

**CALENDAR ITEM**

**C08**

A 2,3

08/17/04

S 1

PRC 8541

W 25938

M. Hays

**GENERAL LEASE-PUBLIC AGENCY USE**

**APPLICANT:**

Department of Transportation  
2800 Gateway Oaks Drive  
Sacramento CA 95833

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the Bear River, near East Nicolaus, Sutter and Yuba counties.

**AUTHORIZED USE:**

To widen, use and maintain the existing State Route 70 bridge and to construct, use and maintain a new parallel bridge as shown on Exhibit A.

**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.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns or has the use of the uplands adjoining the lease premises.
2. The proposed bridge-widening project is a segment of the State Route 70 (SR70) highway upgrade that consists of widening SR70 to a four-lane expressway/freeway for a distance of 15.5 miles, which creates a four-lane freeway facility from Marysville to Sacramento. The existing two lane bridge will be widened by eight feet to create a one-way bridge and a new parallel two lane one-way bridge will be constructed to the East of the existing bridge. A temporary river crossing using a trestle will be installed during the construction phase. The trestle and framework will be designed

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to minimize scouring and assist in debris removal. The temporary crossing will be removed and the disturbed area restored after construction is complete.

3. An EIR was prepared and certified for this project (SCH#1995103063) by the California Department of Transportation (Caltrans). The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency in Exhibit B, attached hereto.
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. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained in Exhibit D, attached hereto.
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.

**APPROVALS OBTAINED:**

US Army Corps of Engineers  
Regional Water Quality Control Board  
Department of Fish and Game

**EXHIBITS:**

- A. Location and Site Map
- B. Mitigation Monitoring Program
- C. CEQA Significance Determination
- D. Statement of Overriding Considerations

**PERMIT STREAMLINING ACT DEADLINE:**

November 11, 2004

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**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

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

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

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

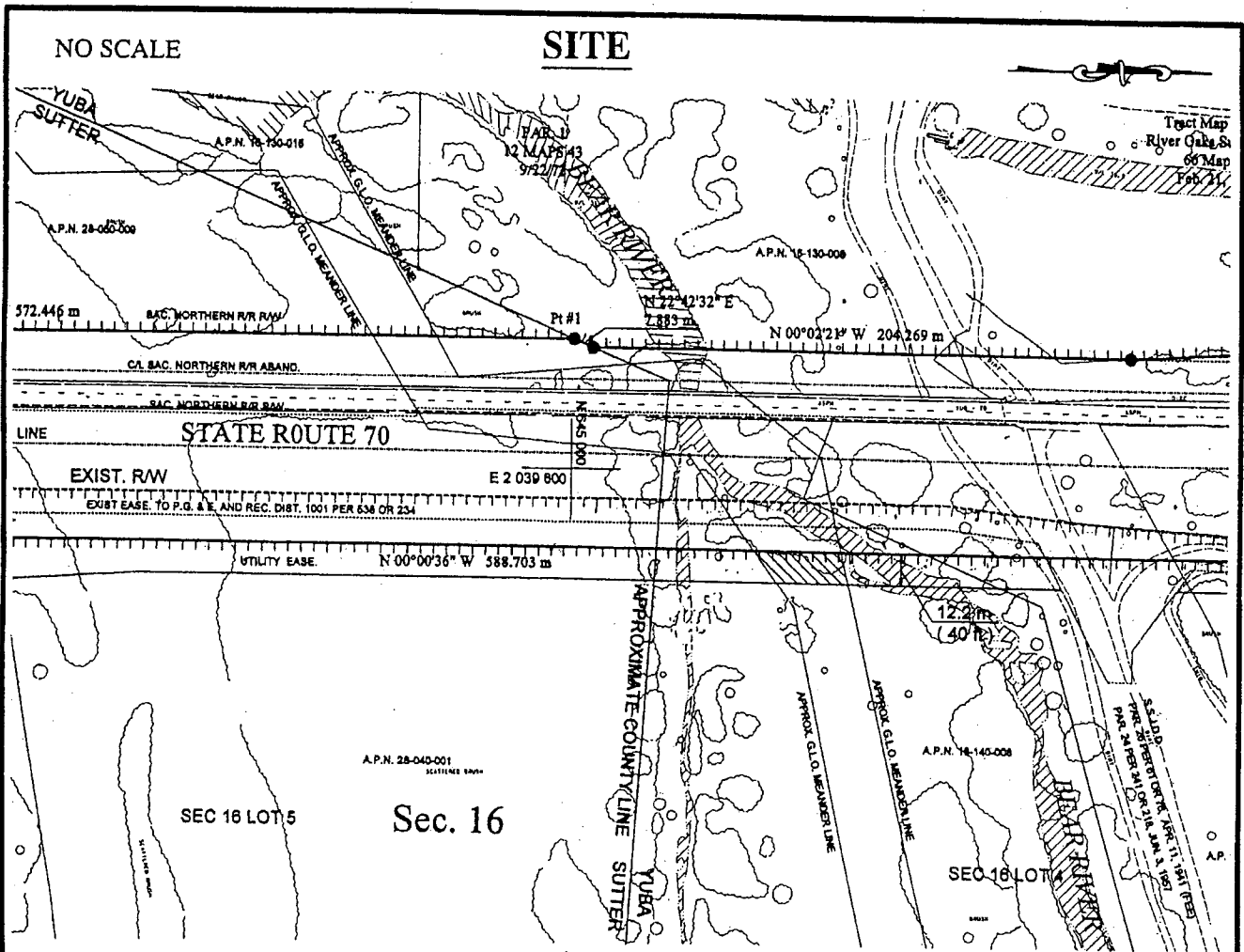
ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

