

6. 15-YEAR INDUSTRIAL LEASE, TIDE AND SUBMERGED LAND IN THE SAN JOAQUIN RIVER NEAR ANTIOCH, CONTRA COSTA COUNTY; FIBREBOARD CORPORATION - W 20637, PRC 4828.1.

After consideration of Calendar Item 4 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. CERTIFIES THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CONSIDERS AND ADOPTS ENVIRONMENTAL IMPACT REPORT NO. 137.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES THE ISSUANCE TO FIBERBOARD CORPORATION OF A FIFTEEN-YEAR INDUSTRIAL LEASE, FROM DECEMBER 1, 1973; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$3,060, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$50,000 BOND; PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000/\$600,000 FOR PERSONAL INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR CONSTRUCTION AND MAINTENANCE OF AN INDUSTRIAL WASTEWATER TREATMENT FACILITY ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT THERE SHALL BE A CONDITION PRECEDENT AS TO ISSUANCE OF THE U. S. ARMY CORPS OF ENGINEERS PERMIT.

Attachment:

Calendar Item 4 (3 pages)

CALENDAR ITEM

11/73  
RJS  
W 20637

4.

INDUSTRIAL LEASE

APPLICANT: Fibreboard Corporation.

LOCATION: A 4.08-acre parcel of tide and submerged land in the San Joaquin River near Antioch, Contra Costa County.

LAND USE: Industrial wastewater treatment facility.

TERMS OF PROPOSED LEASE:

Initial period: 15 years, from December 1, 1973.

Renewal options: 3 additional periods of 10 years each.

Surety bond: \$50,000.

Public liability insurance:

\$300,000/\$600,000 for personal injury and  
\$100,000 for property damage.

CONSIDERATION: \$3,060 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

6% of appraised value of land.

PREREQUISITE TERMS:

Applicant is owner of upland.

Lease will be issued with a condition precedent that applicant obtain U. S. Army Corps of Engineers Permit.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1, 2, and 10.

OTHER PERTINENT INFORMATION:

An environmental impact report was circulated to agencies and persons with jurisdiction and expertise. The deadline for receiving comments on the report was extended to September 26, 1973; however, the consolidated State response was not received as of November 5, 1973.

The Division has learned the only adverse comment was that of the Department of Fish and Game, which recommended the

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applicant utilize an alternative inland site. This recommendation is treated in the body of the final environmental impact report. The inland site in addition to requiring an additional capital outlay of over \$1 million, additional energy consumption and additional operating costs of \$67,000 per year, would also result in decreased reliability. The proposed treatment facility on the State land would be built on piles to minimize the effect of the facility on the marsh environment.

Also commenting on the project were the State Water Quality Control Board and the Central Valley Regional Water Quality Control Board. The applicant's present discharge contains more toxicity than any other discharge into San Francisco Bay.

The Regional Board has given the applicant until September 1, 1974, to comply with stringent waste discharge requirements. The lease of State land to provide for reliable waste treatment is urged by the Board.

EXHIBITS:           A. Land Description.           B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CONSIDER AND ADOPT ENVIRONMENTAL IMPACT REPORT NO. 137.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE THE ISSUANCE TO FIBREBOARD CORPORATION OF A FIFTEEN-YEAR INDUSTRIAL LEASE, FROM DECEMBER 1, 1973; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$3,060, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$50,000 BOND; PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000/\$600,000 FOR PERSONAL INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR CONSTRUCTION AND MAINTENANCE OF AN INDUSTRIAL WASTEWATER TREATMENT FACILITY ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT THERE SHALL BE A CONDITION PRECEDENT AS TO ISSUANCE OF THE U. S. ARMY CORPS OF ENGINEERS PERMIT.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20637

A parcel of tide and submerged land within the San Joaquin River, Contra Costa County, State of California, more particularly described as follows:

COMMENCING at the State Lands Commission Monument "Board 1947", having Zone 3 California Coordinates of  $X = 1,633,781.30$ ,  $Y = 554,351.74$ , as shown on the survey map made in January 1948 for Leland S. Rosener by J. G. Banard, R.C.E. No. 5161, and entitled "Fibreboard Products Inc. - East Antioch - Parts of Sections 8, 9, 16, and 17, T 2 N, R 2 E, M.D.B.&M."; thence N  $81^{\circ} 07' 10''$  W, 402.72 feet to the TRUE POINT OF BEGINNING, being an intersection with that particular course and distance of N  $58^{\circ} 06' 15''$  E, 147.76 feet as shown on the Boundary Line Agreement between the State of California and Fibreboard Products, Inc., recorded April 17, 1948, in Liber 1193, page 190, Office of Official Records of Contra Costa County, said intersection being 143.69 feet westerly from the eastern terminus of said course and distance; thence N  $01^{\circ} 05'$  E, 284.33 feet; thence N  $72^{\circ} 43' 55''$  E, 626.42 feet; thence S  $24^{\circ} 47' 50''$  E, 225.32 feet to a point on the above-mentioned Boundary Line Agreement; thence along said Boundary Line Agreement S  $44^{\circ} 43' 15''$  W, 44.09 feet; thence S  $66^{\circ} 44' 15''$  W, 384.35 feet; thence S  $88^{\circ} 01' 15''$  W, 192.06 feet; thence S  $58^{\circ} 06' 15''$  W, 143.69 feet to the TRUE POINT OF BEGINNING of this description.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

The bearings and distances used in the above description are based on the California Coordinate System, Zone 3.

END OF DESCRIPTION