MINUTE ITEM
This Calendar Item No. C31
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 3
to 0 at its 02/12/97
meeting.

CALENDAR ITEM
C31

A 5

S 6

PRC 7933

02/12/97
W 24505
D. Jones

GENERAL LEASE - RIGHT OF WAY USE

LESSEE:

City of Folsom
50 Natoma Street
Folsom, California 95630

AREA, LAND TYPE, AND LOCATION:

.80 acres, more or less, of submerged land in the bed of the American River, city of Folsom, Sacramento County.

AUTHORIZED USE:

A four-lane vehicular bridge, providing bicycle lanes and pedestrian walkways.

LEASE TERM:

49 years beginning February 1, 1997.

CONSIDERATION:

The public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:
N/A.

Bond:
N/A.

OTHER PERTINENT INFORMATION:

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

2. In response to traffic congestion on the existing Rainbow Bridge, a two-lane bridge which crosses the bed of the American River, and to accommodate additional increasing traffic congestion from the recent growth in the city of Folsom and surrounding areas, the City authorized

the proposed new four lane bridge on November 24, 1994. The new bridge will be approximately 2,500 feet long and about 118 feet wide and will provide rights of way for bicycle lanes and pedestrian walkways.

The City has coordinated with the U.S. Bureau of Reclamation, which owns the parcel involved, and with the California Department of Parks and Recreation because the project involves parkland within the Negro Bar Recreation Area. Agreements have been entered into with both agencies and the City.

3. An EIR, SCH 90020150, was prepared and certified for this project by the City of Folsom. The 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, section 15091) are on file in the office of the State Lands Commission and by reference made a part hereof.

5. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15093) is on file in the office of the State Lands Commission and by reference made a part hereof.

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:

U.S. Bureau of Reclamation, U.S. Army Corps of Engineers, U.S. Coast Guard, California Department of Fish and Game, California Department of Parks and Recreation, the California Regional Water Quality Control Board, and the City of Folsom.

EXHIBITS:

A. Site Map.
B. Location Map.

C. City of Folsom Resolution No. 4536.
D. City of Folsom Resolution No. 4537.

PERMIT STREAMLINING ACT DEADLINE:
Application Incomplete.

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF FOLSOM AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH THE STATE CEQA GUIDELINES, SECTION 15096(h), ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

3. ADOPT THE MITIGATION MONITORING PROGRAM DATED MARCH 1994 ENTITLED "ENVIRONMENTAL COMMITMENTS AND MITIGATION MONITORING PLAN FOR ALTERNATIVE 1B (BRIDGE ACROSS LAKE NATOMA), FOLSOM AMERICAN RIVER BRIDGE CROSSING PROJECT", CITY OF FOLSOM, COMMUNITY DEVELOPMENT DEPARTMENT; U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, MID-PACIFIC REGION, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

4. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH THE STATE CEQA GUIDELINES, SECTION 15093, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

AUTHORIZE THE ISSUANCE TO THE CITY OF FOLSOM OF A 49-YEAR GENERAL LEASE - RIGHT OF WAY USE, BEGINNING FEBRUARY 1, 1997; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR A FOUR-LANE BRIDGE; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

This Land description is solely for purposes of generally defining the lease premises, 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.

