

MINUTE ITEM

This Calendar Item No. C49 was approved as Minute Item No. 49 by the California State Lands Commission by a vote of 3 to 0 at its 9-17-01 meeting.

CALENDAR ITEM

C49

A 4

09/17/01

S 4

W 25273

N. Smith

GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

California Department of Transportation
111 Grand Avenue
Oakland, California 94623

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in White Slough, city of Vallejo, Solano County.

AUTHORIZED USE:

Continued maintenance of the existing Highway 37 bridge and construction to widen existing bridge.

LEASE TERM:

Continuous use plus one year upon execution by the California State Lands Commission.

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 the uplands adjoining the lease premises.
2. An EIR/S was prepared and certified for this project by Caltrans/Federal Highway Administration (FHWA). The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
3. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit B, attached hereto.

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CALENDAR ITEM NO. C49 (CONT'D)

4. 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 C, attached hereto. The statement results from the anticipated loss of up to eight acres of wetlands and endangered species habitat due to the project. This loss will be compensated on a 4:1 ratio by the creation of additional wetlands, just across the Napa River, prior to impacts on existing wetlands. Even so, the created wetlands will not be comparable to the existing wetlands at the time of the loss.
5. 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.

FURTHER APPROVALS REQUIRED:

US Army Corps of Engineers, San Francisco Bay Conservation and Development Commission, Regional Water Quality Control Board and Department of Fish and Game.

EXHIBITS:

- A. 101.5 Plat and Location Map, Sheets 1 and 2
- B. Notice of Determination and CEQA Findings
- C. Statement of Overriding Considerations

PERMIT STREAMLINING ACT DEADLINE:

October 22, 2001

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR/S WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY CALTRANS/FHWA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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

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ADOPT THE MITIGATION MONITORING PROGRAM, A COPY OF WHICH IS AVAILABLE IN THE SACRAMENTO OFFICE OF THE STATE LANDS COMMISSION.

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.

SIGNIFICANT LANDS INVENTORY FINDING:

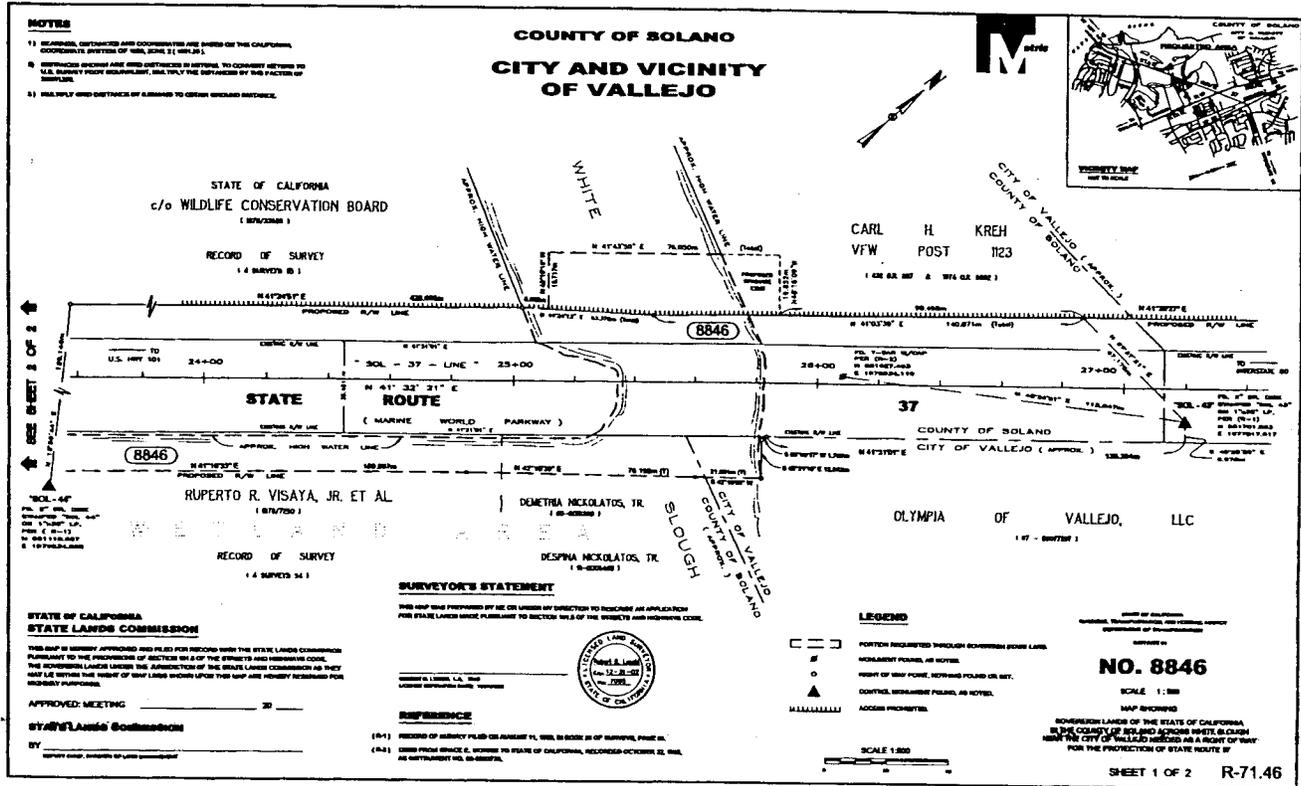
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO DEPARTMENT OF TRANSPORTATION OF A GENERAL LEASE - PUBLIC AGENCY USE, FOR CONTINUOUS USE PLUS ONE YEAR UPON EXECUTION BY THE COMMISSION, FOR A HIGHWAY BRIDGE ACROSS WHITE SLOUGH 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.

