

MINUTE ITEM
This Calendar Item No. C64 was approved as
Minute Item No. 64 by the California State Lands
Commission by a vote of 3 to 2 at its
8-19-03 meeting.

CALENDAR ITEM
C64

A 6
S 3

08/19/03
PRC 1495 WP 1495.9
N. Smith

AMENDMENT OF LEASE

LESSEE:

California Department of Transportation
Attn: Ms. Suzann Goodhue
PO Box 23660
Oakland, California 94623-0660

AREA, LAND TYPE, AND LOCATION:

Sovereign lands across Corte Madera Creek, Larkspur, Marin County.

AUTHORIZED USE:

Highway Bridge.

LEASE TERM:

Continuous use plus one year.

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.

PROPOSED AMENDMENT:

Amend the existing 101.5 Plat to reserve additional right of way across Corte Madera Creek for the construction and maintenance of the US 101 HOV Lane Gap Closure Project. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to the uplands adjoining the lease premises.

CALENDAR ITEM NO. **C64** (CONT'D)

2. An EIR was prepared and certified for this project by Caltrans. A Record of Decision was signed by Federal Highway Administration (FHWA) on August 31, 2000, and a Notice of Determination was filed on September 5, 2000. Caltrans and FHWA also conducted an Environmental Re-evaluation/Addendum of the Final EIR on June 4, 2002 (SCH #1993023954). The California State Lands Commission staff has reviewed such documents and Mitigation Monitoring Program adopted by the lead agency.
3. 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:

U.S. Coast Guard, U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board and San Francisco Bay Conservation and Development Commission.

EXHIBITS:

- A. 101.5 Plat
- B. Location Map
- C. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

November 18, 2003

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR AND ENVIRONMENTAL RE-EVALUATION/ADDENDUM TO THE FINAL EIR WERE PREPARED AND CERTIFIED FOR THIS PROJECT BY CALTRANS AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

CALENDAR ITEM NO. **C64** (CONT'D)

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 1495.9, A RESERVATION OF LANDS FOR HIGHWAY PURPOSES, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 25, 2002, TO DELETE THE EXISTING 101.5 PLAT AND REPLACE WITH THE 101.5 PLAT AS SHOWN AS ON EXHIBIT A; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

MARIN

COUNTY

SURVEYOR'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.



JERRY ZHONG LS 7784




STATE OF CALIFORNIA
STATE LANDS COMMISSION

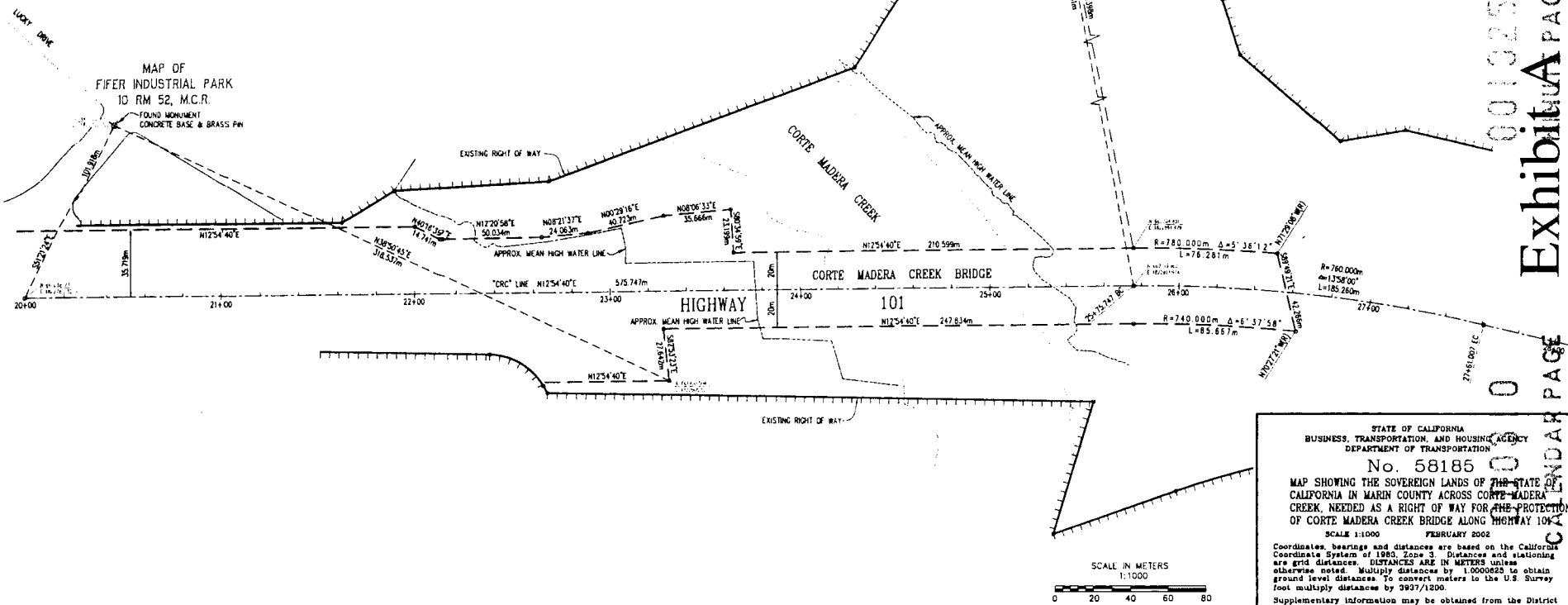
This map is hereby approved and filed for record with the State Lands Commission Pursuant to the provisions of Section 101.5 of the Streets and Highways Code. The sovereign lands under the jurisdiction of the State Lands Commission as they may lie within the right of way lines shown upon this map are hereby reserved for highway purposes.

