

MINUTE ITEM
This Calendar Item No. C42 was approved as
Minute Item No. 42 by the California State Lands
Commission by a vote of 3 to 2 at its
10-01-02 meeting.

**CALENDAR ITEM
C42**

A	11		10/01/02
		PRC 8372.1	WP 8372.1
S	7		N. Smith

AMENDMENT OF LEASE

LESSEE:

Kiewit Pacific Co.
Attn: Mr. Ken Riley
P.O. Box 91
Martinez, CA 94553

AREA, LAND TYPE, AND LOCATION:

1.23 acres, more or less, of filled sovereign lands on the east side of the right of way for the new Benicia-Martinez Bridge, city of Martinez, Contra Costa County.

AUTHORIZED USE:

Construct a temporary fence around the lease premises (470' x 100') which will be used for a batch plant and laydown area.

LEASE TERM:

Three years, beginning January 30, 2002.

CONSIDERATION:

\$21,150 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend lease premises to include an additional 6,775 sq. ft. area to assemble forms as part of the construction of the new Benicia-Martinez Bridge. The annual rent is amended from \$21,150 to \$24,200 effective January 30, 2003, with a prorated amount for the additional lease premises of \$1,135 for the period September 15, 2002, to January 29, 2003. All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR ITEM NO. C42 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. The Lessee is a contractor for Caltrans and this project is in support of the construction of the new Benicia-Martinez Bridge.
3. An EIS/EIR was prepared and certified for this project by the United States Department of Transportation and the California Department of Transportation. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
4. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit C, attached hereto.
5. 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.

EXHIBITS:

- A. Site Map
- B. Location Map
- C. CEQA Findings

PERMIT STREAMLINING ACT DEADLINE:

February 8, 2003

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR/EIS WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. C42 (CONT'D)

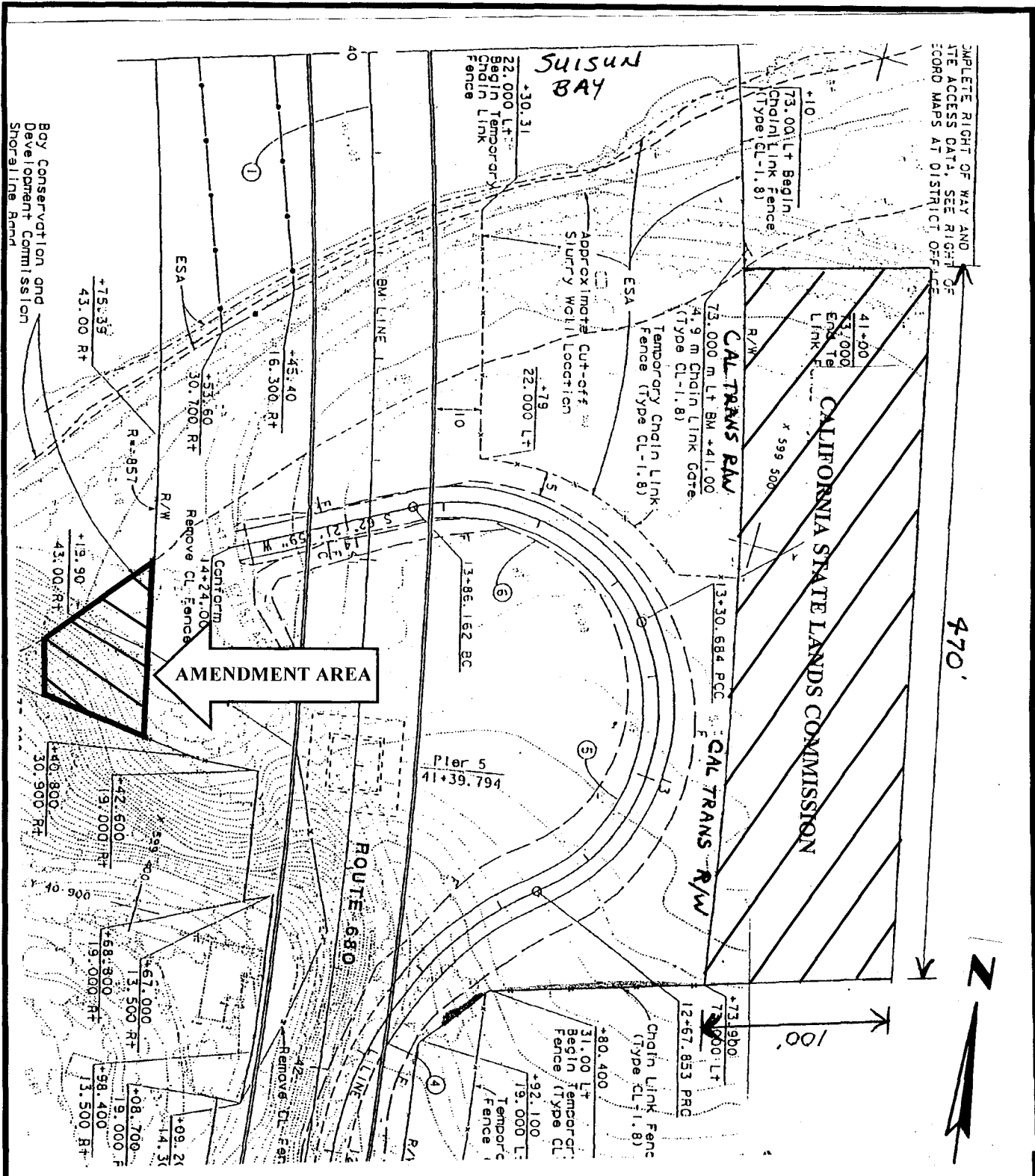
RE-ADOPT THE FINDINGS PREVIOUSLY ADOPTED BY THE COMMISSION ON JUNE 27, 2000, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h).