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NO SCALE



NO SCALE

LOCATION MAP

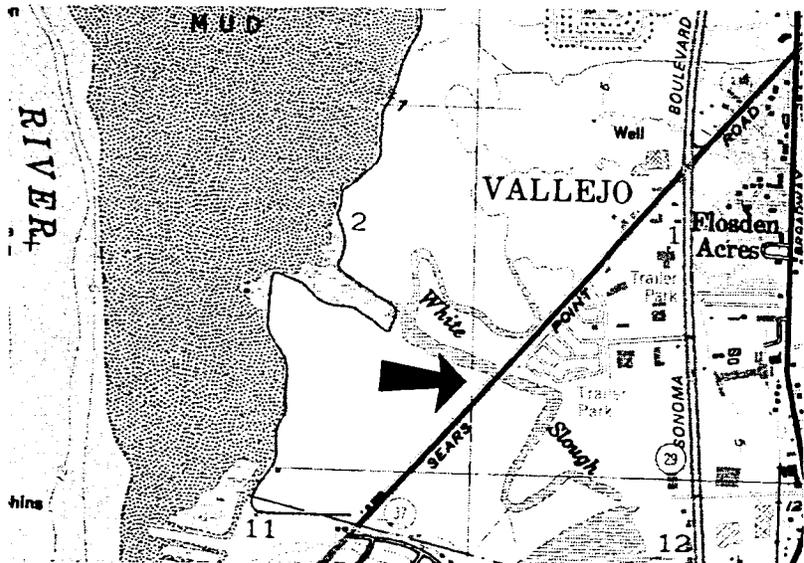


Exhibit A - 1

W 25273
CALTRANS
101.5 Map
White Slough
Solano County



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

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EXHIBIT B

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95815

From: California Department of Transportation and
California Transportation Commission
1120 N Street
Sacramento, CA 95814

County Clerk
County of _____

Subject:
Filing of Notice of Determination in Compliance with Section 21108 of the Public Resources Code.

