

MINUTE ITEM

This Calendar Item No. C57 was approved as Minute Item No. 57 by the California State Lands Commission by a vote of 3 to 0 at its 4-9-02 meeting.

CALENDAR ITEM

C57

A 7, 8, 11, 15

04/09/02

W 25613

S 4, 5, 7

W 30135

D. Oetzel

E. Gillies

K. Walker

REQUEST APPROVAL OF CEQA DETERMINATION AND REMOVAL OF VARIOUS HAZARDS LOCATED WITHIN THE SACRAMENTO RIVER, SACRAMENTO, YOLO AND CONTRA COSTA COUNTIES

PARTY:

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

BACKGROUND:

Staff has inventoried various derelict structures and vessels located within the Sacramento River, Sacramento, Yolo and Contra Costa Counties. These decaying structures impede uses of sovereign land and could pose a potential threat to public health and safety. The Commission was granted funding in the 2001/02 Budget Act to remove such derelict structures and vessels. At its September 17, 2001 meeting, the Commission authorized staff to determine how each hazard would be removed, determine how the project would be processed under the provisions, of CEQA, and obtain all necessary permits and authorizations. Staff has determined the method of removal, selected a contractor and is now ready to implement the project.

PROPOSED ACTIVITY:

Description of Hazard Removal Program (Program)

The California State Lands Commission's (CSLC) Program affects the Sacramento River between the town of Freeport to the south and the I-5 crossing to the north, and within Contra Costa County. The Sacramento County Marine Patrol has assisted the CSLC to identify structures and vessels that could impede safe navigation. By removing these structures and vessels, the CSLC intends to minimize the risk of injury to individuals, damage to property and lessen the risk of potential fuel spills caused from boats contacting such

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structures and vessels within the Sacramento River as noted. Moreover, the removal of pilings constitutes removal of fill from the River and should benefit water quality as creosote treated pilings will be removed.

The targets are classified into two categories – pilings and sunken vessels. There are approximately seventeen (17) locations containing wooden and concrete pilings, concrete rubble and concrete blocks and there are approximately five (5) locations with sunken or beached vessels. Staff estimates that there are 300 total pilings to be removed from the 17 identified locations. Of the 300 pilings, 275 appear to be wood and 25 appear to be concrete or steel. The pilings and vessels will be disposed at approved upland landfills.

As field operations are conducted, opportunities to inventory additional targets may arise. If unforeseen conditions and circumstances are encountered during the removal of already identified targets, alternative targets may be selected for removal if their removal is consistent with the methodologies and conditions described below

Methodology for Pile Removal

The pilings will be removed using the best management practices in order to minimize turbidity and to ensure levee stability. The two principle methods to be used for pile removal will be “excavator on barge” and “crane on barge”. Almost all pilings can be satisfactorily removed to a target depth of at least 3 feet below mud line using either of these two methods except for steel or cement piles. The majority, if not all, of the concrete and steel pilings will be cut off at the mud line.

However, steel or concrete pilings may also be vibrated out in their entirety as determined on a case-by-case basis. Use of this method will depend, in part, on the depth of the pilings below mud line and the distance to the nearest levee, and will be subject to the prior written approval of the State Reclamation Board and the CSLC.

Methodology for Vessel Removal

A “crane on barge” will use a clamshell bucket to pick up the vessel. The debris will then be placed on a material barge and pushed to a predetermined disposal site where it is placed in bins and sent to an approved upland landfill.

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Contractor Certification

For both vessel and piling removal operations, the Contractor will have all necessary credentials, licensing and equipment, including, but not limited to, Hazmat booms, pumps, etc. The Contractor will, in all cases, minimize turbidity in the above described operations as specified by the CSLC in consultation with the regulatory agencies. The Contractor will also comply with any applicable air quality permits and limits for operation of an excavator and crane, including registration as part of the Portable Equipment Certification Program if the individual engines exceed 50 hp.

ENVIRONMENTAL/HISTORICAL CONDITIONS:

Environmental

Several federal and State agencies have established that if activities are conducted in the Sacramento River within the cited counties during specified time periods using specified methodologies, the impacts of such activities to natural and man made resources will be "minor" or "insignificant". The relevant agencies and their conditions are discussed below.

