

CITY OF YUBA CITY
STAFF REPORT

Date: August 16, 2016

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Diana Langley, Public Works Director

Summary

Subject: 5th Street Bridge Replacement Project – Report on Feasibility of Providing Public Access to the Feather River for Recreational Purposes (Compliance with Section 1809 of the California Streets and Highways Code)

Recommendation: A. Conduct a Public Hearing to consider the feasibility of providing public access to the Feather River for recreational purposes.

B. Adopt the *Feasibility Report – Public Access to Navigable River*, dated October 29, 2015, as the City's determination on the feasibility of providing public access to the Feather River for recreational purposes as impractical.

Fiscal Impact: None.

Purpose:

Advance the 5th Street Bridge Replacement Project by addressing the feasibility of providing public access to the Feather River, as mandated by the California Streets and Highways Code.

Background:

Section 1809 of the California Streets and Highway Code states:

Before any bridge on a city street is constructed over any navigable river, the legislative body of the city, after a study and public hearing on the question, shall determine and shall prepare a report on the feasibility of providing public access to the river for recreational purposes and a determination as to whether such public access shall be provided.

On June 21, 2016, the City entered into a joint agreement with the City of Marysville authorizing Yuba City to act as the lead agency for all phases of the project, including design and design administration. The determination required by Section 1809 of the California Streets and Highway Code falls under that agreement.

Analysis:

The attached report entitled *Feasibility Report – Public Access to Navigable River*, dated October 29, 2015 (Feasibility Report), was prepared in response to the State's mandate under Section 1809 of the California Streets and Highways Code that the City study and prepare a report on the feasibility of providing public access to the river for recreational purposes.

The Feasibility Report identifies the following existing public access points to the Feather River in the vicinity of the 5th Street Bridge Replacement Project:

- Riverfront Park in Marysville, which provides a boat launching facility adjacent to the project and multiple trails leading to the river facilitating pedestrian access to the river.
- Yuba City Boat Launch Facility, approximately 0.67 miles south of the project.
- Feather River Parkway in Yuba City, which provides a multi-use trail along the river in the project area, as well as multiple trails leading to the river north of the project area.
- Veterans Memorial Park in Yuba City, which provides a stairway up the west levee of the river for access to trails along the river.

The Feasibility Report notes the following obstacles to providing additional public access on the Yuba City side of the bridge:

- Space between the levee and the riverbank is narrow and steep and a number of commercial and government buildings exist west of the levee, both of which make construction of a new accessible parking lot impractical.
- The steep slopes of the levee and the riverbank make construction of additional pedestrian access facilities in conformance with Americans with Disabilities Act (ADA) standards and vehicular access unfeasible.

The Feasibility Report notes the following obstacles to providing additional public access on the Marysville side of the bridge:

- A third vehicular access road to Riverfront Park would require construction of a road into the park from atop the east levee. This road would add a third entrance to the park and occur at a poor location in terms of park circulation, traffic safety on 5th Street, and ability to secure the park from vehicles during closed hours.

The findings of the Feasibility Report are that it is impractical to construct new public vehicular access over the levees due to steep slopes on either side and park circulation in Marysville. Additionally, the Feather River Parkway in Yuba City right of way is too narrow and steep between Sutter Street/2nd Street and the Feather River for any new access. The project will improve the pedestrian/bike trail connections from the bridge on both sides of the river with improved access from the top of levee down into existing public access points. Yuba City and Marysville have further agreed to install additional signage where appropriate to direct all users to existing public access points.

Fiscal Impact:

There is no fiscal impact associated with adopting the Feasibility Report as the City's determination of the feasibility of providing additional public access to the Feather River.

Alternatives:

Do not adopt the Feasibility Report as the City's determination of the feasibility of providing additional public access to the Feather River and direct staff on how to proceed.

Recommendation:

- A. Conduct a Public Hearing to consider the feasibility of providing public access to the Feather River for recreational purposes.
- B. Adopt the *Feasibility Report – Public Access to Navigable River*, dated October 29, 2015, as the City's determination on the feasibility of providing public access to the Feather River for recreational purposes.

Prepared by:

/s/ Kevin Bradford

Kevin Bradford
Senior Engineer

Submitted by:

/s/ Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed by:

Department Head

DL

Finance

RB

City Attorney

TH via Email



Feasibility Report- Public Access to Navigable River

1. Introduction

This report examines the feasibility of providing public access to the Feather River, at 5th Street, in conformance with *Streets and Highways Code 1809*, due to the replacement of the existing bridge across a navigable river.

