will not be affected by the project. An abandoned railroad trestle exists upstream of the existing bridge; however, the decking has been removed. The remaining piers and abutments will be removed.

3. A Mitigated Negative Declaration (SCH #2000082080) and Mitigation Monitoring Program were prepared and adopted for this project by Merced County. The California State Lands Commission's staff has reviewed such document.
4. 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.

APPROVALS OBTAINED:

United States Army Corps of Engineers, California Department of Fish and Game; Regional Water Quality Control Board; State Water Resources Control Board; State Reclamation Board.

EXHIBITS:

- A. Site Plan/Location Map
- B. Mitigation Monitoring Program
- C. Notice of Determination

PERMIT STREAMLINING ACT DEADLINE:

June 6, 2002

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION (SCH #2000082080) AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY MERCED COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT B, ATTACHED HERETO.

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 SECTIONS 6370, ET SEQ.

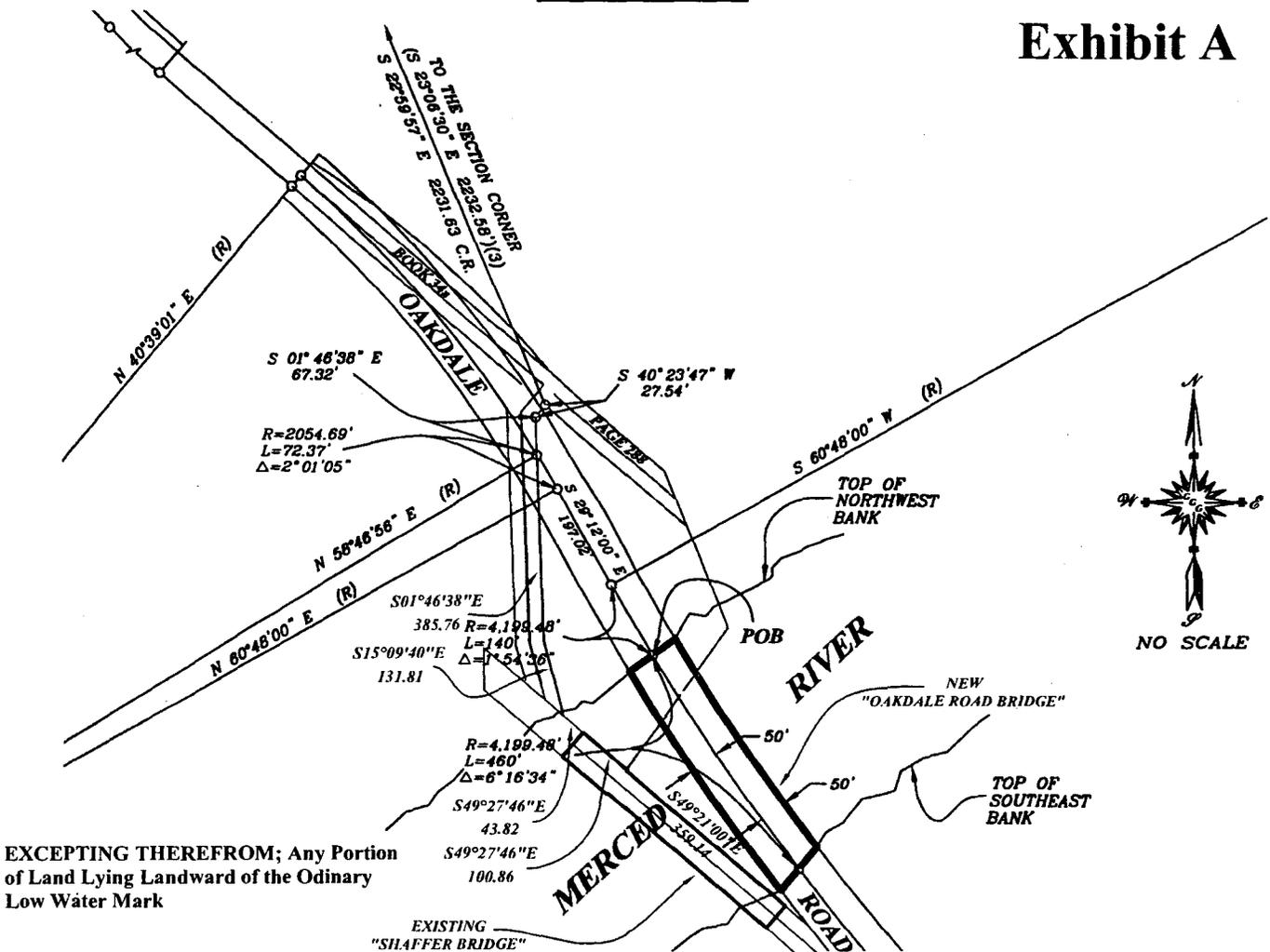
AUTHORIZATION:

AUTHORIZE ISSUANCE TO MERCED COUNTY OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING FEBRUARY 1, 2002, FOR A TERM OF 25 YEARS, FOR CONSTRUCTION OF A TWO-LANE BRIDGE OVER THE MERCED RIVER; REFURBISH THE EXISTING BRIDGE (SHAFFER BRIDGE); AND REMOVE THE REMAINS OF AN OLD RAILROAD TRESTLE WHICH IS LOCATED SEVEN MILES NORTH OF THE TOWN OF ATWATER, MERCED COUNTY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY CONSIDERATION IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

NO SCALE

SITE MAP

Exhibit A



EXCEPTING THEREFROM; Any Portion of Land Lying Landward of the Ordinary Low Water Mark

OAKDALE ROAD BRIDGE PROJECT, MERCED, CA APN 042-140-011

NO SCALE

LOCATION MAP

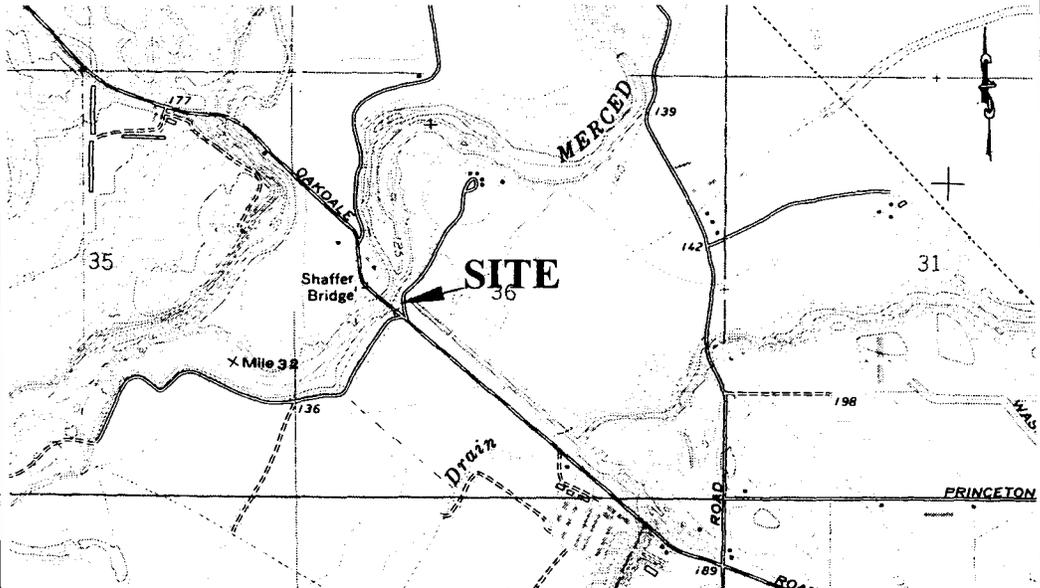


Exhibit A

W25798

PUBLIC WORKS

GL-PUBLIC AGENCY USE

MERCED RIVER

MERCED 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.

