

**CALENDAR ITEM
C31**

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09/01/11
WP 7889.9
R. Boggiano

AMENDMENT OF LEASE

APPLICANT/LESSEE:

Ironhouse Sanitary District

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Dutch Slough and the San Joaquin River, Jersey Island, adjacent to Assessor's Parcel numbers 027-050-001, and 037-191-29, and 027-040-001, near Oakley, Contra Costa County.

AUTHORIZED USE:

Continued use and maintenance of a 24-inch diameter effluent pipeline, 30-inch diameter sewer outfall pipeline, diffuser, and riprap on each side of the pipeline, as shown on Exhibit A.

LEASE TERM:

25 years, beginning August 1, 1996.

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.

PROPOSED AMENDMENT:

Amend the Lease to replace Section 3 (Land Description) of the Lease with a new Section 3, as described in the attached Exhibit B. All other terms and conditions of the lease will remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. On May 9, 1996, the Commission authorized a General Lease - Public Agency Use to the Ironhouse Sanitary District (District) for the installation of a 24-inch diameter treated effluent pipeline and the placement of 1,500 cubic yards of rock riprap. That lease will expire on July 31, 2021.

CALENDAR ITEM NO. **C31** (CONT'D)

On June 24, 2008, the Commission authorized an amendment to the lease to expand the lease area for the construction of a new 30-inch diameter outfall pipeline, diffuser, and the placement of riprap. The 30-inch diameter pipeline is an extension of the existing 24-inch diameter pipeline.

3. The lease provides that, at receipt of the "As-Built" drawings, the lease description will be reviewed and the lease will be amended in order to authorize the final lease area description. The District is now applying to amend its existing lease to correct an error on the original plat and land description that was made part of the lease.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activities will not affect those significant lands. 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

CALENDAR ITEM NO. **C31** (CONT'D)

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 7889.9, a General Lease – Public Agency Use, effective September 1, 2011, to replace Section 3 (Land Description) of the lease with a revised Section 3, as described in the attached Exhibit B; all other terms and conditions of the lease will remain in effect without amendment.