Approved: Meeting _____ 20_____
STATE LANDS COMMISSION

BY _____
Deputy Chief, Division of Land Management and Conservation

LEGEND

- | | |
|---|---|
|  | ACCESS PROHIBITED |
|  | PORTION REQUESTED THROUGH SOVEREIGN STATE LANDS |
| o | DIMENSION POINT |
|  | FOUND MONUMENT AS NOTED |
| BC | BEGINNING OF CURVE |
| EC | END OF CURVE |
| RM | RECORD MAPS |
| M.C.R. | MAJOR COUNTY RECORDS |
| (R) | RADIAL BEARING |



STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION, AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

No. 5818

THE SOVEREIGN LAW

MAP SHOWING THE SOVEREIGN LANDS OF THE STATE OF CALIFORNIA IN MARIN COUNTY ACROSS CORTE MADERA CREEK, NEEDED AS A RIGHT OF WAY FOR THE PROTECTION OF CORTE MADERA CREEK BRIDGE ALONG HIGHWAY 101

SCALE 1:1000 FEBRUARY 2002

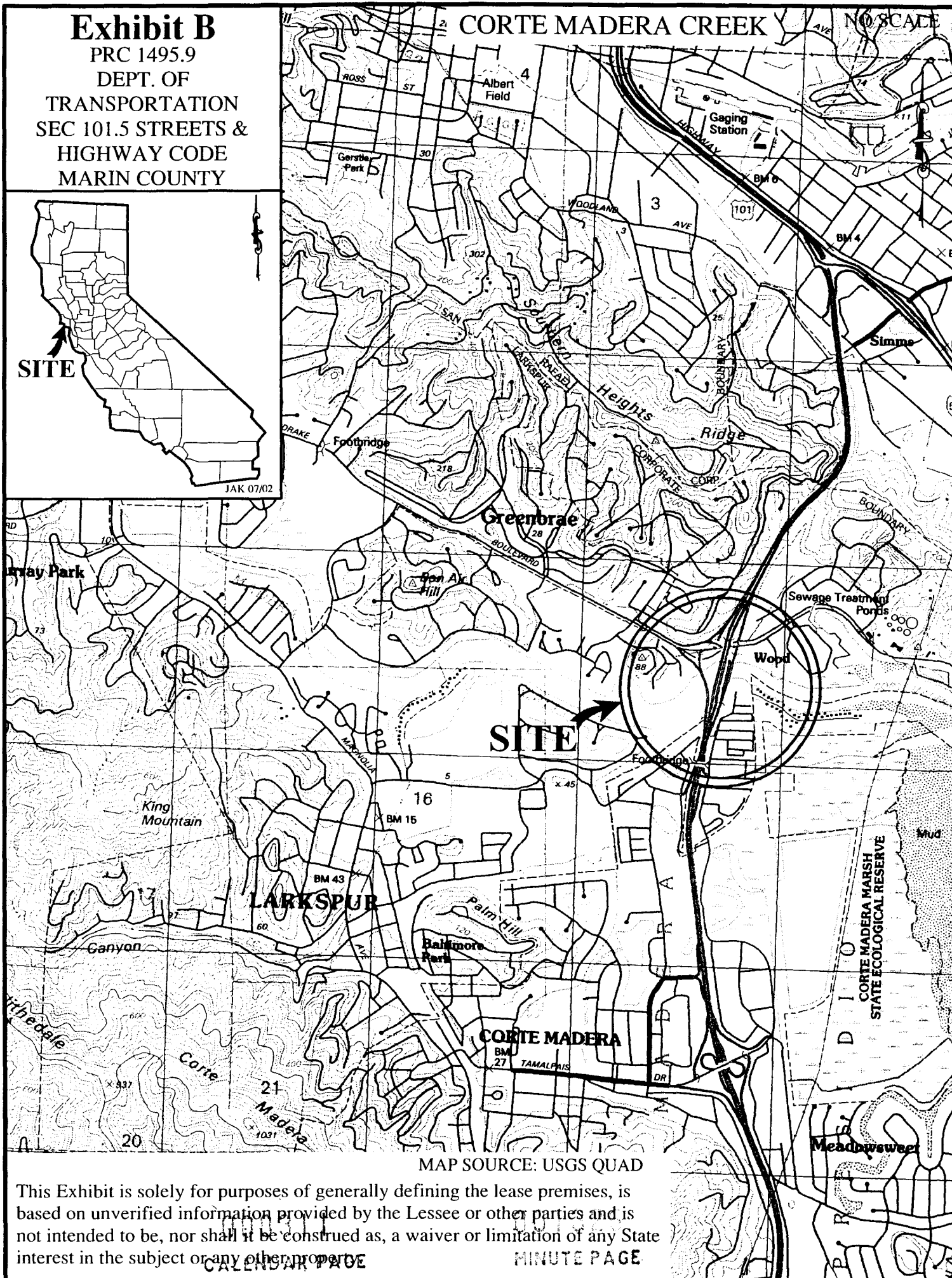
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3. Distances and stationing are grid distances. DISTANCES ARE IN METERS unless otherwise noted. Multiply distances by 1.0000625 to obtain ground level distances. To convert meters to the U.S. Survey foot multiply distances by 3937/1200.

Supplementary information may be obtained from the District Office, Survey Branch or Right of Way Engineering Branch, 111 Grand Avenue, Oakland California. R-715

R-71.51

FEBRUARY 13, 2002

TRANSPORTATION
SEC 101.5 STREETS &
HIGHWAY CODE
MARIN 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.

A prior Addendum to the Final Environmental Impact Report for the Marin 101 HOV Lane Gap Closure Project was approved on June 6, 2002. This Addendum has been prepared to address questions raised by the State Lands Commission.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EVALUATION

