

Feasibility Report—Public Access to Navigable River

1. Introduction:

This report examines the feasibility of providing public access to the Feather River, at the State Route (SR) 99 Nicolaus Bridge, in conformance with *Streets and Highways Code 84.5*, due to the construction of a new bridge across a navigable river.

Streets and Highway Code 84.5 states: “During the design hearing process relating to state highway projects that include the construction by the department of a new bridge across a navigable river, there shall be included full consideration of, and a report on, the feasibility of providing a means of public access to the navigable river for public recreational purposes”.

The Environmental Studies and public hearing process for this project were completed in November 2003. Section 3.10 of the project’s environmental document addressed “Parks, Recreational Areas, Wildlife and Waterfowl Refuges”. Impacts for those topical areas due to this project were deemed to be “less than adverse” and Caltrans mitigated those impacts as required by law. It is noted that one comment regarding access at the bridge site was received at the public meeting during circulation of the Draft Environmental Impact Report. This comment was submitted anonymously and was addressed as required by law (see Attachment 8). It asked for “continuing to have access to the Feather River (near residential home)”. Since the new bridge spans the Feather River parallel to the existing bridge, it does not impact original access except to the property acquired for the bridge footprint.

2. Define Transportation Project:

The Feather River bridge construction project (EA 1A432) is part of a larger project (EA 1C320) designed to increase capacity, and improve traffic operations and safety on SR 99, from the SR 99/70 junction to Sacramento Avenue (PM 8.7-14.3) and from Central Avenue to O’Banion Road (PM 16.8-23.0).

SR 99, between the SR 99/70 junction and Sacramento Avenue, will be widened from 2 to 4 lanes with a median/left-turn lane, requiring the addition of a 2-lane bridge directly east of, and parallel to, Feather River Bridge #18-0026 L, to accommodate northbound traffic (Attachment 1).

The existing structure currently provides two travel lanes, one each northbound and southbound, and two eight foot shoulders. Once the new structure is complete, both lanes on the existing structure will carry southbound traffic. The new structure will provide two twelve foot travel lanes, a five foot inside shoulder and a ten foot outside shoulder. Bicycles and pedestrians are not restricted from utilizing the structure shoulder areas to traverse the highway.

Right of Way acquisitions for this project were minimized to accommodate just the necessary “footprint” of the new bridge structure. Temporary construction easements were also minimized, to reduce temporary and permanent impacts to sensitive natural environmental resources in the project area.

3. Describe project site and features:

- On the south side of the Feather River, just west of the small community of Nicolaus, SR 99 is elevated as it passes over Garden Highway (Garden Highway Undercrossing), approximately 200’ before the beginning of the Feather River Bridge (Attachment 2). The bridge crosses the Feather River, its floodplain, and the levees on both sides of the floodplain (Attachment 3).
- Both levees have an unpaved road on top for maintenance access and patrol during flood stage. Although locked gates restrict motor vehicle access on the levee roads, there is no additional fencing to prohibit pedestrians and bicyclists from walking around the gates and accessing the levee roads.
- The bridge is 3148’ long; the floodplain is almost as wide. The distance from the southern levee to the riverbank at the project site (approximately 525’) is much closer than the distance from the northern levee to the riverbank - approximately 1820’. (Attachment 4).
- The speed limit on SR 99 is 65 mph. River access from SR 99 is not practical, as the roadway is elevated in both directions approaching the bridge and guardrail/bridgerail lines the shoulder.
- On the south side, Garden Highway (Nicolaus Avenue) parallels the south levee and the river throughout the project area. Parking is not prohibited on Garden Highway.
- The speed limit on Garden Highway in the area of the Undercrossing is 55 mph. Garden Highway traverses the Undercrossing of SR 99 on a curve with limited sight distance.
- The north levee does not have a parallel public road. It can be reached via Sacramento Avenue, which connects to SR 99 approximately one mile north of the bridge on SR 99.

