

This Calendar Item No. C26 was approved as Minute Item No. 26 by the California State Lands Commission by a vote of 2 to 0 at its 06/07/04 meeting.

**CALENDAR ITEM
C26**

A 8
S 2

06/07/04
W 25985
T. Lipscomb

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Rio Vista
One Main Street
Rio Vista, CA 94571

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Sacramento River, in the city of Rio Vista, Solano County.

AUTHORIZED USE:

Proposed construction, operation and maintenance of a wastewater pipeline, outfall and diffuser.

LEASE TERM:

25 years, beginning August 1, 2004

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Lease agreement to be contingent upon the Commission's staff approval of engineering plans and upon submission of permits by all federal, state and local agencies having jurisdiction over this project. Construction activities on the lease premises are not authorized until Commission staff determines that the conduct of such activities will comply with all provisions of the biological opinions of NOAA fisheries, and the U.S. Fish and Wildlife Service (USFWS).

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OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. **Proposed Project:**

The wastewater pipeline, outfall and diffuser construction are part of a proposed Northwest Wastewater Treatment Facility (NWWTF) located in the north area of the City of Rio Vista.

The NWWTF project will be constructed in two phases. Phase I consists of a new wastewater treatment facility; a new effluent pipeline and pump station to convey wastewater for treatment to the wastewater treatment facility; and a new 18" effluent pipeline and outfall with diffuser in the Sacramento River for treated wastewater discharges. Phase I will provide an initial 1.0 million gallon per day capacity and a peak hourly flow equivalent to 3.0 million gallons per day for the plant and an emergency two-million gallon storage basin. Phase I is anticipated to serve the project area for approximately a decade. Phase I is anticipated to commence construction in the summer of 2004 and require approximately 12 to 18 months to complete. Construction of Phase II will upgrade the plant facilities to accommodate the build out capacity of 2.0 million gallons per day with peak hourly flow equivalent to 6.0 million gallons per day. Phase II is anticipated to commence sometime after 2010 and will require approximately one year to complete.

3. An EIR was prepared and certified by the city of Rio Vista in 1992. Since then, multiple project characteristics have been modified to reflect current technological capabilities for wastewater treatment. Subsequently, an SEIR was prepared and certified for this project by the city of Rio Vista. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are on file in the Sacramento office of the California State Lands Commission (CSLC) and by reference made a part hereof.

A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section

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15093) is on file in the Sacramento office of the CSLC and by reference made a part hereof.

The following are significant impacts identified in the SEIR that cannot be avoided:

- A. Water Quality – The Sacramento River is listed as an impaired water body under Section 303 (d) of the Clean Water Act for a variety of pollutants, including: Chlordan, DDT, Diazinon, Dieldrin, Dioxins and Furans, Mercury, Nickel, PCBs and dioxin-like PCBs, and Selenium. Under this impairment, the Sacramento River has no remaining assimilative capacity or ability to accommodate additional quantities of these contaminants, irrespective of concentration.

In response to this impact, the proposed Rio Vista NWWTF will be a state-of-the art facility using membrane bioreactors in the wastewater treatment process; however, the treatment process will not remove all the mercury or other contaminants of concern from the City's waste stream. It is anticipated that the concentration of mercury and other impaired constituents in the effluent will be relatively low, but the incremental increase in impaired constituents in the Delta as a result of the City's discharge to the Sacramento River has no assimilative capacity of these constituents.

The mitigation measure further indicates that the City will continue its current mercury offset program. These measures are not sufficient to bring this impact below significance thresholds.

- B. Air Quality – Construction activities would result in short-term impacts on ambient air quality in the area. Temporary construction emissions would result directly from grading and site preparation activities and indirectly from construction equipment emissions and construction worker commuting patterns.

In response to this impact, the construction contractor will implement environmental commitments discussed in the project description, including standard dust abatement measures to reduce air quality impacts from construction activities. Construction practices will incorporate BMPs and best available control

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technology in accordance with Yolo-Solano Air Quality Management District guidelines.