CEQA (Pub. Resources Code §§21002.1, 21061, 2110, 21151) requires that public agencies prepare an environmental impact report (EIR) whenever the approval of a project may cause significant effects on the environment. In addition to providing specific information about how projects may adversely affect the environment, an EIR also involves the public in environmental decision making, facilitates interagency consultation, and generates proposals for project modifications or mitigation.

The Marin 101 HOV Lane Gap Closure (Gap Closure) project was considered controversial because of the alternative alignments that were proposed for the widening of the highway and the corresponding number of individuals and businesses that would be displaced by each alternative. There was also concern regarding the possible impacts on the Northwestern Pacific Railroad (NWPR)-right of way. For these reasons, the California Department of Transportation (Caltrans) determined that the preparation of an EIR would provide the best opportunity for public involvement in the project. A final EIR was certified on December 3, 1999.

CEQA Guideline 15164 (Pub. Resource Code 21068) says that a public agency shall prepare an addendum to a previously certified EIR if changes or additions are necessary. During the detailed engineering and final design phase of the Gap Closure project, Caltrans determined that minor modifications to the project would be required in order to achieve continuous HOV lanes in both directions. Completion of the HOV lanes system through Marin County has been a consistent goal of the County, MTC and Caltrans. Therefore, in compliance with CEQA Guideline 15164, an Addendum to the previously certified Final EIR was prepared and approved on June 4, 2002.