- On Garden Highway, there is evidence of parking on private property along the road, west of the bridge and adjacent to a levee access road.
- On the north side of the river, there is a designated public parking area at the end of Sacramento Avenue, by the gate to a levee access road for river access to the Nelson Slough Unit of the Feather River Wildlife Area. (Attachment 5)
- Metal beam guardrail shields the bridge columns of the Undercrossing on Garden Highway and extends east and west almost to the edge of Caltrans right of way to protect errant motorists. There is little room for access onto the property on the river side of the road. The columns on the river side are located on the inside of a curve, and sight distance is limited. Steep 2:1 slopes run along the east and west sides of SR 99. Steep 1:1 abutment slopes run along Garden Highway, behind the metal beam guardrails.
- A private residence is located adjacent to Caltrans right of way on the east side of the Undercrossing. The steep 1:1 levee slope begins approximately 100' towards the river from Garden Highway on the west side and approximately 150' on the east side. On the south side of Garden Highway, to the east and west of the Undercrossing, SR 99 on- and off-ramps terminate on Garden Highway, adding to safety concerns for pedestrians.
- On the north side of the river, Sacramento Avenue ends at the gated levee road, approximately 900' east of the bridge. A designated public parking area exists here as described above. Nelson Slough, part of the Feather River State Wildlife Area, runs along the base of the levee, under the bridge, on the river side of the levee. The river is approximately 1820' south of the levee.

4. Identify any existing public access to navigable river in project area:

- On the south side of the river, approximately 600' west of the bridge, there is evidence of the public parking on a short segment of private property along Garden Highway. Pedestrian access to the river is via a gated, unpaved levee access road. Although the gates are usually locked, there is no additional fencing prohibiting pedestrians and bicyclists from walking around the gates to access the levee roads.
- The public also uses unpaved paths or trails leading directly up the levee. These paths are created by deer or public use and are not authorized. The levee district repairs the levee and removes such paths to avoid erosion concerns.
- Also on the south side of the river, east of the bridge in Nicolaus, the public uses one paved and one unpaved levee access road from Garden Highway. Although the paved access road is gated, it is frequently unlocked for a local paintball company to allow floodplain access via four-wheeled recreational vehicles for its customers.

- Another access point south of the river is located less than two miles downstream on Garden Highway, across from the golf course. “Beer Can Beach” (*local moniker*), on Nelson Bend, is accessed from a large parking area at a point where the road traverses the top of the levee. A number of trails lead down to the beach. The unpaved levee road to the east, which also leads to the beach, is gated off from the parking area.
- On the north side of the river, east of the bridge, the river is accessed by turning east off SR 99 onto Sacramento Avenue, about 1 mile north of the bridge. The levee is located approximately 1.2 miles along the road. While the levee gate is often closed, the public parks by the gate and accesses the floodplain on foot. At this location, the river is approximately 1820’ from the levee to the south; the bridge is approximately 900’ along the levee to the west. Occasionally, the California Department of Fish and Game (DFG) leaves the levee gate open, and closer access can be gained by driving east along the levee one quarter mile, then following another unpaved road south to within approximately 450’ of the river. The DFG would like to provide a multi-functional recreation facility, including a boat ramp, at this location.

5. Identify alternatives for providing new or enhanced public access:

- A. Access at the south end of the bridge
- B. Access at the north end of the bridge
- C. The multifunctional recreation facility including a boat ramp, on the north bank of the river, upstream of the bridge, on DFG property.

6. Describe impacts of each alternative to replace, modify or create a public access in project area:

- A. Access at the south end of the bridge:
 - Insufficient rights are currently owned by Caltrans within the bridge project rights of way to create an access route to the river. (Attachment 6) Rights were acquired for bridge construction, maintenance operations, and ingress and egress of the traveling public over the bridge. Caltrans does not have the authority to grant access to others on land which it does not own.
 - Due to steep 1:1 slopes next to the highway and on the levee, constructing pedestrian access facilities in conformance with Americans with Disabilities Act (ADA) requirements would be difficult and costly,

requiring a larger project footprint than is currently available with the existing project.

