

**CALENDAR ITEM
C06**

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01/26/12
WP 4639.9
R. Boggiano

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE – PUBLIC AGENCY USE**

LESSEES / APPLICANTS:

Butte County
Glenn County

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Numbers 039-040-027-000 and 023-05-0-012-0, Ord Ferry Road, near Ord Bend, Butte and Glenn counties.

AUTHORIZED USE:

Continued use and maintenance and proposed seismic retrofitting of an existing bridge known as the Ord Ferry Bridge, the installation of debris deflectors, and the use of a temporary construction area.

LEASE TERM:

25 years, beginning January 26, 2012

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.

SPECIFIC LEASE PROVISIONS:

1. At all times during construction, Lessee agrees to install precautionary signage or warning buoys upstream and downstream of the construction site in the river in order to provide adequate warning notices to recreational users on the Sacramento River of the potential safety hazards associated with project construction.

2. Construction activities in the Sacramento River may only occur between May 15 and October 15 to avoid impacts to Chinook salmon, Central Valley steelhead, river lamprey, and green sturgeon.

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OTHER PERTINENT INFORMATION:

1. Each Applicant either owns or has the right to use the uplands adjoining the lease premises.
2. On January 26, 1972, the Commission authorized a 49-year Public Agency Permit to Butte County and Glenn County for a fixed concrete bridge for vehicular and pedestrian traffic, known as the Ord Ferry Bridge. That permit will expire on April 22, 2020. The bridge is now in need of seismic retrofitting. Commission staff believes it is in the best interests of both parties to terminate the existing lease and authorize the issuance of a new lease to allow the seismic retrofitting and the continued use and maintenance of the bridge for a period beyond the current lease term, rather than amend the existing lease. Accordingly, the Applicants are now applying for a issuance of a new General Lease – Public Agency Use for the continued use and maintenance and seismic retrofitting of the Ord Ferry Bridge, the installation of three debris deflectors, and a temporary construction area.
3. The Ord Ferry Bridge, crossing the Sacramento River, was constructed in 1971 to replace a ferry service that transported motorists over the Sacramento River. The bridge is part of Ord Ferry Road, a rural road running just east of Dayton across the Sacramento River to Highway 45 in Ord Bend and a vital link between the two counties. The bridge is a continuous three-cell reinforced concrete box girder bridge 32.5 feet wide, and accommodates two lanes of east-west traffic.
4. In 1997, a seismic assessment was performed and alternative seismic retrofit strategies were developed for the existing bridge. Since that time, the California Department of Transportation (Caltrans) has developed and modified more specific seismic design criteria (SDC) for the design of bridge type structures that are susceptible to seismic load. The proposed seismic retrofit will require six of the existing eight concrete piers to be retrofitted. The retrofit will involve placing sheet piling around the foundations of the piers, dewatering the area, driving steel piles around the sides of the piers, and then filling the new “box” with concrete; essentially creating a larger, stronger footprint. Each pier retrofit will require 12 steel pipe piles, resulting in a total of 72 new piles for the entire retrofit. Because the piers collect a large amount of driftwood and debris during high flows, a series of debris deflectors will be mounted to the piers.

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5. It is anticipated that the retrofit process will require three seasons of in-water work. Contractors will require access to a 200-foot-wide temporary use area on either side of the bridge beginning May 15, 2012 through approximately October 15, 2015. Temporary trestles will be consecutively constructed, and removed, from first the west side of the bridge and then the east side in order to allow three spans open to river traffic at all times. Each trestle is expected to require 120-160 temporary 12-16inch diameter round steel piles. Once the work has been completed, the trestle, trestle piles, and sheet piling will be removed. It is also anticipated that temporary cofferdams will be constructed in the river bed to divert water flow from around the piers during removal operations.