DETERMINING SIGNIFICANCE UNDER CEQA

The CEQA Guidelines (Pub. Resource Code 21068) define the term "significant effect on the environment" as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. The significance of an activity may also vary with the setting.

A significance determination must be supported by "substantial evidence in light of the whole record." (Pub. Resource Code 21082.2, subd (a)) Based on the evidence presented in the Final EIR, Caltrans determined that the project would not have a significant effect on the environment.

The Addendum discusses the proposed modifications to the project. Based on the additional environmental studies completed in support of the Addendum, no substantial or significant changes to the project were identified. Additionally, Caltrans has concluded that the proposed modifications will not result in any new significant effects or substantially more severe significant effects to the environment than were considered in the Final EIR.

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DISCUSSION OF SIGNIFICANT IMPACTS

An EIR must identify and focus on the possible significant environmental impacts of a proposed project. The possible impacts may include physical changes, including impacts on aesthetics, air quality, water quality, noise, and biological and cultural resources, socioeconomic impacts, cumulative impacts and temporary construction impacts.

Impacts from the Gap Closure project include the acquisition of residences and businesses, removal of freeway landscaping, the addition of noise barriers, modifications of riparian and wetland habitat, and temporary impacts from construction. None of these impacts were determined to be significant.

Consultation with the U.S. Army Corps of Engineers (ACOE), the U.S. Fish & Wildlife and National Marine Fisheries Services, the California Department of Fish & Game (F & G), and the Bay Conservation and Development Commission (BCDC) regarding temporary and permanent impacts to riparian and wetland habitat and species of concern at Corte Madera Creek did result in permit requirements.

The minimal additional wetland impacts described in the Addendum are substantially the same magnitude discussed in the Final EIR and will be accommodated by the existing wetland restoration proposal. Caltrans will comply with the associated permit requirements by either developing a new or contributing to an existing wetland restoration plan. Avoidance and minimization measures will also be incorporated into the project.

AVOIDANCE, MINIMIZATION AND COMPENSATION MEASURES FOR SIGNIFICANT IMPACTS UNDER CEQA

Avoidance measure will be incorporated into the Gap Closure project including the use of fencing around environmentally sensitive areas, conducting project staging and equipment storage outside of ACOE jurisdiction, and removing all debris and waste materials generated from construction. In addition, in order to avoid two species of concern, in-creek project-related activities will be prohibited from October 15 to June 1.

Project impacts will be minimized by removing all temporary access structures immediately following project completion, returning disturbed areas to pre-construction conditions or better, and limiting pile driving activities to the period between September 1 and October 31.

As required by the ACOE, F&G, and BCDC, Caltrans will provide documentation that money was transferred to another entity for the completion of a wetland restoration project in Marin County. A restoration and monitoring plan will be developed that will provide detailed design information, including hydrology data supporting the wetland design, detailed maintenance and monitoring specifications, identify performance criteria, and specify remediation measures should the wetland fail to meet performance criteria. The wetland restoration plan will be submitted to the resource agencies for review and approval prior to any construction activity in Corte Madera Creek.

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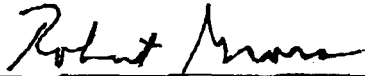
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CERTIFICATION

This is to certify that, in accordance with Section 15090 of the State CEQA Guidelines, the Addendum to the previously certified Final EIR has been completed in compliance with CEQA and the CEQA Guidelines.

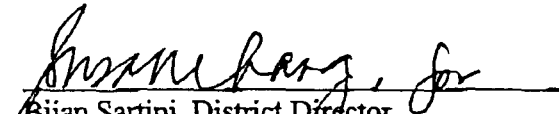


Robert Gross, District Office Chief
Environmental Analysis

5/21/03

Date

This certifies that I have reviewed and considered the information contained in the Addendum, along with the previously certified Final EIR, prior to approving the project. There are no substantial or significant changes to the project and the project changes discussed in the Addendum will not result in any new significant effects or substantially more severe significant effects to the environment than were considered in the Final EIR.


