MINUTE ITEM
This Calendar Item No. C29
was approved as Minute Item
No. C29 by the State Lands
Commission by a vote of 3
to 0 at its 6/11/90
meeting.

CALENDAR ITEM

A 25

S 14

C 29

06/11/90
W 24431 PRC 7407
Fong

PUBLIC AGENCY PERMIT - RIGHT-OF-WAY USE

APPLICANT: City of Livingston
P. O. Box 308
Livingston, California 95334

AREA, TYPE LAND AND LOCATION:
A 0.06-acre parcel of sovereign land in the bed of the Merced River located at the SPRR bridge and the Highway 99 crossing in Merced County.

LAND USE: Treated waste water pipeline.

TERMS OF PROPOSED PERMIT:
Initial period: 25 years beginning July 1, 1990.

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.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is owner and permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee, processing costs, and environmental costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 11/30/90.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

2. A Negative Declaration was prepared and adopted for this project by the City of Livingston. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

3. The City of Livingston proposes to transport, via a 12-inch-diameter pipeline, treated waste water from treatment ponds located on the north side of the Merced River to a 780-acre farm where the treated waste water will be combined with other water on site for application to field crops. Currently, existing land application of treated waste water covers 120 acres. The proposed addition of 780 acres would help to reduce the levels of the existing percolation ponds and prevent their oversaturation. The Water Quality Control Board has expressed a preference for the land application of treated waste water over the existing percolation ponds.

4. The annual rental value of the site is estimated to be $100.

EXHIBITS:

A. Land Description.
B. Location Map.
C. Negative Declaration.
D. Notice of Determination.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF LIVINGSTON AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

4. AUTHORIZATION ISSUANCE TO THE CITY OF LIVINGSTON OF A 25-YEAR PUBLIC AGENCY PERMIT - RIGHT-OF-WAY USE, BEGINNING JULY 1, 1990, IN CONSIDERATION OF THE PUBLIC BENEFIT AND HEALTH 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 A TREATED WASTE WATER PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24431

LAND DESCRIPTION

A strip of submerged land 10 feet wide in the bed of the Merced River, Merced County, California, said strip lying immediately beneath and 5 feet on each side of the centerline of a 12 inch diameter treated industrial waste water pipeline suspended under Southern Pacific Railroad bridge structure no. 134.84, a map of said pipeline entitled "Livingston Industrial Water at S.P.R.R.", Job 043-89, and dated 10-2-89, a copy of said map is on file in File W 24431 in the office of the State Lands Commission in Sacramento, California.

EXCEPTING THEREFROM any land lying landward of the ordinary low water mark of the Merced River.

END OF DESCRIPTION

PREPARED APRIL 26, 1989 BY SAS.