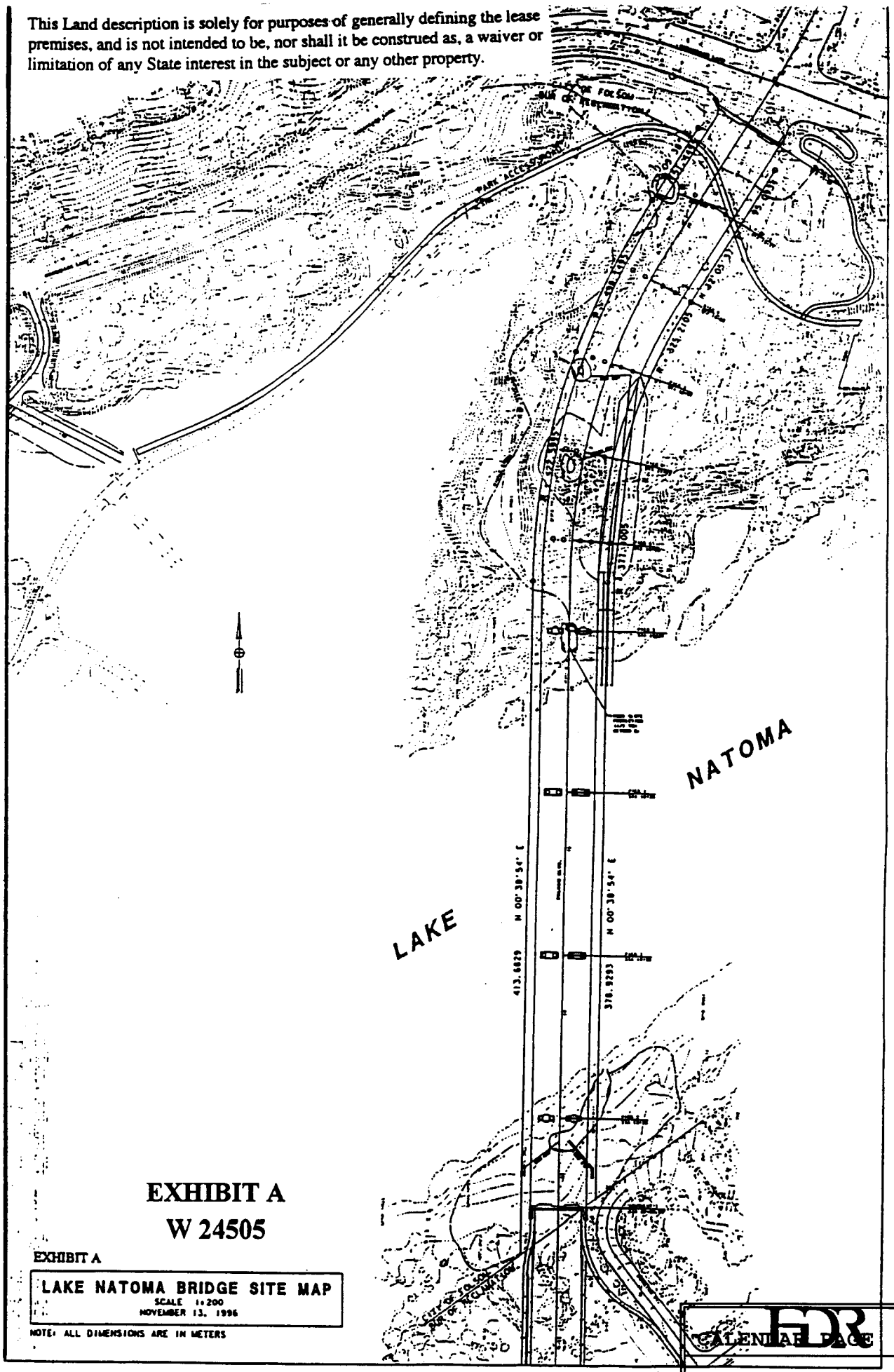

EXHIBIT A
W 24505

EXHIBIT A

LAKE NATOMA BRIDGE SITE MAP
SCALE 1:200
NOVEMBER 13, 1996

NOTE: ALL DIMENSIONS ARE IN METERS

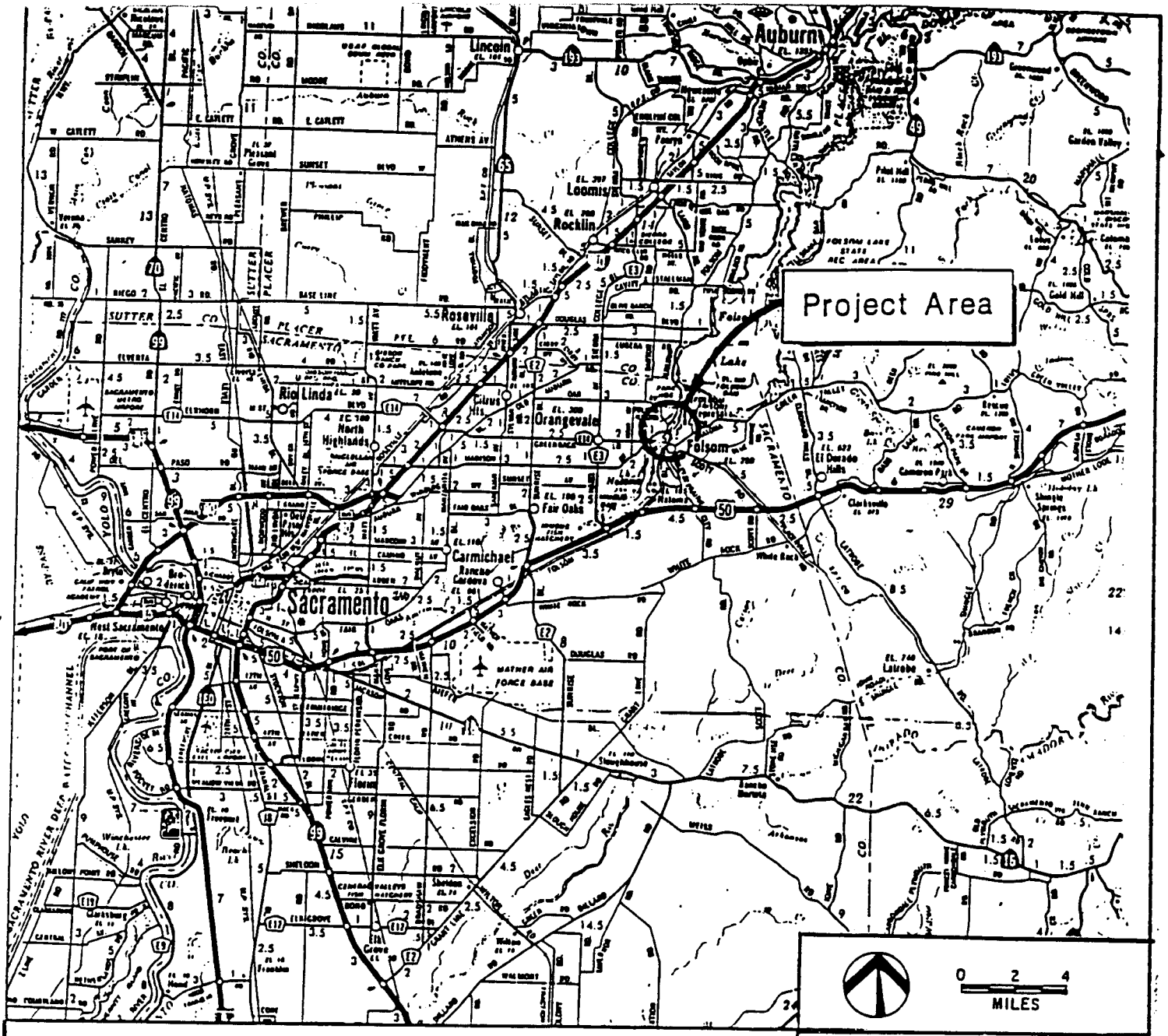

EXHIBIT B
W 24505

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RESOLUTION NO. 4536

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE AMERICAN RIVER BRIDGE CROSSING PROJECT

WHEREAS, in 1983 the City Council of the City of Folsom ("City Council"), concerned about increasing congestion on Rainbow Bridge, created a "Bridge Crossing Committee" to study the feasibility of adding one or more crossings over the American River within the municipal boundaries of the City of Folsom ("City");

WHEREAS, following the Committee's work and based on its recommendations, the City hired Wilbur Smith & Associates ("Wilbur Smith") to identify several possible alternative locations for such river crossings;

WHEREAS, in 1987 Wilbur Smith presented its conclusions to the City in a document entitled, "American River Bridge Alternatives Study, Final Report";

WHEREAS, in 1988, in connection with the City's 1988 update of its General Plan, Wilbur Smith also prepared and presented to the City a document entitled, "Folsom Area Transportation Study";