State Route 37 between the Napa River Bridge and Diablo Street in Vallejo, Solano County

Project Title

83072310

Gene Berthelsen

(916) 654-3777

State Clearinghouse Number

Lead Agency Contact Person

Area Code/Telephone/Extension

Solano County, State Route 37, (KP R12.89 [P.M. R8.01]) to (KP 16.89[P.M. 10.49])

Project Location (include County)

Project Description:

Caltrans proposes to construct a four lane freeway on State Route 37 from the Napa River to the existing freeway section of Route 37 that begins near Diablo Street, a distance of 4 km (2.48 miles). It will be constructed in three phases on the existing alignment and partially along new alignment. The median width will vary from 6.6 m (21.7 feet) to 16.5 m (54 feet). Lane widths will be 3.6 m (11.8 feet) and outside shoulder widths will be 3.0 m (9.84 feet). An interchange at State Route 29 (Sonoma Boulevard), and overhead crossings of Broadway, the Southern Pacific Railroad and Mini Drive are planned. Cul-de-sacs are proposed on Rogers and Selfridge Streets. Wilson Avenue, Sacramento Street and Gardner Lane will become the main avenues of ingress and egress to the Route 37 corridor. Access to Wilson Avenue will remain the same, while access to Sacramento will be modified.

This is to advise that the California Department of Transportation and the California Transportation Commission, as lead agency, have approved the above-described project on 12/10/97 (date) and have made the following determination:

1. The project [will / will not] have a significant effect on the environment.
2. An environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were / were not] made a condition of approval of the project.
4. A Statement of Overriding Consideration [was / was not] adopted for this project.
5. Findings [were / were not] made pursuant to the provisions of CEQA.

The document identified above, with comments and response and record of project approval is available to the general public at:

Caltrans District 10, 1976 Charter Way, Stockton CA 95201


 Signature _____ Chief, Office of Environmental Management
 Title _____


 Signature (Public Agency) _____ Date December 18, 1997 Executive Director, CTC
 Title _____

Date received for filing at OPR:

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CALIFORNIA TRANSPORTATION COMMISSION
FINDINGS FOR STATE ROUTE 37 WHITE SLOUGH FREEWAY
NAPA RIVER BRIDGE TO DIABLO STREET
IN VALLEJO, SOLANO COUNTY

The following information is presented to comply with Section 15091 of the State CEQA Guidelines and Section 1509.6 of the California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Report for the project, which is the basic source of information.

Mitigation monitoring will be in accordance with Caltrans' standard program contained in Article 1-2.8 of the Environmental Handbook, Volume 1.

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included.

AESTHETICS

Adverse Environmental Impact: There are impacts to the viewshed from cuts and fills.

Findings: The Build alternative will change overall visual quality due to construction of fill slopes, removal of vegetation, increased pavement, bridge and viaduct structures.

Statement of Facts:

- a) The study area is located within the northwestern portion of the City of Vallejo, between the Napa River to the west and the Interstate 80 freeway corridor to the east. The Napa River forms a distinctive waterway with tidally influenced wetland shores. The marsh area transitions to upland areas where urban residential, commercial, and industrial development borders the marshland. West-facing hillside development, consisting mainly of residential neighborhoods is located further inland.

The existing visual conditions received an average moderate rating for overall visual quality. In some areas visual quality is rated moderately high. Encroaching development (residential, commercial and industrial) is the dominant detracting element viewed within the project area. Billboards further detract from the landscape.

- b) Major visual impacts that cannot be avoided are outlined below:
 - Removal of vegetation within the proposed right-of-way throughout the project limits.
 - Proposed construction of the project on fill through the White Slough Marsh area and construction of major structures at the interchange of State Routes 29 and 37.

NATURAL ENVIRONMENT

Adverse Environmental Effect: The proposed project will would affect portions of the White Slough Marsh system, an area rich in biological diversity and wildlife abundance. These wetlands attract large numbers of migratory shorebirds and waterfowl. In recent surveys 112 species of birds were observed in the White Slough.

EXHIBIT B

Marsh area. In addition, surveys conducted during this study indicate the presence of special status plants and animals, including the state and federal endangered salt marsh harvest mouse and California clapper rail.