Streets and Highway Code:

1809 states: “Before any bridge on a city street is constructed over any navigable river, the legislative body of the city, after a study and public hearing on the question, shall determine and shall prepare a report on the feasibility of providing public access to the river for recreational purposes and a determination as to whether such public access shall be provided.”

The environmental studies and public hearing process for this project were completed in 2014. Riverfront Park, Feather River Park, and Veterans Memorial Park are three public recreational parks adjacent to Feather River in the vicinity of this project. Riverfront Park provides a boat ramp south of the 5th Street Bridge, which has been identified by the City of Marysville as an important recreational feature of the park during the warm season. Feather River Park and Veterans Memorial Park provide trails and access along the river on the Yuba City side. Section 2.1.1.3 of the project’s Initial Study/Environmental Assessment addressed “Parks and Recreational Facilities,” including the following descriptions of each facility.

Riverfront Park

Riverfront Park is an approximately 200 acre park located between the Marysville levee and the Feather River in the City of Marysville. The 5th Street Bridge passes over the park and the Feather River and carries travelers east and west between the City of Marysville and Yuba City. Recreational facilities found in the park include:

- motocross area
- soccer fields
- picnic areas
- baseball/softball fields and associated facilities
- boat launch ramp
- parking
- restrooms
- events and concert area

Riverfront Park is a free day-use facility surrounded by the Marysville levee system. It is open to the public most of the year as long as the area is not inundated during seasonal flooding. The park offers recreational uses for fishing, boating, water sports, youth sporting activities, nature observation, motocross, and Mervyn’s Pavilion, an event facility. General use of the park and parking are free; however, rental of a larger facility such as the pavilion requires a permit and fee. The motocross area is also fee based.

As a designated community park in the City of Marysville, Riverfront Park is predominantly used for organized activities, sports and large group functions such as meetings and picnics. It is well equipped to deal with both local groups and other regional groups that draw people from outside of Marysville. One of the largest uses of this park is the Yuba Sutter Youth Soccer League which uses the soccer fields in the northern half of the park on Saturdays from August through November. Other, more infrequent organized uses include fundraising events, BBQ lunches and dinners, the Marysville rodeo, and use of the pavilion for concerts or rallies.

Day to day activities in the park include fishing and use of the boat ramp for boating and other water sport activities. Recreational fishing is governed by the runs and fishing seasons. The motocross track at the most northern end of the park is also an attraction.

Feather River Parkway

The Feather River Parkway is located along the eastern edge of Yuba City and is made up of a large area of undeveloped open space that is part of the floodplain. In the project area, the only recreational feature within the park is a multi-use trail that travels under, and connects to, the existing 5th Street Bridge.

Veterans Memorial Park

Veterans Memorial Park is located at Bridge Street and 2nd Street in the City of Yuba City, adjacent to the Feather River Levee. This park is a small landscaped park designed as a passive recreational area with a World War I memorial.

Impacts for those topical areas due to this project were deemed to be of “no permanent substantial impacts.” It is noted that there was a total of nine comments received after the public meeting during the circulation of the Initial Study/Mitigated Negative Declaration from which two were regarding public access for recreation purposes during construction. These comments were addressed as part of the environmental process and as required by law. The comments and response are included as Attachment 3.

2. Project Description

The City of Yuba City, in cooperation with the City of Marysville, proposes to replace the 5th Street Bridge (Bridge Number 18C-0012) over the Feather River and improve approach roadways to the bridge. The 5th Street Bridge is a major arterial connector between the two cities serving local, commercial, commuter, pedestrian, and bicycle traffic.

The existing facility is located between Sutter and Yuba Counties and connects Bridge Street in Yuba City to 5th Street in Marysville. Project limits in the City of Marysville span from the Feather River to a few hundred feet past the 5th and J Street intersection and include portions of Riverfront Park. Project limits within the City of Yuba City include the roadway along 2nd Street, small portions of Sutter, Yolo and Boyd Streets in the south and the western expanse of Bridge Street at the intersection with 2nd Street and terminating at the intersection with Shasta Street.

In 2011 the Caltrans determined that the bridge is functionally obsolete due to a combination of deficiencies. The bridge has inadequate width, a history of scour concerns, and is in a floodplain susceptible to liquefaction. As a result, the bridge has been recommended for replacement. The project will replace the existing bridge over the Feather River in order to provide an improved

transportation network and improve traffic operations between Yuba City and Marysville. A combination of Local Agency, State and Federal (State Transportation Improvement Program, Highway Bridge Program, Regional Surface Transportation Project, and High Priority Project) funds have been approved for the 5th Street Bridge Replacement project.