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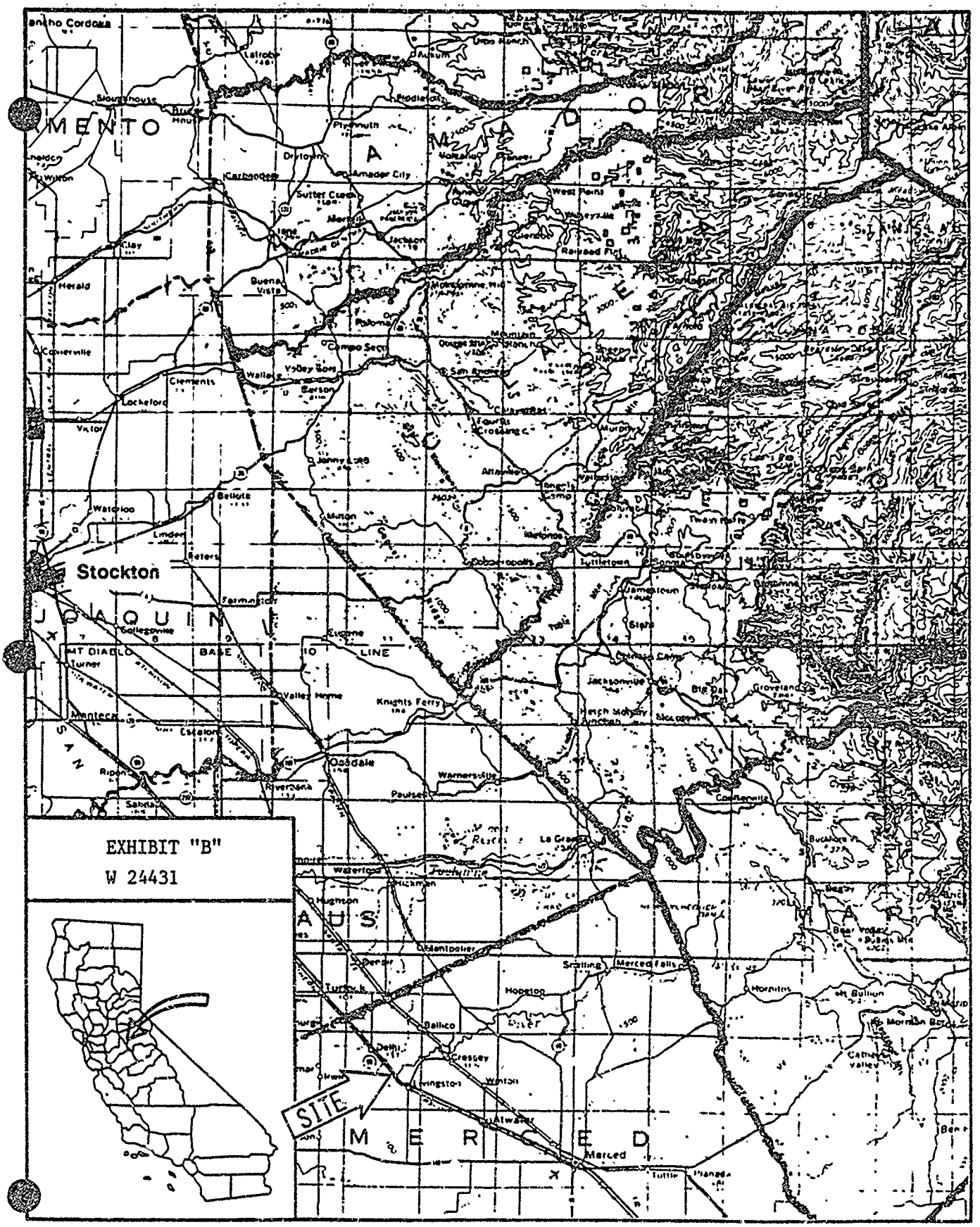
1208


Stockton
MT DIABLO BASE LINE
SAN JOAQUIN
MADERA
MERCED
SITE
EXHIBIT "B"
W 24431

ATTENTION LYNNE COUGHLIN/Appendix F

EXHIBIT "C"

Notice of Completion

See NOTE below

SCH # 90020279

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

Project Title: MERCED RIVER PIPELINE CROSSING

Lead Agency: CITY OF LIVINGSTON — Contact Person: JIM BENNETT

Street Address: 1416 'C' STREET — Phone: (209) 394 8041

City: LIVINGSTON CA Zip: 95334 — County: MERCED

Project Location

County: MERCED — City/Nearest Community: LIVINGSTON

Cross Streets: HIGHWAY 99 AND THE MERCED RIVER — Total Acres: N/A

Assessor's Parcel No. 47-060-12 — Section: 22+23 Twp. 6S Range: 11E Base: MDB&M

Within 2 Miles: State Hwy #: 99 — Waterways: MERCED RIVER

Airports: NO — Railways: S. PACIFIC — Schools: NO

Document Type

CEQA: ☐ NOP ☐ Supplement/Subsequent ☐ EIR (Prior SCH No.) ☐ Other ☐ Early Cons ☒ Neg Dec ☐ Draft EIR

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other

RECEIVED MAR 28 1990 STATE LANDS COMMISSION

Local Action Type

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan

☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan

☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.)

☐ Redevelopment ☐ Coastal Permit ☒ Other CAPITAL IMPROVEMENT

Development Type

☐ Residential: Units ____ Acres ____

☐ Office: Sq.ft. ____ Acres ____ Employees ____

☐ Commercial: Sq.ft. ____ Acres ____ Employees ____

☐ Industrial: Sq.ft. ____ Acres ____ Employees ____

☐ Educational ____

☐ Recreational ____

☐ Water Facilities: Type ____ MGD ____

☐ Transportation: Type ____

☐ Mining: Mineral ____

☐ Power: Type ____ Watts ____

☒ Waste Treatment: Type LAND APPLICATION SEWAGE

☐ Hazardous Waste: Type ____

☐ Other: ____

Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Agricultural Land ☐ Air Quality ☐ Archeological/Historical ☐ Coastal Zone ☒ Drainage/Absorption ☐ Economic/Jobs ☐ Fiscal

☐ Flood Plain/Flooding ☐ Forest Land/Fire Hazard ☐ Geologic/Seismic ☐ Minerals ☐ Noise ☐ Population/Housing Balance ☐ Public Services/Facilities ☐ Recreation/Parks