WHEREAS, in the Folsom Area Transportation Study, Wilbur Smith again recognized the problem of traffic congestion on and around Rainbow Bridge, and recommended, as means to remedy the situation, that the City construct two new six-lane bridges: one to connect Folsom Boulevard with Folsom-Auburn Road, and another extending the Oak Avenue Parkway across the river;

WHEREAS, the Transportation and Circulation Element of the updated General Plan contains the following relevant goals and policies:

- Goal 17.3: to develop a comprehensive transportation/circulation system that includes at a minimum additional crossing(s) over the American River;
- Policy 17.4: routes for additional bridge crossings over the American River shall be designated on the Plan map;

WHEREAS, the Land Use Diagram in the updated Folsom General Plan includes the two crossings proposed by Wilbur Smith;

WHEREAS, the updated General Plan, however, recognized the need for detailed environmental studies prior to the construction of any new crossings over the American River within Folsom city limits;

EXHIBIT "C"

WHEREAS, in 1989 KASL Consulting Engineers, on behalf of the City, prepared a Draft environmental impact report ("EIR") examining the potential environmental impacts of the four proposed crossings found to be most feasible in the 1987 "American River Bridge Alternatives Study, Final Report," including the two crossings tentatively indicated in the Land Use Diagram for the updated General Plan;

WHEREAS, that Draft EIR was circulated for 60 days of public review in August 1989;

WHEREAS, during the course of public review members of the public urged that the Draft EIR was not as detailed as it might be with respect to a number of environmental issues;

WHEREAS, during that same process, the City Council recognized the need to involve the United States Bureau of Reclamation ("Bureau") in the environmental review process, due to the fact that, for any of the four proposed alternatives, the City would need to obtain the Bureau's permission to cross over Federal land;

WHEREAS, out of a desire to prepare the best possible environmental document, and one that would satisfy both the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 *et seq.*), which governed the City's actions, and the National Environmental Policy Act ("NEPA") (42 U.S.C. § 4321 *et seq.*), which governed the Bureau's action, the City in late 1989 retained the environmental consulting firm of Jones & Stokes Associates ("JSA") to prepare a new joint environmental impact report/environmental impact statement ("EIR/EIS");

WHEREAS, in early 1990, the City issued a "notice of preparation" and noticed and conducted two "scoping" meetings in order to solicit input from agencies and the general public as to the issues that should be addressed in the new joint document;

WHEREAS, at about the same time, the Bureau published in the Federal Register a notice of intent to prepare a Draft EIS;

WHEREAS, in May 1990, JSA prepared a "scoping report," which summarized the results of the scoping process;

WHEREAS, in March 1992, the City issued the new Draft EIR/EIS for a public review period of 60 days;

WHEREAS, the City received numerous comments on the Draft EIR/EIS, and held public hearings on the document on June 1 and 2, 1992, at which oral comments were received;

WHEREAS, in August 1992, after extended public hearings on the question of which alternative ought to be tentatively designated the "preferred alternative," the City Council adopted Resolution No. 3777, which identified so-called "Alternative 1b" as the City's preferred alternative for purposes of focusing the City's preparation of a Final EIR and mitigation monitoring and reporting program;

WHEREAS, the City Council's identification of Alternative 1b did not constitute final selection of that alternative, but rather merely reflected the Council's desire to focus the remainder of the environmental review process before the Council made a final selection for a bridge location;

WHEREAS, in identifying Alternative 1b as its preferred alternative, the City Council did not endorse any particular kind or type of bridge structure, but instead only tentatively identified a preferred alignment and tentatively endorsed the principle that any structure spanning Lake Natoma should be built without adding fill to that body of water;

WHEREAS, in identifying a preferred alternative, the Council recognized that it remained free and able ultimately to approve any of the other identified alternatives (1a, 2, 3 or 4), and further recognized that the Bureau had the ability to approve or reject the City's ultimate decision;

WHEREAS, subsequent to the Council's action in August 1992, JSA reported to the City that the alignment of Alternative 1b, as shown in the Draft EIR/EIS, unnecessarily created impacts on biological resources, and therefore ought to be modified;

WHEREAS, JSA, working with City and Bureau Staff and HDR Engineering, thereafter modified the proposed alignment in order to minimize biological impacts;