Bijan Sartipi, District Director
California Department of Transportation

5/22/03

Date

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MARIN 101 HOV LANE GAP CLOSURE PROJECT**SUMMARY OF POTENTIAL IMPACTS AND PROJECT FEATURES AND
PERMIT REQUIREMENTS**

Resource Area	Potential Impacts	Project Features, Permit Requirements
Geotechnical	There are geotechnical constraints present along the proposed project alignment.	These constraints can be effectively managed with engineering and design modifications.
Hydrology	The proposed project will result in longitudinal floodplain encroachment in both of the base floodplain areas within the project limits. A transverse encroachment also exists where Corte Madera Bridge crosses Corte Madera Creek. The total area of proposed highway widening within the base floodplains is very small compared to the total area of the base floodplains. The proposed project will not perceptively increase the base flood elevation or increase the flood risk to property or human life.	Improvements, including relocation of drainage inlets, extension of transverse culverts, and relocation of longitudinal culverts, will be made to the existing drainage system to accommodate the widening.
Wetlands and Waters of the US	<p>There will be a permanent loss of 111 m² of Wetlands and Waters of the US associated with fill in Corte Madera Creek for placement of piles and shade over the creek. Seventy piles will create 26 m³ of additional fill to the creek. The permanent shading will increase by 700 square meters. Both of these impacts are associated with the bridge widening discussed in the Final EIR and in the Addendum.</p> <p>There will be fill in Irwin Creek and loss of riparian habitat due to the relocation of the Northwestern Pacific Railroad (NWPR) right of way.</p>	<p>As an Army Corps of Engineers (ACOE) permit requirement, Caltrans will undertake a one-acre wetland restoration project located outside Caltrans right of way. One acre is based upon an overestimation of project impacts considered in the Final EIS/EIR. Consequently, additional fill and shading stated in the Addendum does not increase this permit requirement. Caltrans is investigating adding to an existing restoration project or taking part in an established mitigation bank.</p> <p>As part of the requirements of a Fish & Game 1601 Streambed Alteration agreement, a new open channel will be created within the project limits that will replace the riparian trees and habitat.</p>

Resource Area	Potential Impacts	Project Features, Permit Requirements
Oak Woodland	The proposed project will impact oak/bay woodland habitat within the project limits. Approximately 213 oaks will be removed.	As part of Fish & Game requirements, oaks will be replaced at a ratio of 12:1 at a suitable location outside of the project limits.
Species of Concern	There are two species of concern that may potentially migrate through the project area during the winter spawning season and may be impacted by the project: Sacramento splittail (<i>pogonichtys macrolepidotus</i>) and the Central California steelhead (<i>Oncorhynchus mykiss</i>).	As part of U.S. Fish & Wildlife Service and National Marine Fisheries Service requirements to avoid impacting these species, no in-creek work activities will occur from October 15 to June 1.
Rare Plants	Caltrans conducted botanical field surveys in May 2002 and August 2002. The following four species were sought but not observed: <i>Holocarpha macradenia</i> , Santa Cruz Tarplant, listed as threatened by the United State Fish and Wildlife Service (USFWS) and endangered by the California Department of Fish and Game (CDFG); <i>Astragalus pycnostachyus</i> var <i>pycnostachyus</i> , Marsh Milvetch, and <i>Castilleja ambigua</i> ssp. <i>Ambigua</i> , Johnny Nip, are listed as a Species of Local Concern; <i>Spartina foliosa</i> , Pacific Cordgrass, is listed as a Species of Local Concern in Sonoma County.	None.
Hazardous Waste	<p>Asbestos containing materials and lead paint are known to occur in homes and buildings that need to be acquired for the project.</p> <p>Testing of soil within the project limits has indicated several areas of hazardous waste contamination. The principle contaminants include total recoverable petroleum hydrocarbons (TRPH) and Lead (Pb).</p>	<p>An additional asbestos and lead paint demolition investigation will be conducted and contaminants will be abated prior to demolition of existing buildings.</p> <p>A Health and Safety Plan will be in place to protect workers, the public, and the environment from construction activities where exposure could result from contact with contaminated soil or hazardous waste during excavation, transport and/or disposal of contaminated materials.</p>