**SIGNIFICANT LANDS INVENTORY FINDING:**

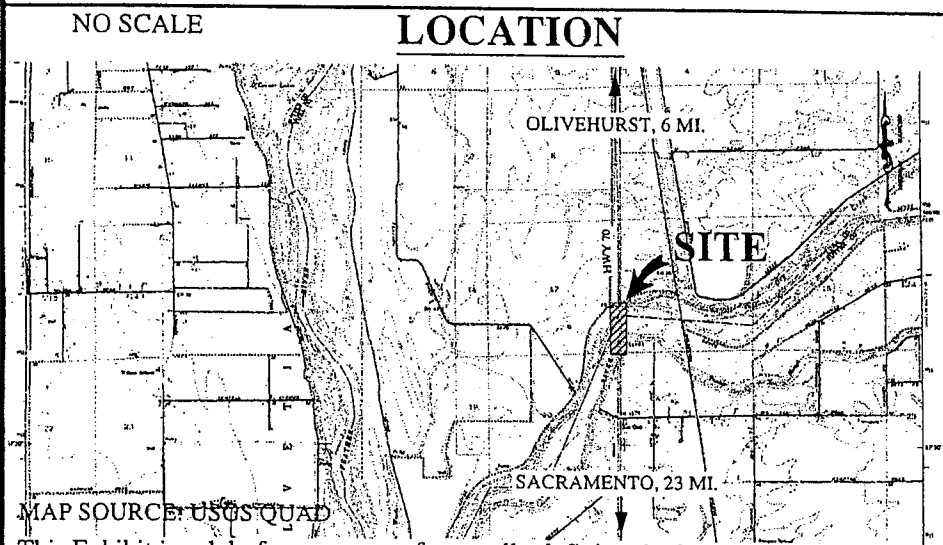
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION OF A GENERAL LEASE-PUBLIC AGENCY USE, FOR CONTINUOUS USE PLUS ONE YEAR FOR THE WIDENING, USE AND MAINTENANCE OF THE EXISTING STATE ROUTE 70 BRIDGE AND THE CONSTRUCTION, USE AND MAINTENANCE OF A NEW BRIDGE ACROSS THE BEAR RIVER 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 RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.



STATE ROUTE 70 BEAR RIVER CROSSING



**Exhibit A**  
 W 25938  
 CALIFORNIA DEPARTMENT  
 OF TRANSPORTATION  
 CODE SEC. 101.5  
 YUBA & SUTTER COUNTIES



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.

