

This Calendar Item No. C23 was approved as  
Minute Item No. 23 by the California State Lands  
Commission by a vote of 3 to 0 at its  
8-17-04 meeting.

CALENDAR ITEM  
**C23**

A 15

PRC 8547

08/17/04

W 26007

S 7, 9

T. Lipscomb

**GENERAL LEASE - PUBLIC AGENCY USE**

**APPLICANT:**

Town of Discovery Bay Community Services District  
1800 Willow Lake Road  
Discovery Bay, CA 94514

**AREA, LAND TYPE, AND LOCATION:**

Tide and submerged lands in Old River, near the town Discovery Bay, Contra  
Costa County.

**AUTHORIZED USE:**

Construction, operation and maintenance of a proposed wastewater outfall,  
pipeline 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:**

1. Lessee shall not increase the current operating level of wastewater  
discharge until a completed biological opinion from NOAA Fisheries has  
been submitted to the Lessor for review and approval.
2. 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.

CALENDAR ITEM NO. C23 (CONT'D)

3. Prior to construction of the outfall, Lessee shall submit to Lessor a copy of written confirmation from the Reclamation District 800 that the proposed outfall pipeline and anchoring structures may be placed on the top of the bank protection within their jurisdiction.

**OTHER PERTINENT INFORMATION:**

1. Applicant is in the process of acquiring the right to use the upland adjoining the lease premises.
2. The Town of Discovery Bay owns the Discovery Bay Wastewater Treatment Facility, which is a wastewater collection, treatment, and disposal system, and provides sewerage service to the town of Discovery Bay. The treatment facility is operated by ECO Resources, Inc. under contract with Discovery Bay. Discovery Bay and ECO Resources, Inc. are jointly referred to as Discharger. The treatment facility discharges wastewater effluent into Old River.

On April 25, 2003, the California Regional Water Quality Control Board, Central Valley Region, adopted Order No. R5-2003-0068, "Requiring the Town of Discovery Bay and ECO Resources, Inc. Discovery Bay Wastewater Treatment Facility, Contra Costa County, to Cease and Desist from discharging contrary to requirements". The Discovery Bay Wastewater Treatment Facility is proposing to upgrade its existing facility to comply with the above Order. The Order found that the current discharge has a reasonable potential to cause or contribute to an instream excursion above a water quality standard for copper (priority pollutant) and ammonia, chloride, electrical conductivity, mercury, nitrate, and total dissolved solids (nonpriority pollutants).

The U. S. Army Corps of Engineers and the California Department of Fish and Game have required that the construction of the outfall and diffuser take place in August and September to minimize the impact on aquatic species.

3. The outfall will be constructed of 18-inch diameter high-density polyethylene (HDPE) pipe and will be approximately 105 feet in length. The total width of the Old River channel at the affected location is approximately 150 feet and the depth of the river is approximately 15 feet. Construction is anticipated to commence in August of 2004 and require approximately two months to complete.

CALENDAR ITEM NO. C23 (CONT'D)

Information supplied in the "Diffuser Dilution Monitoring Section" of the application indicates the design effluent flow rates will be a daily high of 2.94 million gallons per day (MGD) with a peaked daily high of 4.32 MGD. Observed water temperatures of the river during year 2002 ranged from 48.2 degrees F in the winter to 77.1 degrees F in the summer and effluent temperatures ranged between 60 degrees F (winter) to 80 degrees F (summer).

4. A Mitigated Negative Declaration was prepared and adopted for this project by the Town of Discovery Bay. The California State Lands Commission's staff has reviewed such document.
5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

**APPROVALS OBTAINED:**

California Department of Fish and Game  
California Regional Water Quality Control Board

**FURTHER APPROVALS REQUIRED:**

State Reclamation Board  
U.S. Army Corps of Engineers

**EXHIBIT:**

- A. Site Plan and Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

November 17, 2004

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. C23 (CONT'D)