WHEREAS, in October 1993, the City released for public comment and review a "Supplement to the Draft EIR" ("Supplement"), which provided new and updated information based on the revised alignment, as well as the following: more detailed information on mitigation measures incorporated into Alternative 1b; a "biological assessment" of Alternative 1b prepared in accordance with Section 7 of the Federal Endangered Species Act; a delineation of wetlands affected by Alternative 1b, prepared in accordance with Section 404 of the Federal Clean Water Act; and detailed traffic and circulation data not found in the Draft EIR/DEIS;

WHEREAS, the Supplement also incorporated by reference a voluminous cultural resources investigations report, prepared in accordance with Section 106 of the National Historic Preservation Act;

WHEREAS, on July 15, 1994, the City released the Final EIR, which includes the following: the Draft EIR/DEIS, revised to incorporate comments received from other agencies and the public on the Draft EIR/DEIS; the analysis and information previously presented in the Supplement; copies of all comments received on both the Draft EIR/DEIS and the Supplement; and written responses to those comments;

WHEREAS, because the document released on July 15, 1994, fully complied with all requirements of CEQA, but did not include all material required for compliance with NEPA, the document was entitled an "EIR" but not an "EIS";

WHEREAS, the City Council, in order to obtain maximum public input on the question of which proposed bridge crossing to finally select, held special City Council meetings/workshops on July 7th, 13th, and 20th, 1994;

WHEREAS, the City Council held a public hearing on the merits of the choice of alternatives on July 26, 1994, during which many members of the public expressed their views on the subject;

WHEREAS, at the July 26, 1994, public hearing, the City Council certified the Final EIR for Alternative 1b consistent with the analysis that had been prepared up to that juncture, all of which focused on a six-lane bridge;

WHEREAS, in response to public input, the City Council voted to change the preferred alternative from a six-lane bridge across Lake Natoma (Alternative 1b) to a four-lane bridge across Lake Natoma;

WHEREAS, because the Final EIR analyzed only six-lane bridge alternatives, the City Council directed staff to prepare a supplemental analysis focusing on a four-lane bridge version of Alternative 1b;

WHEREAS, in response to the City Council's request, in September 1994, JSA prepared and the City released a Supplement to the Final EIR that examined the impacts associated with a four-lane version of Alternative 1b;

WHEREAS, on September 27 and October 11, 1994, the City Council held public hearings on the Supplement to the Final EIR;

WHEREAS, at the October 11, 1994, City Council hearing, the City distributed a handout setting forth additional analysis of the four-lane configuration of Alternative 1b;

WHEREAS, the City accepted public comments on the Supplement to the Final EIR through November 8, 1994;

WHEREAS, on November 8, 1994, the voters of the City approved a charter amendment directing the City to construct a bridge across Lake Natoma before building any other bridges across the American River; and

WHEREAS, the City Council has reviewed the Final EIR in its entirety, including the Supplement to the FEIR, and has determined that the document reflects the independent judgment of the City of Folsom;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom as follows:

1. It is hereby certified that the Final EIR has been completed in compliance with CEQA;

2. It is hereby certified that the Final EIR has been presented to the City Council, which has reviewed and considered the information and analysis contained therein; and

3. It is hereby certified that the Final EIR reflects the independent judgment of the City of Folsom.

APPROVED AND ADOPTED by the City Council of the City of Folsom this 22d day of November 1994, by the following vote on roll call:

AYES COUNCILMEMBERS: GAUTSCHI, ACEITUNO, KIPP, MYERS, HOLDERNESS

NOES COUNCILMEMBERS: NONE

ABSTAIN COUNCILMEMBERS: NONE

ABSENT COUNCILMEMBERS: NONE

Robert J. Holderness
MAYOR

ATTEST:

Diane Butler
CITY CLERK

4070373.005

RESOLUTION NO. 4537

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM MAKING FINDINGS OF FACT RELATING TO THE AMERICAN RIVER BRIDGE CROSSING PROJECT, ADOPTING A MITIGATION MONITORING AND REPORTING PLAN, AND ISSUING A STATEMENT OF OVERRIDING CONSIDERATIONS IDENTIFYING THE BENEFITS OF THE PROJECT THAT RENDER ACCEPTABLE ITS ADVERSE ENVIRONMENTAL EFFECTS

