

**CALENDAR ITEM
C30**

A 34
S 18

06/01/09
WP 6918.9
K. Foster

TERMINATION AND APPROVAL OF A PUBLIC AGENCY PERMIT AND RIGHT-OF-WAY MAP PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE AND 6210.3 OF THE PUBLIC RESOURCES CODE

PERMITTEE/APPLICANT:

California Department of Transportation

LAND TYPE AND LOCATION:

Sovereign lands in the bed of the Kings River, adjacent to State Route 99 near the town of Goshen, Tulare County.

PROPOSED AUTHORIZED USE:

For highway purposes, pursuant to Section 101.5 of the Streets and Highways Code and 6210.3 of the Public Resources Code, the continued use and maintenance of a right-of-way including the State Route 99 bridge crossing the Kings River, for the demolition of the existing northbound and southbound spans, and the construction of new spans.

LENGTH OF USE:

Continuous use, plus one year.

OTHER PERTINENT INFORMATION:

1. The California Department of Transportation (Caltrans) has the right to use the uplands adjoining the 101.5 right-of-way.
2. On November 21, 1985, pursuant to Section 101.5 of the Streets and Highways Code and 6210.3 of the Public Resources Code, the Commission approved a Right of Way Map and the issuance of a Public Agency Permit to Caltrans for the widening and improving the existing north and southbound spans of the State Route 99 Bridge crossing the Kings River.
3. Caltrans is now proposing to widen State Route 99 to six lanes over a 13.6 mile stretch between the town of Goshen in Tulare County and the city of Kingsburg in Fresno County, including the bridge crossing the Kings

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River. As such, Caltrans proposes to remove and replace both the northbound and southbound spans of the Kings River Bridge.

4. As the proposed project extends beyond the right-of-way area authorized by the Commission in 1985, Caltrans has now filed with the Commission a new Right-of-Way Map encompassing the expanded area.
5. Section 101.5 of the Streets and Highways Code requires Caltrans to determine the reasonable value of the proposed right-of-way and to deposit such amount in the State Parks and Recreation Fund. Section 6210.3 of the Public Resources Code authorizes the Commission to issue rights-of-way and easements to Caltrans for highway purposes.
6. **Termination of Permit:**
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

7. **Approval of a Map and Right-of-Way:**
A Mitigated Negative Declaration (SCH #2006051047), (MND), was prepared and adopted for this project by Caltrans on November 3, 2006. California State Lands Commission staff reviewed such document. A Mitigation Monitoring Program was contained in the MND as Appendix G, and was adopted by Caltrans.
8. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

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APPROVALS REQUIRED:

The United States Army Corps of Engineers, the California Regional Water Quality Control Board - Central Valley Region, the California Department of Fish and Game, the California Reclamation Board, and the County of Tulare

EXHIBITS:

- A. Site and Location Map
- B. Section 101.5 Right-of-Way Map

PERMIT STREAMLINING ACT DEADLINE:

August 24, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF PERMIT:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

APPROVAL OF A MAP AND PERMIT:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM (SCH #2006051047) WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ON NOVEMBER 3, 2006, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN APPENDIX G OF THE ENVIRONMENTAL DOCUMENT ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

AUTHORIZATION:

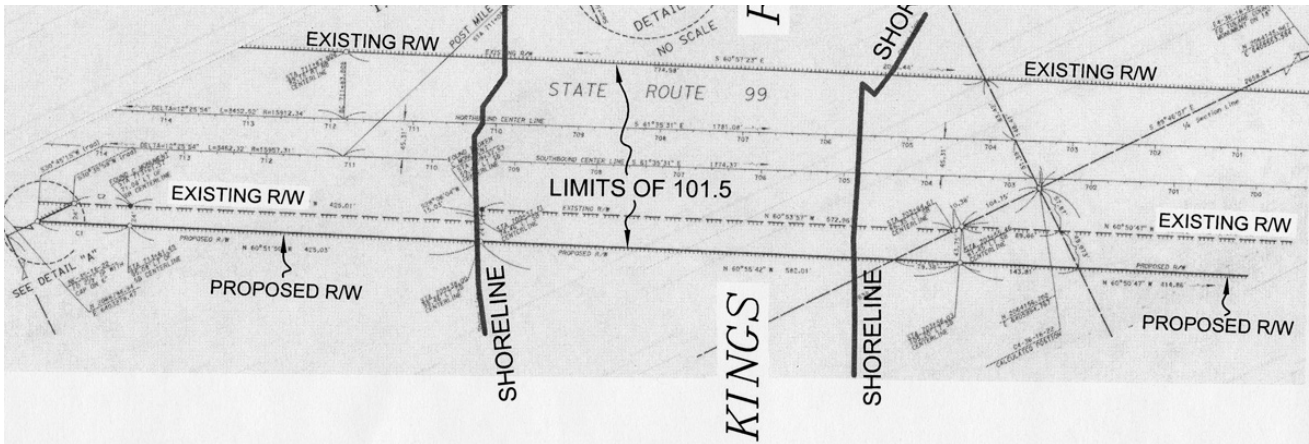
1. TERMINATE, EFFECTIVE MAY 31, 2009, PUBLIC AGENCY PERMIT AND RIGHT-OF-WAY MAP NO. PRC 6918.9 FOR THE STATE ROUTE 99 BRIDGE CROSSING AT THE KINGS RIVER.
2. APPROVE A PUBLIC AGENCY PERMIT AND A NEW RIGHT-OF-WAY MAP AS SHOWN ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, SUBMITTED BY THE

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CALIFORNIA DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, AND AS AUTHORIZED BY SECTION 6210.3 OF THE PUBLIC RESOURCES CODE, FOR CONTINUOUS USE PLUS ONE YEAR, OF A RIGHT-OF-WAY INCLUDING THE STATE ROUTE 99 BRIDGE CROSSING AT THE KINGS RIVER AS SHOWN ON EXHIBIT A ATTACHED (FOR REFERENCE PURPOSES ONLY).

NO SCALE

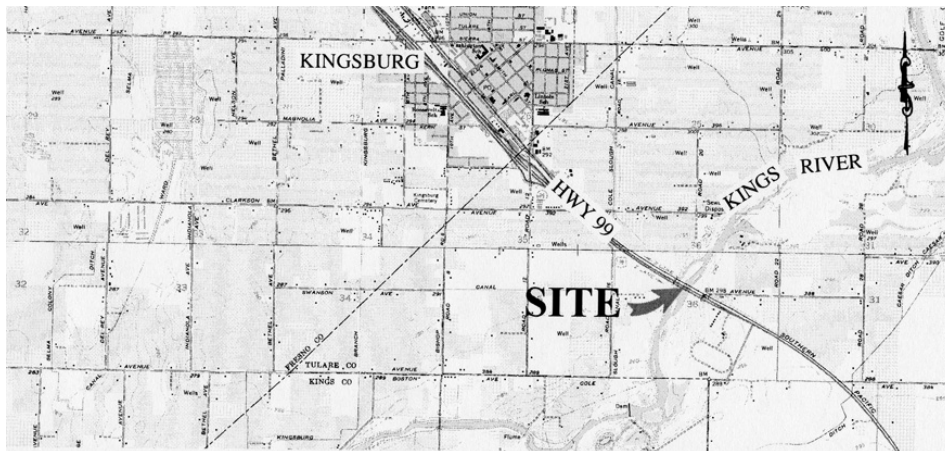
SITE



HWY 99, KINGS RIVER, NEAR KINGSBURG

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 6918.9
 CALTRANS
 STREETS AND HIGHWAYS
 CODE SECTION 101.5
 KINGS RIVER
 TULARE 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.