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Exhibit B

Table 1
Summary of Impacts and Mitigation

Affected Resource	Type of Impact	Mitigation Summary
Wetlands	<u>Permanent Loss</u> : <0.001 ha (<0.002 acre) <u>Temporary Loss</u> : 0.13 ha (0.31 acre)	<ul style="list-style-type: none"> Restore 0.004 ha (0.01acre) of wetlands currently displaced by railroad pier (5:1 ratio for permanent impacts) Restore and enhance 0.4 ha (1.1 acre of riparian wetlands and uplands affected during construction or degraded by current management (3.5:1 ratio for temporary impacts)
Oak trees	Loss of oak trees greater than 76 centimeters (30 inches) diameter at breast height	<ul style="list-style-type: none"> Replace lost oak trees at 8:1 ratio. Plantings will be implemented in conjunction with the upland riparian restoration plantings (see mitigation for wetlands and fisheries).
Valley elderberry longhorn beetle	<u>Indirect impacts</u> to elderberry host shrubs	<ul style="list-style-type: none"> Contribute \$100,000 toward the Valley Elderberry Longhorn Beetle Conservation Fund. Restore wetland and upland riparian vegetation in the project area (see mitigation for wetlands and fisheries)
Fisheries	<u>Temporary disturbance</u> of riparian vegetation and shaded riverine habitat <u>Temporary construction access</u> in the active river channel <u>Degradation of water quality</u> <u>Fish passage</u>	<ul style="list-style-type: none"> Woody riparian vegetation and shaded riverine habitat shall be replanted at a 3:1 ratio Temporary fill within the river channel will consist of clean, round, river cobble with a layer of clean "washed" crushed gravel placed on top. The crushed gravel will be removed from the temporary fill upon completion of the project but the river cobbles will be left in the river to replenish spawning gravels. Bridge design will prevent direct discharge of runoff into the river. Construction within the active channel will be timed to occur between June 1 and October 1.
Swainson's hawk	Potential nest site	<ul style="list-style-type: none"> Conduct spring surveys immediately prior to construction. If nesting raptors are present, the nest will be monitored. Project activities that disturb or agitate the nesting hawks will be delayed until the young have fledged (approximately July 31). Active nest trees will be clearly marked and avoided during construction.
Western burrowing owl	Potential nest burrows	<ul style="list-style-type: none"> Identify and remove potential owl burrows prior to commencement of the nesting season (February 1 to August 31). Excluders can be used during the non-nesting season, and previously identified burrows should be collapsed before the nesting season, after a qualified biologist has determined that the burrows are empty. Conduct pre-construction surveys of the project area. Occupied burrows will not be disturbed during the nesting season. If pre-construction surveys do not identify any occupied burrowing owl burrows in the project area, no further mitigation will be necessary..

**Table 1
Summary of Impacts and Mitigation**

Affected Resource	Type of Impact	Mitigation Summary
Tricolored blackbird	Potential nest sites	<ul style="list-style-type: none"> • Conduct pre-construction surveys of potential tricolored blackbird nesting habitat in the project vicinity if project activities will occur during the breeding season (March 1 to August 30). Surveys should occur at least two weeks prior to the use of any heavy equipment or ground disturbing activities associated with the project, or at the beginning of the breeding season in the case that project activities are begun prior to March 1. If nesting tricolored blackbirds are found during the pre-construction survey, or if tricolored blackbirds construct nests in the project vicinity while construction is underway, the nests will be monitored by a qualified biologist. Project activities that disturb or agitate nesting tricolored blackbirds (work in the area where they are nesting) will be delayed until fledglings are able to independently feed and protect themselves.

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Exhibit C

NOTICE OF DETERMINATION

TO: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Merced County
Department of Public Works, Roads Division
715 Martin Luther King Jr. Way
Merced, CA 95340

 X County Clerk
County of Merced
County Administration Building
2222 "M" Street
Merced, CA 95340

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Oakdale Road Bridge Project

Project Title

SCH# 2000082080

Randolph Bardini

(209) 385-7601

State Clearinghouse Number
(If Submitted to Clearinghouse)

Contact Person

Area Code/Number/Extension

Oakdale Road crossing of the Merced River, Winton, CA

Project Location

To construct a new bridge over the Merced River and realign Oakdale Road to the new bridge. Also, refurbish the existing bridge (Shaffer Bridge), remove the remains of an old railroad trestle just north of the project, and restore habitat.

Project Description

This is to advise that the Merced County Dept. of Public Works has approved the above described
(Lead Agency or Responsible Agency)

project on September 29, 2000 and has made the following determinations regarding the above described
(Date)

project:

1. The project _____ will, X 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.
 X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures X were, _____ were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations _____ was, X was not, adopted for this project.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

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Merced County Dept. of Public Works, Roads Division

715 Martin Luther King Jr. Way, Merced, CA 95340

Date Received for Filing and Posting at OPR September 29, 2000

Joseph P. Paulini
Signature (Public Agency)

Supervising Engineer
Title

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