A Biological Opinion received from the U.S. Fish and Wildlife Service on July 9, 1997, states that this project will not likely jeopardize the continued existence of the California clapper rail, salt marsh harvest mouse, delta smelt or Sacramento splittail. The National Marine Fisheries Service concurred on September 25, 1997 that the project would have no effect on anadromous fish or their habitat. The California Department of Fish and Game concurred on June 26, 1997, that the project would not have a substantial adverse effect on California-listed species.

Direct impacts would result from construction activities and filling tidal and seasonal wetlands, as well as riparian and upland refugia habitat within the proposed highway footprint. They include elimination of 3.66 ha of clapper rail habitat and 1.19 ha of salt marsh harvest mouse habitat, and the temporary loss of 1.9 ha of clapper rail and salt marsh habitat. 1.2 ha of delta smelt habitat will also be eliminated. Highway improvements may increase traffic and associated noise impacts in sensitive areas. Other indirect effects include the human disturbance on Guadalcanal Village mitigation site. Cumulative impacts could arise from the regional loss of tidal wetlands and the loss of habitat for special status species. Although the rate of loss of these habitats has been considerably reduced in recent years, small incremental losses continue. Habitat fragmentation and minimum critical habitat size for special status species are regional problems. The proposed project does not contribute to habitat fragmentation but, if not mitigated, would result in overall smaller habitat for the special status species found in the project area. Cumulative effects also include the ongoing habitat conversion from salt to brackish water conditions by fresh water effluent from the San Jose/Santa Clara Water Pollution Control Plan.

The degradation of diked wetlands is one of the more serious cumulative effects on the salt marsh harvest mouse, particularly from disking, grubbing and plowing and/or the elimination of appropriate hydrological conditions by installing drains, ditches or pumps.

Findings: Changes or alterations have been required in, or incorporated into the project that mitigate or avoid the significant effects on the environment.

Statement of Facts:

- a) Avoidance, minimization and compensatory replacement have a high potential to mitigate permanent, temporary and cumulative impacts of the proposed project. Tidal marsh restoration at Guadalcanal Village and seasonal and riparian restoration at Chabot Creek will mitigate for loss of wetland and special status species habitats. Impacts from construction period activities will be avoided or minimized by the use of best management practices (e.g., use of silt fences, buffers in sensitive areas) and where practicable, by timing activities to avoid sensitive periods (e.g., clapper rail breeding season).

NOISE

Adverse Environmental Effect: without mitigation, hundreds of homes in the Lighthouse subdivision, naval housing near Sacramento Street, residents of the Olympia Mobilodge, subdivisions near Donner Pass Road, homes along Mini Drive, Loyola Way, Lakeside Drive and Pepper Drive would be subject to increases of noise greater than 123 dBA or 2020 design year noise levels at or exceeding 67 dBA.

EXHIBIT B

Findings: Changes or alterations have been required in, or incorporated into the project that mitigate or avoid the significant effects on the environment.

Statement of Facts:

- a) All noise impacts will be mitigated to below State and federal noise criteria.

RELOCATION IMPACTS

Adverse Environmental Effect: Eleven businesses will be acquired for the project

Findings: Changes or alterations have been required in, or incorporated into the project that mitigate or avoid the significant effects on the environment.

Statement of Facts:

- a) The small number of businesses affected, existing stock of homes and business available for relocation, and the lead time make it unlikely that there will be any problems encountered in finding suitable replacement facilities.
- b) Relocation assistance payments and counseling will be provided to all displaced property owners in accordance with the Federal Uniform Relocation Assistance and Real Properties Acquisition Act of 1970.

EXHIBIT C

CALIFORNIA TRANSPORTATION COMMISSION
STATEMENT OF OVERRIDING CONSIDERATIONS
ROUTE 37 WHITE SLOUGH FREEWAY PROJECT
NAPA RIVER BRIDGE TO JUST DIABLO STREET
IN VALLEJO, SOLANO COUNTY

The following information is presented to comply with Section 15093 of the State CEQA Guidelines and Section 1509.6 of the California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Report for the project, which is the basic source of information.