☐ Schools/Universities ☐ Septic Systems ☐ Sewer Capacity ☒ Soil Erosion/Compaction/Grading ☐ Solid Waste ☒ Toxic/Hazardous ☐ Traffic/Circulation ☒ Vegetation

☐ Water Quality ☐ Water Supply/Groundwater ☒ Wetland/Riparian ☒ Wildlife ☐ Growth Inducing ☐ Landuse ☐ Cumulative Effects ☐ Other ____

Present Land Use/Zoning/General Plan Use

AGRICULTURE/A-1/AGRICULTURE

Project Description

PIPELINE PERMIT FROM STATE LANDS COMMISSION TO CONSTRUCT PIPELINE ATTACHED TO RAILROAD BRIDGE ACROSS MERCED RIVER TO CARRY EFFLUENT FROM CHICKEN PROCESSING PLANT TO FARMLAND FOR LAND APPLICATION DISPOSAL.

NOTE: Clearinghouse will assign SCH number.

CLEARINGHOUSE CONTACT: 916/445-0613 LYNNE COUGHLIN

DATE REVIEW BEGAN: 3-28-90

DT REV TO AGENCY: 4-20

AGNCY REV TO SCH: 4-25

IN COMPLIANCE: 4-27

PLEASE RETURN NOC WITH ALL COMMENTS

NOI APCD: 16 (Resources: 3/31)

CHT SNT

- Resources
- Fish & Game
- DWR
- Caltrans #10
- Food & Ag.

CHT SNT

- CA Waste Mgmt Bd
- SWRCB: Wtr Quality
- Reg. WQCB #5
- State Lands Comm

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MINUTE PAGE 1210

APPENDIX I

ENVIRONMENTAL CHECKLIST FORM/INITIAL STUDY

(To Be Completed By Lead Agency)

I. Background

1. Name of Proponent CITY OF LIVINGSTON
2. Address and Phone Number of Proponent P.O. BOX 308
   1416 'C' STREET
   LIVINGSTON, CA 95334 (209) 394-8041
3. Date of Checklist Submitted MARCH 16, 1990
4. Agency Requiring Checklist CITY OF LIVINGSTON
5. Name of Proposal, if applicable MERCED RIVER PIPELINE CROSSING

II. Environmental Impacts

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	Yes	Maybe	No
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	___	___	X
b. Disruptions, displacements, compaction or overcovering of the soil?	X	___	___
c. Change in topography or ground surface relief features?	___	___	X
d. The destruction, covering or modification of any unique geologic or physical features?	___	___	X
e. Any increase in wind or water erosion of soils, either on or off the site?	___	___	X
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	___	___	X

	Yes	Maybe	No
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	—	—	X
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	—	—	X
b. The creation of objectionable odors?	—	—	X
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	—	—	X
3. Water. Will the proposal result in:			
a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?	—	—	X
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	—	X	—
c. Alterations to the course or flow of flood waters?	—	—	X
d. Change in the amount of surface water in any water body?	—	—	X
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	—	X
f. Alteration of the direction or rate of flow of ground waters?	—	—	X
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	—	—	X
h. Substantial reduction in the amount of water otherwise available for public water supplies?	—	—	X
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	—	—	X

	Yes	Maybe	No
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	___	___	X
b. Reduction of the numbers of any unique, rare or endangered species of plants?	___	___	X
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	___	___	X
d. Reduction in acreage of any agricultural crop?	___	___	X
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	___	___	X
b. Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	X
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	___	___	X
d. Deterioration to existing fish or wildlife habitat?	___	___	X
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?	___	___	X
b. Exposure of people to severe noise levels?	___	___	X
7. Light and Glare. Will the proposal produce new light or glare?	___	___	X
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?	___	___	X
9. Natural Resources. Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	___	___	X

	Yes	Maybe	No
b. Substantial depletion of any nonrenewable natural resource?	—	—	X
10. Risk of Upset. Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	—	—	X
b. Possible interference with an emergency response plan or an emergency evacuation plan?	—	—	X
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	—	—	X
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	—	—	X
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	X
b. Effects on existing parking facilities, or demand for new parking?	—	—	X
c. Substantial impact upon existing transportation systems?	—	—	X
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	X
e. Alterations to waterborne, rail or air traffic?	—	—	X
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	X
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	—	—	X
b. Police protection?	—	—	X
c. Schools?	—	—	X

