

MINUTE ITEM
This Calendar Item No. C48 was approved as
Minute Item No. 48 by the California State Lands
Commission by a vote of 3 to 0 at its
8-17-04 meeting.

CALENDAR ITEM

C48

A 11

08/17/04

PRC 8372

WP 8372.1

S 7

N. Smith

AMENDMENT OF LEASE

LESSEE:

Kiewit Pacific Co.
Attn: Mr. Paul White
One Thousand Kiewit Plaza
Omaha, NE 68131

AREA, LAND TYPE, AND LOCATION:

1.23 acres, more or less, of filled sovereign lands on the west 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 which will be used for a batch plant, lay down area and an assembly area for forms as part of the construction of the new Benicia-Martinez Bridge.

LEASE TERM:

Three years, beginning January 30, 2002.

CONSIDERATION:

\$24,200; 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 1.98 acres for storage of equipment and aggregate supplies; and extension of lease for an additional two years, until January 30, 2007. The annual rent is amended from \$24,200 to \$69,250. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

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

CALENDAR ITEM NO. C (CONT'D)

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 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 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. Location Map
- B. Land Description
- C. CEQA Findings

PERMIT STREAMLINING ACT DEADLINE:

January 26, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIS/EIR 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. C48 (CONT'D)

RE-ADOPT THE FINDINGS PREVIOUSLY ADOPTED BY THE COMMISSION ON JUNE 27, 2000, AND OCTOBER 1, 2002, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h).

RE-ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

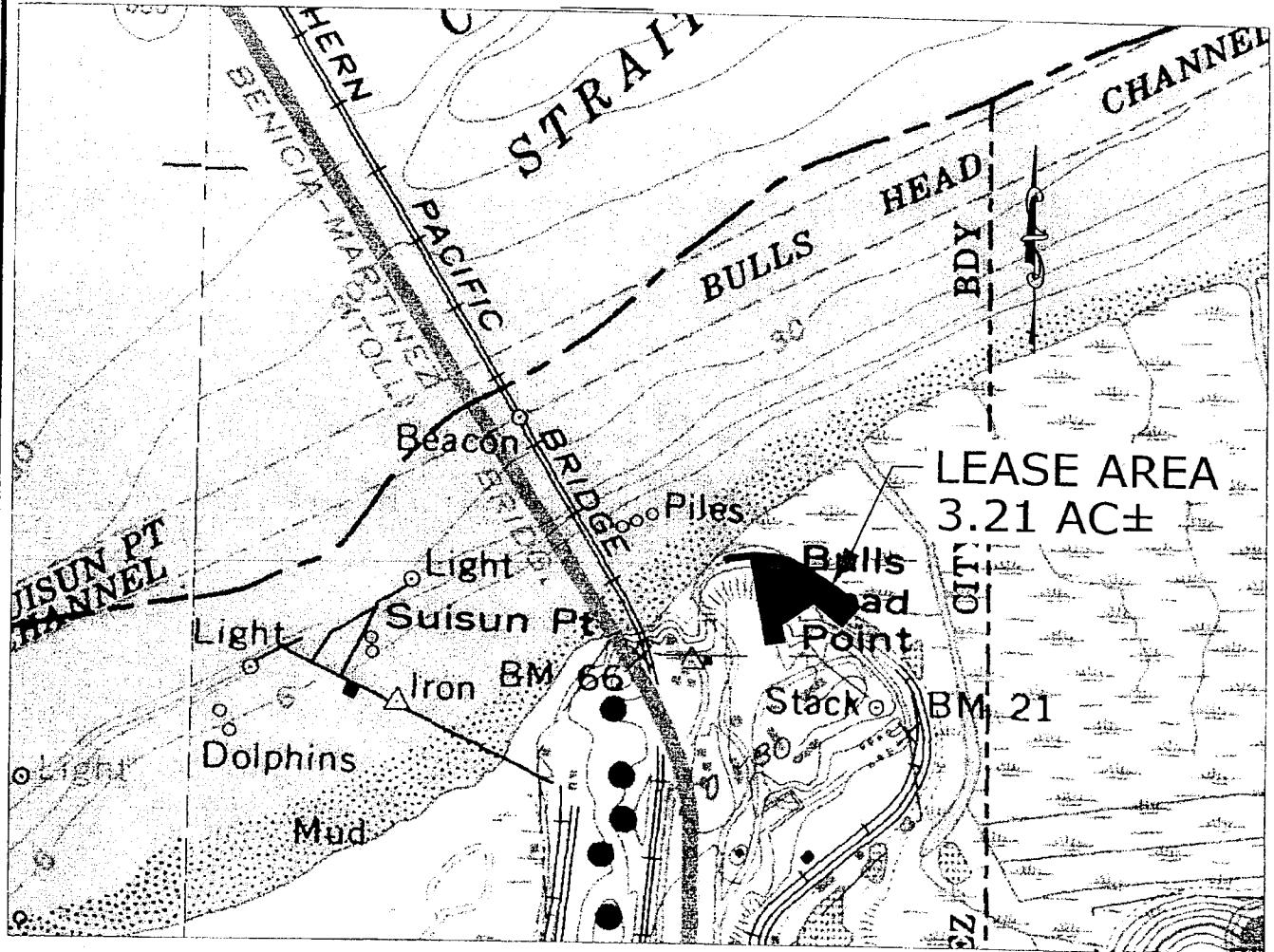
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8372.1, A GENERAL LEASE - INDUSTRIAL USE, OF LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE AUGUST 17, 2004, TO AMEND THE LEASE TO INCLUDE ADDITIONAL ACREAGE FOR PARKING AND STORAGE OF EQUIPMENT FOR THE NEW BENICIA-MARTINEZ BRIDGE AND EXTEND LEASE TERM TWO YEARS UNTIL JANUARY 30, 2007; ANNUAL RENT IS AMENDED TO \$69,250 EFFECTIVE AUGUST 17, 2004, WITH A PRORATED AMOUNT OF \$20,555 FOR THE PERIOD AUGUST 17, 2004 TO JANUARY 29, 2005; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE



NO SCALE

LOCATION

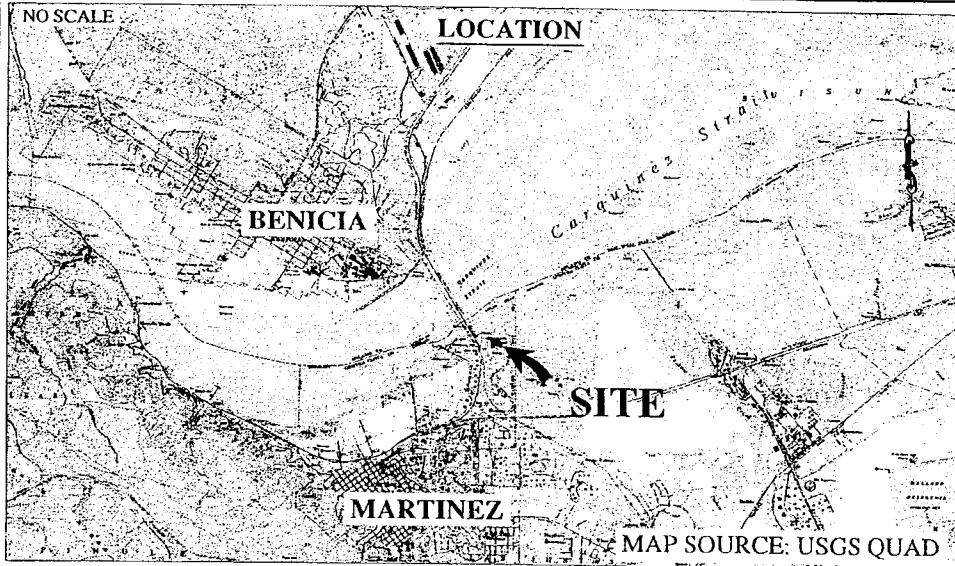


Exhibit A

WP8372
 KIEWIT PACIFIC CO.
 GENERAL LEASE-INDUSTRIAL USE
 BENICIA-MARTINEZ BRIDGE VICINITY
 CONTRA COSTA 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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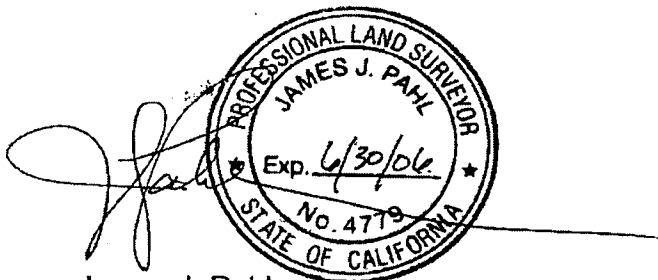
EXHIBIT B

A portion of Parcel A as shown on Page 1 of 2 of the John S. Peters "Record of Survey of a portion of Rancho Las Juntas" as recorded in pages 49 and 50 of Book 53 of the LSM in Contra Costa County, State of California and as bounded by the following described line.

Beginning at a point identified as a USC&GS Triangulation Point named Zinc and shown on Page 2 of 2 of the above referenced Peters Record of Survey which bears North 51° 51' 14" West a distance of 2449.55 measured (2449.47 record) from a found Granite monument as shown on said Record of Survey. Said Bearing and Monuments are the Basis of Bearings for this description

Thence North 42° 22' 01" West a distance of 2620.44 feet to the True Point of Beginning of said described line,

Thence North 50° 22' 50" West a distance of 149.91 feet; thence North 56° 49' 40" West a distance of 211.12 feet; thence North 63° 31' 57" West a distance of 78.23 feet; thence North 75° 16' 51" West a distance of 57.70 feet; thence North 81° 08' 04" West a distance of 15.40 feet; thence North 85° 31' 45" West a distance of 85.14 feet; thence South 89° 15' 01" West a distance of 19.80 feet; thence North 87° 27' 31" West a distance of 17.00 feet; thence South 79° 50' 56" West a distance of 18.24 feet; thence South 84° 29' 29" West a distance of 17.13 feet more or less to a point on the Easterly Right of Way of Interstate 680; said point being a cusp on a curve concave to the West having a radius of 3520.33 feet and a central angle of 7°56'05" and being subtended by a chord which bears South 11°11'46" East a distance of 487.13 feet; thence southerly along said Easterly Right of Way curve, a distance of 487.52 feet to a point of cusp; thence leaving the Right of Way, North 63° 52' 21" East a distance of 107.68 feet; thence North 8° 16' 14" West a distance of 62.07 feet; thence North 55° 12' 25" East a distance of 205.03 feet; thence South 49° 58' 55" East a distance of 186.68 feet; thence North 42° 01' 36" East a distance of 143.74 feet to the True Point of Beginning and the terminus of said described line and containing 3.21 acres more or less.



James J. Pahl
August 16, 2004

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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.

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