

MINUTE ITEM

This Calendar Item No. C04 was approved as Minute Item No. 04 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

**CALENDAR ITEM
C04**

A 26

S 12

PRC 8514.9

04/05/04
W 25218
L. Burks

**TERMINATION OF GENERAL LEASE – PUBLIC AGENCY USE
NO. PRC 4838.9 AND ISSUANCE OF A NEW
GENERAL LEASE - PUBLIC AGENCY USE**

APPLICANT:

City of Modesto
P.O. Box 642
Modesto, California 95353

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Tuolumne River, Shackelford area crossing near the city of Modesto, Stanislaus County.

AUTHORIZED USE:

Construction, use and maintenance of two new parallel 18-inch diameter sewer pipelines, continued maintenance of an existing 18-inch diameter sewer pipeline to be abandoned, and three (6, 10 and 18-inch diameter) previously abandoned sewer pipelines.

LEASE TERM:

25 years, beginning April 5, 2004.

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.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has a right to use the uplands adjoining the lease premises.

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2. On December 20, 1973, the Commission authorized issuance to the city of Modesto, a General Lease – Public Agency Use No. PRC 4838.9, for the existing 18-inch diameter sewer pipeline that is to be abandoned in place. The term of the lease was for 49 years. On September 2, 2003, staff received an application for installation of two new parallel 18-inch sewer pipelines. The existing 6, 10 and 18-inch pipelines that were installed around 1954, and abandoned in place, had never been under lease. Since two of these three pipelines failed at midstream, they were abandoned in place when construction of the existing 18-inch pipeline (under Lease PRC 4838.9) was completed. All three of the above existing pipelines were plugged at both ends and filled. Therefore, staff is recommending Lease PRC 4838.9 be terminated and that a new General Lease – Public Agency Use be issued to include all new and existing pipelines.
3. The City operates and maintains a wastewater collection system, two wastewater treatment plants, and facilities to dispose and reuse the treated effluent and biosolids, which serve the communities of Modesto, Empire, and a portion of the city of Ceres. The City's existing sewer network consists of about 2.5 million linear feet, or 476 miles, of pipelines. The City wastewater facilities serve both domestic wastewater (sewage) from residences and offices in the service area and wastewater generated at industrial facilities, most notably the numerous food processors (canneries) in the southeastern part of the City.
4. The City is proposing to replace and improve an existing sewer pipeline that is aging. The project would consist of installing two new parallel 18-inch diameter pipelines across the Tuolumne River from an existing inlet structure. The new pipelines would replace the existing 18-inch pipeline (under PRC 4838.9), which would be sealed and abandoned in place. Implementation of the proposed project serves to accomplish the following two objectives: 1) ensure the protection of public health and safety by replacing an existing sewer line that has reached capacity and deteriorated in some locations; and 2) create a backup sewer line to help increase the overall reliability of the wastewater system. The two new pipelines will also enable a greater volume of sewage to be transported. Cannery and industrial flows from the surrounding area services by the existing system are variable both seasonally and with changing economic circumstances, and pose a unique challenge to the wastewater system. Wastewater flows can nearly double during the canning season (July

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through September). The second 18-inch line will be used to accommodate the variability of wastewater flows from the canneries and industries in this part of the City's existing service area. The two new pipelines will cross approximately 200 feet of the Tuolumne River.

