

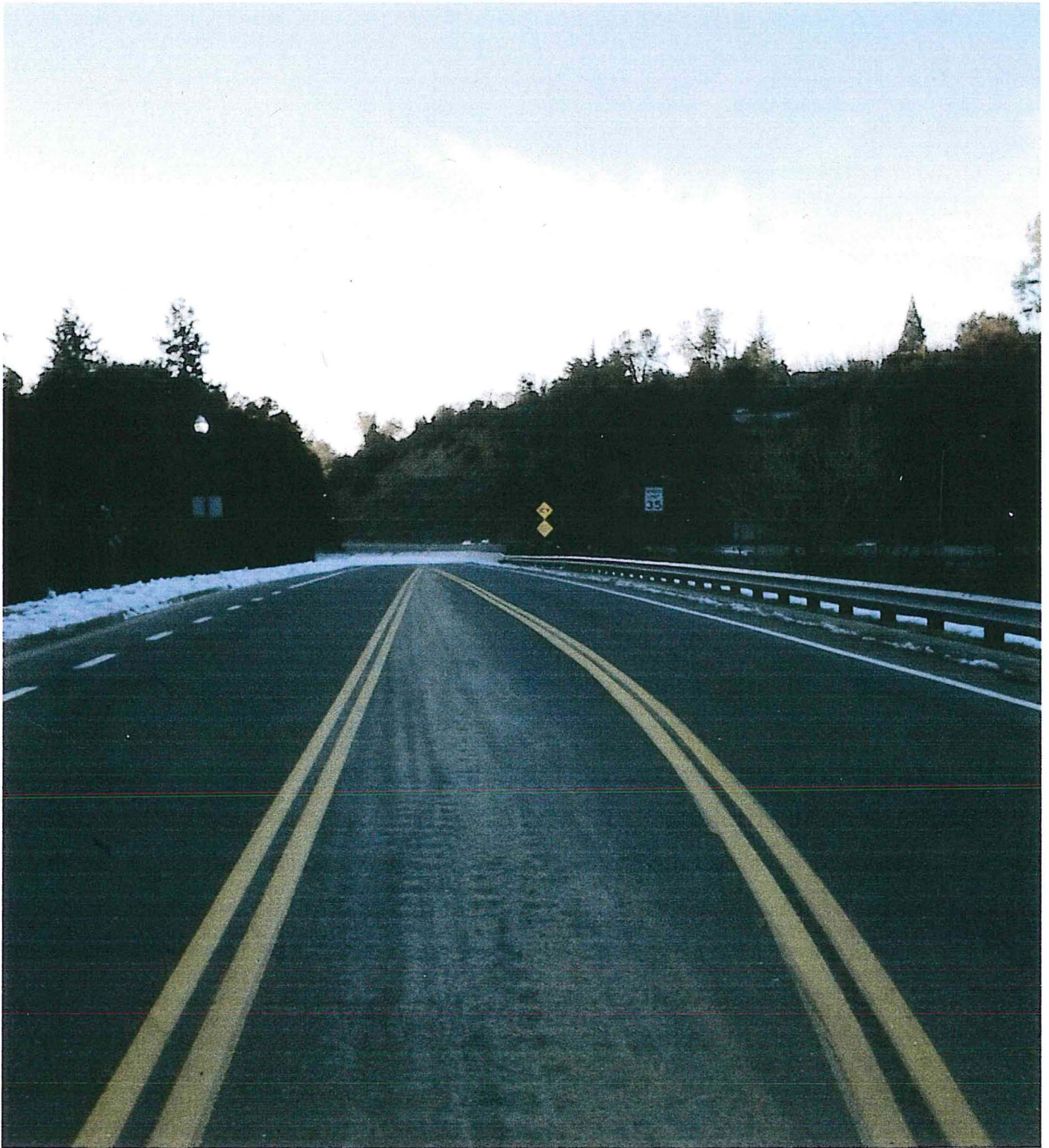
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#52 12-17-13















**American Rivers**  
Rivers Connect Us

12/17/13 PUBLIC COMMENT  
#52 SIMON



Malcolm Dougherty  
Caltrans Director  
120 N Street  
Sacramento, CA

January 25, 2013

**Re: Access Feasibility Studies as required by Streets and Highway Code 84.5**

Dear Mr. Dougherty,

As you may be aware, Section 84.5 of the California Streets and Highway Code requires Caltrans to fully consider and report on whether it is feasible to provide public river access for public recreation when a new state highway bridge is built over a river. Caltrans is in the process of revising its first ever Access Feasibility Study for the Highway 99 Bridge over the Feather River. While American Rivers and American Whitewater are pleased to see Caltrans taking on these efforts, (particularly in light of the fact that they have been required for over 40 years), it is our concern that this revised Access Feasibility Study may still inadequately address the feasibility of providing public access, and fail to meet the spirit and intent of Section 84.5. We write to offer suggestions on streamlining and improving current and future Access Feasibility Studies. In the interest of creating a common understanding of the scope and outcomes of a Section 84.5 Feasibility Study for both Caltrans and the general public, we write to offer suggestions on developing a standard process for developing Access Feasibility Studies.

American Rivers is a 501(c)(3) national non-profit organization whose mission is to protect and restore our nation's rivers and streams. American Whitewater is a 501(c)(3) national non-profit organization that works to protect and restore America's whitewater resources, and enhance the public's ability to enjoy them safely. Both organizations have a significant membership base in California, and therefore have a direct interest in ensuring that future Access Feasibility Studies are completed in an effective and efficient manner.

Below, we outline specific suggestions to provide guidance for improvement, provide supporting recommendations, and conclude with some general comments concerning Access Feasibility Studies. Studies that follow these guidelines should address the needs of our organizations and the broad base of river recreationists that we represent. We request a meeting with the appropriate members of your staff to discuss these recommendations.

**Defining and implementing a scoping process**

1. The specific issues associated with a River Access Feasibility study should be determined as part of a formal public scoping process regarding any bridge construction or bridge repair projects.

2. Notify appropriate interested stakeholders, including local watershed groups, recreational fishing, boating, and hunting groups, and state and national river conservation organizations such as American Rivers and American Whitewater, as parties to initial Caltrans project scoping.
3. Identify and describe the waterway and the recreational interest in the waterway being affected. This information can be supplemented from the American Whitewater National River Database, or from other online guidebooks such as Dreamflows (these resources are suggestions, and by no means an exhaustive list of the resources, that Caltrans should consider).
4. Through the public scoping process it should be determined if there is a need and potential to improve river access.

#### **Determining potential access points**

1. Determine all existing access points utilized by the public to access the affected river segment, whether established or informal.
2. If access in the bridge right of way is deemed infeasible or of lesser quality than a nearby improvement or development, explore the potential to establish a new public access site outside of the direct project right of way. Determine the land ownership of these potential access sites and engage landowners or agencies to determine if they are willing to explore improving river access.

#### **Establishing and describing right of ways**

1. When acquiring right of ways necessary for construction, Caltrans should, whenever possible, include public access as part of the right of way agreements.
2. The Feasibility Study should evaluate existing easements and determine to what extent they allow public access.
3. Clear and obvious signage should be in place to inform the public of the right of way boundary and where the public is legally allowed to access the river along the bridge.

#### **Identifying Potential Funding Sources**

1. The study should identify potential funding sources. Some sources for consideration include partnership with nonprofits, California Department of Boating and Waterways, California Department of Parks and Recreation (Recreational Trails Program), and the California Natural Resources Agency (California River Parkways and EEMP).

#### **Making the final determination**

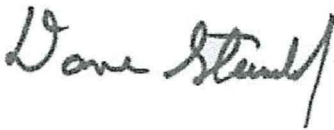
1. Establish a formal and transparent decision-making framework to determine the feasibility of providing public access
2. If deemed feasible, that determination should mandate the planning and implementation necessary to provide the identified public access.

It is our view that an adequate feasibility analysis should include full consideration of improving existing access sites or creating new ones outside of the direct bridge right of way, a cost analysis of the potential projects, and a thorough review of potential funding sources outside of the Caltrans project. It is necessary to include the costs and time necessary for a



thorough Access Feasibility analysis into the initial project scoping and budget. Significant cost savings associated with the development of public waterway access could be achieved if it was incorporated into the initial construction project plans, potentially negating the need for external funding sources. It is crucial to the success of future feasibility studies that they be conducted at the front end of qualifying Caltrans projects. We propose that local landowners and governing bodies, NGOs, and other interested parties represent strong potential partners throughout the process. Such partners have the potential to provide the capacity, funding, and social and political capital to support projects throughout the state of California. It is our hope to assist Caltrans in developing the blueprints not only to thorough and effective studies of access feasibility, but also to the successful implementation of flagship recreational river access projects.

Sincerely,



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