Biological Resources/Species	Mitigation Requirement	Mitigation Purchased		Mitigation Needed	Estimated Cost at Mitigation Bank	Comments
		Acres/Credits	Cost			
Giant Garter Snake	361.15 ac.	101.15 ac.	\$1,636,618	Max 260 ac.	\$468,000	max 260 acres (\$1800/acre at Pope Ranch, Wildlands) reassess when Phase 2/3 design is comprehensive. Mitigation Purchased Location - Wildlands, Dolan Ranch
NEED USFWS BUY OFF						
Vernal Pool/Shrimp habitat						
Preservation	16.8 ac.	16.8 ac.	\$888,632	0		Mitigation Purchased Location - Wildlands - Dolan
Creation	7.2 credits	7.2 credits	\$432,000	0		Mitigation Purchased Location - Wildlands - Sheridan
VELB NEED USFWS BUY OFF	12 - 238 credits			12 - 238 credits	\$18,000-\$357,000	Survey summer of 2002, stem impact reassessed. Mitigation Purchased Location - Wildlands
Wetlands						
Riparian Wetland	8.22 credits/ac.	3-7/7		8.22 ac.	\$274,000	Mitigation Purchased Location - Wildlands - Dolan
Marsh	3.5 ac.	Wetlands 3.5 ac.	\$68,477	0		<i>CALIFORNIA CREEK LEASEY RANCH</i> Mitigation Purchased Location - Caltrans - Beach Lake, based on \$19,565 per acre
Seasonal Wetland	6.16 ac.	6.16 ac.	\$120,520	0		Mitigation Purchased Location - Caltrans - Beach Lake, based on \$19,565 per acre
Waterfowl Habitat	52.0 acres	52.0 acres	\$104,373	0		Satisfied with McClellan property purchase. Included in \$351,900 purchase price for Swainson's Hawk. Mitigation Purchased Location - CDFG's Bear River Conservation area
Swainson's Hawk Foraging habitat	231.9 acres	123.32 acres	\$247,526	108.6 ac.	\$162,900	Propose purchase of credits at Pope Ranch (estimated at \$1500/acre). If land purchase need endowment of \$400/acre additional Mitigation Purchased Location - CDFG's Bear River Conservation area - <i>KARLEN ON FOREST</i>
Oak Trees	81 acres (8100 plantings at 100/acre)			81 ac.		Probably plant some on purchased property in CDFG's Bear River Conservation area. *Estimated cost of \$100/planting for planting, maintenance and monitoring (total \$810,000). Estimated land cost of \$3,000/acre (total \$243,000). Could fit in our RW Mitigation Purchased Location - 21 acres on site 60 acres to be approved by CDFG
					See Notes for cost* \$1,053,000	
					\$2,314,900	
					\$3,498,146	

CEQA requires that each effect having a "significant impact" be identified in an EIR. This discussion has been prepared to satisfy this requirement.

The following discussion identifies those physical, biological, social and economic factors that might be significantly impacted by the proposed project. In many cases, the background studies performed in connection with this project clearly indicate the project will not affect a particular item.

The proposed project has the potential to result in the following significant environmental impacts:

- Existing wetlands would be affected by the project. Wetlands within the project area consist of vernal pools, seasonal wetlands, freshwater marsh, seasonal riparian, seasonal forested riparian and other waters of the United States. These habitats are present in the drainages and channels that parallel or cross the SR 70 corridor. Most of the wetlands are seasonally dry since they are not physically linked to the drainage systems, with the exception of channelized streams and sloughs that drain the regional area and irrigated croplands. A total of 115 wetland sites were identified within the project area, containing 19 ha (47 ac) of wetland or other waters of the U.S. habitat. Of this area, unavoidable impacts to waters of the U.S. as a result of the proposed alternatives range from 5.2 ha (12.8 ac) to 8.4 ha (20.9 ac). These impacts are considered potentially significant and mitigation is proposed to lessen these impacts to a less than significant level.
- Noise sensitive receptors consisting of scattered, rural residences along SR 70 and local roads, would be affected by increases in traffic noise levels. Modeling predicts substantial increases in noise level at some residences in close proximity to the roadway, and levels would exceed local, state and federal criteria. This potential impact is considered significant at some receptors. However, mitigation was determined to be neither feasible nor cost-effective.
- Consultation with CDFG, NMFS, and USFWS has identified the potential for 45 sensitive plants and animals to occur within the regional area of the project. Surveys were conducted in 1993 and 1994 and reconnaissance level surveys in 1998 of the entire project study area. Habitat suitable for several sensitive species was identified. Potential impacts could occur to tadpole shrimp, a federal listed endangered species; giant garter snake, a state and federal listed threatened species; valley elderberry longhorn beetle, a federal listed threatened species; Swainson's hawk, a state listed threatened species; Central Valley steelhead, a federal listed threatened species; and, chinook (fall run), a federal proposed listed threatened species. These impacts are considered to be significant since they involve effects to protected species and/or their habitat. Mitigation would be implemented to lessen the impacts to less than significant levels.

