CALENDAR ITEM
C17

A 15 | 04/09/09
PRC 4911.9
S 7 | M. Clark

AMENDMENT OF PERMIT

PERMITTEE:

City of Chico
411 Main Street 2nd Floor
Chico, California 95927

AREA, LAND TYPE, AND LOCATION:

A 1.58-acre parcel of sovereign land in the Sacramento River, at River Mile 192.7, near the city of Chico, Butte County.

AUTHORIZED USE:

Use and maintenance of a 42-inch diameter sanitary sewer outfall pipeline and one diffuser section.

PERMIT TERM:

49 years, beginning January 1, 1972.

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.

PROPOSED AMENDMENT:

1. Amend Section 1 (Basic Provisions) of the permit to authorize the construction, use, maintenance, and operation of a 125-foot long, 63-inch diameter outfall pipeline, 32 diffuser ports; ballast weights and riprap; a temporary construction area; the temporary placement of a cofferdam, warning signs and buoys; and authorize the temporary abandonment in place of the existing 42-inch diameter outfall pipeline.

2. Delete Section 3 (Land Description) of the permit in its entirety and replace it with the attached Exhibit B, Land Description.

3. Permittee agrees to obtain and provide at its expense and at the Commission's request any information or analysis that may be reasonably necessary or beneficial to the Commission to make a future determination of whether to remove the existing outfall pipeline or diffuser or any portion thereof.

4. Permittee agrees that it will, at no cost to the Commission, remove all or any portion of the existing outfall pipeline and diffuser at the Commission's request. Upon notice from the Commission that the existing outfall pipeline, or a portion of it, should be removed, Permittee shall have 90 days after obtaining all the necessary permits, to complete the removal, unless that time is extended by the Commission.

5. The permit amendment includes provisions for construction and installation activities and staff engineering review during and after construction.

6. At all times while construction activities are taking place in the River, Permittee shall install warning signs and buoys, upstream and downstream of the construction site, in order to provide notice to the public that construction activities are taking place in the River and to exercise caution.

7. All other terms and conditions of the permit shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Permittee has the right to use the uplands adjoining the permit premises.

2. On June 6,1974, the Commission authorized a Public Agency Permit to the city of Chico (City) for an existing 42-inch sanitary sewer outfall pipeline and one existing diffuser section. That permit will expire on December 31, 2020. In 1992, the City removed approximately 42 feet in length from the the existing 100-foot long, 42-inch diameter outfall pipeline and diffuser section without Commisison authorization. The City, in conjunction with its Water Pollution Control Plant Expansion Project (WPCP), is now applying to amend Permit No. PRC 4911.9, to abandon the existing outfall pipeline and diffuser and construct a new wastewater outfall pipeline and diffuser (pipeline).

3. The City's WPCP treats wastewater produced within the city limits and in unincorporated areas near the City. The rehabilitation of existing facilities has been proposed in order to meet National Pollutant Discharge

Elimination Systems (NPDES) permit requirements and expand the treatment capacity to accommodate anticipated future wastewater flows. The proposed improvements would increase WPCP's current capacity of nine million gallon per day (mgd) to 12 mgd.

4. The proposed new 63-inch diameter pipeline will be located approximately 1,200 feet south of the existing 42-inch diameter pipeline. The existing pipeline will be abandoned due to heavy sedimentation that has affected the ability of the diffuser to adequtely mix effluent into the Sacramento River. The new 63-inch pipeline, with 32 diffuser ports, will extend approximately 125-feet into the River and will be placed in a dredged trench weighted down with ballast blocks and riprap. Installation of the pipeline will involve dewatering, using a cofferdam, of approximately 0.07 acre of the River and excavating 0.024 acre (approximately 4,000 cubic yards) of riverbank and bank material below the ordinary high water mark. The City is anticipating that some of the construction may need to take place from barges. The temporary work area is estimated to be approximately 25 feet by 120 feet. The elevation of the top of the pipe will be positioned below the minimum scour depth of the River. The pipeline will then be covered with the original river material and the River will be restored to its original contour.

5. During construction, the existing 42-inch diameter pipeline will remain in service. Once construction is completed, the seven existing diffuser ports will be removed and the existing pipeline, which has been the subject of deposition of river material resulting in its being buried, will be abandoned, capped, and sealed. The pipeline will be plugged on the upland where the new pipeline connects and the City has proposed abandoning the pipeline in place. Staff is recommending that the City be allowed to temporarily abandon the pipeline. However, the proposed permit amendment contains provisions that the City accepts responsibility for the abandoned pipeline, including; the obligation to pay for the cost and expense of the removal of these improvements should its future removal be determined necessary or advisable by the Commission.

