

**CALENDAR ITEM
C17**

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12/10/10
WP 2208.9
M. Clark

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**CONSIDER 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**

APPLICANT:

California Department of Transportation
P.O. Box 2048
Stockton, California 95205

AREA, LAND TYPE, AND LOCATION:

Sovereign land in San Joaquin River, adjacent to Assessor's Parcel No. 055-240-044, near the town of Stevinson, Merced County.

AUTHORIZED USE:

Removal of an existing bridge and the construction, use, and maintenance of a new bridge crossing the San Joaquin River on State Highway 165 as shown on Exhibit A.

LEASE TERM:

Continuous use plus one year, beginning December 10, 2010.

OTHER PERTINENT INFORMATION:

1. The California Department of Transportation (Caltrans) has the right to use the uplands adjoining the bridge crossing.
2. On December 11, 1958, the Commission authorized a 49-year Life of Structure Right of Way permit to the County of Merced for a bridge crossing the San Joaquin River at Highway 165. The permit expired on July 23, 2007. The County of Merced transferred ownership of the bridge to the Caltrans sometime in 1972, without Commission authorization. Caltrans has now applied for a Public Agency Permit and a Right of Way map pursuant to Section 101.5 of the Streets and Highways Code for the Highway 165 crossing.

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3. The existing bridge, constructed in 1959, is a 15-span cast-in-place reinforced concrete slab, with a total length of 656 feet and occupying approximately .029 acres of the historic bed of the San Joaquin River. In 2008, a Caltrans bridge inspection report determined that severe scouring around the bridge piles had undermined the foundation system. That same year, Caltrans performed an emergency retrofit of the bridge by constructing a temporary support system of 40 new H-pilings.
4. Caltrans is now proposing a 15.2-mile rehabilitation project along State Highway Route 165 to State Highway Route 140 that would include replacing the existing bridge crossing the San Joaquin River with a four-span structure totaling 412 feet in length. The existing bridge will be removed by the use of either a temporary trestle placed alongside the bridge, or from a crane located on the riverbank. The new bridge will be constructed within the same general location as the existing bridge. Construction is anticipated for a three-month period from September through December 2011, and will coincide with low water flows in the San Joaquin River. The project will include the use of temporary trestles and falsework, with all heavy equipment used for the placement of the pilings and bridge falsework operated from the bridge deck. These activities will be the sole in-water activities and Caltrans does not anticipate the use of water diverters. During construction activities, Caltrans is required to install warning signs and buoys, upstream and downstream of the construction site, in order to provide notice to the public that construction activities are taking place in the River and to exercise caution.
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.
6. A Mitigated Negative Declaration SCH #2007011106 was prepared by the Caltrans and adopted on June 23, 2010 for this project. The California State Lands Commission's staff reviewed such document.
7. A Mitigation Monitoring Program was adopted by Caltrans.
8. 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 staff's opinion that the project, as proposed, is consistent with its use classification.

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APPROVALS OBTAINED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries, California Regional Water Quality Control Board, and California Department of Fish and Game

APPROVALS REQUIRED:

Central Valley Flood Protection Board and Merced County

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

February 18, 2011

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH #200701106 and a Mitigation Monitoring Program were prepared by the California Department of Transportation and adopted on June 23, 2010 for this Project and the Commission has reviewed and considered the information contained therein.

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 a Public Agency Permit and approve a Right of Way Map as submitted by the 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 Resource Code, for continuous use plus one year, for the removal of the existing State Highway 165 bridge and construction, use, and maintenance of a new State Highway 165 bridge crossing the San Joaquin River as shown on Exhibit A attached and by reference made a part hereof.