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Resource Area	Potential Impacts	Project Features, Permit Requirements
Water Quality	<p>Construction activities have the potential to degrade water quality and threaten the beneficial uses of water resources in the project area.</p> <p>Existing storm water runoff from US 101 and from bridges contributes to the pollutant load of runoff waters entering creeks, ditches, channels, and eventually San Rafael and San Francisco Bays. The proposed project will increase the roadway surface area of US 101, but it will be a very small component of the overall surface drainage.</p>	<p>Prior to the start of construction activities, a Storm Water Pollution Prevention Plan (SWPPP) or a Water Pollution Control Plan (WPCP) will be required to outline construction best management practices (BMP) to be used to minimize adverse effects on receiving waters.</p> <p>Caltrans will require the contractor to prepare a SWPPP or WPCP that will contain erosion control measures such as soil stabilization practices and sediment control practices (silt fences, inlet protection and check dams). Best Management Practices will also be required</p>
Coastal Zone	<p>The proposed project will impact land and waters within the Bay Conservation and Development Commission (BCDC) jurisdiction at Corte Madera Creek. Both permanent and temporary impacts will occur including permanent piles and shading at Corte Madera Creek and temporary impacts from pile driving, temporary construction trestles, barges and heavy equipment activities on the adjacent shoreline.</p>	<p>Caltrans has consulted with BCDC and the Marin Bicycle Coalition regarding the impacts and will prepare plans for minimizing construction activities and improving bicycle access. These plans will be made a part of the BCDC permit requirements.</p>
Noise	<p>After analyzing the noise impacts at sensitive receptors within the project vicinity, it was determined that many homes and apartment buildings could benefit from noise abatement measures. With the addition of noise barriers, future noise levels can be reduced to provide a noticeable noise reduction (minimum of 5 dBA).</p>	<p>Eleven noise barriers were recommended for the proposed project. However, the reasonableness and feasibility, including cost effectiveness, of each noise barrier will be further evaluated as more detailed design information becomes available.</p>
Air Quality	<p>There will be no significant impact on air quality and no exceedences of state or federal carbon monoxide (CO) standards. The project, as described in the RTP and RTIP, conforms to the State Implementation Plan (SIP).</p>	<p>None.</p>

Resource Area	Potential Impacts	Project Features, Permit Requirements
Visual Quality	The removal of existing homes and highway planting, combined with a reduced separation between the highway right of way and adjacent structures, would increase the visual prominence of the proposed freeway facilities and disrupt the visual integrity of existing communities. At some locations, this would result in minimal visual impacts. At other locations, there will be moderate visual impacts.	Planned improvements to enhance the visual quality within the project area include: providing planting along the highway, undergrounding the overhead utilities, and replacing the existing glare screen.
Cultural Resources	<p>One archaeological site and one possible archaeological site were inventoried within the project Area of Potential Effects (APE). The proposed project will not involve or effect any of these sites.</p> <p>There were no properties listed in or eligible for inclusion in the National Register of Historic Places identified within the project APE.</p>	None.
Circulation Impacts	<p>The proposed project will impact the NWPR right of way.</p> <p>There will be temporary construction-related interruptions of bicycle and pedestrian lanes within the project limits.</p>	<p>The project will relocate the NWPR right of way further to the west, maintaining the full width and will be continuous with the existing NPRW right of way to the north and south.</p> <p>Detours will be provided where feasible.</p>
Land Use, Planning, and Socioeconomic Impacts	<p>The proposed project will not substantially disrupt or affect a distinct ethnic or economic group, and it does not divide an existing neighborhood or adversely effect important cultural or religious facilities.</p> <p>Residential and commercial properties will need to be acquired.</p>	<p>None.</p> <p>There are comparable replacement dwellings available. Relocation assistance and information is available pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.</p>

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Resource Area	Potential Impacts	Project Features, Permit Requirements
Temporary Construction Impacts	Potential impacts may include air pollution from dust and construction equipment, increased storm water runoff, nonpoint pollution and soil erosion, construction noise, increased siltation, sedimentation, and turbidity due to creek bank and subsurface construction activities in Corte Madera Creek, disruption of traffic, lane closures and detours, pile driving, and construction of temporary trestles in Corte Madera Creek.	Impacts due to construction activities will be avoided, minimized or rectified by a combination of Caltrans standard specifications and procedures for construction and by additional conditions supplied by permitting and regulatory agencies.
Cumulative Impacts	There is no growth inducement effect from the proposed project. There are no significant adverse air quality impacts. The proposed project will cause no net loss of sensitive habitat, and therefore, no cumulative net loss of natural habitats. The cumulative effect of noise barrier construction on the visual environment is minor. There are no projects in the recent past or the reasonably foreseeable future that relocate residences and business in the project vicinity. Therefore, the proposed project does not contribute to any overall trend and does not have a significant cumulative effect.	Landscape planting of trees and shrubs will improve appearances.