6. An Environmental Impact Report (EIR) was prepared for this project and certified on October 18, 2005 by the city of Chico. The California State Lands Commission staff reviewed such documents and the Mitigation Monitoring Program adopted by the lead agency.

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

7. A Statement of Overriding Consideration made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento office of the California State Lands Commission. There are 17 impacts identified within the Final Environmental Impact Report (FEIR) that remain significant after all feasible mitigation. These include:

   a. Impacts to anadramous fishes from construction-related stranding.

   b. The cumulative impacts on the Sacramento River from mercury.

   c. Growth inducement in the city of Chico.

   Of these significant impacts, all could potentially affect State-owned land. They will remain as significant and unavoidable impacts even after implementation of specified mitigation measures. It was found, however, that even though it is not feasible to fully mitigate these impacts that specific social, economic, and other considerations justify proceeding with the Project, and the adoption of the statement of overriding considerations and that the implementation of the project would result in public benefits such as: 1) regional housing needs; 2) avoidance of further ground water contamination; 3) avoidance of loss of all WPCP capacity within the next few years for the existing outfall due to blockage from river sediment deposition; 4) meeting of NPDES Permit requirements due to increased use from regional growth; and 5) long term benefits to wildlife due to creation of wetland habitat from existing emergency storage ponds.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seg. Based upon the staff's consultation with the person 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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries Service, California Regional Water Quality Contol Board, California Department of Fish and Game, and California Department of Water Resources

EXHIBITS:

A. Site and Location Map
B. Land Description

PERMIT STREAMLINING ACT DEADLINE:
June 24, 2009

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF CHICO AND THAT THE COMMISSION 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.

3. 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.

4. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, 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.

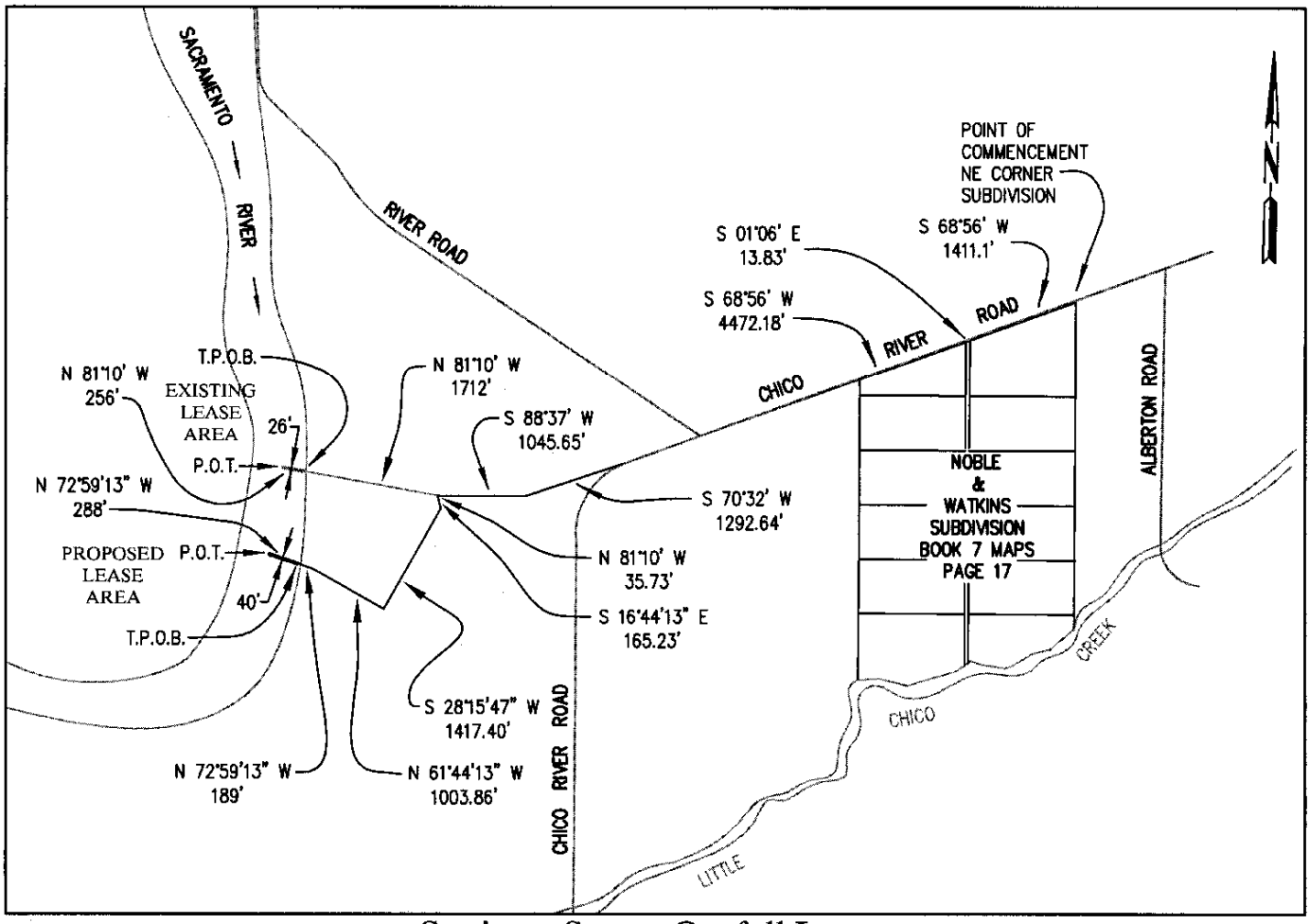
AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF PERMIT NO. PRC 4911.9, A PUBLIC AGENCY PERMIT, OF SOVEREIGN LANDS, AS SHOWN ON EXHIBIT A (FOR REFRENCE PURPOSES ONLY) AND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE APRIL 9, 2009, TO AUTHORIZE THE CONSTRUCTION, USE, MAINTENANCE AND OPERATION, OF A 125-FOOT LONG, 63-INCH DIAMETER OUTFALL PIPELINE, 32 DIFFUSER PORTS; BALLAST WEIGHTS AND RIPRAP; A TEMPORARY CONSTRUCTION AREA; THE TEMPORARY PLACEMENT OF A COFFERDAM; THE TEMPORARY PLACEMENT OF WARNING SIGNS