3. Description of Project Site and Proposed Features

Site Description:

- Bridge built in 1958, the prestressed concrete stringer bridge is approximately 1,865 feet long, 42 feet wide;
- The bridge carries two 12-foot lanes of traffic across the Feather River and its floodplain;
- The posted speed limit for 5th Street over the bridge is 35 mph;
- On the west side, Sutter Street/2nd Street parallels Feather River and the west levee with an undercrossing at 5th Street;
- Yuba City has access to the bridge by heading eastbound from the Bridge Street/Shasta Street signalized intersection, or by taking the hook on-ramp from Bridge Street.
- Westbound traffic on 5th Street Bridge can continue directly to Shasta Street or take the loop off-ramp after the Sutter Street undercrossing;
- Marysville has access to the bridge through the 5th Street/J Street signalized intersection;
- There are currently two vehicular access routes to Riverfront Park; through Biz Johnson Drive located approximately 0.6 miles from the 5th Street/J Street intersection and from 14th Street located approximately 1.0 mile from the 5th Street/J Street intersection;
- Pedestrian and bicyclist access to Riverfront Park is currently available directly from the trail connected to the north sidewalk along 5th Street just west of the east abutment of 5th Street Bridge;
- Pedestrian access to Feather River Parkway is currently available from Sutter Street and from a bicycle and pedestrian trail on the west levee, accessible from multiple City streets. A staircase leading from 5th Street Bridge's north sidewalk to Sutter Street facilitates pedestrian access from the bridge to Feather River Parkway along the multi-use trails.

Proposed Features:

- The project proposes a new four-lane bridge over the Feather River and its floodplain;
- Construction of a new four-lane bridge over 2nd Street;
- Expansion of 5th Street from two lanes to four lanes between the new bridge and J Street in Marysville, including four lanes under the Union Pacific Railroad;
- Improvements to the 5th Street and J Street Intersection in Marysville including a new eastbound dedicated right turn lane on to J Street and reconstruction of sidewalks and curb ramps to current ADA standards;

- Removal of stop logs on the top of the Marysville levee and construction of a short three foot floodwall extension from the bridge;
- Widening of the 5th Street Yuba City approach roadway between 2nd Street and Shasta Street from two lanes to four lanes;
- Realignment of 2nd Street under the bridge, construction of raised median, and extension of the left turn lane from 2nd Street to westbound Bridge Street;
- Reconstruction of the eastbound approach to the bridge and removal of the abandoned UPR overpass above the on-ramps;
- Add traffic signals to the 2nd Street intersections with Bridge Street and the westbound ramp at the intersection of Sutter Street in Yuba City;
- A 10-foot Class I pedestrian and bicycle path is located next to the two vehicular lanes on the north side of the bridge; and
- Connection of Class I pedestrian and bicycle path to the City street networks in Marysville.

4. Existing Public Access to Navigable River in Project Area

Riverfront Park in the City of Marysville between the Marysville levee and the Feather River provides a boat launching facility south of the 5th Street Bridge. The park offers recreational uses for fishing, boating, water sports, youth sporting activities, nature observation, motocross, and Mervyn's Pavilion, an event facility. In addition, multiple trails leading to the river bank along the park facilitate pedestrian access to the river.

From Yuba City the river can be accessed through the Yuba City Boat Launch facility approximately 0.67 mile south of the bridge. The facility, which includes a boat ramp and a parking lot, is accessed from 2nd Street.

The Feather River Parkway is located along the eastern edge of Yuba City and is made up of vegetated areas that are part of the floodplain and includes the west levee. In the project area, the only recreational feature within the park is a multi-use trail that travels under, and connects to, the existing 5th Street Bridge. The steep slopes from the levee limit the accessibility to the river.

Veterans Memorial Park is located at Bridge Street and 2nd Street in the City of Yuba City, adjacent to the Feather River Levee. This park provides a stairway up the Feather River levee, which serves for access from 2nd Street to the trails along Feather River.

5. Alternatives for Providing New or Enhances Public Access

- A. Access to Feather River Parkway, west end of the bridge.
- B. Access to Riverfront Park, east end of the bridge.

6. Description of Impacts of Each Alternative Providing New or Enhanced Public Access

- A. Access to/from the west end of the bridge:
 - A separate project by the County of Sutter to dredge sediments collected at the boat ramp during low water levels was completed in September 2015.

- The construction of a new boat ramp facility would require an accessible parking lot. Space between the levee and the riverbank is small and steep. West of the levee exists a variety of commercial and governmental buildings.
- Due to the steep slopes of the levee at Feather River Park and the riverbank slope, construction of additional pedestrian access facilities in conformance with Americans with Disabilities Act (ADA) would require acquisition of a larger project area. Vehicular access is unfeasible due to steep terrain and lack of safe river access.