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

PROJECT NEEDS AND BENEFITS

Population and business growth in the North Bay Area have generated traffic demand on Route 37 beyond its existing capacity throughout most of Solano County. Traffic projected for the year 2020 will likely exceed the existing capacity of the entire route from Route 101 to Interstate 80. The most critical section of Route 37 is between Wilson Avenue and Fairgrounds Drive in the City of Vallejo. The demand along this section of Rt. 37 is the highest of the entire route, and capacity is lowest, because of a combination of narrow roadways, irregularly-spaced signalized intersections, private and commercial driveway access, and a mixture of inter-regional, local, Mare Island, and Marine World traffic.

In 1994, the average annual daily traffic reached 30,600 vehicles per day between Mare Island and Sacramento Street, 26,800 vehicles per day between Sacramento Street and Route 29 (roughly 166% of capacity), and 37,200 vehicles per day between Route 29 and Mini Drive (roughly 116% of capacity). Trucks make up approximately nine percent of that traffic.

The average single-direction peak hour volume between Mare Island and Sacramento Street reached 2,250 vehicles in 1994, roughly 58% of capacity. Average growth rates indicate that with no improvement, this stretch would reach capacity for peak periods by the year 2010. Between Sacramento Street and Route 29, the total peak hour volume reached 3,400 vehicles and between Route 29 and Mini Drive, the total peak hour volume reached 3,800 vehicles. Trucks comprise roughly six percent¹ of that traffic. Traffic volumes on Route 37 routinely cause considerable delays for mainline traffic as well as for motorists accessing the highway from intersection roads. On weekday evenings, eastbound traffic routinely backs up from Route 29 to the crest of the Napa River Bridge, a distance of approximately 2.5 km (1.5 miles).

This section of Route 37 does not have adequate capacity to meet the present traffic demand. Traffic congestion during peak flow has caused diversion to alternative routes. Some traffic from Mare Island may divert to Skaggs Island Road for connection to Napa and vicinity in lieu of the more direct route via Route 37 east to Route 29. A considerable amount of traffic from Route 29 is

EXHIBIT C

diverting to Flodden Road/American Canyon Road for connection to I-80 in lieu of using Route 29 to Route 37 and east to I-80. The City of Vallejo has closed roads and made some streets one-way to prevent State highway traffic from traveling city streets to avoid congested areas. Congestion also occurs at the signalized intersections. Another major reason for the congestion is the commercial businesses along the existing segment which are patronized heavily by the local community as well as by through traffic. This, in turn, inhibits the free movement of through traffic.

The proposed project is expected to reduce congestion of peak traffic flow periods, particularly as Mare Island is redeveloped by the City of Vallejo, by removing four signalized intersections and a railroad crossing from the inter-regional traffic corridor and eliminating an existing two-lane bottleneck between Sacramento Street (KP 13.58 [P.M. 8.44]) and Enterprise Street (KP 14.81 [P.M. 9.20]).

ALTERNATIVES

All build alternatives lie along the same general alignment, but with differing interchange configurations. Alternatives include:

- No-Build
- Build Alternative: Ten design options for the entire Route 37 freeway project from the Napa River Bridge to Diablo Street have been considered. These included:
 - Sacramento Street: 2 options (1&2)
 - White Slough: 5 options (NF, CF, SF, NV & SV)
 - Route 37/29 Interchange: 3 options (A, B, & C)The preferred combination of options (also the preferred option in the White Slough Specific Area Plan) includes an overcrossing at Sacramento Street, central widening on fill across the White Slough area, and a retaining wall on the southbound Route 29-to-westbound-Route 37 ramp.
- Other alternatives considered but withdrawn include a bypass of the area, an at-grade expressway, High Occupancy Vehicle lanes, a full viaduct, tunnels, Transportation Systems Management options, and various other design alternatives on the chosen alignment.

CONCLUSIONS

The studies conducted for the proposed project indicate that its effect on the natural and socio-economic environment will be mitigated to the point of insignificance. The Build Alternative has been selected as the preferred alternative because it best meets the stated purpose and need for the project – to reduce congestion on existing Route 37

The preferred alternative meets the project purpose and need, minimizes environmental impacts and can be built within funding limits as a result of staging.