AND BUOYS; AUTHORIZE THE TEMPORARY ABANDONMENT IN PLACE OF THE EXISTING 42-INCH OUTFALL PIPELINE; AND DELETE SECTION 3, LAND DESCRIPTION, OF THE PERMIT AND REPLACE IT WITH THE ATTACHED EXHIBIT B, LAND DESCRIPTION; ALL OTHER TERMS AND CONDITIONS OF THE PERMIT WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

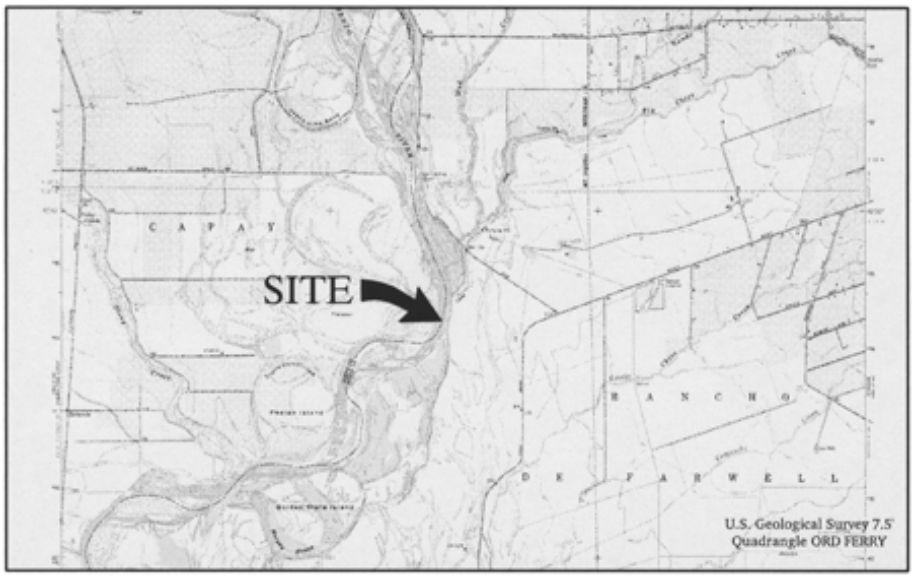
SITE MAP



Sanitary Sewer Outfall Lease

NO SCALE

LOCATION MAP



This Exhibit is solely for the 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 as a waiver or limitation of any state interest in the subject or any other property.

EXHIBIT A
WP 4911.9

City of Chico

General Lease - Public Agency Use

Sacramento River
Butte County