B. Access to/from the east end of the bridge:

- The existing boat facility currently provides a parking lot and a ramp for boat launching. In addition, as part of the maintenance to the ramp, the City of Marysville dredged sediment collected at this boat ramp in August 2015 and will perform an additional dredging of the adjacent lagoon in Fall 2015.
- Currently the pedestrian/bike path connecting the north sidewalk along 5th Street to Riverfront Park exceeds ADA standards. The project proposes to reconstruct the path with grades that meet standards.
- A third vehicular access road to Riverfront Park would require construction of a road into the park from atop the east levee. This road would add a third entrance to the park and occur at a poor location in terms of park circulation, traffic safety on 5th Street, and ability to secure the park from vehicles during closed hours. With vehicular access to the park both north and south of 5th Street, this third access point is not desirable.

7. Preliminary Cost Estimates and Potential Funding Sources

Detailed cost estimates were not prepared for vehicular access from the west end of the bridge due to the close proximity of the existing downstream boat facilities and a new boat facility is not practical due to the location of the levee's steep slopes and limited right of way.

Detailed access costs for the east end were also not prepared because adequate, safe and controlled access throughout the park is provided by two other road locations that have superior grades, safer locations, and ability to safely lock gates each night.

8. Coordination with Other Agencies

Yuba City would need to coordinate with the following agencies to provide review, approval and permitting for construction of new public access facilities;

- The U.S. Army Corps of Engineers has permitting authority on the river.
- Central Valley Flood Protection Board has flood control responsibility for the Feather River.
- The California Department of Fish and Wildlife Service has interests on the Streambed Alteration Agreement
- Levee District 1 in Yuba City has maintenance responsibility for the levees along the Feather River in Yuba City.

- Marysville Levee District has interest in the construction and maintaining of levees in the City of Marysville.
- The City of Marysville operates Riverfront Park.
- Additionally, numerous parcels are privately owned.

9. Other Discussion/Information

Sutter County and the City of Marysville have separately performed maintenance of two boat ramps along the Feather River, just north of the confluence with the Yuba River. The first ramp is located approximately 0.67 mile south from the 5th Street Bridge and it is accessible through 2nd Street at Yuba City. The second boat ramp is the facility provided by Riverfront Park just south of the 5th Street Bridge. Maintenance in the form of dredging is occasionally needed at these two locations because sediment accumulates at the entrance to each boat ramp blocking boat access to the river. Dredging these boat ramps brings the facilities in compliance with the State Department of Boating and Waterways standards and greatly improves access to the river. The projects obtained approval from the Army Corps of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board, and National Oceanic and Atmospheric Administration and were completed by Fall 2015.

10. Findings of Study

The Cities of Yuba City and Marysville are protected from potential flooding by the existing levees on both sides of the Feather River. It is not practical to construct new public vehicular access over the levees due to steep slopes on either side and park circulation in Marysville. In addition, at Feather River Parkway, right of way is too narrow and steep between Sutter Street/2nd Street and the Feather River for any new access.