5. Construction of the pipelines will require an open trench cut across the River, in which the new pipeline(s) would be buried to a depth of at least 5-feet below the channel bed and have cathodic protection in addition to a corrosion blanket. Long Beach engineering staff requires that a minimum depth of cover of 5 feet below the bottom of the waterway be maintained at all times. The pipes will be placed in the center of an open trench that is 2 feet wider than the diameter of the pipe or in a single trench with a minimum bottom width of 8 feet with 2 feet clearance between the pipes. A minimum of 12 inches of ¾-inch crushed rock bedding, surrounded by filter fabric, will be placed and compacted to 95% relative compaction to provide full support to the pipeline over its entire length. During construction, the Contractor will minimize disturbances to the River, minimize stream sedimentation, habitat alteration, and avoid creating fish barriers and entrapment. In addition, prior to construction, the Contractor will develop a Water Pollution Control Program (WPCP) that will include monitoring during construction activities, dewatering, and hazardous spill cleanup techniques that will conform to the National Pollutant Discharge Elimination System (NPDES) General Permit. The WPCP will incorporate soil stabilization and sediment control practices. Soil stabilization will likely include covering bared areas with mulch or revegetate all cleared areas within 100 feet of the river with native grasses. Long Beach engineering staff has reviewed the pipeline specifications and indicates that the design meets standard engineering practice.
6. A Section 401 Water Quality Certification will be issued by the Regional Water Quality Control Board for this project.
7. A spill from the existing 18-inch sewer pipeline (under Lease PRC 4838.9) occurred on January 28, 1997. Approximately 36,000 gallons of wastewater (sewage) spilled into the Tuolumne River. Apparently flood waters saturated soil under the pipe causing soil displacement which then caused piping running parallel to the Tuolumne River between two manholes near the top of the levee (located outside the lease area) to collapse spilling sewage for a 30 minute period. The spill was cleaned up and a 40-foot section of the pipe was replaced. No spills have occurred

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since 1997. In addition, recent inspections indicate no pipeline exposures within riverbed or banks. All existing pipes are buried with at least 5 feet of cover.

8. A Mitigated Negative Declaration was prepared and adopted for this project by the city of Modesto. The California State Lands Commission's staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
9. 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:

State Reclamation Board; Office of State Historic Preservation.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers; Central Valley Water Quality Control Board; California Department of Fish and Game; United States Fish and Wildlife Service; National Marine Fisheries Service.

EXHIBIT:

- A. Site Plan and Location Map

PERMIT STREAMLINING ACT DEADLINE:

June 7, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF MODESTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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2. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

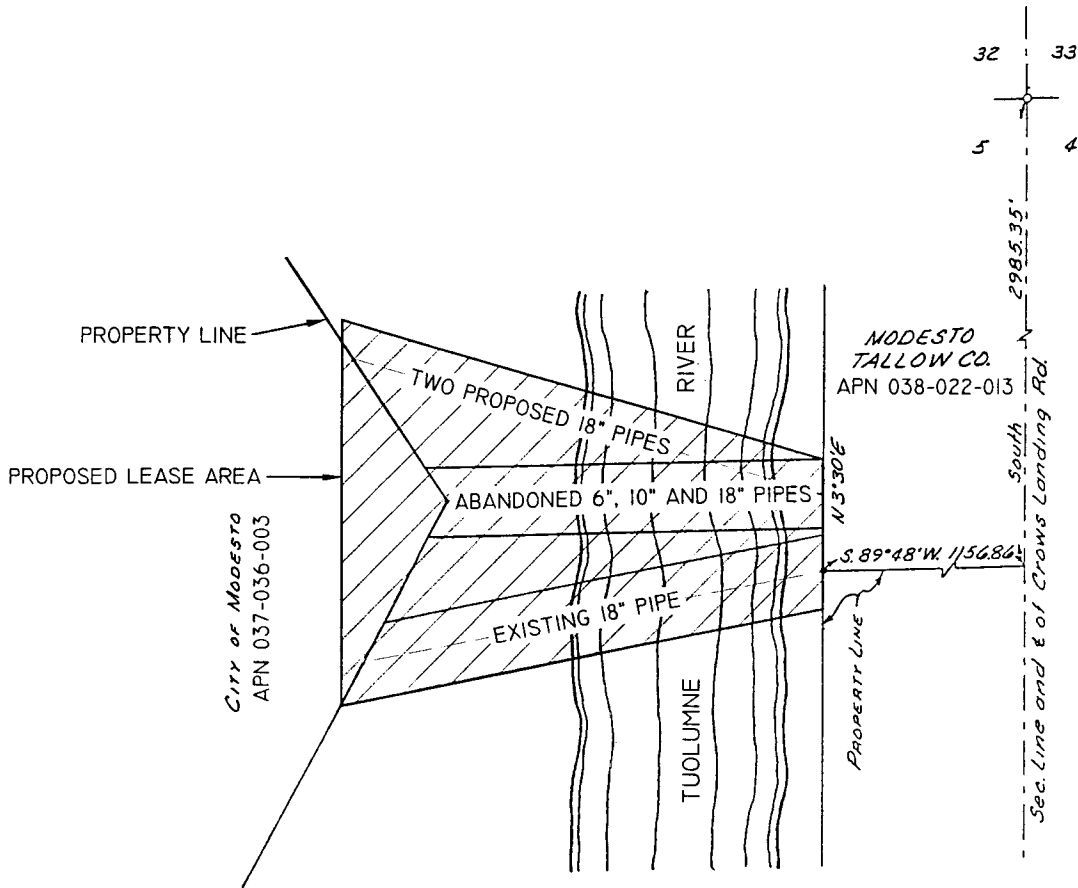
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE THE TERMINATION OF GENERAL LEASE – PUBLIC AGENCY USE NO. PRC 4838.9 ISSUED TO THE CITY OF MODESTO AND APPROVED BY THE COMMISSION ON DECEMBER 20, 1973, TO BE EFFECTIVE APRIL 4, 2004.
2. AUTHORIZE ISSUANCE TO CITY OF MODESTO OF A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING APRIL 5, 2004, FOR A TERM OF TWENTY-FIVE (25) YEARS, FOR CONSTRUCTION, USE AND MAINTENANCE OF TWO NEW PARALLEL SEWER PIPELINES, CONTINUED MAINTENANCE OF AN EXISTING SEWER PIPELINE TO BE ABANDONED, AND THREE PREVIOUSLY ABANDONED SEWER PIPELINES AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF 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 MAP



