

**CALENDAR ITEM  
C50**

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S 9

06/28/10  
W 25597  
D. Oetzel

**ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE AND  
ABANDONMENT OF EXISTING PIPELINE**

**LESSEE/APPLICANT:**

Livermore-Amador Valley Water Management Agency (LAVWMA)  
7051 Dublin Boulevard  
Dublin, CA 94568

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

Sovereign lands located in the San Leandro Shoreline Marsh adjacent to San Francisco Bay, City of San Leandro, Alameda County.

**AUTHORIZED USE:**

Construction, use, maintenance, and operation of a one-meter diameter treated wastewater pipeline, the abandonment in place of an existing 27-inch wastewater pipeline not previously authorized by the Commission, and the temporary use of two areas for the construction of the new pipeline as shown on Exhibit A.

**LEASE TERM:**

25 years, beginning June 28, 2010.

**CONSIDERATION:**

The public use and benefit; 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:**

Lessee will execute an "Abandonment Agreement" for the existing 27-inch diameter wastewater pipeline. Lessee acknowledges responsibility for the pipeline, including the obligation to pay for the cost and expense of the removal of these improvements on the lease premises, should their future removal be determined to be necessary or advisable by the Commission.

Lessee agrees to obtain and provide at its expense and at the Commission's request any information or analysis which may be reasonably necessary or

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beneficial to the Commission to make a determination of whether to remove the pipeline or any portion thereof.

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

At all times while construction activities are taking place, Lessee shall install warning signs at the construction sites, in order to provide notice to the public that construction activities are taking place and to exercise caution.

**OTHER PERTINENT INFORMATION:**

1. The Applicant has the right to use the lands adjacent to the lease premises.
2. The LAVWMA Export Pipeline Project (Project) is located within the marshlands west of the City of San Leandro in Alameda County. From 2002 to 2005, LAVWMA replaced the majority of a 16-mile export pipeline that runs from Pleasanton to the marshlands of San Leandro. The western-most 2,000 feet of the pipeline were not installed at that time. This project will complete the upgrade of the existing export system by installing the last 2,000-foot segment of the export pipeline to match the capacity of the rest of the system, reduce operating pressure at the western terminus, and increase system reliability. Of the 2,000 foot segment to be constructed, 1,078 feet of it will fall within CSLC jurisdiction. The City of San Leandro and the Heron Bay Homeowners Association own the lands adjacent to the lease premises.
3. The Project transports treated effluent from the Livermore-Amador Valley, located approximately 30 miles east of San Francisco Bay, to the East Bay Dischargers Authority (EBDA) pipeline for discharge into the Bay. Because of normal deterioration, it is necessary to replace the 2,000-foot Western Terminus segment that connects the LAVWMA Export Pipeline to the Export Pipeline Facilities Project. The export pipeline has recently experienced two emergency leak repairs on the segment proposed for replacement.
4. Replacement of the original pipeline is proposed with a new one-meter (39.4-inch) diameter high-density polyethylene pipe. The majority of the new 2,000-foot pipeline will be installed using horizontal directional drilling

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techniques to bore under the marsh. After drilling and processing of material, the new pipe will be pulled under the marsh.

5. Excavation is required at both ends of the pipe installation; both are located in upland areas in order to avoid impacts to wetlands. At the west end would be an excavation to allow a connection into a much larger pipeline. This excavation would be approximately 30-feet by 50-feet by 20-feet deep. The second excavation, at the eastern end, would be the same width and depth, but longer to provide an open trench connection to the existing LAVWMA pipeline as well as provide access for the horizontal drilling operation. Both ends will be supported temporarily to allow truck access during construction. Construction will last for a four and one-half month period. At the end of construction, the site will be restored similarly to its current appearance.
6. The new pipeline will be located roughly parallel to the existing LAVWMA pipeline, which is proposed to be filled with cellular concrete and abandoned in place. A portion of the existing pipeline, not previously authorized by the Commission, is within State sovereign land. Therefore, the Commission is asked to authorize the abandonment of the existing pipeline that is to be filled and abandoned in place.
7. A Supplemental EIR [SCH#97072090] was prepared for this project by the Livermore Amador Valley Water Management Agency and certified on *June 3, 2010*. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program prepared in conformance with the provisions of CEQA (Public Resources Code section 21081.6) and 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 contained on file in the Sacramento Office of the California State Lands Commission.
8. 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.