Both of the above significant impacts could potentially affect State-owned land. Biological monitors will be present during construction near sensitive habitat. In-water construction will take place in adherence with specified construction windows in accordance with biological opinions and as directed by designated staff of the United States Fish and Wildlife Service and the NOAA Fisheries.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
5. The proposed lease, as conditioned, would not be effective until engineering staff of the Commission have reviewed and approved the final engineering designs of the wastewater pipeline, outfall and diffuser, and related geotechnical data and information and the means to anchor the lease facilities. In addition, no construction activities may occur on the lease premises until Commission staff verifies that the conduct of such activities will be in conformance with the final biological opinions issued by both USFWS and NOAA Fisheries and subsequently authorizes the City to proceed.

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FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and Game, Central Valley Region, California Regional Water Quality Control Board.

EXHIBIT:

A. Site Plan and Location Map

PERMIT STREAMLINING ACT DEADLINE:

November 17, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT A SEIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF RIO VISTA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.
3. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.
4. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

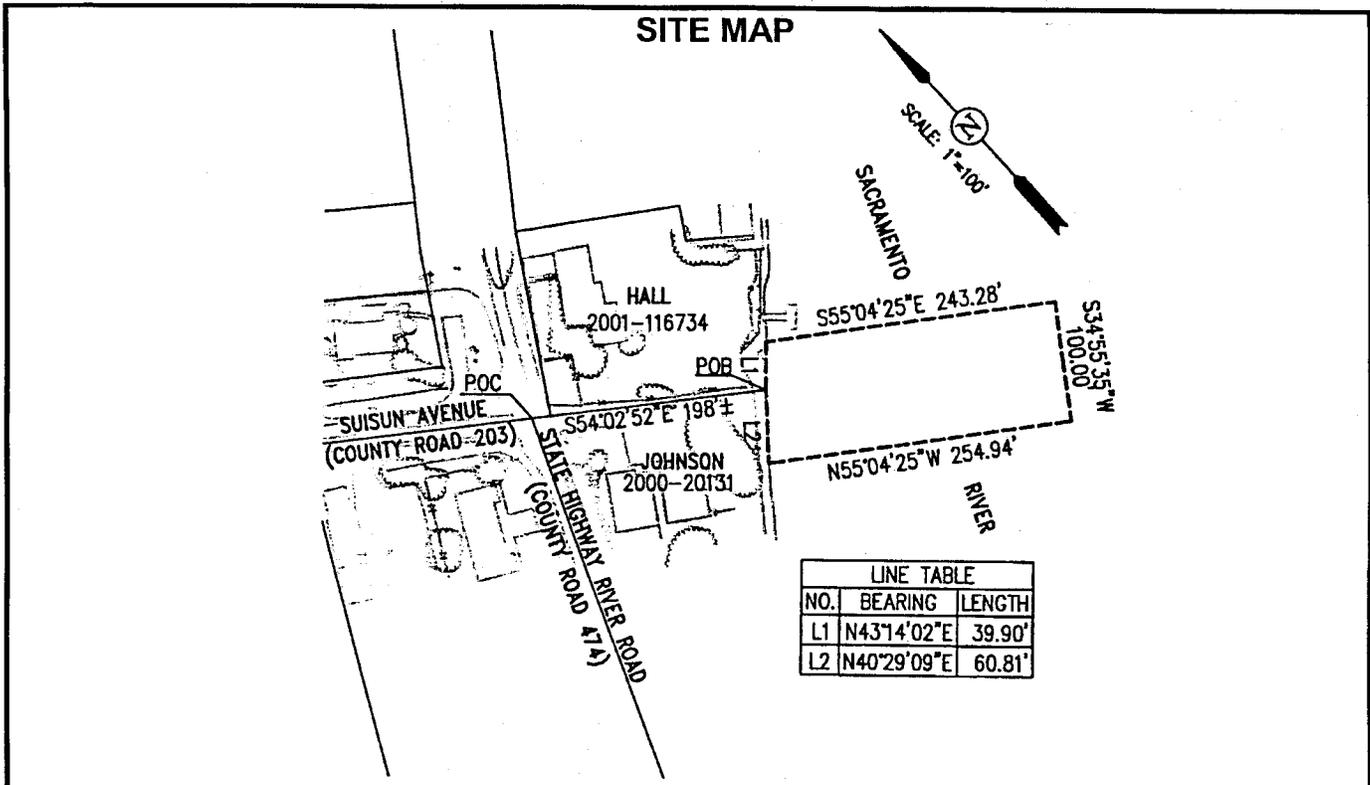
SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