- Construction of any roadway, ramp or steps built into the levee will require review and permits from many agencies, including the U.S. Army Corps of Engineers, Central Valley Flood Protection Board, Reclamation District 1000 and/or 1001, etc.
- Environmentally sensitive areas were identified within the original project limits. The environmental impacts discussed in the Project Report pertained to bridge construction and maintenance operations only. The differing levels and impacts of access (pedestrian, bicycle, vehicular, and boating) would require additional studies and mitigation.
- River access would require traversing a wetland located in the floodplain, at the toe of the levee.
- This is a costly alternative that would only provide walk-in access. To provide a multi-use facility adjacent to SR 99, additional right of way would be required for roadway access, parking, and a boat launch facility.

B. Access at the north end of the bridge:

- For the portion of land that the Department of Fish and Game owns, Caltrans has bridge area rights that were transferred from Sutter County through route adoption legislation. For the portion of land that the Department of Water Resources owns, Caltrans has prescriptive rights and a permit to enter to construct the bridge. North of the bridge abutment, Caltrans has roadway rights. (Attachment 7). Rights were acquired for bridge construction, maintenance operations, and egress and ingress of the traveling public over the bridge. Caltrans does not have the authority to grant access to others on land which it does not own.
- The bridge is a long distance from the nearest public access road (approximately 900' west of the road) and the river is approximately 1820' to the south—almost one half mile away from the parking area.
- There is no adequate location to provide parking along the highway and path access to the river due to the distance from the river. Again, this would only provide walk-in access.

C. A multi-functional recreation facility on DFG property located outside the normal high water zone, in the northeast quadrant of the Feather River Bridge, off Nelson Slough.

- If the facility is designed, built, and maintained similarly to that of the Tisdale and Boyds Pump boat launch facilities, Sutter County could be the lead agency.

- There is adequate land within the levee to provide parking, bringing river users closer to the river. A concrete parking pad would be required as it is located within the floodplain.
- Access from Highway 99 would be on Sacramento Avenue, which terminates at the levee. The existing access road, from Sacramento Avenue along an existing levee road would need to be improved, and a road to traverse the levee and connect to the parking and boat launch facility would need to be constructed.
- Potential impacts to neighboring properties and a privately operated pump in Nelson Slough would need to be addressed.

7. Preliminary Cost Estimates and potential Funding sources:

Detailed cost estimates were not prepared for access at the south bridge abutment area. The project scope for providing access in this area would vary based on negotiations with permitting agencies to determine actual routing of the access provided. The variables that would affect cost include amount of additional Right of Way area required, cost of construction of ADA compliant facilities, and cost of additional environmental mitigation. A rough estimate for providing an access at this location would be \$50,000 to \$150,000, or more.

Detailed cost estimates were not prepared for accesses at the north bridge abutment because this alternative was not deemed practical due to lack of off-highway parking areas and distance from the river.

The multi-functional recreation facility on DFG project is in the conceptional phase and has not been fully scoped. The Tisdale Boat Launch Facility (BLF) and its site conditions are similar to the Nelson Slough site and can be used in cost comparisons. The Tisdale BLF provides a two-lane concrete boat launching ramp and a 40 vehicle/trailer parking area. It was completed in November of 2008 for approximately \$1.4 million and has an estimated annual maintenance cost of \$45,000. In order to construct the facility, Sutter County received a grant from the Department of Boating and Waterways.

The Feather River Bridge project has no funding available for any of the alternatives. A potential funding source is the California Department of Boating and Waterways grant fund.

8. Coordination with other agencies:

Coordination with many agencies would be required to provide review, approval and permitting for construction of public access facilities.