6. **Termination of Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15060, subd. (c)(3)), the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

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

7. **Issuance of a New Lease:**
Bridge Retrofit: A Mitigated Negative Declaration, State Clearinghouse No. 2002122056, was prepared by the Butte County Department of Public Works and adopted on January 28, 2003 for this project. The California State Lands Commission staff has reviewed such document.

A Mitigation Monitoring Program was adopted by the Butte County Department of Public Works, and is shown on the attached Exhibit C.

Debris Deflectors: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon

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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. Fish and Wildlife Service
Central Valley Flood Protection Board

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
National Oceanic and Atmospheric Administration, National Marine Fisheries
California Department of Fish and Game

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Lease: Find that the activity is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of a New Lease:

Bridge Retrofit: Find that a Mitigated Negative Declaration, State Clearinghouse No. 2002122056 and a Mitigation Monitoring Program were prepared by the Butte County Department of Public Works and adopted on January 28, 2003 for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

Debris Deflectors: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

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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 section 6370 et seq.

AUTHORIZATION:

1. Authorize, effective January 25, 2012, the acceptance of a lease quitclaim deed and termination of Public Agency Permit No. PRC 4639.9, issued to Butte County and Glenn County.

2. Authorize issuance of a General Lease – Public Agency Use to Butte County and Glenn County beginning January 26, 2012, for a term of 25 years, for the continued use and maintenance and proposed seismic retrofitting of an existing bridge known as the Ord Ferry Bridge, the installation of debris deflectors, and use of a temporary construction area as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is 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 best interest of the State.

EXHIBIT A

PRC 4639.9

LAND DESCRIPTION

An eighty (80) foot wide strip of submerged land lying in the bed of the Sacramento River, Butte and Glenn Counties, State of California, lying 40 feet on each side of the following described centerline:

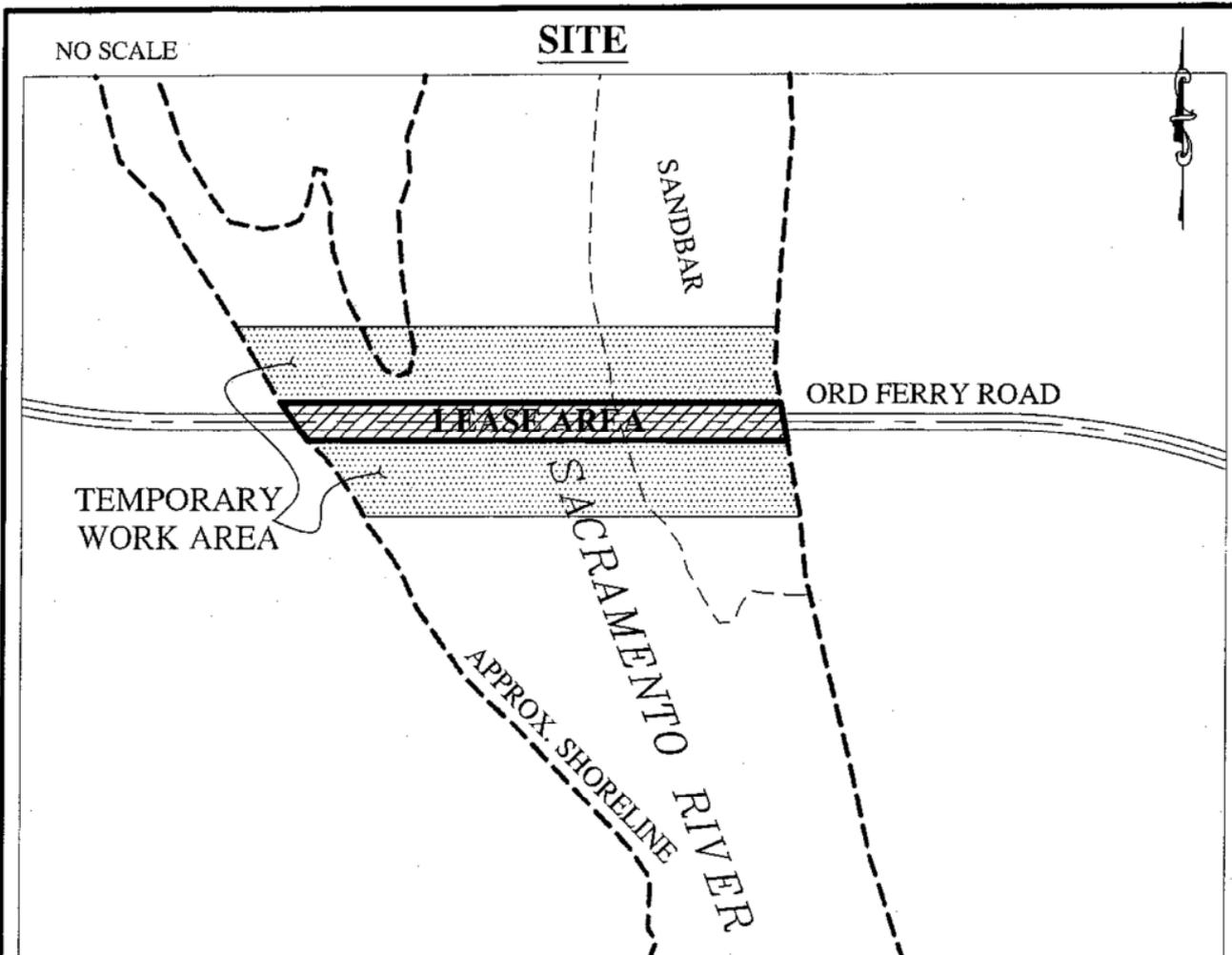
BEGINNING at the east end of the "Ord Bend Bridge" having the centerline stationing "E.B. Sta. 48+41.33" as shown on Butte County Public Works As-Built Plans "Project Plans for Construction on Butte and Glenn County Highway Federal Aid Secondary Project No. s-1523 (2) Ord Bend Bridge Across Sacramento River about 8 Miles South of Hamilton City" approved April 20, 1970 and on file at the Butte County Public Works Department, document No. 3-000-2009 thence along the centerline of said bridge N 89°35'16" W 1307.66 feet to the west end of said bridge having the stationing "E.B. Sta. 35+33.67" also being the terminus of said strip.

EXCEPTING THEREFROM any portion lying landward of the low water mark of said river.

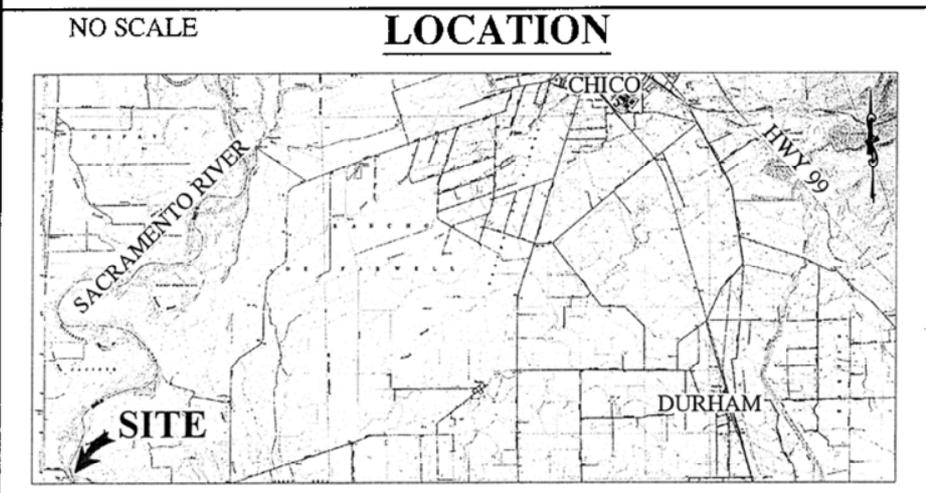
END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Unit 9/8/2011





Ord Ferry Road Bridge Crossing, Sacramento River



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 4639.9
 BUTTE COUNTY ET. AL.
 APN 039-040-027-000,
 023-05-0-012-0
 GENERAL LEASE -
 PUBLIC AGENCY USE
 BUTTE & GLENN COUNTIES



MJF 11/9/11

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.