**APPROVALS OBTAINED:**

None.

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**FURTHER APPROVALS REQUIRED:**

U. S. Army Corps of Engineers, NOAA Fisheries, Department of Fish and Game,  
Regional Water Quality Control Board, San Francisco Bay Conservation and  
Development Commission

**PERMIT STREAMLINING ACT DEADLINE:**

November 30, 2010

**EXHIBITS:**

- A. Site and Location Map
- B. Land Description
- C. Mitigation Monitoring Program

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

Find that a Supplemental EIR [SCH# 97072090] was prepared for this Project by the Livermore Amador Valley Water Management Agency and certified on June 3, 2010, and that the Commission has reviewed and considered the information contained therein.

Adopt the Findings made in conformance with Title 14, California Code of Regulations, sections 15091 and 15096 (h), as contained on file in the Sacramento Office of the California State Lands Commission.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C attached hereto.

**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:**

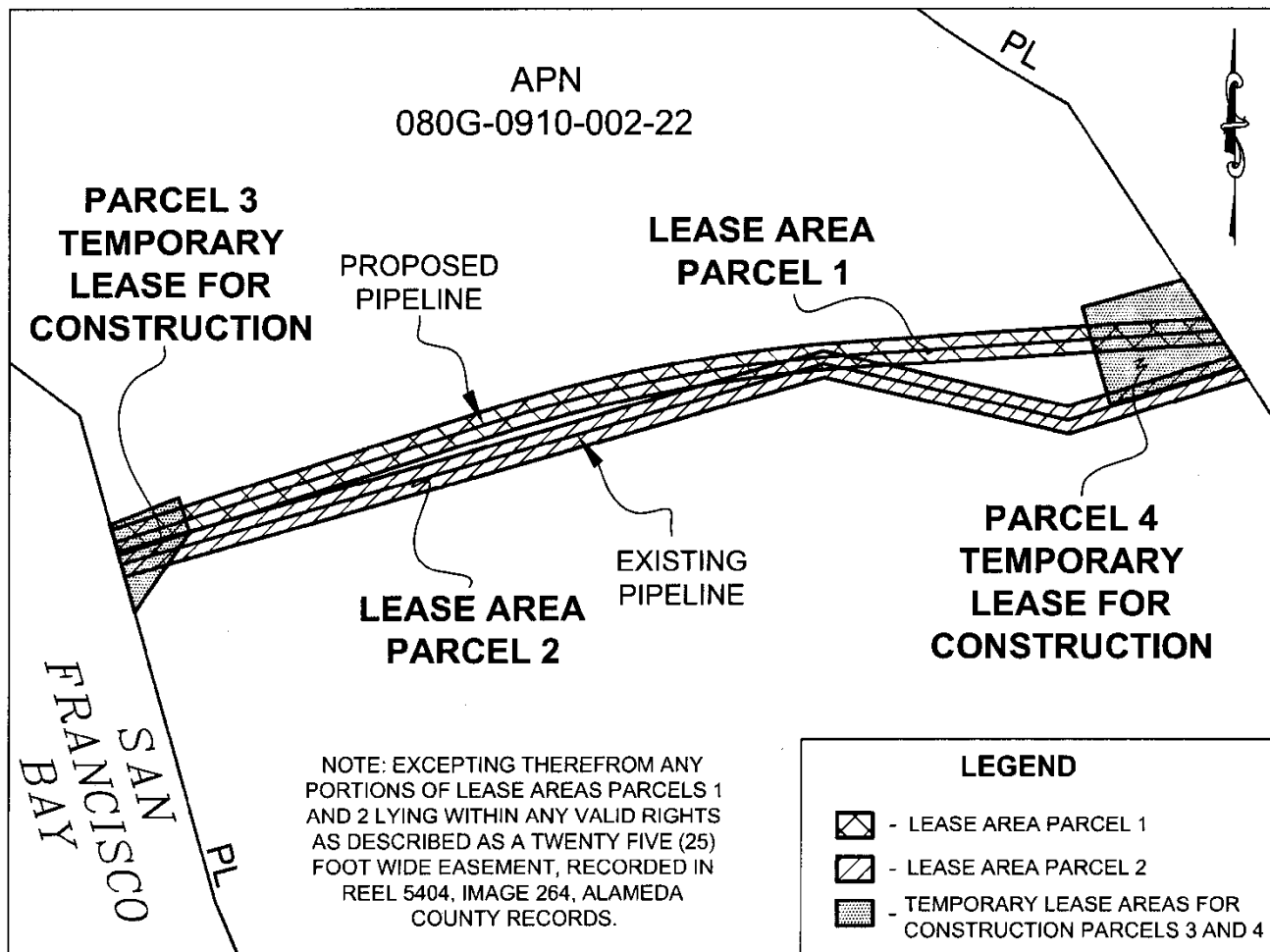
Authorize issuance of a General Lease – Public Agency use to Livermore-Amador Valley Water Management Agency (LAVWMA), beginning June 28, 2010, for a term of 25 years, for the construction, use, maintenance, and operation of a one-meter diameter treated wastewater pipeline and the abandonment in place of an existing 27-inch diameter wastewater pipeline, and the temporary use of two areas for the construction of the new pipeline as shown on Exhibit A (for reference

