

MINUTE ITEM

This Calendar Item No. C14  
was approved as Minute Item  
No. 14 by the State Lands  
Commission by a vote of 3  
to 0 at its 12-12-90  
meeting.

CALENDAR ITEM

A 9  
S 2

C 14

12/12/90  
PRC 7476 W 24452  
N. Smith

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: City of Petaluma  
P. O. Box 61  
Petaluma, California 94953

AREA, TYPE LAND AND LOCATION:  
An 0.67-acre parcel of tide and submerged land  
located in the Petaluma River and Adobe Creek  
near City of Petaluma, Sonoma County.

LAND USE: Construction and maintenance of a 16-inch water  
pipeline.

TERMS OF PROPOSED PERMIT:  
Initial period: Forty-nine (49) years  
beginning December 12, 1990.

CONSIDERATION: The public use and benefit; with the State  
reserving the right at any time to set a  
monetary rental if the Commission finds such  
action to be in the State's best interest.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:  
Applicant is owner/permittee of upland.

CALENDAR ITEM NO. 7 4 (CONT'D)

**PREREQUISITE CONDITIONS, FEES, AND EXPENSES:**

Filing fee and processing costs have been received.

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;  
Title 14, Div. 6.

AB 884: 12/15/90.

**OTHER PERTINENT INFORMATION:**

1. A Negative Declaration, SCH NO. 90030389, was prepared, circulated, and adopted for this project by the City of Petaluma. The State Lands Commission's staff has reviewed such document.
2. The annual rental value of the site is estimated to be \$150.

**FURTHER APPROVALS REQUIRED:**

United States Army Corps of Engineers and San Francisco Bay Conservation and Development Commission (BCDC).

**EXHIBITS:**

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.
- D. Notice of Determination.

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT A NEGATIVE DECLARATION, SCH NO. 90030389, WAS PREPARED, CIRCULATED, AND ADOPTED FOR THIS PROJECT BY THE CITY OF PETALUMA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO CITY OF PETALUMA OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING DECEMBER 12, 1990; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF

CALENDAR ITEM NO C 14 (CONT'D)

THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE CONSTRUCTION AND MAINTENANCE OF A 16-INCH WATER PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

**EXHIBIT "A"**

W 24452

**LAND DESCRIPTION**

A strip of sovereign land 10 feet in width in the beds of Petaluma River, Adobe Creek and any adjacent waterways in Sonoma County, California, the centerline of said strip more particularly described as follows:

COMMENCING at a 3/4-inch iron pipe monument L.S. 3775 at the most southerly corner of the Record of Survey Map of the lands of Shorter recorded in Book 305 of Maps, at page 20, Sonoma County Records; thence along the westerly line of said lands of Shorter N 47° 14' 55" W 16.00 feet; thence leaving said westerly line N 42° 30' E 38.00 feet to the POINT OF BEGINNING; thence N 27° 25' E 2900.00 feet to the end of herein described centerline.

EXCEPTING THEREFROM any lands lying landward of the ordinary high water marks of the beds of the Petaluma River, Adobe Creek and any adjacent waterways.

**END OF DESCRIPTION**

PREPARED OCTOBER, 1990 BY LLB.