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 THE AMENDMENT OF LEASE NO. PRC 8372.1, A GENERAL LEASE - INDUSTRIAL USE, OF LANDS SHOWN ON EXHIBIT A, ATTACHED, AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 15, 2002, TO AMEND LEASE TO INCLUDE AN ADDITIONAL 6,775 SQ. FT. AREA TO ASSEMBLE FORMS FOR THE NEW BENICIA-MARTINEZ BRIDGE AND THE ANNUAL RENT IS AMENDED TO \$24,200 EFFECTIVE JANUARY 30, 2003 WITH A PRORATED AMOUNT OF \$1,135 FOR THE PERIOD SEPTEMBER 15, 2002, TO JANUARY 29, 2003; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

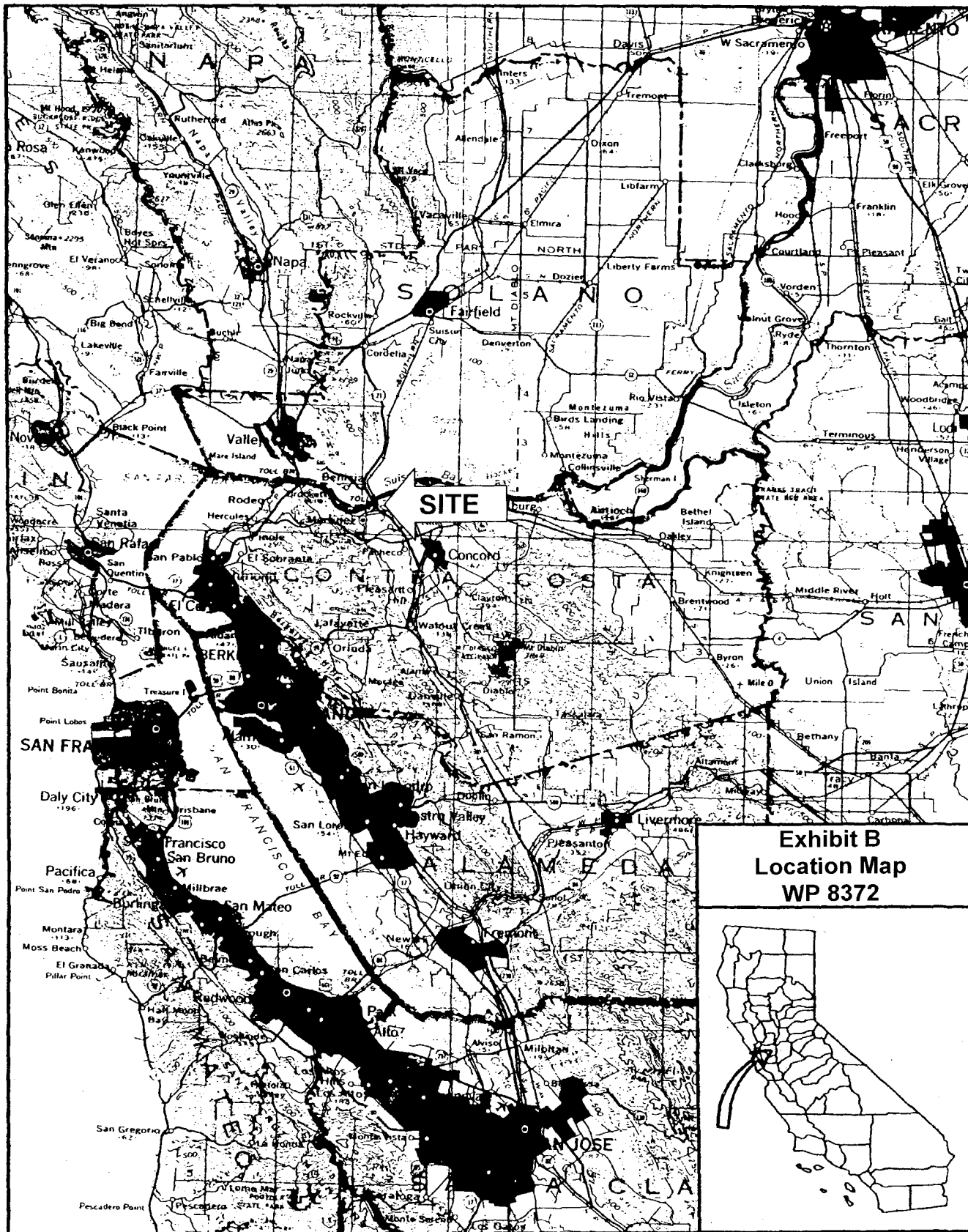


This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

EXHIBIT A
PRC 8372

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**Exhibit B
Location Map
WP 8372**

EXHIBIT C

CALIFORNIA DEPARTMENT OF TRANSPORTATION

FINDINGS FOR THE BENICIA-MARTINEZ BRIDGE PROJECT
INTERSTATES 680 AND 780 IN CONTRA COSTA AND SOLANO COUNTIES

The following information is presented to comply with Section 15091 of the State CEQA Guidelines and Section 1509.6 of the California Department of Transportation (Caltrans) and California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Report (Final EIR) which is the source for the information. Mitigation monitoring will be in accordance with Caltrans standard program contained in Article 1-2.4 of the Environmental Handbook, Volume I.

The following effects have been identified in the Final EIR as resulting from the project. Effects found not to be significant have not been included.

Biology

Adverse Environmental Effect:

The proposed project would have an adverse effect on the salt marsh harvest mouse and its habitat, an endangered species under the State and Federal Endangered Species Acts.

Findings:

- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Statement of Facts:

To mitigate permanent impacts to 1.62 ha (4.01 acres) of salt marsh harvest mouse habitat, Caltrans has purchased and plans to restore a 9.23 ha (22.8 acre) parcel on diked and filled tidal marsh. This parcel is located in the City of Benicia along Industrial Road.