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purposes only) and as described on Exhibit B attached and by this reference made a part hereof; consideration being the public use and benefit, 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



CITY OF SAN LEANDRO NEAR ROBERTS LANDING

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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

W25597  
LIVERMORE-AMADOR  
VALLEY WATER  
MANAGEMENT AGENCY  
APN 080G-0910-002-22  
GENERAL LEASE - PUBLIC  
AGENCY USE  
ALAMEDA COUNTY



JWP 03/10

## EXHIBIT B

W25597

### LAND DESCRIPTION

FOUR PARCELS OF SOVEREIGN LAND IN THE CITY OF SAN LEANDRO, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING A PORTION OF THOSE LANDS DESCRIBED AS THE HABITAT ENHANCEMENT PARCEL IN THAT CERTAIN GRANT DEED, RECORDED IN SERIES NUMBER 90-084393, ALAMEDA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### PARCEL 1

BEING A STRIP OF LAND HAVING A UNIFORM WIDTH OF TWENTY FIVE (25) FEET, LYING TWELVE AND A HALF (12.5) FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE FOUND STANDARD CITY MONUMENT STAMPED "LS 5412" AT THE WESTERLY END OF BAYFRONT DRIVE AS SHOWN ON TRACT 6965 RECORDED IN BOOK 239 OF MAPS, AT PAGES 39 THROUGH 42, ALAMEDA COUNTY RECORDS, THENCE SOUTH 72°24'37" WEST, 753.42 FEET, TO A POINT ON THE EASTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, SAID POINT BEING THE NORTHWEST CORNER OF PARCEL C AS SHOWN ON TRACT 6810 RECORDED IN BOOK 230 OF MAPS, AT PAGES 87 THROUGH 91, ALAMEDA COUNTY RECORDS, THENCE ALONG SAID EASTERLY LINE NORTH 33°15'32" WEST, 40.80 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID EASTERLY LINE AND ENTERING SAID HABITAT ENHANCEMENT PARCEL THE FOLLOWING THREE (3) COURSES:

1. SOUTH 86°18'46" WEST, 343.63 FEET,
2. THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1500.00 FEET, THROUGH A CENTRAL ANGLE OF 13°55'48", AND AN ARC LENGTH OF 364.69 FEET,
3. THENCE SOUTH 72°22'58" WEST, 369.20 FEET TO A POINT ON THE WESTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, FROM SAID POINT, SAID CITY MONUMENT BEARS NORTH 77°35'10" EAST, 1835.81 FEET.

THE SIDE LINES OF SAID TWENTY FIVE (25) FOOT STRIP TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE EASTERLY AND WESTERLY LINES OF SAID HABITAT ENHANCEMENT PARCEL.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN ANY VALID RIGHTS AS DESCRIBED AS A TWENTY FIVE (25) FOOT WIDE EASEMENT, RECORDED IN REEL 5404, IMAGE 264, ALAMEDA COUNTY RECORDS.