- Reclamation District 1001 has a right of way for reclamation purposes only for the south levee and Reclamation District 1000 has the north levee.
- The Sacramento and San Joaquin Drainage District has perpetual rights of way and easements from private owners on the south levee.
- The Department of Water Resources owns the north levee. It provides the State with an easement under the bridge.
- Sutter County owns right of way around and including Garden Highway.
- The State Lands Commission provides the state with a transportation easement—a narrow strip under the center of the bridge between the south levee and the river, and a wider strip through the river—for use in protecting the highway. It also owns the river between riverbanks.
- A private owner provides the State with strips of easement on both sides of the State Land Commission transportation easement, between the south levee and the river.
- The State Department of Fish and Wildlife owns the land from the river to the north levee. The Department provides the State with an easement under the bridge. The land in this area is part of the Feather River State Wildlife Area, owned and managed by this Department.
- The State Department of Water Resources has a controlling interest in the river.
- The Central Valley Flood Protection Board has a controlling interest in the river.
- The U.S. Army Corps of Engineers has a controlling interest in the levees.
- The U.S. Fish and Wildlife Service has a controlling interest in the area between the south levee and the south side of the riverbank.
- The National Oceanic and Atmospheric Administration has a controlling interest by the south side of the riverbank, where jurisdiction of the U.S. Fish and Wildlife Service ends, to the north end of the riverbank.
- Additionally, numerous parcels are privately owned.

9. Other discussion/information:

The levee on the south side of the Feather River is maintained and operated by Reclamation District 1001. This levee is posted “No Driving or Climbing on Levee, Sutter County Ord. 1140” and sometimes “Unauthorized Vehicular Use Prohibited by Law” along its length in the project area. Public access is, therefore, tolerated within its jurisdiction as long as no levee damage or other nuisance is created at the access points and no complaints are received from the other underlying or adjacent property owners. Law enforcement is summoned in those cases where nuisance occurs or damage is found.

Americans with Disabilities Act (ADA) considerations must be made for the construction of any pedestrian facility that provides access from either outer levee to the river. This would require the acquisition of significant additional rights of way to meet slope and grade requirements. It would also require approval and permitting from several regulatory agencies.

10. Findings of Study:

It is not practical to construct new public access facilities within the existing and recently acquired Rights of Way for the new bridge. Slopes on the levee, lack of adequate parking, lack of a safe path near Garden Highway for pedestrians, sensitive environmental resources adjacent to the bridge site, and limited access functionality (only walk-in) make the sites surrounding the bridge footprint impractical for construction of a new public access.

There are several other existing access areas to the Feather River in the project vicinity, including an officially designated parking area at the end of Sacramento Avenue, outside the levee, with access to Nelson Slough, part of the Feather River State Wildlife Area.

A feasible alternative is to construct a multi-functional recreation area on DFG property at Nelson Slough, including an improved parking area and a boat ramp, on the north side of the river. It is our finding that this facility would provide access to a large cross-section of the public in an environment sheltered from local and state highway traffic.

11. Study Team Members:

| | | |
|--------------------|---------------------------------------|----------------|
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| Laurie Lammert | North Region Design South Chief | (530) 741-4532 |
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| Ron Tollison | Resident Engineer | (530) 822-4313 |
| Ginger Congi | Right of Way Engineering Branch Chief | (530) 741-4118 |
| Suzanne Melim | Environmental Biologist | (530) 741-4484 |
| Marily Schmucki | Engineer | (530) 741-4496 |

12. Attachments:

Attachment 1: Layout Sheet
Attachment 2: South End of Bridge
Attachment 3: Bridge and North End of Bridge

03-SUT-99
Feather River Bridge
PM 10.0/14.7
Program Code: 20.10.025.713 (HE 13)
EA: 03-1A432 EFIS#: 0300000206
March 26, 2013

Attachment 4 Aerial Photograph
Attachment 5: Feather River Wildlife Area Parking
Attachment 6 Right of Way, South
Attachment 7 Right of Way, North
Attachment 8 Comment Card, Appendix B, FEIS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN SUTTER COUNTY
NEAR NICOLAUS
FROM POWER LINE ROAD
TO 0.1 MILE SOUTH OF LAUREL AVENUE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006



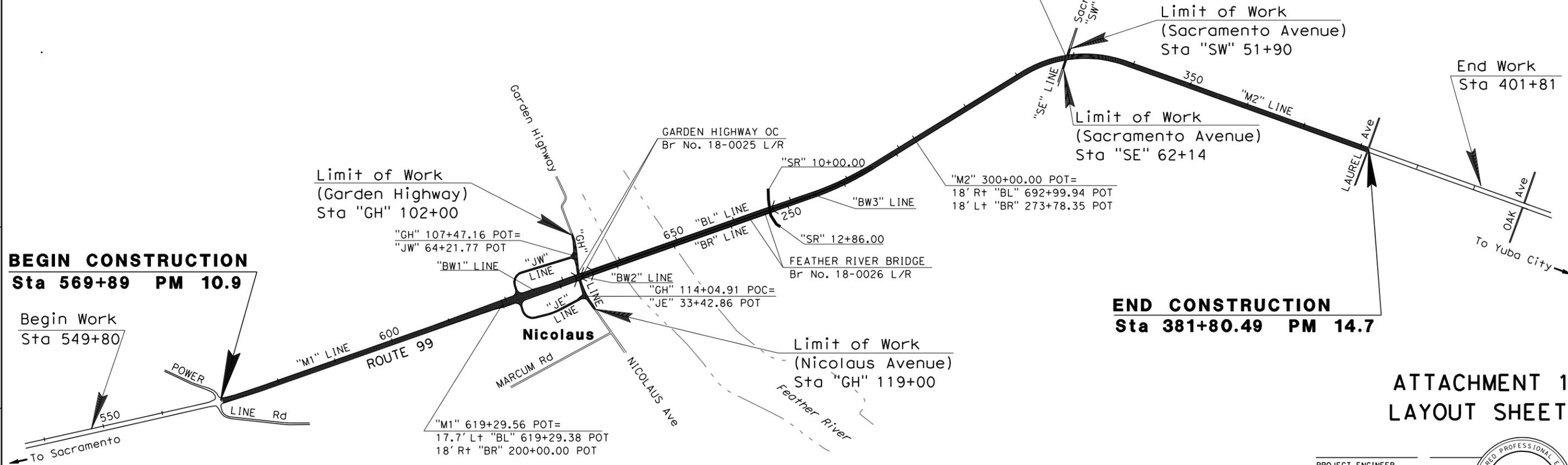
INDEX OF PLANS

| SHEET No. | DESCRIPTION |
|-----------|--|
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STRUCTURE PLANS

| | |
|---------|-------------------------------------|
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THE STANDARD PLANS LIST APPLICABLE TO THIS CONTRACT IS INCLUDED IN THE NOTICE TO BIDDERS AND SPECIAL PROVISIONS BOOK.



NO SCALE

ATTACHMENT 1
LAYOUT SHEET

PROJECT ENGINEER
REGISTERED CIVIL ENGINEER



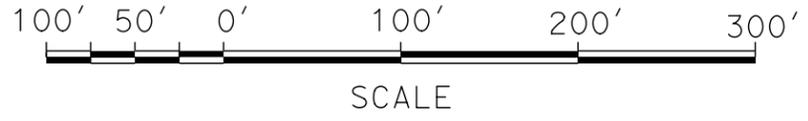
PLANS APPROVAL DATE
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT No.

CU EA



← FEATHER RIVER



FLOODPLAIN

WETLAND

EXIST FEATHER RIVER BRIDGE Br No 18-0026 L
NEW FEATHER RIVER BRIDGE Br No 18-0026 R

WETLAND

BEGIN NEW BRIDGE

UNPAVED LEVEE ROAD

UNPAVED LEVEE ROAD

GARDEN HIGHWAY

PARKING OBSERVED

NEW TOE OF SLOPE

RESIDENCE

COUNTY R/W

COUNTY R/W

EXIST GARDEN Hwy UC Br No. 18-0025 L
NEW GARDEN Hwy UC Br No. 18-0025 R

LEVEE ACCESS ROAD

SR 99
ON/OFF RAMP

METAL BEAM
GUARDRAIL

SR 99
ON/OFF RAMP

ATTACHMENT 2
SOUTH END OF BRIDGE

GARDEN HIGHWAY

FLOODPLAIN

NELSON SLOUGH

UNPAVED LEEVEE ROAD

R/W

SR99

SR99

R/W

EXIST FEATHER RIVER BRIDGE Br No 18-0026 L

NELSON SLOUGH

END NEW BRIDGE

NEW FEATHER RIVER BRIDGE Br No 18-0026 R

FLOODPLAIN

FEATHER RIVER WILDLIFE AREA

FEATHER RIVER

UNPAVED LEEVEE ROAD

SACRAMENTO AVENUE

TO PARKING



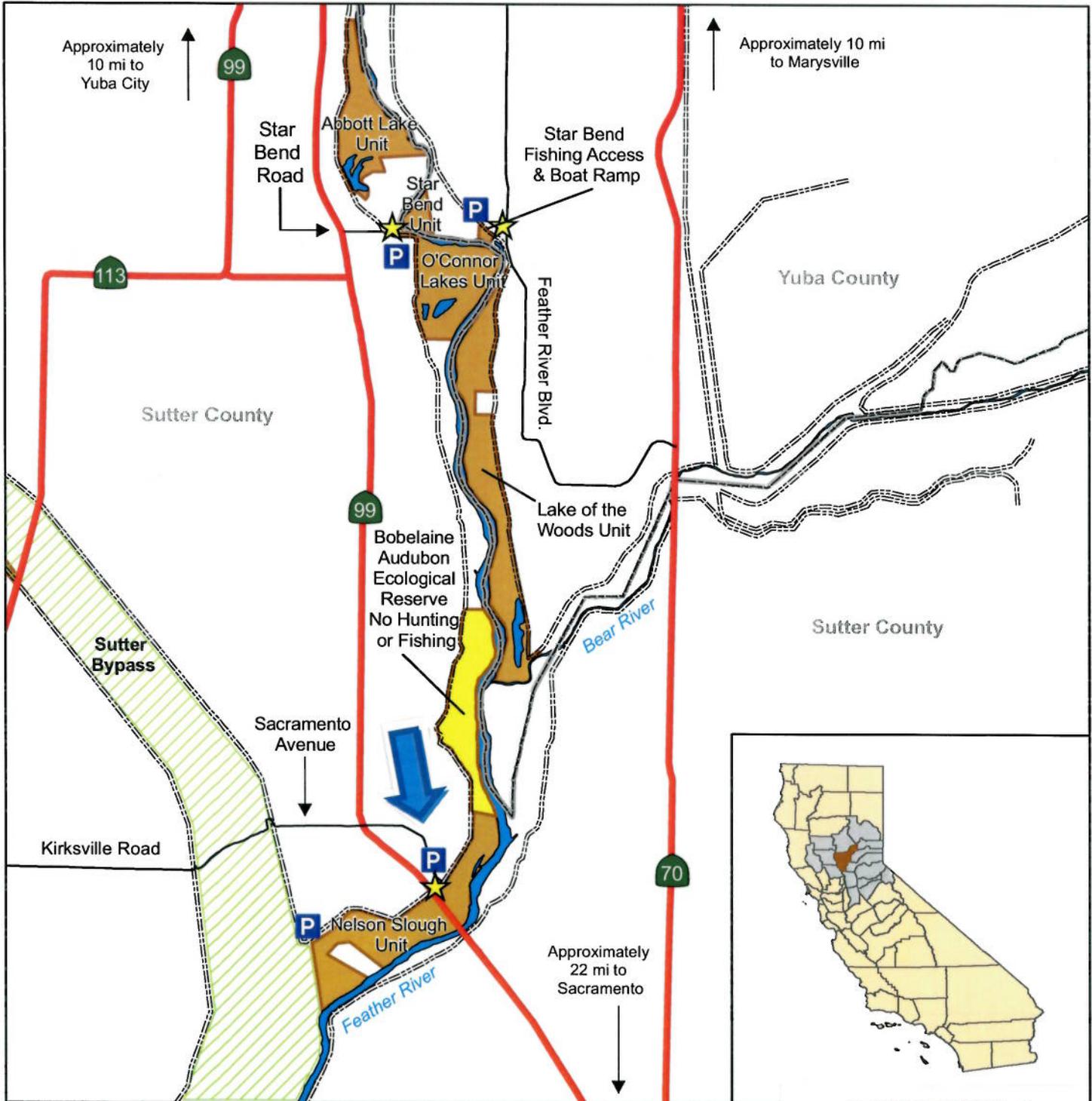
SCALE

ATTACHMENT 3
NORTH END OF BRIDGE

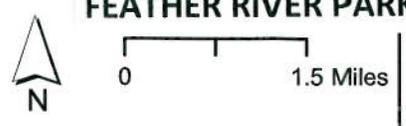


ATTACHMENT 4
AERIAL

California Department of Fish and Game North Central Region FEATHER RIVER WILDLIFE AREA Sutter, Yuba Counties



- Wildlife Area
- Ecological Reserve
- Sutter Bypass
- Local Road
- State Highway
- Levees - No Vehicle Access
- P Parking

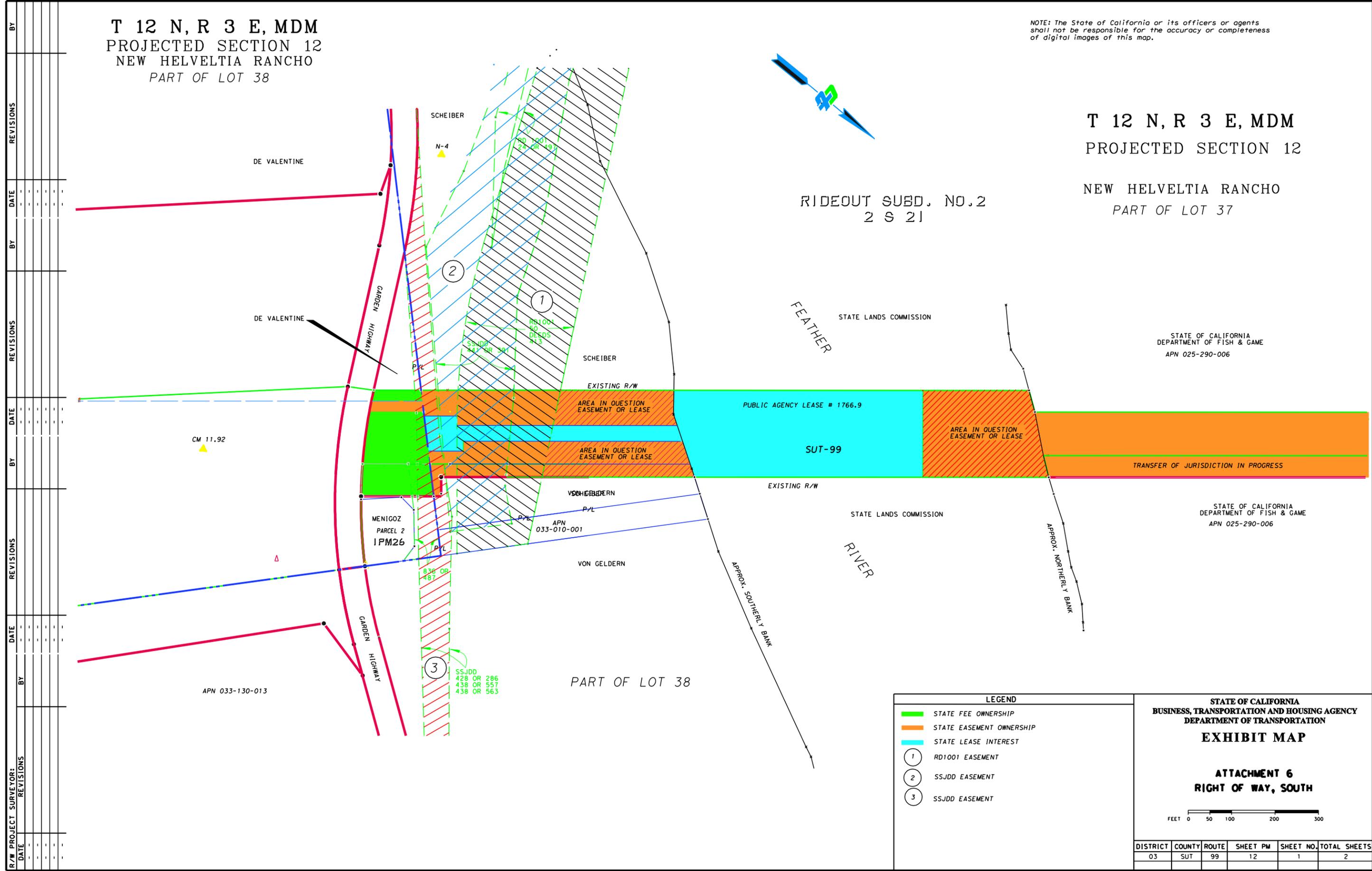


ATTACHMENT 5 FEATHER RIVER PARKING

T 12 N, R 3 E, MDM
 PROJECTED SECTION 12
 NEW HELVELTIA RANCHO
 PART OF LOT 38

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

T 12 N, R 3 E, MDM
 PROJECTED SECTION 12
 NEW HELVELTIA RANCHO
 PART OF LOT 37



| BY | REVISIONS | DATE |
|----|-----------|------|----|-----------|------|----|-----------|------|----|-----------|------|----|-----------|------|
| | | | | | | | | | | | | | | |

| R/W PROJECT SURVEYOR: | | | | | |
|-----------------------|-----------|------|-----------|------|-----------|
| DATE | REVISIONS | DATE | REVISIONS | DATE | REVISIONS |
| | | | | | |

| DISTRICT | COUNTY | ROUTE | SHEET PM | SHEET NO. | TOTAL SHEETS |
|----------|--------|-------|----------|-----------|--------------|
| 03 | SUT | 99 | 12 | 1 | 2 |

LEGEND

- STATE FEE OWNERSHIP
- STATE EASEMENT OWNERSHIP
- STATE LEASE INTEREST
- 1 RD1001 EASEMENT
- 2 SSJDD EASEMENT
- 3 SSJDD EASEMENT

**STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION**

EXHIBIT MAP

**ATTACHMENT 6
 RIGHT OF WAY, SOUTH**

FEET 0 50 100 200 300

RESPONSE TO ANONYMOUS COMMENTS

During the appraisal process, you will receive a notice of our intent to appraise your property. At that time, we will ask that you meet with the appraiser to provide your input regarding all aspects of your property and any concerns/options you would like us to consider during the appraisal/valuation process. The appraisal and acquisition agent will be your Caltrans representative throughout the highway project and it is his/her responsibility to continually keep you informed as the project and valuation/acquisition process progresses.

3

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION

COMMENT CARD

NAME (Please Print) Anonymous

ADDRESS (Home) 66 MENTHO E, MICHIGAN

CITY STATE ZIP CODE

AUTHORIZED REPRESENTATIVE (Name of organization or agency) ADDRESS (Business)

COMMENTS IS INTERESTED IN CONTINUING TO HAVE ACCESS TO THE PARTIAL RIVER AT THE FORMER RIVER BRIDGE AREA (URBAN RESIDENTIAL ZONING). ALSO WOULD LIKE TO CONTINUE FRONTING IN PARCEL ADJACENT TO EAST OF 99 AT MICHIGAN RD. WOULD LIKE TO CONSIDERATE w/ CLEAR OF WAY AND BE DEFERRED ON THIS DECISION.

For more comments see reverse side