

MINUTE ITEM

This Calendar Item No. 30
was added to the Minute Item
No. 30 by the State Lands
Commission by a vote of 5
0 at its 12/15/76
meeting.

CALENDAR ITEM

12/76
W 21341
GRH
PRC 5207

30.

PUBLIC AGENCY PERMIT

APPLICANT: East Bay Dischargers Authority
22300 Foothill Boulevard, Suite 602
Hayward, California 94541

AREA, TYPE LAND AND LOCATION: Various undefined parcels of State land with-
in a pipeline right of way extending from
Irvington District in Fremont, Alameda Co., to an
outfall diffuser west of the San Leandro Marina,
San Mateo County.

LAND USE: Wastewater pipeline system and appurtenant
facilities.

TERMS OF PROPOSED LEASE:
Initial period: 49 years from January 1, 1977.

CONSIDERATION: The public health and safety 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.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is permittee of upland.

Processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:
1. The East Bay Dischargers Authority has been
coordinating their proposed wastewater
system with the Division for nearly two
years and has now applied to the Commission
for a permit for portions of the pipeline
that cross State land.

The pipeline system extends from the
Irvington District of Fremont up along the
eastern shoreline of San Francisco Bay to
a deepwater outfall diffuser, located westerly
of the San Leandro Marina, San Mateo County,
a distance of 32 miles.

A 14, 15, 19, 25

S 6, 8, 11

CALENDAR ITEM NO. 30. (CONTD)

Substantial environmental documentation on the wastewater system has been accomplished. On July 27, 1976, a final environmental impact statement was approved on the project by the U.S. Environmental Protection Agency. On October 14, 1976, the East Bay Dischargers Authority adopted a resolution (76-78) wherein they approved the final environmental impact statement and adopted said statement as fully meeting all the requirements under CEQA. On October 21, 1976, a Notice of Determination on the project was filed with the Secretary for Resources. A copy of the notice and final EIS is on file in the Office of the State Lands Commission and by reference made a part hereof.

2. The project will cross State lands identified as environmentally significant, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class C: Multiple Use. Staff has reviewed and coordinated the environmental documentation on this project and feels that adequate mitigation measures have been proposed to minimize the effects of the project on the environmentally significant State lands.
3. The 32-mile pipeline system crosses a number of State land parcels. Some of these parcels are State sovereign lands, some are subject to the public trust easement, and others are currently under litigation. In order to expedite processing of this transaction, staff is recommending the use of maps excerpted from the Final EIS, depicting the interceptor alignment, as the interim description of State lands proposed for lease. When the pipeline system is completed, the applicant will provide the Division with a surveyed description of the "as laid" alignment. This approach will obviate the need to expend countless staff hours locating and describing the State's interest in the parcels covered by the pipeline.

EXHIBITS: A. Land Description. B. Location Map.
 C. EIR Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT STATEMENT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY THE EAST BAY DISCHARGERS AUTHORITY ON OCTOBER 14, 1976, AS MEETING THE

CALENDAR ITEM NO. 30. (CONTD)

REQUIREMENTS OF CEQA.

2. CERTIFY THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT STATEMENT OF THE EAST BAY DISCHARGERS AUTHORITY HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; HOWEVER, THE PROJECT HAS BEEN DESIGNED SO AS TO MINIMIZE THE ENVIRONMENTAL IMPACTS AND SUFFICIENT MITIGATION MEASURES HAVE BEEN INCORPORATED TO FURTHER REDUCE THE EFFECTS OF THE PROJECT; AND IMPROVEMENT TO BAY WATER QUALITY SHOULD OFFSET OTHER ENVIRONMENTAL EFFECTS.
4. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON THOSE CHARACTERISTICS IDENTIFIED AS SIGNIFICANT PURSUANT TO PUBLIC RESOURCES CODE SECTION 6370.1.
5. AUTHORIZE ISSUANCE TO THE EAST BAY DISCHARGERS AUTHORITY OF A 49-YEAR PUBLIC AGENCY PERMIT FROM JANUARY 1, 1977, IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY 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; FOR THE CONSTRUCTION AND MAINTENANCE OF WASTEWATER FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, PROVIDED THAT EAST BAY DISCHARGERS AUTHORITY SHALL, UPON CONSTRUCTION OF THE PIPELINE SYSTEM, PROVIDE THE STATE LANDS DIVISION AN ACCURATE DESCRIPTION OF THE LANDS COVERED BY THE PIPELINE SYSTEM.