CONTAINING 0.62 ACRES MORE OR LESS.

#### PARCEL 2

BEING A STRIP OF LAND HAVING A UNIFORM WIDTH OF TWENTY FIVE (25) FEET, LYING TWELVE AND A HALF (12.5) FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE FOUND STANDARD CITY MONUMENT STAMPED "LS 5412" AT THE WESTERLY END OF BAYFRONT DRIVE AS SHOWN ON TRACT 6965 RECORDED IN BOOK 239 OF MAPS, AT PAGES 39 THROUGH 42, ALAMEDA COUNTY RECORDS, THENCE SOUTH 72°24'37" WEST, 753.42 FEET, TO A POINT ON THE EASTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, SAID POINT BEING THE NORTHWEST CORNER OF PARCEL C AS SHOWN ON TRACT 6810 RECORDED IN BOOK 230 OF MAPS, AT PAGES 87 THROUGH 91, ALAMEDA COUNTY RECORDS, THENCE ALONG SAID EASTERLY LINE SOUTH 33°15'32" EAST, 1.05 FEET TO A POINT ON THE EXISTING 27" DIAMETER LIVERMORE AMADORE VALLEY WATER MANAGEMENT AGENCY PIPELINE SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID EASTERLY LINE AND ENTERING SAID HABITAT ENHANCEMENT PARCEL CONTINUING ALONG THE CENTERLINE OF SAID PIPELINE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 73°07'19" WEST, 171.94 FEET,
2. NORTH 77°10'41" WEST, 239.79 FEET,
3. THENCE SOUTH 74°09'52" WEST, 697.55 FEET TO A POINT ON THE WESTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, FROM SAID POINT, SAID CITY MONUMENT BEARS NORTH 76°54'27" EAST, 1834.73 FEET.

THE SIDE LINES OF SAID STRIP OF LAND TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE EASTERLY AND WESTERLY LINES OF SAID HABITAT ENHANCEMENT PARCEL.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN ANY VALID RIGHTS AS DESCRIBED AS A TWENTY FIVE (25) FOOT WIDE EASEMENT, RECORDED IN REEL 5404, IMAGE 264, ALAMEDA COUNTY RECORDS.

CONTAINING 0.64 ACRES MORE OR LESS

#### PARCEL 3 (TEMPORARY LEASE FOR CONSTRUCTION PURPOSES)

**BEGINNING** AT A POINT IN THE EASTERLY LINE DESCRIBED AS "NORTH 15°36'36" WEST, 484.84 FEET", OF THE LANDS OF THE CITY OF SAN LEANDRO, AS DESCRIBED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION, RECORDED IN REEL 1909, IMAGE NUMBER 908 THROUGH 911, ALAMEDA COUNTY RECORDS, FROM WHICH POINT THE NORTHERLY TERMINUS THEREOF BEARS NORTH 15°35'50" WEST, 108.71 FEET;

THENCE ALONG SAID EASTERLY LINE, COMMON TO THE WESTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, SOUTH 15°35'50" EAST, 87.52 FEET;

THENCE LEAVING SAID COMMON LINE AND ENTERING SAID HABITAT ENHANCEMENT PARCEL, THE FOLLOWING THREE (3) COURSES:

1. NORTH 34°08'33" EAST, 92.86 FEET;
2. NORTH 17°37'02" WEST, 34.54 FEET;
3. THENCE SOUTH 68°39'14" WEST, 70.00 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 4,307 SQUARE FEET MORE OR LESS.



PARCEL 4 (TEMPORARY LEASE FOR CONSTRUCTION PURPOSES)

COMMENCING AT THE FOUND STANDARD CITY MONUMENT STAMPED "LS 5412" AT THE WESTERLY END OF PACIFIC VIEW COURT, AS SHOWN ON TRACT 6809 RECORDED IN BOOK 242 OF MAPS, AT PAGES 36 THROUGH 40, NORTH 75°16'03" WEST, 202.47 FEET, TO THE MOST SOUTHWESTERLY CORNER OF PARCEL B AS SHOWN ON TRACT 6810 RECORDED IN BOOK 230 OF MAPS, AT PAGES 87 THROUGH 91, ALAMEDA COUNTY RECORDS, SAID POINT BEING THE **TRUE POINT OF BEGINNING**, THENCE LEAVING SAID CORNER AND ALONG THE WESTERLY LINE OF SAID PARCEL B, SAID LINE BEING COMMON TO THE EASTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, NORTH 33°15'32" WEST, 52.79 FEET, TO THE NORTHWESTERLY CORNER OF SAID PARCEL B;