The project as proposed does have the potential to degrade the quality of the environment. However, proposed mitigation would reduce substantial degradation of the environment. Impacts would occur to wildlife species and plant communities, but such impacts are either less than significant due to the common nature or mobility of the affected species, or mitigation measures (e.g., habitat protection, avoidance of construction periods when the species are present, or provision of compensatory mitigation) have been proposed to lessen impacts. Specific impacts to wetlands and identified sensitive species are considered significant. However these impacts would be mitigated to less than significant levels. Impacts are not predicted to result in fish or wildlife population elimination or reduction below self-sustaining levels. The project would not further restrict the range of any species of animal or plant.

The environmental effects of this project would result in some direct and indirect adverse effects on human beings. Substantial increases in noise would occur at some residences near or in close proximity to SR 70 that would exceed local, state and federal criteria. Mitigation was considered for affected residences within the project area and was determined to be neither feasible nor cost-effective.

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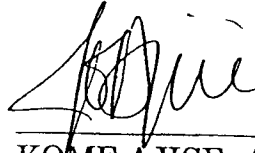
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ENVIRONMENTAL CERTIFICATION

This is to certify that, in accordance with Section 15090 of the State CEQA Guidelines, the Final Environmental Impact Report (Final EIR) has been completed in compliance with CEQA and the State CEQA Guidelines.

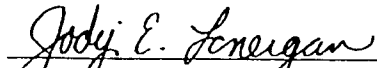


JEAN L. BAKER  
Chief, Environmental Management, M-2  
Caltrans - District 3



KOME AJISE, AICP  
Chief, North Region  
Environmental & District 3 Planning

This certifies that I have reviewed and considered the information contained in the Final EIR prior to approving the project. Findings have been prepared for each of the significant environmental impacts identified in the Final EIR. These findings and a statement of overriding considerations supporting approval of the project are provided below.

  
JODY E. LONERGAN  
District 3 Director

1/9/02  
Date

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The CEQA findings are discussed in the Final EIR in Section 4.17.1, page 4-57 to 4-58, Evaluation of Cumulative Impacts: Farmland; and Section 5.3, page 5-2 to 5-3, CEQA Significance Determination. The proposed project has the potential to result in the following significant environmental impacts:

- **Wetlands** – Existing wetlands would be affected by the project. Wetlands within the project area consist of vernal pools, seasonal wetlands, freshwater

marsh, seasonal riparian, seasonal forested riparian and other waters of the United States. These habitats are present in the drainages and channels that parallel or cross the SR 70 corridor. Most of the wetlands are seasonally dry since they are not physically linked to the drainage systems, with the exception of channelized streams and sloughs that drain the regional area and irrigated croplands. A total of 115 wetland sites were identified within the project area, containing 19 ha (47 ac) of wetland or other waters of the U.S. habitat. Of this area, unavoidable impacts to waters of the U.S. as a result of the proposed alternatives range from approximately 5 ha (13 ac) to approximately 8.4 ha (21 ac). These impacts are considered potentially significant and mitigation is proposed to lessen these impacts to a less than significant level.