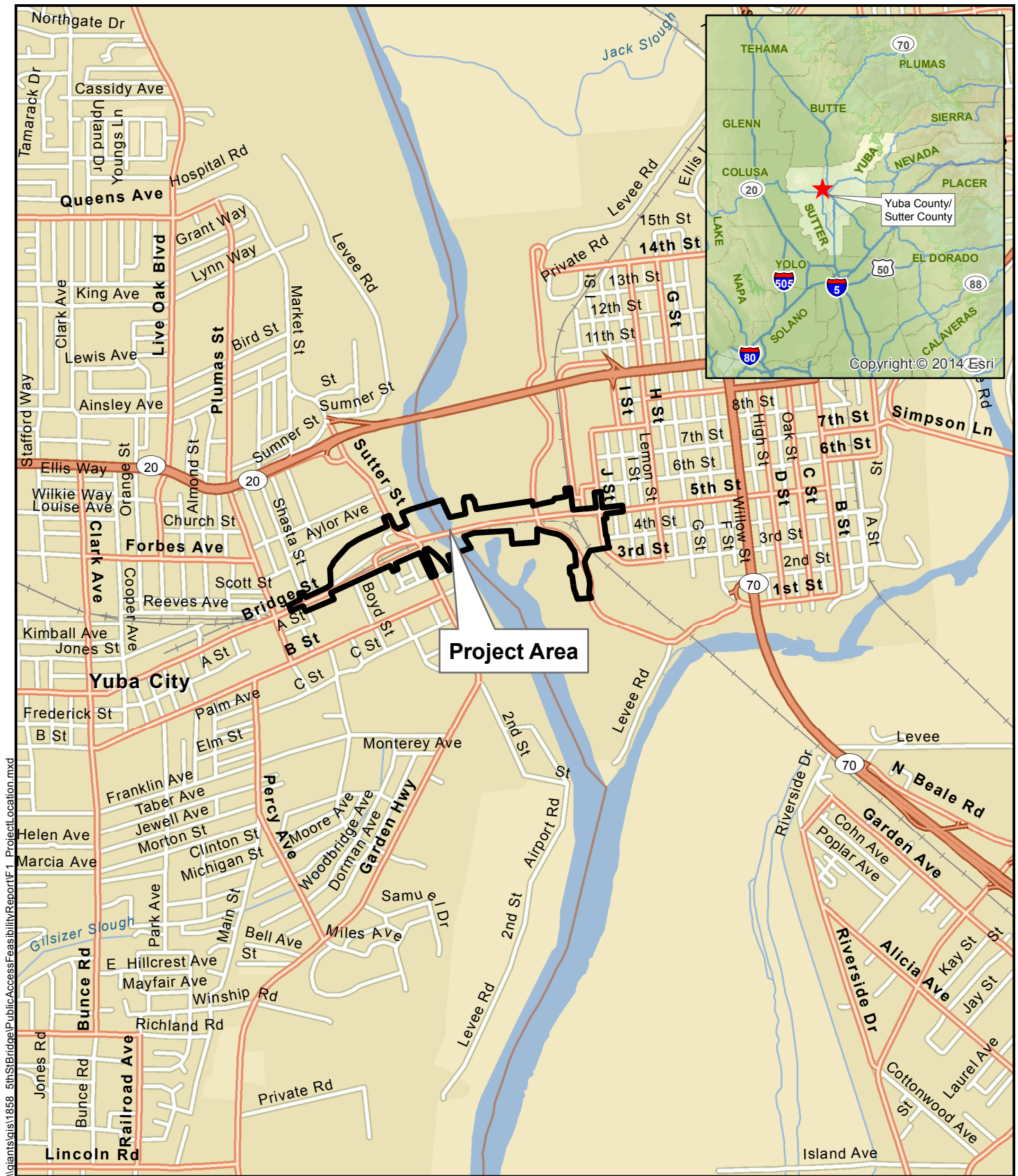
The project will improve the pedestrian/bike trail connections from 5th Street on both sides of the river with improved access from the top of levee down into Riverfront Park.

11. Study Team Members

Matthew Griggs	Project Manager	(916) 858-0642
Nathan Donnelly	Project Engineer	(916) 858-0642
Megan Carter	Project Engineer	(916) 858-0642
Rebecca Neilon	Project Engineer	(916) 858-0642

12. Attachments

Attachment 1:	Project Location
Attachment 2:	Access to Feather River
Attachment 3:	Public Comment



\\giant\gis\1858_5thStBridge\PublicAccess\FeasibilityReport\F1_ProjectLocation.mxd