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AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF RIO VISTA OF A
CONDITIONAL GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING
AUGUST 1, 2004, FOR A TERM OF 25 YEARS, FOR CONSTRUCTION,
OPERATION, AND MAINTENANCE OF A WASTEWATER PIPELINE,
OUTFALL AND DIFFUSER AS REPRESENTED ON THE LAND SHOWN
ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART
HEREOF; CONSIDERATION: THE PUBLIC HEALTH AND SAFETY,
WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A
MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE
IN THE STATE'S BEST INTEREST.



PLAT TO ACCOMPANY LEGAL DESCRIPTION PROPOSED OUTFALL AREA - SACRAMENTO RIVER

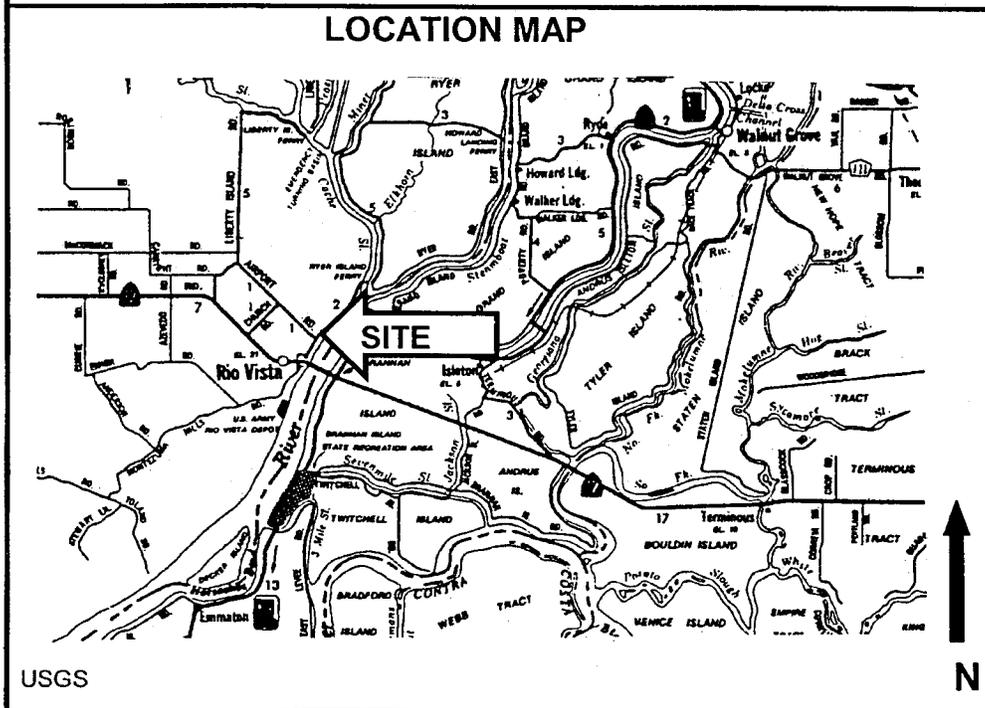


EXHIBIT A **W 25985**

City of Rio Vista Solano County

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to be, a waiver or limitation of any state interest in the subject or any other property