- **Protected Species** – Potential impacts could occur to tadpole shrimp, a federal listed endangered species; giant garter snake, a state and federal listed threatened species; valley elderberry longhorn beetle, a federal listed threatened species; Swainson's hawk, a state listed threatened species; Central Valley steelhead, a federal listed threatened species; and, chinook salmon (fall run), a federal proposed listed threatened species. These impacts are considered to be significant since they involve effects to protected species and/or their habitat. Mitigation would be implemented, as stipulated in the U.S. Fish and Wildlife Services' Biological Opinion, the National Marine Fisheries Service's Biological Opinion, and the California Department of Fish and Game's 2081 Incidental Take Permit, to lessen the impacts to less than significant levels.
- **Noise** – Noise sensitive receptors consisting of scattered, rural residences along SR 70 and local roads, would be affected by increases in traffic noise levels. Modeling predicts substantial increases in noise level at some residences in close proximity to the roadway, and levels would exceed local, state and federal criteria. This potential impact is considered significant at some receptors. Soundwall construction is considered an effective mitigation measure for noise impacts only if the construction is determined to be both "feasible" and "reasonable." None of the affected residences meet both of these criteria. For approximately half of the receptors, soundwall construction would not be feasible, due to either access requirements for driveways, ramps, etc. or proximity to Plumas Arboga Road, an alternate source of unattenuated traffic noise which would continue to expose these homes to excessive noise. The reasonableness criteria require that soundwall construction costs for this project not exceed \$264,000 (i.e. \$33,000 per benefitted residence). The actual soundwall construction cost would be approximately \$1,023,000. Since soundwall construction was determined to be neither feasible nor reasonable, no mitigation of noise impacts is proposed.
- **Farmland** – Although the proposed project would not, in itself, result in significant impacts to farmlands, it would contribute to the incremental increase in the area's conversion of farmlands to transportation and other uses. The alternatives for the Route 70 upgrade range from 104 ha (257 ac) to 116 ha (287

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ac) of designated agricultural land being converted to highway use. Existing, approved, or proposed land use and transportation projects in proximity to the Route 70 upgrade would also result in impacts on agricultural uses and soils. For example, full build out of the Plumas Lake Specific Plan area would result in the conversion of 2,023 ha (5,000 ac) of farmland, the Yuba County Motorplex would convert 362 ha (895 ac), and the North Arboga development would convert 243 ha (600 ac) of farmland. The permanent loss of farmland resulting from the construction of transportation projects and planned developments would be viewed as a substantial cumulative effect. The sustainability of farmlands would be adversely affected if such losses continue. It would not be economically viable or practicable for the California Department of Transportation (Caltrans) to purchase and attempt to preserve replacement farmland. Recognized, effective measures for protecting farmlands include zoning and land use restrictions such as imposing minimum parcel sizes and limiting residential density. Such measures are not within the jurisdiction of this agency. Therefore, no mitigation measures are proposed.

In conclusion, the following findings apply to the proposed project:

1. The project has been changed to avoid or substantially reduce the magnitude of potential impacts to wetlands and protected species. Through project modifications and proposed mitigation measures, potentially significant impacts to these resources would be reduced to a less than significant level.
2. The project would result in significant noise level impacts and significant cumulative impacts to farmlands. Due to economic and technical considerations, mitigation of these impacts is infeasible.

The following information is presented to comply with Section 15093 of the State CEQA Guidelines. Reference is made to the Final EIR for the project, which is the basic source for the information.

Overriding considerations that support approval of this recommended project are as follows:

The proposed State Route 70 upgrade project is needed in order to reduce traffic delays, reduce congestion, and improve safety. Presently, this segment of SR 70 is a two-lane highway, located between four-lane expressways both north and south of the project limits. The area is experiencing increasingly heavy commuter, recreational, commercial and agricultural use due to rapid growth within the region. Growth forecasts for the Sacramento to Chico corridor indicate that the current congestion and traffic delays will continue to increase if SR 70 is not improved. Without the proposed upgrade, the level of service for the existing facility would deteriorate to LOS E by the year 2010 and LOS F by the year 2020. The proposed improvements would maintain a LOS B for the year 2010 and a LOS

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C for the year 2020. The upgrade would result in improved traffic flows, reduced energy consumption, improved air quality, and reduced travel times.

The California Department of Transportation (Caltrans) hereby finds that, for the reasons noted above, the economic, social, and other benefits of the project outweigh the unavoidable significant noise impacts and unavoidable contribution to significant cumulative farmland impacts identified in the findings.

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