Source: ESRI 2008; Dokken Engineering: 7/29/2015; Created By: zachl

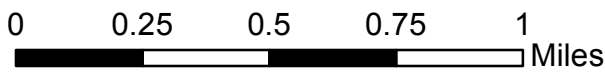
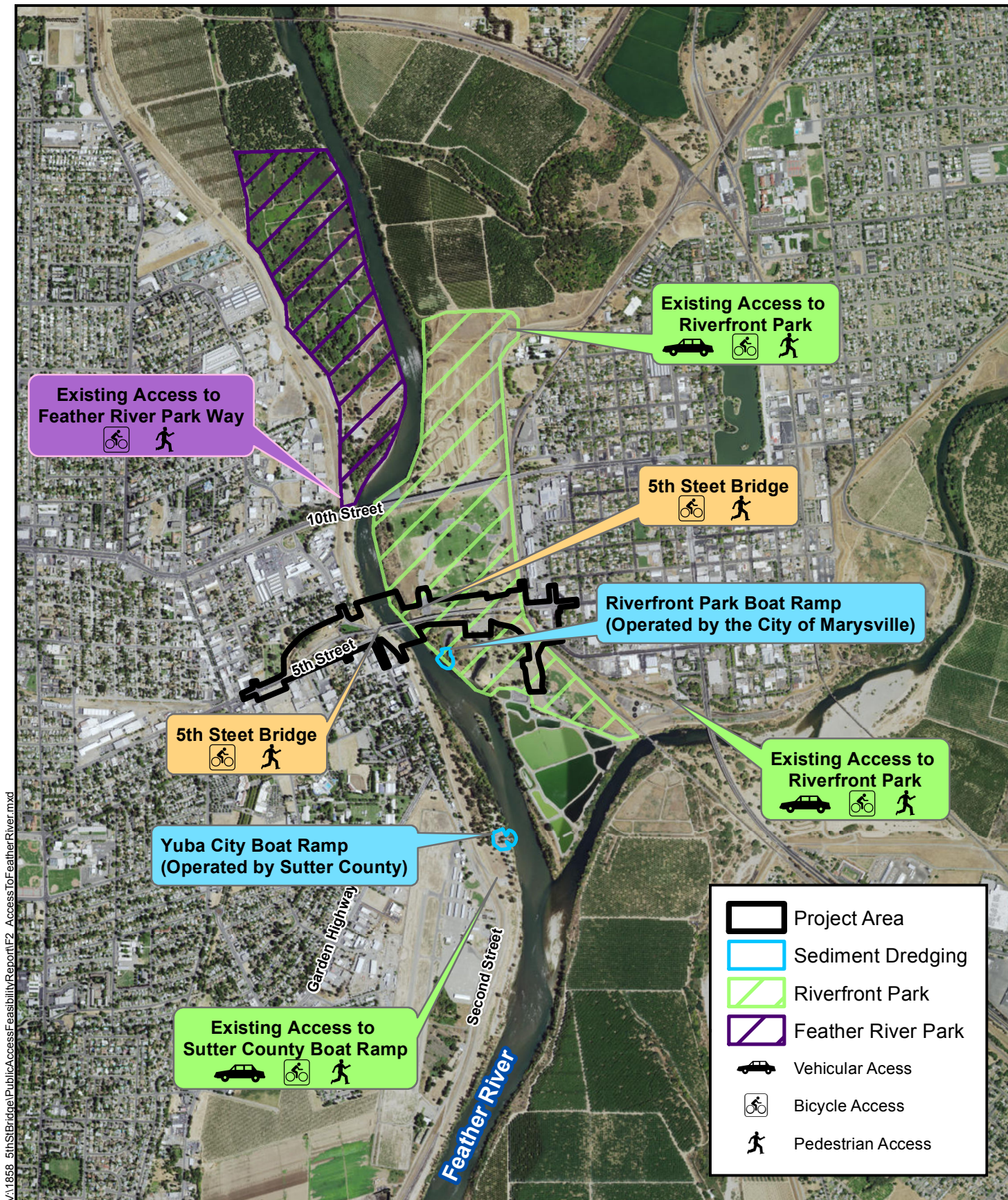


FIGURE 1
Project Location
 Federal Project No. BHLS-5163(025)
 Fifth Street Bridge over the Feather River
 City of Yuba City, City of Marysville,
 Yuba County, and Sutter County, California



\\1858 5thStBridgePublicAccessFeasibilityReport\F2 AccessToFeatherRiver.mxd

Source: February 2012 ESRI; Dokken Engineering 9/23/2015; Created By: scotts

FIGURE 2
Access to Feather River within Project Vicinity

Federal Project No. BHLS-5163(025)
 Fifth Street Bridge over the Feather River
 City of Yuba City, City of Marysville,
 Yuba County, and Sutter County, California



0 0.25 0.5 0.75 1 Miles

Comment 1.

Francis Coats (received via email, 08/04/13-08/05/13)

From: Francis Coats [<mailto:fecoats@msn.com>]
Sent: Sunday, August 04, 2013 4:28 PM
To: Kevin Bradford
Cc: Andrew Streng; ben vandermeer; CalTrans D3 Public Info Office; Chris Unkel; Cindy McKim; jennifer.lucchesi@slc.ca.gov; thomaswilcox@digitalpath.net; greimondo@americanrivers.org; megan@americanwhitewater.org; danielle@riversforchange.org; tbartlett@dfg.ca.gov; john@riversforchange.org; dcneubert@gmail.com; info@californiacavalry.us; bhackmack@frontier.com; grace95991@hughes.net; jss1934@yahoo.com; ajames@sc.edu; eric@maidu.com; raymcreynolds@yahoo.com; hsweetser@aol.com; brent.handley@tpl.org; sharman07@comcast.net; alan@alarsonsafety.com; hkruger@appealdemocrat.com; staff@tuolumne.org; johnsonsbait@syix.com; jpokrandt@riverpartners.org; josh2th@aol.com; patrick@tuolumne.org; frydee@comcast.net; ahurtado@ou.edu; ccreekin@yahoo.com; mphogan@ucdavis.edu
Subject: comments on 5th street bridge environmental document

Aah, so this is both a project planned by DOT and by Yuba City. So both S&HWC 84.5 and 1809 would apply (they require somewhat different things. It appears that 84.5 has more teeth. It requires the subject of providing access for public recreational purposes to be covered, including the written report on the feasibility of providing a means of public access, during the public planning process.

