

**CALENDAR ITEM
C53**

A 14
S 7

06/19/14
PRC 3371.9
K. Foster

GENERAL LEASE – PUBLIC AGENCY USE

LESSEE:

Contra Costa Water District
P.O. Box H2O
Concord, CA 94524

LAND TYPE AND LOCATION:

Sovereign land in Pacheco Creek, near the city of Martinez, Contra Costa County.

AUTHORIZED USE:

Maintenance, inspection, and testing of an existing, non-operational 21-inch diameter steel and concrete water pipeline.

LEASE TERM:

Five years, beginning July 21, 2014.

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. Lessee has the right to use the upland adjoining the lease premises.
2. On September 23, 1965, the Commission authorized the issuance of Lease No. PRC 3371.9, a General Lease – Public Agency Use, to the Contra Costa County Water District for a term of 49 years for the operation and maintenance of an existing pipeline for raw and treated water. The lease will expire on July 20, 2014.
3. The pipeline was originally constructed in 1940 and was in use until the late 1980s. It is not currently in use and has not been inspected since it has been taken out of service. The Applicant is applying for a new short-

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term lease to allow sufficient time to conduct inspections and various testing to determine the pipeline's current condition. The results of the inspection and testing will be used by the Applicant to develop a plan for future use or for removal of the pipeline. Subsequent Commission authorization will be required for either proposal.

4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

- A. Land Description
- B. Site And Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301.

CALENDAR ITEM NO. **C53** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Contra Costa Water District beginning July 21, 2014, for a term of five years, for the maintenance, inspection, and testing of an existing, non-operational 21-inch diameter steel and concrete water pipeline as described in Exhibit A and as shown on Exhibit B (for reference purposes only) 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.

EXHIBIT A

PRC 3371.9

LAND DESCRIPTION

A STRIP OF LAND 10 FEET IN WIDTH EXTENDING FROM THE ORDINARY HIGH WATER MARK ON THE WEST BANK OF PACHECO CREEK TO THE ORDINARY HIGH WATER MARK ON THE EAST BANK OF PACHECO CREEK AND LYING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE OR EXTENSIONS THEREOF:

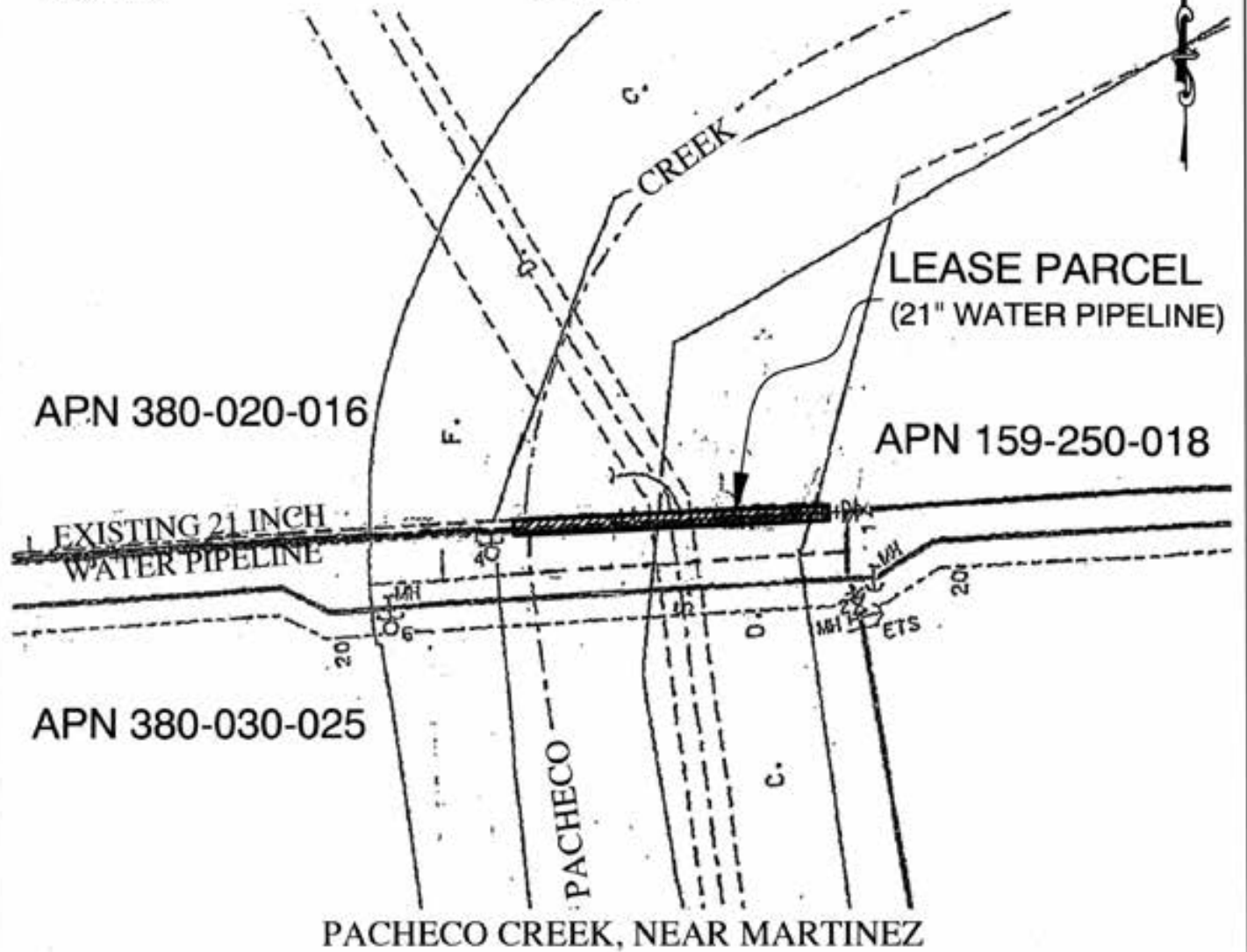
BEGINNING AT A POINT ON THE WESTERLY BANK OF PACHECO CREEK, WHICH POINT BEARS N. 18° 30' W., 458.70 FEET FROM THE SOUTHEAST CORNER OF SWAMP AND OVERFLOWED LANDS SURVEY NO. 268, AND WHICH POINT ALSO BEARS S. 64° 38' 02" E., 12,525.85 FEET FROM U.S.C. & G.S. TRIANGULATION STATION DESIGNATED "SUISUN NO. 2, 1922"; AND RUNNING N. 85° 45' E., 210 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY BANK OF THE SAID PACHECO CREEK.

END OF DESCRIPTION

The above description is based on that original description prepared by CSLC Boundary Unit on September 23, 1965 as found in PRC 3371 file, Calendar Item 5.

NO SCALE

SITE



PACHECO CREEK, NEAR MARTINEZ

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3371.9
 CONTRA COSTA CO.
 WATER DISTRICT
 APNs 159-250-018,
 380-030-025 & 380-020-016
 GENERAL LEASE -
 PUBLIC AGENCY USE
 CONTRA COSTA COUNTY



TS 05/29/14

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.