THENCE LEAVING SAID CORNER, AND CONTINUING ON SAID EASTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL COMMON TO THE WESTERLY LINE OF THE LANDS OF SANTA CLARA LAND TITLE COMPANY AS DESCRIBED IN THAT CERTAIN DEED, RECORDED IN SERIES NUMBER 90-003455, ALAMEDA COUNTY RECORDS NORTH 33°15'32" WEST, 46.35 FEET,

THENCE LEAVING SAID COMMON LINE AND ENTERING SAID HABITAT ENHANCEMENT PARCEL, THE FOLLOWING THREE (3) COURSES:

1. SOUTH 75°00'00" WEST, 100.00 FEET;
2. SOUTH 16°13'15" EAST, 96.94 FEET;
3. THENCE NORTH 73°46'08" EAST, 129.02 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 0.25 ACRES MORE OR LESS.

**END OF DESCRIPTION**

PREPARED BY:



MARK WEHBER  
LICENSED LAND SURVEYOR NO. 7960  
(EXP. 3/31/12)  
STATE OF CALIFORNIA



5-10-10  
DATE

## Minimization and Mitigation Measures

The following Minimization and Mitigation Measures will be implemented; they are taken from the Biological Assessment that was prepared for this project (ESA, 2010a):

### General Measures

1. A qualified, Service-approved biological monitor will be present during all project-related activities. The biological monitor will conduct Worker Environmental Awareness Training for construction personnel to provide guidance about federally-listed species and their habitats. The biological monitor will monitor all activities to ensure that no federally-listed species is harassed, killed, or injured, and to ensure that the project conforms to the conservation measures outlined in this document. The biological monitor will notify responsible construction management personnel when any aspect of the project will result in unauthorized take of federally-listed species..
2. The amount of disturbance at the staging area will be reduced to the absolute minimum necessary to accomplish the project. When practicable, existing vegetation will be salvaged from the temporarily impacted tidal wetlands and stored for replanting after earthmoving activities are completed. Topsoil will be removed, stockpiled, covered, and encircled with silt fencing to prevent loss or movement of the soil into the habitats of federally-listed species. All disturbed soils will undergo erosion control treatment prior to the rainy season (e.g., October 15<sup>th</sup>) and after construction is terminated, typically including seeding with native species and sterile straw mulch. Topsoil will be replaced in a manner that as closely as possible represents pre-disturbance conditions.
3. Native vegetation in temporary fill areas will be protected by placing a protective mat between the vegetation and the introduced fill.
4. The temporarily impacted areas, including staging areas, construction areas, and areas of temporary fill, will be revegetated with locally-acquired sources of native seeds and plants, and the site will be returned to pre-construction conditions. Restoration will occur during the season optimal for the species being planted. An eighty percent (80%) or greater survival rate over a period of five years will be the performance goal for restoration efforts. Nonnative invasive plant species will be controlled to the maximum extent feasible to accomplish restoration.
5. The Biological Assessment also includes the preparation of a Revegetation Plan, which is included in Section 4 of this MMP, as a required conservation measure to minimize impacts to federally-listed species on the project site.
6. All standardized Regional Water Quality Control Board California Stormwater Best Management Practices will be implemented.
7. Sediment-control devices will be installed, inspected daily, and properly maintained. For example, once sediment has reached one-third of the exposed height of the control the sediment will be removed and disposed of via an approved method and location. Damaged

sediment controls will be immediately repaired or replaced, and additional controls installed as necessary.