I don't think Yuba City will have a problem doing this. However, given CalTrans past history, it is very important that this be included, and be included in public discussions.

This is in Caltrans manuals on how to plan a bridge project. I have no explanation for why it gets forgotten. Especially since CalTrans District 3 and I have been discussing this in detail for a few years. CalTrans has, in its Project Development Planning Manual, very specific requirements for complying with 84.5. Please make sure they are complied with, or explain why not.

this must be standard operating procedure for CalTrans, and it apparently is not.

Attached is copy of CalTrans policy as of 2012 amendments.

also:

is there a problem with the link provided in the E document to CalTrans copy of document?

Why isn't State Lands Commission permit required?

where is compliance with S&HWC 84.5, 991, 1809?

From: Francis Coats <fecoats@msn.com>
Sent: Sunday, August 04, 2013 3:32 PM
To: Kevin Bradford
Cc: Evan Reimondo; Dave Steindorf; Megan Hooker; John Cain; jennifer.lucchesi@slc.ca.gov; cunkel@americanrivers.org; thomaswilcox@digitalpath.net; danielle@riversforchange.org; tbartlett@dfg.ca.gov; john@riversforchange.org; dcneubert@gmail.com; info@californiacavalry.us; bhackmack@frontier.com; grace95991@hughes.net; jss1934@yahoo.com; ajames@sc.edu; eric@maidu.com; raymcreynolds@yahoo.com; hsweetser@aol.com; brent.handley@tpl.org; sharman07@comcast.net; alan@alarsonsafety.com; hkruger@appealdemocrat.com; staff@tuolumne.org; johnsonsbait@syix.com; jpokrandt@riverpartners.org; josh2th@aol.com; patrick@tuolumne.org; frydee@comcast.net; ahurtado@ou.edu; ccreekin@yahoo.com; mphogan@ucdavis.edu
Subject: Fifth "Street Bridge Environmental Document

More comments:

the report does not indicate that a permit is required from State Lands Commission. Why would this be so? also, where is the compliance with Streets and Highways 84.5, 991 and 1809?

From: Francis Coats <lecoats@msn.com>
Sent: Sunday, August 04, 2013 3:47 PM
To: Kevin Bradford
Subject: fifth street bridge replacement project comments on draft EI doc

Is the link to CalTrans site for document wrong or broken? It does not bring up the bridge replacement project, so far as I can tell, and I cannot find it on the CalTrans dist 3 site otherwise.

why no State Lands Permit required?

Where is S&HWC sec 84.5/991/1809 compliance?

ARTICLE 6 Environmental Considerations

Public Access to Waterways

- Navigable Rivers: Section 84.5 of the Streets and Highways Code requires full consideration of, and a report on the feasibility of providing a means of public access for recreational purposes to any navigable river over which a new bridge is being constructed. The Office of the Attorney General finds that a "navigable river" as defined under California common law, is any watercourse "capable of being navigated by oar or motor propelled small craft" (People ex rel. Baker v. Mack (1971) 19 Cal.App.3d 1040, 1050).

It is necessary to discuss this subject at any public hearing and to justify and document the position taken on public access to waterways in the project approval document thus satisfying State code. All environmental and engineering aspects must be considered as well as the intent of the Legislature to maximize such public access by requiring its consideration during the planning of such projects. As such, the potential for this item should be fully considered and addressed in the project initiation document and project report as appropriate. See Appendix K – Preparation Guidelines for Project Report, Article 2, Section 7 Report on Feasibility of Providing Access to Navigable Rivers.

- Public Boat Ramps: Section 147 of the 1976 Federal Aid Highway Act provides that certain federal funds (see Chapter 4 – Programming, Article 4) may be used to construct access ramps to public boat launching areas in conjunction with bridge projects on these systems. In addition, it is not the intention of Section 147 to provide an extended roadway system within publicly owned recreation areas, but rather to provide direct access

Public Access to Waterways

- Navigable Rivers: Section 84.5 of the Streets and Highways Code requires full consideration of, and a report on the feasibility of providing a means of public access for recreational purposes to any navigable river over which a new bridge is being constructed. The Office of the Attorney General finds that a "navigable river" as defined under California common law, is any watercourse "capable of being navigated by oar or motor propelled small craft" (People ex rel. Baker v. Mack (1971) 19 Cal.App.3d 1040, 1050).