WHEREAS, in Resolution 4536, which is incorporated by reference herein, the City Council of the City of Folsom ("City Council") certified that the Final Environmental Impact Report ("Final EIR") prepared for the American River Bridge Crossing Project had been completed in compliance with CEQA; that the City Council had reviewed and considered the information and analysis contained in the Final EIR; and that the Final EIR reflects the City's independent judgment:

WHEREAS, prior to the City Council's action certifying the Final EIR, the City of Folsom ("City") and its consultants had spent several years analyzing the environmental impacts of a new American River Bridge, and soliciting input from the public and interested agencies, as is described in detail in Resolution 4536;

WHEREAS, the City Council intends to adopt, in a subsequent resolution, Alternative 1b -- four-lane configuration (the "Project"), as described in the Final EIR, as its choice for the next bridge to be built across the American River within the Folsom City limits;

WHEREAS, the Final EIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the construction and operation of the Project;

WHEREAS, the City is required, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 *et seq.*), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant effects on the environment associated with a project to be approved, such as the Project;

WHEREAS, as the Findings of Fact adopted as Exhibit A to this Resolution demonstrate, many of the significant effects on the environment associated with the Project can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures;

WHEREAS, because the adoption of all feasible mitigation measures cannot substantially lessen or avoid all significant effects on the environment associated with the Project, the City must consider the feasibility of alternatives, as set forth in the Final EIR, that will be less

EXHIBIT "D"

environmentally damaging than the Project with respect to the unavoidable significant effects associated with the Project;

WHEREAS, the City Council has determined, for reasons set forth in Exhibit A hereto, that Alternatives 1a, 1b (six-lane configuration), 2, 3, and 4, as well as the No Project Alternative, as described in the Final EIR, either are not environmentally preferable, infeasible, fail to meet the City's objectives, or some combination of these factors;

WHEREAS, the City Council is required by Public Resources Code section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the City are actually carried out;

WHEREAS, a Mitigation Monitoring and Reporting Plan for the Project has been prepared, and is found in Appendix M to the Final EIR, which is incorporated by reference into this resolution; and

WHEREAS, because the adopted mitigation measures have not fully mitigated or avoided all identified significant effects on the environment associated with the Project, CEQA requires the City Council to adopt a Statement of Overriding Considerations, which is included as Section XI of Exhibit A attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom as follows:

1. By adopting this resolution, including Exhibit A attached hereto, the City Council has satisfied its obligations pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, in that Exhibit A (i) identifies all feasible mitigation measures that can substantially lessen or avoid the significant effects on the environment associated with the Project, (ii) explains why certain proposed mitigation measures are rejected as infeasible, and (iii) explains why Alternatives 1a, 1b (six-lane configuration), 2, 3, 4, and the No Project Alternative cannot feasibly and adequately satisfy the purposes and needs of the proposed project;

2. Through this Resolution, which incorporates by reference and adopts the Mitigation Monitoring and Reporting Plan included as Appendix M to the Final EIR, the City Council has satisfied its obligations pursuant to Public Resources Code section 21081.6, subdivision (a); and

3. By adopting this resolution, including Section XI of Exhibit A attached hereto, the City Council has satisfied its obligation pursuant to Public Resources Code section 21081, subdivision (b), which requires the issuance of a Statement of Overriding Considerations whenever a project's environmental effects cannot be mitigated or avoided by the adoption of all feasible mitigation measures.

APPROVED AND ADOPTED by the City Council of the City of Folsom this 22d day of November 1994, by the following vote on roll call:

AYES COUNCILMEMBERS: GAUTSCHI, ACEITUNO, KIPP, MYERS, HOLDERNESS

NOES COUNCILMEMBERS: NONE

ABSTAIN COUNCILMEMBERS: NONE

ABSENT COUNCILMEMBERS: NONE

Robert G Holderness
MAYOR

ATTEST:

Dianne Bidden
CITY CLERK

Attacment: Exhibit A

4070373.006

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