8. Every reasonable precaution will be exercised to protect federally-listed species and their habitats from pollution due to fuels, oils, lubricants, and other harmful materials. Vehicles and equipment will be serviced and refueled in a designated area at least 75 feet from aquatic environments. Spills, leaks, and similar problems will be resolved immediately. A plan for the emergency cleanup of any hazardous spills will be available on site from the project foreman, and adequate materials for spill cleanup will also be maintained on site.
9. Every reasonable precaution will be exercised to protect federally-listed species and their habitats from construction by-products and pollutants such as construction chemicals, cement, or other deleterious materials. Water containing mud, silt, concrete, or other construction material will be treated by filtration, retention in a settling pond, or other approved method; these materials will be restricted from entering aquatic habitat. Construction pollutants will be collected and transported to an authorized disposal area per all applicable regulations.
10. Hazardous material will be stored in properly-designed containers in a storage locale with an impermeable membrane between the ground and the hazardous material. The storage area will be encircled by a berm to prevent the discharge of pollutants to groundwater or runoff. A plan for the emergency cleanup of any hazardous spills will be available on site from the project foreman, and adequate materials for spill cleanup will also be maintained on site.
11. All construction material including fill material, waste, debris, sediment, fencing, and other materials will be removed from the site upon project completion, and transported to an authorized disposal area. Trash will be removed from the construction area daily.
12. All concrete or other similar rubble shall be free of trash and reinforcement steel. No petroleum-based products will be used for bank stabilization.

### **Conservation Measures Specific to California Clapper Rail**

1. Construction activities will occur during the non-breeding season (construction may occur September 1 through January 31).
2. Prior to the placement of temporary fill in marsh vegetation, the area will be visually surveyed for rails. Fill placement will not commence until the area has been adequately surveyed by a qualified biologist and determined to be free of clapper rails.
3. All temporarily impacted California clapper rail habitat will be restored to pre-project conditions or enhanced and result in 1:1 onsite mitigation for temporary impacts.
4. Construction personnel will receive environmental awareness training specific to the identification of rails and their habitat.

## **5.2.2 Salt Marsh Harvest Mouse**

### **Temporary Impacts**

As stated in Section 3 of this MMP, salt marsh harvest mouse habitat is also present within the project site (ESA, 2010a). The proposed action has the potential to impact salt marsh harvest mice during vegetation removal, at staging areas, and during project construction. Potential effects include

direct mortality from equipment, entrapment in pipe sections or trenches, exposure due to vegetation removal, and harassment due to noise and vibrations.

The work staging area and reroute of the Bay Trail during construction will result in temporary disturbance to salt marsh harvest mouse habitat; this includes the tidal wetland as well as the transition zone where salt marsh harvest mice may occur.

## **Minimization and Mitigation Measures**

In addition to the general conservation measures described above for clapper rail, the following specific conservation measures will be implemented to avoid potential adverse effects on salt marsh harvest mouse.

### **Conservation Measures Specific to Salt Marsh Harvest Mouse**

1. In the temporary-fill area, vegetation will be hand-removed using hand-tools prior to the start of any construction-related activities. Hand tools may include hand-operated mechanical trimming devices, when appropriate. Colonies of invasive species, specifically stinkwort and perennial pepperweed at the west and east staging areas, will be collected and bagged onsite prior to use of the staging areas, and transported to a suitable offsite facility. See Section 4.5.9 of this MMP, Invasive Plant Species, for instructions on removing invasive plant species.
2. A qualified, Service-approved biological monitor will be present during all clearing and construction-related activities associated with potential salt marsh harvest mouse suitable habitat. The biological monitor will meet with the project contractor and equipment operators to discuss protection of adjacent salt marsh habitat prior to the start of the project.
3. Every morning prior to the start of construction, a qualified biologist will inspect all areas within 250 feet of emergent pickleweed habitat.
4. At the close of each workday, escape ramps/boards will be provided in all open trenches.
5. Vehicle use and disturbance within suitable habitat will be minimized to the maximum extent practicable. Salt marsh harvest mouse exclusion fencing (e.g. silt fence) shall be installed along the entire length of the work area as an erosion control measure to prevent material from inadvertently entering salt marsh harvest mouse habitat, and to discourage salt marsh harvest mice from entering the project area.
6. Affected salt marsh harvest mouse habitat will be restored to pre-disturbance conditions or enhanced, following completion of construction activities (1:1 onsite restoration).