It is necessary to discuss this subject at any public hearing and to justify and document the position taken on public access to waterways in the project approval document thus satisfying State code. All environmental and engineering aspects must be considered as well as the intent of the Legislature to maximize such public access by requiring its consideration during the planning of such projects. As such, the potential for this item should be fully considered and addressed in the project initiation document and project report as appropriate. See Appendix K – Preparation Guidelines for Project Report, Article 2, Section 7 Report on Feasibility of Providing Access to Navigable Rivers.

- Public Boat Ramps: Section 147 of the 1976 Federal Aid Highway Act provides that certain federal funds (see Chapter 4 – Programming, Article 4) may be used to construct access ramps to public boat

A

launching areas in conjunction with bridge projects on these systems. In addition, it is not the intention of Section 147 to provide an extended roadway system within publicly owned recreation areas, but rather to provide direct access from the highway right-of-way to the water traversed by such highway. from the highway right-of-way to the water traversed by such highway.

(8-58 04/20/2012L Project Development Procedures Manual)

From: Francis Coats [mailto:fe coats@msn.com]
Sent: Monday, August 05, 2013 4:07 PM
To: Kevin Bradford; Mary Hays
Subject: RE: comments on 5th street bridge environmental document

Kevin Bradford
City of Yuba City
kbradfor@yubacity.net
Thank you for your telephone call today.

I still question whether a State Lands Permit may be required for the bridge. State Lands is essentially the trustee for the public interest in the navigable servitude/public trust lands, and so has an interest in the construction of the bridge even if the land under the river is owned in fee by private persons or one of the two cities.

Also, this land was part of the New Helvetia grant, and the New Helvetia grant was held to not include the bed of the river below low water mark because of the special language in which the grant was written. Even though most Mexican grant land had title going to the center of the river, that is not correct for the New Helvetia grant.

Also, I don't believe that the fact that the river has moved east in the last 150 years deprives State Lands, or the people of the State, of rights in the river. If that were so, then you would need to get State Lands permission to build that part of your project now on dry land on the Sutter county side.

And, of course, it is still important to me that CalTrans comply with section 84.5 of the Streets and Highways Code, and that Marysville and Yuba City both comply with 1809; and, to the extent that the counties are involved, that they comply with 991.

Frank Coats

From: Francis Coats (<mailto:fecoats@npsn.com>)
Sent: Monday, August 05, 2013 4:50 PM
To: Kevin Bradford
Subject: Fifth Street Bridge Environmental Document comments

Kevin Bradford
City of Yuba City
kbradfor@yubacity.net

I had a chance to look, and found *Ferris v. Coover*, (October 1858) 10 Cal. 589, which indicates that the description of the New Helvetia Grant was to the "margins" of the Sacramento and the Feather, and that this meant the edge, not the center. So, for these rivers in the vicinity of the New Helvetia grant, it appears that private title goes only to the edge of the river, the low water line; and, that the remainder must have been conveyed to the State (unless someone has some case law indicating that the grant on the east side of the Feather at Marysville extended to the west bank of the river).

This would appear to reflect on whether or not a State Lands permit may be required.

Frank Coats

Response 1.

Thank you for your comments; they have been included in the final environmental document.

Response A: Since this project is on local city streets, of the three California Streets and Highways Codes referenced, only Section 1809 applies to the 5th Street Bridge Replacement Project. Section 1809 states: "Before any bridge on a city street is constructed over any navigable river, the legislative body of the city, after a study and public hearing on the question, shall determine and prepare a report on the feasibility of providing public access to the river for recreational purposes and a determination as to whether such public access can be provided." It is an important goal of the City of Yuba City to provide and maintain suitable access to existing park and recreational facilities. The proposed 5th Street Bridge Replacement Project would, at a minimum, provide the same public access for recreational purposes when compared with the existing condition, therefore, no impacts to public access or recreational access are anticipated as a result of this project. To the greatest extent possible, access to recreational facilities will remain open during construction as well to minimize potential temporary access impacts.

In order to comply with the Streets and Highways Code Section 1809, prior to construction, Yuba City Public Works Department will document the existing public access routes currently provided to the Feather River and provide a recommendation to the City Council if additional access should be considered as an addition to the 5th Street Bridge Replacement Project. This recommendation will be considered by the City Council during a public hearing and members of the public will be provided an opportunity to provide input. This hearing will likely occur after approval of the environmental document, but prior to completion of the final design of the project.

Response B: During the environmental review, the proponents believed that at the existing 5th Street Bridge, the land at the Feather River was completely owned by the City of Marysville. As a result of your comments, we have done further coordination with the State Lands Commission and determined that an update to the lease agreement for the existing 5th Street Bridge will be necessary and will be reviewed and approved by the State Land Commission in coordination with Sutter County. The environmental document has been updated to reflect the need for additional State Lands Commission coordination and an updated lease agreement over their jurisdiction.