	Yes	Maybe	No
d. Parks or other recreational facilities?	___	___	X
e. Maintenance of public facilities, including roads?	___	___	X
f. Other governmental services?	___	___	X
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	___	___	X
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	___	___	X
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?	___	___	X
b. Communications systems?	___	___	X
c. Water?	___	___	X
d. Sewer or septic tanks?	___	___	X
e. Storm water drainage?	___	___	X
f. Solid waste and disposal?	___	___	X
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	___	___	X
b. Exposure of people to potential health hazards?	___	___	X
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	___	___	X
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	___	___	X
20. Cultural Resources.			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	___	___	X

	Yes	Maybe	No
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	___	___	X
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	___	___	X
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	___	___	X
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	___	___	X
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	___	___	X
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	___	___	X
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	___	___	X

III. Discussion of Environmental Evaluation

IV. Determination
(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. [X]

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED. [ ]

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. [ ]

Date _____ Signature _____

For _____

(Note: This is only a suggested form. Public agencies are free to devise their own format for initial studies.)

III. DISCUSSION OF ENVIRONMENTAL EVALUATION - MERCED RIVER PIPELINE CROSSING PERMIT AND CAPITAL IMPROVEMENT PROJECT - CITY OF LIVINGSTON

1. **EARTH:** All questions answered "NO" except "b". The proposal will not result in changes to erosion, to geologic/physical features, to topography, to the river channel, nor expose people to geologic hazards. The project will involve the disruption of soil because the pipeline will be buried approximately five feet in depth. After the pipe is placed at the bottom of the trench, the trench will be filled and returned to a condition similar to what existed before the trenching.

2. **AIR:** All questions answered "NO". The project will not result in substantial deterioration of ambient air quality nor alter air movement. The proposal is to transfer sewer effluent from chicken processing plant sewer ponds covering 120 acres to a farm field covering approximately 780 acres. This will not create new objectionable odors, but will disperse them more widely in the agricultural area.

3. **WATER:** The project will not change the course of surface, flood, or ground water. It will not alter the amount of surface or ground water either by additions or extractions. The project will not reduce the amount of water available nor expose people to water hazards such as flooding.

   The proposal will not discharge into surface waters or reduce the water quality in the Merced River. The pipeline is a sealed system and is designed not to leak into the river. The pipeline will be equipped with a pressure release valve. The valve will detect a drop in water pressure in the pipe resulting from a leak. When a leak is detected by a drop in pressure, the sewer effluent pump will be shut off and the valve will close the pipe preventing further discharge. An enunciator signal panel at the pump will indicate the presence of a leak to personnel attempting to restart the pump. Additionally, a relief pond will be available to drain the pipeline prior to repairing a leak.

   The project will have an effect on absorption rates for sewer effluent. Sewer effluent that evaporates out of ponds currently will be absorbed more quickly as a result of land application for agricultural crops. No adverse impact is anticipated from this change in absorption rate.

4. **PLANT LIFE:** All questions answered "NO". The proposal is to place a pipeline underground though existing farmed fields where natural vegetation has been destroyed by agriculture. The pipeline surfaces at the foundation of the railroad bridge. The construction and recent renovation of the railroad bridge has destroyed the natural vegetation at both of its ends. The pipeline surfaces approximately 250 feet

from the center of the river on the south side. It ascends to the bridge underside and crosses for 1,000 feet approximately. The pipe goes underground 750 feet from the center of the river on the north side. The project will not have a significant effect on the diversity or number of rare or endangered plant species because they have been eliminated by agriculture and bridge construction already.

Acreage in agricultural crops will not be reduced because the pipeline will be buried deep enough to allow farming to occur over it. The project will provide agricultural irrigation. The proposals will not introduce new species into the area.

5. **ANIMAL LIFE:** All questions answered "NO". The project will disturb land already under cultivation or cleared of vegetation by bridge construction for approximately two weeks. The project will not result in a significant change in the diversity or number of rare or endangered or other species of animals nor introduce new species or barriers to migration into the area. The project is being constructed in areas already severely disturbed by human activity and will include safeguards to prevent leakage which might deteriorate the river water quality.

6,7,8, & 9. **NOISE, LIGHT & GLARE, LANDUSE, & NATURAL RESOURCES:** All questions answered "NO". The project will not expose people to severe noise levels nor increase the existing noise level. The pump for the effluent is already operational. The project will not produce light or glare.

The project is in an area planned and used for agriculture. It provides water for farm irrigation and does not change the land use pattern. The project will not result in an increased rate of use of natural resources nor in substantial depletion of nonrenewable resources.

10,11,12, & 13. **RISK OF UPSET, POPULATION, HOUSING, & TRANSPORTATION/CIRCULATION:** All questions answered "NO". The project will not interfere with any emergency response plan. The proposal does not involve explosives or hazardous substances. As described under 3 above, a safeguard system is included in the project to prevent leaks and discharge into the Merced River in the event of an accident.

