

CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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File Ref: SCH # 2020100388

Mr. Sandeep Sandhu
California Department of Transportation
Environmental Management M5 Branch
703 B Street
Marysville, CA 95901

Governor's Office of Planning & Research

Nov 18 2020

STATE CLEARINGHOUSE

VIA ELECTRONIC MAIL ONLY (sandeep.sandhu@dot.ca.gov)

Subject: Initial Study/Mitigated Negative Declaration (IS/MND) for the American River Bridge Deck Replacement Project, Sacramento County

Dear Mr. Sandhu:

The California State Lands Commission (Commission) staff has reviewed the subject IS/MND for the American River Bridge Deck Replacement (Project), which is being prepared by the California Department of Transportation (Caltrans). Caltrans, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all

people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court.

After review of the information contained in the IS/MND, the existing bridge crossing the American River is located on State sovereign land under the jurisdiction of the Commission. In 1950, the Commission authorized the issuance of Lease No. PRC 571 with Caltrans for the bridge right-of-way. Based upon the information provided and a review of our in-house records, it appears that the Project may expand the bridge from the existing right-of-way. If the Project extends beyond the existing right-of-way, an application for a new lease or lease amendment will be required. Please contact Ninette Lee (information provided below) for information on the Commission's leasing jurisdiction (reference Inquiry No. 2319).

Project Description

Caltrans proposes to rehabilitate the American River Bridge along State Route (SR) 51 in Sacramento County from post mile 2.0 to 3.5, which includes a section of the American River Parkway and is part of the Interstate 80 Business Loop in the city of Sacramento. The Project would remove and replace the existing concrete deck, remove and replace the steel girder post-tensioning systems in spans 1 and 2, modify existing soundwall, install sheet piling around piers for scour mitigation, construct concrete catcher blocks, widen the bridge to accommodate traffic during construction, add a Class I bike/pedestrian path, and plan for future transportation needs on State Road 51. The Project would meet Caltrans' objectives and needs as follows:

- Prevent scour around existing piers
- Repair, protect, and extend the service life of the deck
- Provide a multimodal connection between downtown and eastern Sacramento and plan for future transportation needs

From the Project Description, Commission staff understands that the construction activities in and over the water have the potential to affect State sovereign land. Direct impacts would include:

- Placement of a total of 450 supportive 30-inch diameter steel shell piles filled with concrete and rebar for bridge retrofitting.
- Placement of a total of 700 18" steel pipe piles to support the trestle, including installation of 1,650 temporary 20-inch sheet pilings around the piers to act as cofferdams.
- Installation of the seal course (reinforced concrete footers) and pile caps.

Indirect impacts could include the removal and replacement of the existing concrete deck and steel girder post-tensioning systems, and land-based construction adjacent to the riverbank.

Environmental Review

Commission staff requests that Caltrans consider the following comments on the Project's IS/MND to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the MND to support a future lease approval for the Project.

General Comments

1. As the public may not be familiar with the location of SR 51, Commission staff suggests that the Project location information include that the Project area is part of the Interstate 80 Business Loop in the city of Sacramento, and also that the Project area includes a section of the American River Parkway.
2. On page 11 of the IS/MND, Commission staff requests that the Commission be identified as a public agency with jurisdiction and discretionary approval over the Project.

Project Description:

3. The Project Description does not specify the daily hours of construction. The Aesthetics section of the Environmental Checklist states that "The proposed project elements will not create a new source of substantial light or glare" (p. 22). Because no impacts would occur, Commission staff requests that the IS/MND clearly state that no night work would be conducted.
4. Page 7 of the IS/MND describes pile driving and states that it "...will be performed behind an aquatic sound attenuation device." Commission staff requests that additional information regarding the device be included in the Project Description to better clarify how the reduction of the transmission of sound through water would be obtained.
5. Commission staff also requests that the Project Description describe the equipment and vessels that will be used to install the trestle piles. If barges would be used for installation, please include the origin of the barges and how many vessels would be on the river at any given time.
6. The Project Description states that the Project would widen the bridge to accommodate traffic during construction; however, the additional width is not specified, and the accompanying plans are not easily read. Commission staff requests that the Project Description clearly state how many feet the bridge would be widened as part of this Project.
7. During the removal of the existing concrete deck and other Project components, Commission staff requests that the IS/MND specify how portions of these materials will be kept from falling to the river, which would create hazards and possibly affect water quality.

Air Quality

8. Page 24 of the IS/MND states “The project would not result in changes to roadway capacity or traffic volumes and would not increase operational emissions above existing conditions.” As noted in #5 above, the bridge would be widened. Commission staff requests that a statement be added under Air Quality affirming that the additional width of the bridge would not be used to support additional traffic (which likely would increase emissions) until the separate environmental document for Caltrans EA 03-0H931, SR 51 Corridor Improvements project, noted on page 1 of the IS/MND, has been adopted/certified.

Cultural Resources

9. The IS/MND should mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that Caltrans consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the MND’s Mitigation and Monitoring Plan: “The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.”
10. Although it is understood that archaeological surveys were conducted within the Project area, there is always the possibility of unanticipated discoveries. Therefore, Commission staff requests that mitigation for unknown cultural resources be included in the IS/MND.

Hydrology and Water Quality

11. In-water work would undoubtedly result in increased turbidity, which can negatively affect fish and other aquatic species. Commission staff requests that the IS/MND address impacts associated with increased turbidity during construction activities and include mitigation measures to address such impacts should they be found to be significant.

Noise

12. Impacts due to underwater noise and vibration are not discussed in either the Biological or Noise sections of the IS/MND. The Project Description does briefly mention an aquatic sound attenuation device (see Comment #3). However, due to the potential for significant impacts resulting from pile driving, Commission staff suggest that a discussion of this impact be included in the analysis to clarify how Caltrans would avoid barotrauma effects to fish and other species if the underwater sound pressure levels caused by pile-driving activities exceed known injury thresholds. The IS/MND should discuss the type of piles and methods proposed for

pile installation and analyze the potential for these activities to disturb, injure, or kill sensitive fish (including eggs and larvae) or other organisms.

Recreation

13. Attachment A - Section 4(f) Study, of the MND states that “The Cal Expo portion of the Parkway is popular for nature viewing, bicycling, equestrian use, hiking, picnicking, and informal access to the river.” The study addresses temporary detours for the bike trail, but does not discuss the Project’s impact to other recreational uses, in particular, access to the American River and navigation. Commission staff request that additional detail be provided to clarify all impacts to recreation within the Project area.

Thank you for the opportunity to comment on the IS/MND for the Project. As a possible responsible and trustee agency, the Commission may need to rely on the adopted MND for the issuance of a new or amended lease as specified above and, therefore, we request that you consider our comments prior to adoption of the MND.

Please send copies of future Project-related documents, including electronic copies of the adopted MND, Mitigation Monitoring and Reporting Program, and Notice of Determination when they become available. Please refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or cynthia.herzog@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or jamie.garrett@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869 or ninette.lee@slc.ca.gov.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
N. Lee, Commission
J. Garrett, Commission
C. Herzog, Commission