U.S. Army Corps of Engineers (Corps)

Removal of pilings, as defined under the U.S. Corps of Engineers Nationwide Permit Number 22 (Permit), is considered to result in a "minor effect" on the environment. A letter describing the location and removal methodology for the work is required. Inherent in the receipt of the subject Permit from the Corps is conformance with environmental conditions specified by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) Biological Opinion. For example, all work within the Sacramento River and Contra Costa County must occur between August 1 and October 31 ("fish window") to avoid migration patterns of endangered and threatened species.

State Reclamation Board (Board)

A permit for the Program will be obtained from the Board. Some of the Board's restrictions on removal methodologies are referenced above. One of the Board's requirements for the removal of wood pilings stipulates that they be removed three (3) feet or deeper below the mud line (but not entirely removed) to eliminate the potential reappearance of the pilings due to potential River scour over time. This requirement is in conflict with NMFS'

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stipulation, under the Corps Permit, to remove pilings at the mud line to avoid excessive turbidity. NMFS is providing "technical assistance" to staff to refine removal methodologies to enable the Program to meet the requirements of the Board and still conform to NMFS environmental conditions under the Corps Permit described above.

State Department of Fish and Game (DFG)

The primary issue of concern to the DFG for this type of program is to ensure compliance with the "fish window" specified by federal resource management agencies.

Regional Water Quality Control Board (Water Board)

A federal Clean Water Act (CWA) Section 401 "certification" will be obtained from the Water Board stating that the Program complies with applicable provisions of the CWA and will minimize or avoid potential impacts to water quality. Best management practices will be employed which may include, but not be limited to, the deployment of turbidity curtains to localize turbidity near pilings to be removed. In addition, turbidity samples will be taken prior to and during removal activities with a turbidity meter. If activities cause turbidity levels to rise 10% above initial background turbidity, activities will be delayed until turbidity is below the aforementioned standard.

Historical

All structures and vessels designated for removal are assumed to be of historic value and will be evaluated and documented accordingly, unless otherwise established, prior to removal. By following this procedure, potentially significant impacts to historic resources will be avoided.

All vessels will be examined by a qualified maritime archaeologist, and will be mapped and photographed. Vessels that are found to be without historic interest will be slated for removal. A report listing these vessels and containing the relevant analyses will be provided to the Department of Parks and Recreation and the Office of Historic Preservation. If a vessel is found to have potential historic values, a records search will be made in an attempt to identify the vessel. If this search identifies the vessel and it is determined that it is ineligible for the State or National Register, it can be removed and the documentation distributed as above. If the record search determines that the vessel is potentially eligible, or if the record search cannot provide a basis for determination, the vessel will be left in place until a full survey can be made.

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Some of the pilings along the river were parts of historic landings, shipyards or navigational aides. A qualified maritime archaeologist will map and photograph each site and make a determination that site is modern, historic or potentially historic. Modern pilings and obstructions shall be removed. Historic pilings will be left in place. Those pilings that are potentially historic shall be researched and subjected to a detailed survey. Trinomial site records will be prepared for those sites which have lost sufficient integrity to become ineligible for Register listing. These records shall be sent to the Department of Parks and Recreation, the Office of Historic Preservation and the appropriate Regional Information Center. The pilings can then be removed. Those pilings determined to have intact historical significance shall be left in place, and a report of their condition and location filed as above.

The Program will be conducted in conformance with the above cited permits and conditions.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

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 and that significant environmental values that were originally identified are either no longer there, that such values are not within the project site or will not be affected by the proposed project.

EXHIBIT

A. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY

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MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON THOSE RESOURCES FOR WHICH SUCH LANDS ARE IDENTIFIED.
3. 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.
4. AUTHORIZE STAFF TO PROCEED WITH THE HAZARD REMOVAL PROGRAM AND OBTAIN ALL NECESSARY PERMITS AND AUTHORIZATIONS.

NO SCALE

LOCATION MAP

HAZARD REMOVAL ON STATE SOVEREIGN LAND

EXHIBIT A

W25613

STATE OF CALIFORNIA
HAZARD REMOVAL
SACRAMENTO COUNTY,
CONTRA COSTA COUNTY

CALIFORNIA MAP



SITE



SACRAMENTO



FAIRFIELD

PITTSBURG

090306

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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JAK 3/13/02