EXHIBIT C

MITIGATION MEASURES

AIR QUALITY

To reduce potential temporary increases in nonattainment pollutants, the following mitigation measure is required:

Mitigation Measure 1:

A Water Pollution Control Plan shall be prepared in accordance with the Contract Plans and Specifications and include an erosion control plan that involves limiting speeds of trucks on unpaved roads in the construction area, watering, and other feasible methods of dust control that do not result in sediment being deposited in the river. Construction activities shall utilize Best Management Practices (BMP) to control silt and erosion of exposed soils. All construction equipment shall be properly maintained and operated.

The following mitigation measures are designed to reduce impacts to the Chinook Salmon, Central Valley Steelhead, River Lamprey and Green Sturgeon; the Sacramento splittail; and, the Valley Elderberry Longhorn Beetle (VELB).

BIOLOGICAL RESOURCES

Mitigation Measure 2:

A qualified biological monitor must be hired by the contractor or the County to supervise the construction activities. Two staging areas have been proposed in this document: the old Ord Ferry launch site and ramp area (southwest quadrant) and the bank area on the Butte County side (northeast quadrant). Should an area other than these two sites be used, the biological monitor will assess the area for additional biological impacts. Should there be additional impacts, these must be cleared through the USFWS and NMFS prior to the start of construction.

Mitigation Measure 3:

A USFWS approved biologist will be present during any activities that may involve the take of a listed species. This includes but is not limited to installation of the cofferdams, all dewatering activities and removal of the cofferdams. Sediment plumes occurring from the proposed work shall be monitored to ensure that the contractor is meeting the regulations set forth by the water quality permits.

Mitigation Measure 4:

During construction of the cofferdams, a monitor, approved by National Marine Fisheries Service (NMFS), must be present during installation to ensure that no fish are trapped in the cofferdam. Methods used to remove fish from the cofferdam must be approved by NMFS. Screens must be placed on pumps used to drain sealed cofferdams and also must conform to NMFS screening standards. The approved biologist will prepare a fish salvage plan prior to the start of construction that will discuss in detail the methods to be used to minimize the take of fish during construction. It is anticipated that seining or electro shock methods will be used to salvage fish from areas that need to be dewatered.

Mitigation Measure 5:

Using native vegetation, primarily consisting of willows the bare slope areas and the areas temporarily disturbed will be replanted. Mitigation of 3:1 for temporary impacts will be completed on site.

Mitigation Measure 6:

Construction work will be limited to the period from May 15 to October 15 within the main channel.

Mitigation Measure #12:

The Contractor shall be made aware of the presence of Cliff Swallows which nest under the bridge and their subsequent protection under the Federal Migratory Bird Treaty Act of 1918. Measures shall be taken to insure compliance with this law. These measures may include netting or sheeting hung from the bridge deck to below the bridge deck to completely exclude birds from nesting. If implemented, these measures must be in place March 1. Removal of nests, where necessary, shall occur if and only if it is taken down prior to the completion of the nest and prior to any egg laying activity.

Mitigation Measure #13:

The area within the cofferdam (minus the area of the existing pier dimensions) shall be calculated and mitigated at a ratio of 6:1. This calculation results in 0.36 acres of Sacramento splittail habitat. Caltrans has directed this Ord Ferry Bridge project mitigation be included as part of the Caltrans Butte City Bridge Project. This project is located on State Route 162 on the Sacramento River, approximately 15 miles south of the Ord Ferry Bridge.