**CEQA FINDING:**

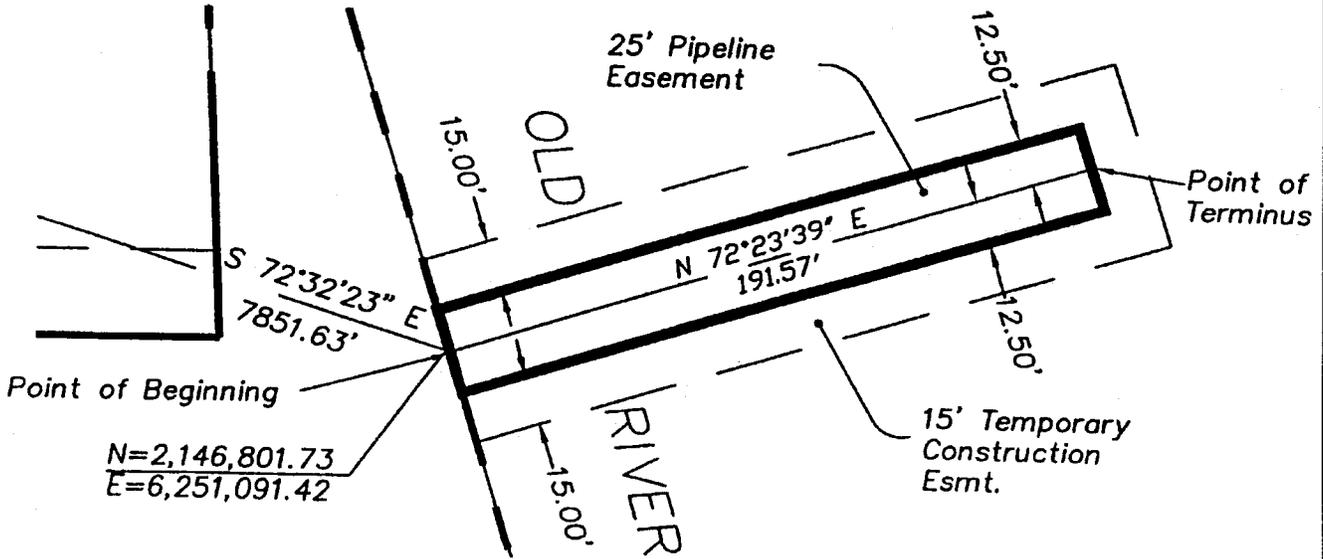
1. FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE TOWN OF DISCOVERY BAY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
  
2. ADOPT THE MITIGATION MONITORING PROGRAM, ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING AUGUST 1, 2004, FOR A TERM OF 25 YEARS, FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A WASTEWATER OUTFALL, PIPELINE 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.

NO SCALE

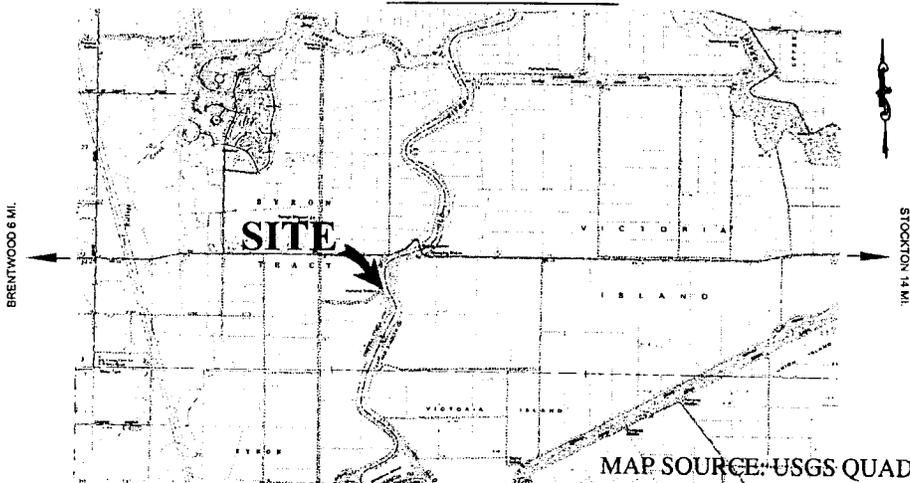
# SITE



DISCOVERY BAY COMMUNITY SERVICES DIST.  
 APN 08-340-042

NO SCALE

# LOCATION



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

# Exhibit A

WP 26007  
 GENERAL LEASE  
 PUBLIC AGENCY USE  
 OLD RIVER  
 CONTRA COSTA CO.



JAK 07/04

000122  
 CALENDAR PAGE

001237  
 MINUTE PAGE