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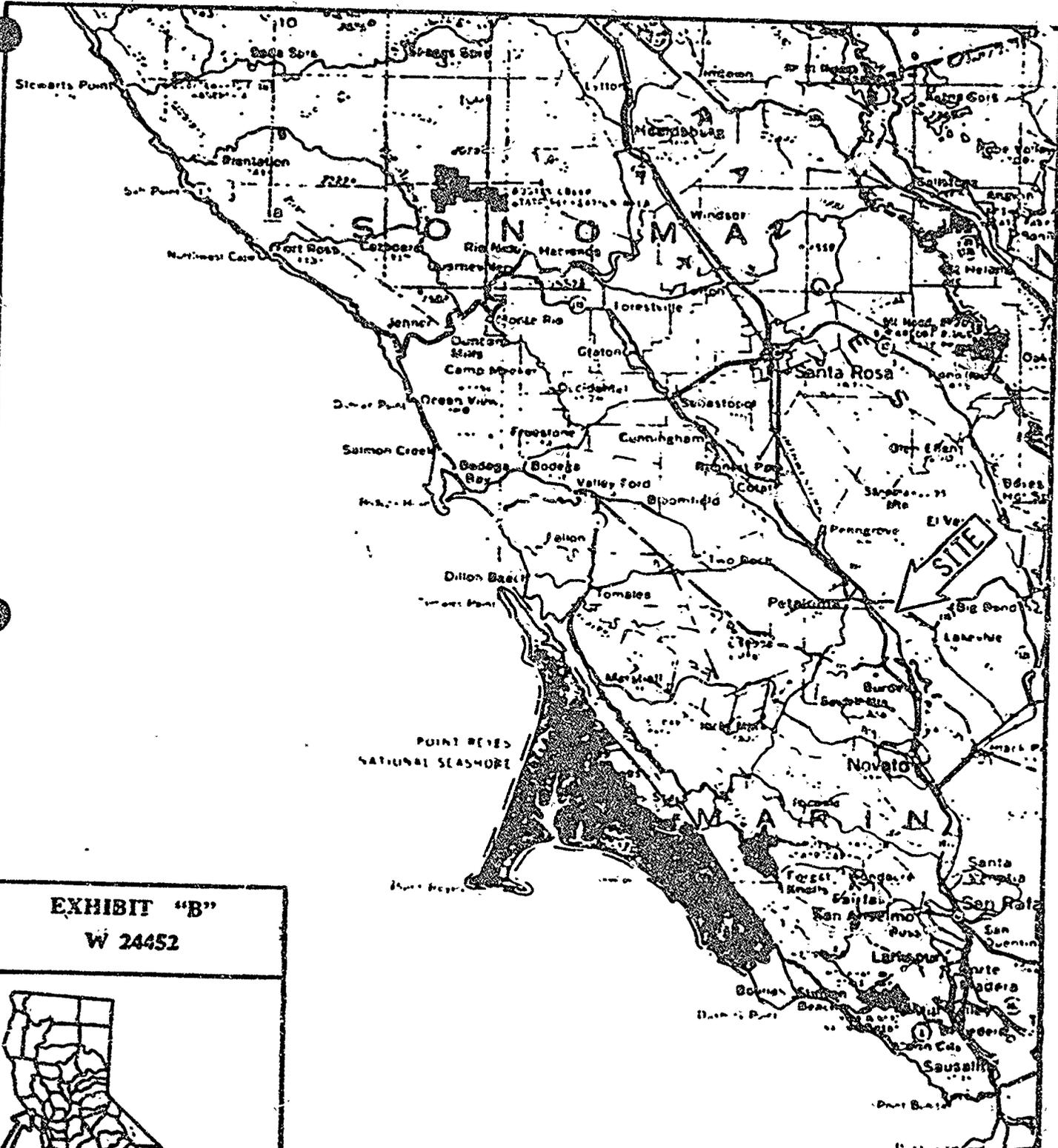


EXHIBIT "B"  
W 24452



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EXHIBIT "C"

Resolution No. 90-202 N.C.S.  
of the City of Petaluma, California

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5 APPROVING ISSUANCE OF A MITIGATED NEGATIVE DECLARATION FOR ZONE  
6 IV H2O DISTRIBUTION PROJECT  
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8 WHEREAS, the City of Petaluma General Plan identifies the Zone IV H2O Distribution  
9 Project to accommodate future growth in the northeast section of the City; and  
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11 WHEREAS, the Zone IV H2O Distribution Project is not growth inducing, but is sized to  
12 accommodate future growth only pursuant to the General Plan; and  
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14 WHEREAS, the City of Petaluma shall obtain all necessary permits prior to construction  
15 of Zone IV H2O Distribution Project; and  
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17 WHEREAS, the City of Petaluma has contracted with Robert Koenitzer of Redwood  
18 Empire Appraisal to represent the City in the purchase of land and/or relocation costs  
19 negotiations between the City and the land/business owner due to encroachment onto  
20 private property resulting from the Zone IV H2O Distribution project improvements; and  
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22 WHEREAS, an initial study for the Zone IV H2O Distribution Project recommending a  
23 Mitigated Negative Declaration was prepared by Michael Clayton and Associates for the  
24 City; and  
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26 WHEREAS, a notice of intent to approve a Mitigated Negative Declaration was  
27 distributed pursuant to Local and State environmental guidelines; and  
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29 WHEREAS, the initial study identified potential substantial impacts to wetlands, oak trees  
30 and cultural/historical resources through implementation of the Zone IV H2O  
31 Distribution Project; and  
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33 WHEREAS, mitigation measures are recommended as shown in the Findings to mitigate  
34 any potential significant adverse effects to a level of insignificance due to implementation  
35 of Zone IV H2O Distribution Project; and  
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37 WHEREAS, the mitigation measures have been accepted by the City and incorporated  
38 into the project design; and  
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40 WHEREAS, the City Council held a hearing on June 18, 1990, to consider any public  
41 comments pertaining to the initial study for the Zone IV H2O Distribution Project;  
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43 NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Petaluma  
44 hereby authorizes issuance of a Mitigated Negative Declaration on the Zone IV H2O  
45 Distribution Project based on the following findings:  
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47 Findings:  
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- 49 1. It is the intent of the City Council to mitigate the loss of trees caused by  
50 construction of the Zone IV H2O Distribution Project by the following mitigation  
51 measures:  
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a. The following construction guidelines are required to reduce the decline or death of oak trees along Corona Road:

- i Fence individual or groups of oak trees before construction.
- ii Do not make changes in grade and drainage, compact soil, pave, fill, or trench within the root zone of oak trees.
- iii Do not use oak trees as posts.
- iv Do not apply herbicides.
- v Do not dump substances used in construction, operate or park heavy equipment, or store materials beneath oak trees.

b. Where construction will disturb the root zones of oak trees, an arborist must be consulted to provide management recommendations for the preservation and care of affected Oak trees.

- i If required, oak tree roots should be cut, not pulled, and carefully treated.
- ii Trees with root damage should be pruned and watered under advisement of an arborist.

2. It is the intent of the City Council to mitigate the disturbance of wetlands by construction of the Zone IV H2O Distribution Project by the following mitigation measures:

a. The following measures are required to reduce the disturbance or removal of wetland vegetation during construction:

- i Locate staging areas for construction vehicles and equipment away from the banks of creeks and drainage ditches as feasible.
- ii Locate storage areas for construction vehicles and equipment and areas for congregation of construction workers away from the banks of creeks and drainage channels.
- iii Limit the number of private vehicles at construction sites near creeks or drainage channels.
- iv Limit human activity near creeks and drainage channels to activity absolutely necessary for construction.
- v Construct simple bridges of wood or metal for creek crossings.

3. It is the intent of the City Council to mitigate the disturbance of cultural/historical/archeological sites/remains by the following mitigation measures:

a. The following mitigation measures are required to minimize archaeological impacts to levels of insignificance.

- i In the event that materials (including human skeletal remains) should be discovered while digging out the existing ditches in Manor Lane for water main installation or within the small pond in the narrow swale to be replaced by the larger reservoir, work shall be temporarily suspended within a short linear distance (approximately 5 meters/15 feet) of the discovery location, until an archaeologist can be contacted to view the discovery and determine its value.
- ii Once examined and determined to be potentially important, the material shall be photographed and/or collected using appropriate

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- techniques. While the material is under evaluation and/or scientific recovery, the underground excavation should be relocated to another trench segment or area and allowed to proceed, unless additional discoveries are made.
- iii Depending on the type and concentration of discovered artifacts or deposits, it may be advisable to have the remainder of the trench or excavation area monitored by an archaeologist to insure that additional materials are not discovered or damaged unnecessarily. This provision seems especially worthwhile in the Adobe Road/Frates Road segment, since the frontage of both roads contain definite evidence of aboriginal soil deposits and artifacts indicative of a major village site.
  - iv In the case of the Adobe Road/Frates Road intersection, where midden deposits and stone artifacts have been definitely observed, no drilling, grading or similar underground excavation will be allowed without the direct supervision of an archaeological monitor. The monitor shall have the right to temporarily suspend any and all activities within a reasonable distance from the discovery location (no less than 5 meters radially from the place). Potentially significant prehistoric Native American cultural materials that could be encountered included midden soil deposits, fire-affected rocks, and/or domestic or mortuary features such as housepit depressions, artifact caches, or human skeletal remains.
  - v During the suspension of underground excavation or water main installation, the archseologist shall strive to quickly assess the scientific and cultural significance of the discovered material and implement appropriate recording, data recovery (salvage), or protective measures.
  - vi The discovery of human skeletal remains will necessitate the immediate suspension of all work in close proximity to the remains until the County Coroner, City Planners, and Native American Heritage commission can be contacted to put an appropriate mitigation plan into effect (Appendix E). The wishes of the locally designated Native American representative shall be followed as to whether reburial will occur in the same place as the discovery location or if the remains will be disinterred and reburied elsewhere.
  - vii The State Parks and Recreation Department shall be contacted before water main installation begins, so that the City Planners and Engineers can determine whether or not significant artifacts or remains have been found on earlier Park projects which border the City rights of way. Additionally, the Park staff might also be able to tell the City if human skeletal remains have been found previously, and how these human remains have been treated in the past. Prior determination of a potential reburial location outside the project limits, could significantly reduce the time delays that would ensue if a major discovery were made in the Adobe Road alignment.

4. In view of the Council's stated intent and mitigations incorporated as part of the Zone IV H2O Distribution Project as discussed above, and by the initial study:
- a. The project, as conditionally approved, does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce

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the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

- b. The project, as conditionally approved, does not have the potential to achieve short-term to the disadvantage of long-term, environmental goals.
- c. The project, as conditionally approved, does not have impacts which are individually limited, but cumulatively considerable.
- d. The project, as conditionally approved, does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
- e. The project is consistent with and further promotes the objectives, goals, and policies of the General Plan.

BE IT FURTHER RESOLVED that the Council directs the Planning Director to post and circulate this mitigated negative declaration pursuant to law.

ndzoneiv / council3

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a (Regular) ~~(Not a Council)~~ (Special) meeting on the 18th day of June, 1990 by the following vote:

Approved as to form

*[Signature]*  
City Attorney

AYES: Tencer, Woolsey, Cavanagh, Davis, Vice Mayor Sobel, Mayor Hillgoss

NOES: 0

ABSENT: Balshaw

ATTEST: *[Signature]*  
City Clerk

*[Signature]*  
Mayor

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This notice was posted on JUN 26 1990  
and remained posted for a period of thirty days  
on: JUN 26 1990

EXHIBIT "D"

EVEE T. LEWIS, Co. Clerk

BY [Signature]  
DEPUTY CLERK

City of Petaluma 11 English Street  
Post Office Box 61 - Petaluma, California 94953

Mayor  
M. Patricia Hilligoss

Councilmembers  
John Balshaw  
Jack W. Cavanagh  
Michael Davis  
Brian Sobel  
Lawrence Tencer  
Lynn C. Woolsey

COMMUNITY DEVELOPMENT DEPARTMENT  
707/778-4301

June 19, 1990

NOTICE OF DETERMINATION

TO:

[x] Sonoma County Clerk  
600 Administration Drive  
Santa Rosa, CA 95401

[ ] City Clerk  
City of Petaluma  
P.O. Box 61  
Petaluma, CA 94953

[x] Secretary for Resources  
1416 Ninth Street, Room 1311  
Sacramento, CA 95814

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152  
of the Public Resources Code

Project Title/State Clearinghouse Number: Zone IV Water Distribution  
90030389

Contact Person: Martin Strauss

Telephone Number: (707) 778-4301

Project Location: City of Petaluma, eastside

Project Description: Construction of waterline and two reservoir tanks.

This is to advise that the City of Petaluma has made the following determinations regarding  
the above project:

1. The project has been  approved by the lead agency  
 disapproved by the lead agency
2. The project  will have a significant effect on the environment  
 will not have a significant effect on the environment
3.  An Environmental Impact Report was prepared for this project pursuant to  
the provisions of CEQA.  
 A Mitigated Negative Declaration was prepared for this project pursuant to  
the provisions of CEQA.

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The EIR or Mitigated Negative Declaration and record of project approval may be examined at:

City of Petaluma  
Community Development Department  
11 English Street  
Petaluma, CA 94952

4. Mitigation measures  were,  were not, made a condition of the approval of the project.
5. A statement of Overriding Considerations  was,  was not, adopted for this project.

Warren Salmous  
Warren Salmous, Director Date \_\_\_\_\_  
Community Development Department

zoneiv/plan9

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