To provide tidal access to the proposed mitigation site, Caltrans will restore tidal flows in an existing channel which crosses brackish marshland in the Goodyear Slough Unit of the Grizzly Island Wildlife Area. This brackish marshland is managed by the California Department of Fish & Game (CDFG). The brackish marshland is located southeast of the proposed mitigation site and is separated from the proposed mitigation site by railroad tracks operated by Union Pacific Railroad. The tidal channel will access the proposed Caltrans mitigation site through five large-diameter (1 m [36 inches]) pipes to be placed under the railroad tracks. Caltrans will construct a levee to isolate the tidal channel from the remainder of the Goodyear Slough Unit so CDFG can continue to manage the water level on their brackish marsh.

Work on the channel and levee will impact approximately 0.25 ha (0.62 acre) of marshland habitat in the Goodyear Slough Unit. This will increase the overall project impact to 1.87 ha (4.63 acres) of salt marsh harvest mouse habitat. Caltrans will restore 7.08 ha (17.5 acres) of

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EXHIBIT C

tidal marsh to compensate for temporary and permanent impacts to salt marsh harvest mouse habitat.

The final mitigation plan will be developed in consultation with the appropriate regulatory agencies. The plan will include provisions for monitoring and remedial actions, if necessary, and will be approved by the U.S. Fish & Wildlife Service prior to initiation of the proposed project. Following completion of the mitigation project, Caltrans will deed the mitigation site to CDFG, which will then manage the mitigation site for habitat. No public access of the mitigation site is proposed.

The Final EIR and pertinent technical studies are available for public inspection at:

Caltrans, District 4
Benicia-Martinez Bridge Branch
111 Grand Avenue
Oakland, CA 94612

Or by contacting Nino Cerruti, Project Manager, at (510) 286-5129.