Tuolumne River, near Shackelford area
Stanislaus County

LOCATION MAP

NO SCALE

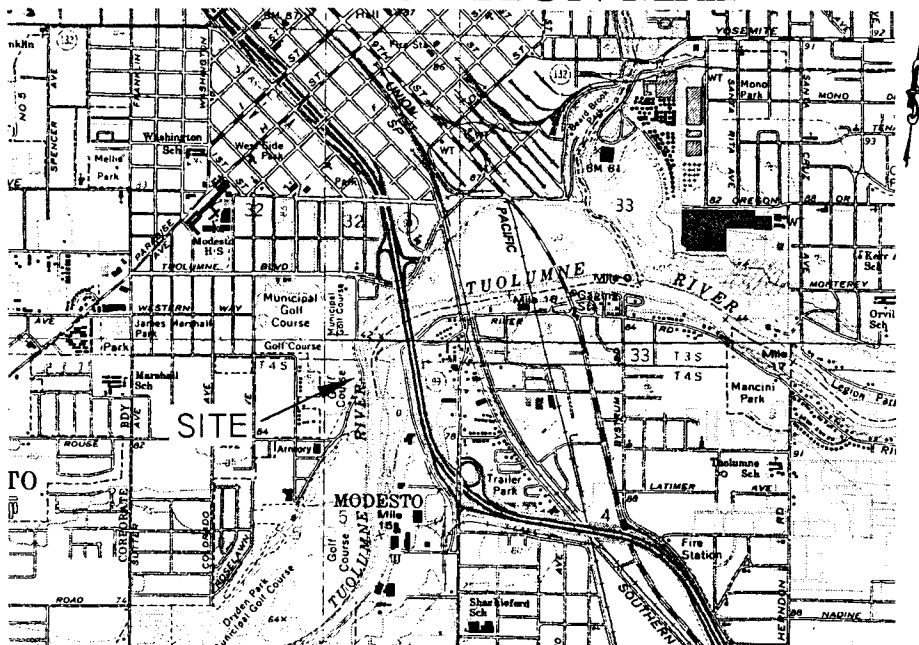


Exhibit A
 W25218
 APN 037-036-003
 APN 038-022-013
 City of Modesto
 Stanislaus County



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.

CALENDAR PAGE MAP SOURCE: USGS QUAD