

**CALENDAR ITEM  
C22**

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W 26281  
N. Lee

**GENERAL LEASE - PUBLIC AGENCY USE**

**APPLICANT:**

City of Turlock  
156 South Broadway, Suite 270  
Turlock, CA 95380

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the San Joaquin River, adjacent to Assessor Parcel Number 058-023-028, near Crows Landing, city of Turlock, Stanislaus County.

**AUTHORIZED USE:**

Construction, use, and maintenance of a slope of gabions to support a new municipal wastewater outfall pipeline, as part of the Harding Drain Bypass Project, and the temporary installation of a sheetpile cofferdam and placement of warning signs and buoys as shown on Exhibit A.

**LEASE TERM:**

25 years, beginning April 9, 2009.

**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.

**SPECIFIC LEASE PROVISIONS:**

1. At all times while construction activities are taking place in the River, Lessee shall install warning signs and buoys, upstream and downstream of the construction site, in order to provide notice to the public that construction activities are taking place in the River and to exercise caution. At least two weeks prior to the start of construction, Lessee shall post signs and publications indicating the tentative dates that the construction will occur. No fill material will be taken from the active river channel and public navigation will not be interrupted.

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2. The Lease includes provisions for construction activities, construction monitoring, and engineering review.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. The proposed project is part of the Harding Drain Bypass Project. The purpose of the project is to provide for the discharge of tertiary-treated wastewater from the city of Turlock's (City) regional wastewater treatment plant directly into the San Joaquin River. The City currently discharges water treated at its wastewater treatment plant into the Harding Drain (Drain), an artificial agricultural drainage system which is a tributary to the San Joaquin River and is managed by the Turlock Irrigation District (TID). The City proposes to build a pump-driven pipeline from the current point of discharge to convey the water to a new discharge point into the River just upstream from the Drain. The new conveyance system will consist largely of a 36-inch diameter force main extending approximately 5.6 miles and will not involve any increase to the City's existing permitted treatment capacity.
3. Eliminating discharge to the Drain will serve the public interest in at least two ways. First, removal of the City's permitted wastewater discharge from the Drain will remove the discharge from an agricultural drain whose primary function is management of drainage from irrigated lands and flooding caused by winter storms and elevated groundwater. This will eliminate potential coordination issues regarding management of wastewater flows in the Drain and allow the TID to efficiently operate and maintain its system. Second, changing the point of discharge from a low-flow, constructed agricultural irrigation drain system may reduce or eliminate some of the regulatory constraints with respect to future waste discharge requirements issued to the City by the Regional Water Quality Control Board and ensure that the Drain has adequate future capacity to accommodate runoff.
4. The portion of the outfall pipeline project that will be located on State-owned sovereign lands in the San Joaquin River will consist of a slope of gabions, a temporary sheetpile cofferdam, and temporary warning signs and buoys. Gabions are rock-filled steel baskets that will be constructed below the water line to protect the riverbank as water levels fluctuate in the River. This approach will reduce construction time in the River, will have less impact on the riverbed, and will result in a more natural appearance along the River. The outfall structure will be installed on the riverbank and will consist of an outfall gravity pipeline that will discharge

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tertiary-treated wastewater onto a rip-rap and concrete apron constructed on the bank of the River. Wastewater will flow over the apron and the gabions down the riverbank and into the River. The gabions located below the water line will protect the riverbank as water levels fluctuate in the River. The slope of gabions will be 20 feet wide by 14 feet long at a slope of 1:1. The current configuration is subject to approval by the State Reclamation Board and the U.S. Army Corps of Engineers and, therefore, is subject to change pending final design.

5. During construction of the outfall, a crane will be used to remove the existing rip-rap that covers the riverbank. A 30-foot by 30-foot sheetpile cofferdam will then be installed and an excavator will be used to excavate the soil from within the sheetpile to the required depth. Water will be pumped from the excavated area pursuant to a dewatering plan that will be drafted by the contractor. After the outfall is installed, the rip-rap will be reinstalled and the sheetpiles will be removed. The construction activities along the bed and banks of the River will take place between June 1 and August 31, 2009.
6. An EIR was prepared for this project by the city of Turlock and certified on May 24, 2005. An Addendum to the EIR was prepared by the city of Turlock to cover minor modifications to the outfall structure. The Addendum was adopted by the city of Turlock on March 24, 2009. California State Lands Commission staff reviewed such documents and Mitigation Monitoring Program prepared in conformance with the provisions of the CEQA (Public Resources Code Section 21081.6) and adopted by the lead agency.
7. 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:**

City of Turlock, State Water Resources Control Board, the Central Valley Regional Water Quality Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service

**FURTHER APPROVALS REQUIRED:**

State Reclamation Board

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**EXHIBITS:**

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

**PERMIT STREAMLINING ACT DEADLINE:**

September 13, 2009

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT AN EIR WAS PREPARED FOR THIS PROJECT BY THE CITY OF TURLOCK AND CERTIFIED ON MAY 24, 2005, AN ADDEMDUM TO THE EIR WAS PREPARED BY THE CITY OF TURLOCK AND ADOPTED ON MARCH 24, 2009, AND THAT THE COMMISSION REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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:**

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE CITY OF TURLOCK BEGINNING APRIL 9, 2009, FOR A TERM OF 25 YEARS, FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF A SLOPE OF GABIONS TO SUPPORT A NEW MUNICIPAL WASTEWATER OUTFALL PIPELINE, AS PART OF THE HARDING DRAIN BYPASS PROJECT, AND THE TEMPORARY INSTALLATION OF A SHEETPILE COFFERDAM AND PLACEMENT OF WARNING SIGNS AND BUOYS AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED ON EXHIBIT B

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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.