The proposal will not alter the distribution, or growth rate of population in the area, nor will it affect or create a demand for housing. The proposal will not generate vehicular movement nor create a demand for parking. There will not be a substantial impact or alteration to existing transportation systems or patterns. The proposal will not increase hazards to vehicles or pedestrians.

14,15,16 & 17. **PUBLIC SERVICES, ENERGY, UTILITIES, & HUMAN HEALTH:** All questions answered "NO". The project will not significantly affect the nature or need for fire protection, police protection, schools, parks and recreation facilities, maintenance of public facilities or other governmental services. The project uses energy to operate a pump; however, substantial amounts of fuel will not be required.

The proposal will not result in a need for new systems or substantially altered systems for power/natural gas, communication systems, water, drainage, solid waste disposal or sewer systems except to the extent that the project itself is an alteration of the sewer system. The proposal will not create nor expose people to a health hazard. The effluent is processed through twelve ponds over an extended period reducing coliform bacteria to safe levels. The effluent does not contain any human waste.

18,19, & 20. **AESTHETICS, RECREATION, & CULTURAL RESOURCES:** All questions answered "NO". The project is underground or "underbridge" completely and has no offensive visual impact. The proposal does not impact the quality or quantity of recreational opportunities.

The project is in an area not known to be of historic or cultural significance. No adverse change of a historic, cultural or religious feature will occur as a result of the proposal.

21. **MANDATORY FINDINGS OF SIGNIFICANCE:** All questions answered "NO". Question "a" is answered "NO" for the reasons stated in questions 4 and 5 above. Question "b" is answered "NO" because the project is consistent with long term environmental goals of the City and urgings of the Water Quality Control Board to use land application of sewer effluent as a means of safe disposal. Question "c" is answered "NO" because the cumulative impact of the project on various environmental features of soil disruption and absorption rate is insignificant. Question "d" is answered "NO" because the project will not have environmental effects which will cause substantial adverse effects on humans either directly or indirectly.

Notice of Determination

Appendix H

To: ___ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

X County Clerk
County of Merced
2222 "M" Street
Merced, CA 95340

From: (Public Agency) City of Livingston
1416 "C" Street
(Address) Livingston, CA 95344

Subject:
Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Merced River Crossing Capital Improvemert Project, City of Livingston, Merced County
Project Title

James H. Bennett	(209)-394-8041
Lead Agency Contact Person	Area Code/Telephone/Extension

State Clearinghouse Number (If submitted to Clearinghouse)

State Highway 99/Merced River, City of Livingston, Merced County
Project Location (include county)

Project Description:
12" pipeline across the lower Merced River attached to the existing Southern Pacific railroad trestle to carry treated wastewater from industrial sewer facility to adjacent farmlands for irrigation.

This is to advise that the City Council of the City of Livingston has approved the above described project on
☒ Lead Agency ☐ Responsible Agency

May 1, 1990 and has made the following determinations regarding the above described project:
(Date)

1. The project [☐will ☒will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐were ☒were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☐was ☒was not] adopted for this project.
5. Findings [☒were ☐were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

J H Bennett — May 2, 1990 — Planning Director
Signature (Public Agency) — *Date* — *Title*

Date received for filing at OPR:

Revised October 1989

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MINUTE PAGE 1221

RESOLUTION NO. 90-26

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND APPROVING THE MERCED RIVER CROSSING CAPITAL IMPROVEMENT PROJECT

WHEREAS, the City of Livingston Industrial Sewer Plant is adjacent to the lower Merced River; and,

WHEREAS, the City desires to protect the beneficial uses of and meet water quality objectives for the lower Merced River; and,

WHEREAS, the City also desires to reduce the risk of degradation of the lower Merced River due to leakage and/or accidental discharge of effluent from the Industrial Sewer Plant; and,

WHEREAS, the City proposes to accomplish this objective by construction of a pipeline to carry effluent from the Industrial Sewer Plant across the lower Merced River for the purpose of irrigating nearby farmland and thereby reducing the concentration of designated waste in the existing sewer ponds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livingston hereby adopts a Negative Declaration of Environmental Impact under CEQA and approves the Merced River Crossing Capital Improvement Project.

Passed and adopted this 1st day of May, 1990, by the following vote:

AYES: Garcia, Nagi, Marques, Winton, Worden
NOES:
ABSENT:

GUADALUPE A. GARCIA
Mayor of the City of Livingston

ATTEST:

I, hereby certify, that the foregoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Livingston this 1st day of May, 1990.

ELWOOD E. CAMPINI
City Clerk of the City of Livingston