

**CALENDAR ITEM
C50**

A	18	06/28/10
S	9	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.