The mitigation proposed at the Butte City Bridge involves the acquisition of property that contains riverbank adjacent to riverbed. The agreement is that the property can never be stabilized, protected, or improved. Over time, this area will erode naturally and create debris catches and eddies that are valuable habitat for species like the Sacramento splittail.

CULTURAL RESOURCES

It is possible that there are heretofore undiscovered resources that could be encountered during site development activities. Accordingly, the following mitigation measure is proposed to mitigate potential impacts to a less-than-significant level:

Mitigation Measure #14:

Should grading activities reveal the presence of prehistoric or historic cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.

NOISE

The following mitigation measures are recommended to minimize noise impacts on the rural environment:

Mitigation Measure #15:

The use of pile driving and any necessary blasting equipment shall be limited to daylight hours, between 7:00 A.M. and 9:00 P.M.

Mitigation Measure #16:

Blasting shall only be conducted under the supervision of a qualified technician authorized by the County Public Works Department.

Mitigation Measure 7:

No work will occur in the oxbow slough area, and access to the construction area will not be gained by use of the boat ramp.

Mitigation Measure 8:

Construction will utilize Best Management Practices (BMP) to control silt and erosion of exposed soils. These practices consist of application of permanent and temporary construction treatments for controlling stormwater runoff and preventing discharges of excessively turbid water from the job site. BMPs include treatment controls, soil stabilization practices, mitigation measures, scheduling, and contract Standard Special Provisions (SSP). No concrete washings or water from concrete will be allowed to flow into the river. No concrete will be poured within flowing water in the river.

The following measures will also be incorporated:

- Butte County will Obtain and 401 water quality permit and a DFG 1601 Streambed Alteration Agreement. Both of these permits require procedures to minimize impacts to the live stream.
- All stockpiled material and equipment will be placed away from the river to prevent erosion.
- Access points will be limited to the two locations, discussed previously, in order to minimize extensive erosion into the river.
- Temporary measures including straw bales, silt fencing, and filter fabric will be used to prevent erosion between work periods.
- For permanent erosion control, seeding and revegetation will be conducted the fall directly following the end of construction to coincide with the rain.
- All materials and fluids that may be harmful to the aquatic system will be stored in the staging areas which are more than 25 feet away from the river.
- The contractor will have on hand absorbent material to be used in case of accidental spills.
- All construction equipment must be in good working order and clean of significant fuel and lubrication and is not to have leaks

Mitigation Measure 9:

The County will contract with Wildlands, Inc. to mitigate for take of VELB habitat. Because the County may have no plants to transplant, due to previous damage, they will follow a 1.25 ratio suggested by USFWS. The 1.25 was suggested to compensate for not transplanting an existing healthy bush. The total of seedlings to be mitigated will be 42.5 or 43, which is 8.6 conservation areas (basins) equal to 15300 sq ft or 0.35 acres. If complete basins are purchased from a mitigation bank, it will be an allotment of 9 basins.

Mitigation Measure 10:

An approved biologist will conduct a pre-construction survey 24-hours prior to the start of construction. If a giant garter snake is located at the site, construction will not begin until the snake is captured and relocated or removes itself from the Project area. All results of these activities will be reported to the USFWS. No grading or excavating will take place within 30 feet of GGS habitat between October 1 and May 1. All on-site construction personnel shall be notified of the potential presence of the GGS and that all snakes found are to be left unharmed. During construction, all surface debris shall be carefully removed to avoid contact with, or disturbance to, GGS.

The following mitigation measure is recommended to ensure compliance with provisions of the federal Clean Water Act and to ensure a less-than-significant impact:

Mitigation Measure #11:

The Regional Water Quality Control Board (RWQCB) shall be contacted for a Water Quality Certification Waiver following review and concurrence of the Project from the U.S. Army Corps of Engineers.

Impact to movement of these migratory species is considered significant without the incorporation of mitigation measures, specified below: