

MINUTE ITEM

This Calendar Item No. 212
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 2
to 0 at its 6/26/86
meeting.

CALENDAR ITEM

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C 12 1

06/26/86
WP 6484
Lane

AMENDMENT OF PRC 6484
GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Oakley-Bethel Island Wastewater
Management Authority
2280 Diamond Boulevard, Suite 440
Concord, California 94520

ORIGINAL AREA, TYPE LAND AND LOCATION:
A 0.008-acre parcel of tide and submerged land,
located in Marsh Creek near Oakley,
Contra Costa County.

LAND USE: Construction and maintenance of an effluent
pipeline.

AMENDED AREA AND LAND USE:
A 0.026-acre parcel (including pipeline) to add
a flatcar bridge crossing.

TERMS OF ORIGINAL PERMIT:
Initial period: 30 years beginning August 1,
1983.

CONSIDERATION: Public health and safety,
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. Adm. Code 20Cs.

APPLICANT STATUS:
Applicant is permittee of upland.

CALENDAR ITEM NO. C 12 (CONT'D)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 10/01/86.

OTHER PERTINENT INFORMATION:

1. The applicant requests use of additional land to construct pile supported abutments for placement of a railroad flatcar deck. Building the bridge crossing will provide easier access to the applicant's water disposal system.
2. The annual rental value of the site is estimated to be \$250.
3. A Negative Declaration was prepared and adopted for this project by Contra Costa County. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.
4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 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 2 Cal. Adm. Code 2954 is not applicable.

5. Due to the minimum staff time expended and the public interest purpose of the project, staff recommends waiver of the processing fee.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
California Department of Fish and Game, and
Contra Costa County Flood Control and Water
Conservation District.

FURTHER APPROVALS REQUIRED:

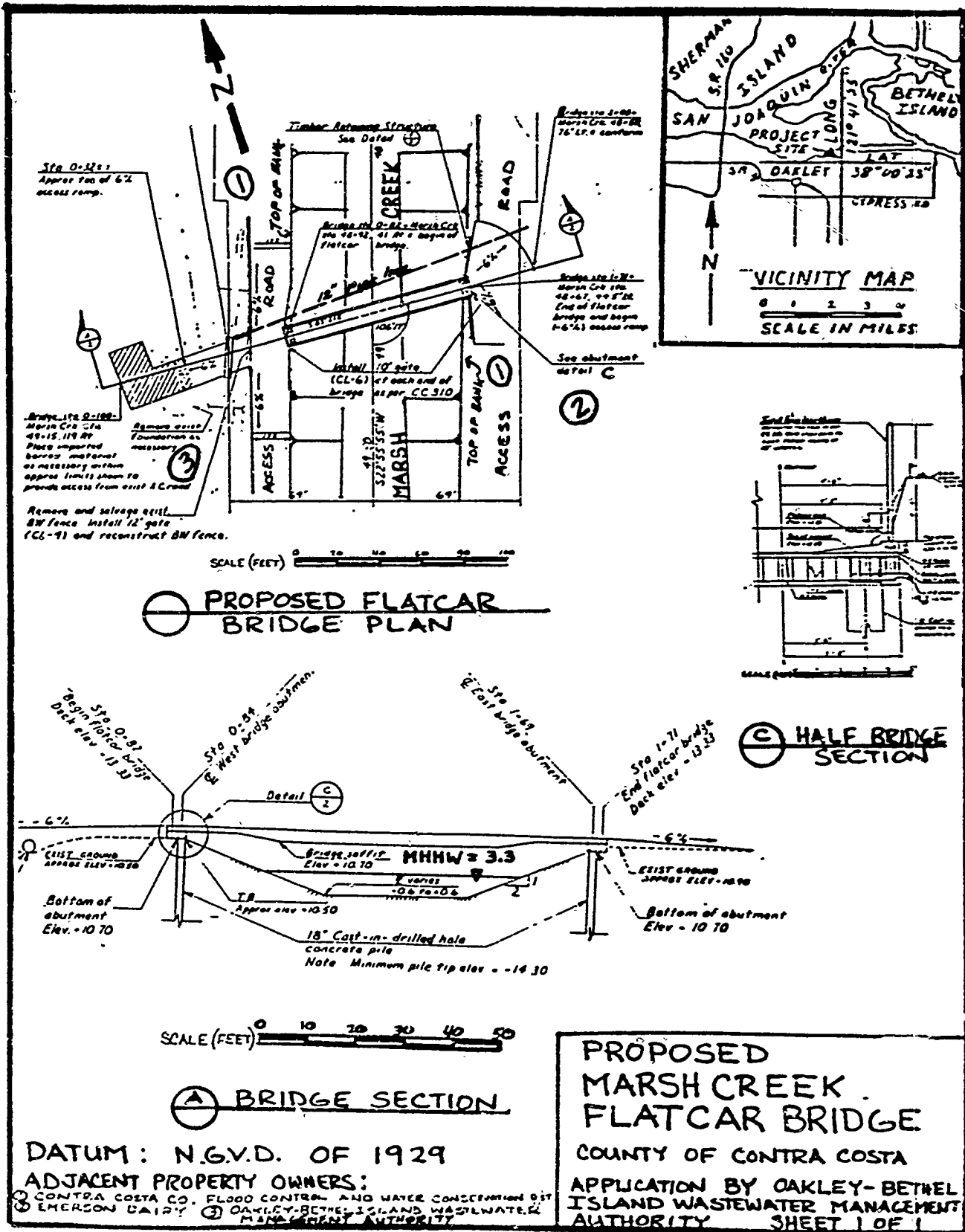
None.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY CONTRA COSTA COUNTY 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 THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.
4. AUTHORIZE ISSUANCE TO OAKLEY-BETHEL ISLAND WASTEWATER MANAGEMENT AUTHORITY OF AN AMENDMENT TO LEASE PRC 6484 EFFECTIVE JUNE 26, 1986, TO EXPAND THE LEASE USE AREA FROM 0.008 ACRE TO 0.026 ACRE TO COVER THE INSTALLATION OF A FLATCAR BRIDGE CROSSING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, IN ADDITION TO THE EXISTING PIPELINE CROSSING. WAIVER PROCESSING EXPENSE FEE FOR THIS TRANSACTION. ALL OTHER CONDITIONS SHALL REMAIN IN FULL FORCE AND EFFECT.



PROPOSED FLATCAR BRIDGE PLAN

HALF BRIDGE SECTION

BRIDGE SECTION

PROPOSED
MARSH CREEK
FLATCAR BRIDGE
COUNTY OF CONTRA COSTA
APPLICATION BY OAKLEY-BETHEL
ISLAND WASTEWATER MANAGEMENT
AUTHORITY SHEET 1 OF 1

DATUM: N.G.V.D. OF 1929
ADJACENT PROPERTY OWNERS:
① CONTRA COSTA CO. FLOOD CONTROL AND WATER CONSERVATION DIST.
② EMERSON DAIRY ③ OAKLEY-BETHEL ISLAND WASTEWATER MANAGEMENT AUTHORITY

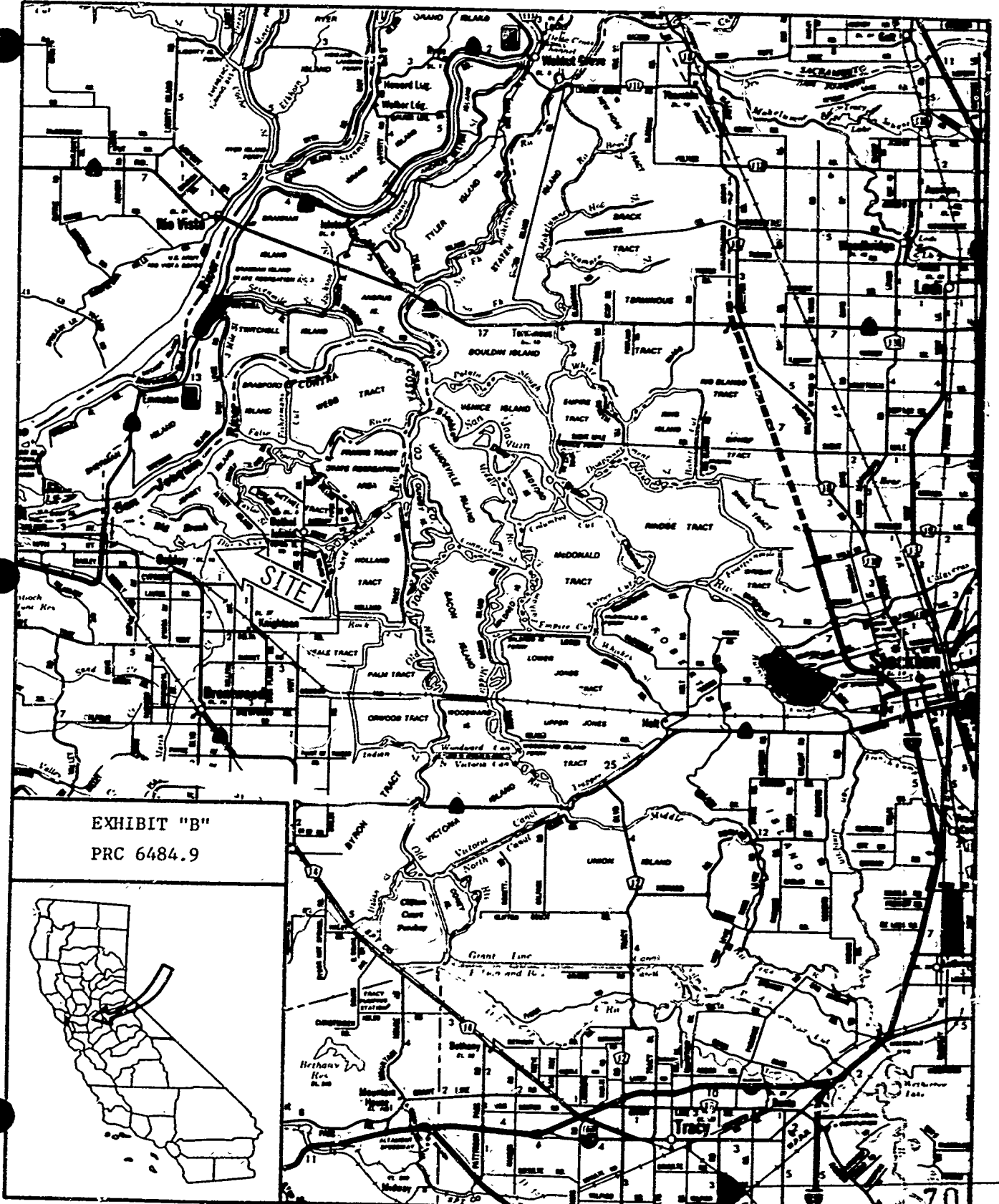


EXHIBIT "B"
 PRC 6484.9



Community Development Department

County Administration Building, North Wing
P.O. Box 951
Martinez, California 94553 0095

Phone: 372-2031

Contra
Costa
County



Anthony A. Dehaesus
Director of Community Development

February 10, 1986

County File #PW 85-150

Dear Applicant:

The Contra Costa County Community Development Department has completed an initial study of the environmental significance of the project represented by your pending application bearing County File Number 85-150. In conformance with Contra Costa County Guidelines for implementing the California Environmental Quality Act of 1970 (CEQA) it has been determined that your project (will) (will not) have a significant effect on the environment. Your project falls within the following category:

AN ENVIRONMENTAL IMPACT REPORT (EIR) IS NOT REQUIRED.

- The project is categorically exempt (Class _____).
- The CEQA requirements are accommodated by the EIR previously prepared for _____.
- A statement that an EIR is not required (Negative Declaration of Environmental Significance) has been filed by the Community Development Department (unless appealed).
- Other:

AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED.

- The complexity of your project requires your submission of additional special reports or information (as outlined on the attached sheet) which will be outlined in a forthcoming letter).
- A consultant will be hired to prepare the environmental impact report. This procedure is explained on the attached sheet.

Preparation of the EIR cannot be started until the fee and additional information requested is received by the Community Development Department

If you have questions concerning this determination, or desire additional information relative to environmental impact report regulation, please call 372-2031 and ask for Gus Almqvist.

EXHIBIT "C"
NEGATIVE DECLARATION

PRC 6484.9

Sincerely yours,

Anthony A. Dehaesus
Director of Community Development

By: Gus Almqvist

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CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Gus Almquist
Development Engineer

DATE: 2-14-86

FROM: James W. Cutler, Chief
of Comprehensive Planning
By: Gary Bonte

SUBJECT: Mandatory Referral for
General Plan Conformance

Community Development staff has reviewed the attached project CP 85-150 to determine if mandatory referral for General Plan conformance, as required by Section 65402 of the Government Code is necessary.

The project needs no further mandatory referral clearance from County staff subject to the following actions:

- This project has been determined to be exempt from 65402 review.
- () This project has been determined to be exempt from 65402 review in accordance with the Board of Supervisors Resolution 81/522 because the project involves a road alignment project of a minor nature.
- () This project should be referred to the City of _____ for 65402 review.
- () Community Development staff makes the following attached recommendation which should be incorporated into the staff report on this matter.

The project needs mandatory referral & County staff will process this project in the following manner:

- () 65402 review is required. Community Development staff will carry this matter before the appropriate Planning Commission.
- () 65402 review must be withheld until completion of an Environmental Impact Report on this project.
- () Other procedures

JWC/mcCG
Almquist.M

Attachment

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California Environmental Quality Act

NOTICE OF

Completion of Environmental Impact Report

Negative Declaration of Environmental Significance

CONTRA COSTA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
651 PINE STREET P.O. BOX 951 MARTINEZ, CALIFORNIA 94553-0095

Telephone: (415) 372- 2031

Contact Person Gus Almquist

Project Description and Location:

MARSH CREEK FLATCAR BRIDGE County File #PW 85-150: The project consists of the acquisition, placement and construction of a railroad flatcar bridge on drilled pier supports and the construction and modification of access roads. Subject project is described as follows: Located on the Marsh Creek Channel (about Sta. 48 and 70) approximately one mile south of its outlet point in the San Joaquin River at Dutch Slough.

The project will not have a significant effect on the environment.

The project should not have any significant effect on the environment.

The right of way requirements will probably only entail the acquisition of a Flood Control District easement.

Justification for Negative Declaration is attached.

The Environmental Impact Report is available for review at the address below:

Contra Costa County Community Development Department
4th Floor, North Wing, Administration Building
Pine & Escobar Streets
Martinez, California

Review Period for Environmental Impact Report or Negative Declaration: February 19, 1986
thru March 7, 1986

By Gus Almquist CALENDAR PAGE 13
Community Development DEPARTMENT REPRESENTATIVE 1530

COMMUNITY DEVELOPMENT DEPARTMENT
CONTRA COSTA COUNTY

DATE: 14 Feb 81

TO:

Dennis Almquist

Attn:

Registrar

FROM:

Anthony A. Dehaesus, Director of Community Development
By: Dennis Barry

SUBJECT:

CEQA Review, Project #PW 25-150

Attached are the following environmental documents relative to the above-referenced project which have been reviewed by the Community Development Department. Please review the documents to determine if there are any posting periods and/or hearings required before the Board of Supervisors can take action on the project. These documents should be kept in the project file for future reference.

- Initial Study of Environmental Significance.
- Copy of the Notice of Exemption. (The original is on file in Community Development.)
- Copy of the Notice of Determination. (The original is on file in Community Development.)
- Notice of Negative Declaration.
- Draft EIR.
- Mandatory Referral for General Plan Conformance. (Required exempt from)
- Proof of Publication
- AP8 R 3/79
- Comments:

TWO COPIES OF THE NOTICE OF EXEMPTION/DETERMINATION ARE ATTACHED. WHEN YOU HAVE SCHEDULED THIS ITEM WITH THE BOARD, PLEASE SEND ONE COPY BACK TO ME WITH A NOTE STATING THE DATE THAT THE BOARD IS TO HEAR THE ITEM.

When the Board of Supervisors takes action on the project, it must "review" and "consider" the environmental impact report or negative declaration, together with any comments received during the public review process. They must then adopt the environmental document before approving the project. You must, therefore, provide copies for each member of the Board of the respective environmental impact report, notice of negative declaration, or the notice of exemption, along with any comments received during the review period. They must review and consider these items before approving the project. If they do not physically have the documents, they cannot consider them.

In the case of projects which are exempt from CEQA, the Board Order should concur in the determination that the project is categorically exempt, and direct the filing of the Notice of Exemption.

Please notify us within 2 days of project approval when and what action the Board took on the project so that we can initiate the filing of the Notice of Exemption or Notice of Determination with the County Clerk. The filing of these Notices starts the statute of limitations on court challenges to the approval under CEQA. Hence, the filing of these Notices are important since it limits the County's liability.

If you have any questions concerning the above documents or the CEQA process, please contact Gus Almquist at 372-2031.

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Contra
Costa
County



Public Works Department

Initial Study

OF ENVIRONMENTAL SIGNIFICANCE

Filed 85-150

Project Name MARSH CREEK FLATCAR BRIDGE

Public Works Department
Administration Building
Fire & Escaper Streets
Martinez, California 94553

Prepared by JAMES L. BECHTER

Date 12/16/85

Reviewed by Chris Alquist

Date 27 Dec 85

RECOMMENDATIONS:

- () Categorical Exemption (Class) (X) Negative Declaration () Environment Impact Report Required
- () Conditional Neg. Declaration

The Project (May) (Will Not) Have A Significant Effect On The Environment

The recommendation is based on the following (List all items identified as significant):

The project should not have any significant effect on the environment.
The right-of-way acquisition will probably only entail the acquisition of a flood control district easement.

What Changes To The Project Would Mitigate The Identified Impacts (List mitigation measures for any significant impacts and Conditional Negative Declaration).

No significant environmental impacts have been identified.

USGS Quad Sheet 9-70

Base Map Sheet# 626 Parcel# 037 191 009 (SAME OWNER)
037 191 012

GENERAL CONSIDERATIONS:

1. Location The project is located on the Marsh Creek Channel (3 STA. 48+10) approximately one mile south of its outlet point in the San Joaquin River at Dutch Slough.
2. Project Description The project consists of the acquisition, placement, and construction of a fullroad flatcar bridge on drilled pier supports and the construction and modification of access roads.
3. Does it appear that any feature of the project will generate significant public concern? (Nature of concern): yes no maybe
4. Will the project require approval or permits by other than a County agency? Agency name(s) yes no. Cons. of Land, Fish and Game, State Land's Commission, ND
5. Is the project within the Sphere of Influence of any city? (Name) NO

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AFFIDAVIT OF PUBLICATION

NOTICE OF PUBLIC HEARING

In the Matter of

NO. P95583

STATE OF CALIFORNIA, }
County of Contra Costa } ss.

DEBORAH SMITH

of said County, being duly sworn, deposes and says: THAT she is and at all times herein mentioned was a citizen of the United States of America, over the age of twenty-one years, and that she is not, nor was she at any of the times hereinafter named to a party to, nor interested in the above entitled matter; that she is the PRINCIPAL CLERK OF THE PRINTER of the "DAILY LEDGER," a newspaper of general circulation, printed and published in the City of Antioch, County of Contra Costa, State of California, and which newspaper is published for the dissemination of local and telegraphic news and intelligence of a general character, and which newspaper at all times here mentioned and still has a bona fide suscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of Antioch, County of Contra Costa, State of California, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to; and which newspaper is not devoted to nor published for the interests, entertainment, or instruction of a particular class, profession, trade, race or denomination or any number of same; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following dates, to-wit:

FEBRUARY 19, 1986

(Signed) Deborah Smith

Subscribed and Sworn to before me this

19 day of FEBRUARY 19 86

Notary Public in and for the County of Contra Costa,
State of California.

Legal No. 56-97

(Court Decree No. 111610, Contra Costa County)
(February 22, 1974)

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE PROJECT DESCRIPTION

MARSH CREEK FLAT-CAR BRIDGE County File #PW 15-156: The project consists of the acquisition, placement and construction of a railroad flatcar bridge on drilled pier supports and the construction and modification of access roads. Subject project is described as follows: Located on the Marsh Creek Channel (about Sta. 48 and 70) approximately one mile south of its outlet point in the San Joaquin River at Dutch Slough.

REVIEW PERIOD

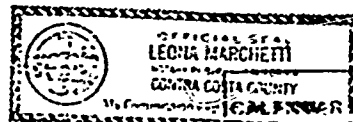
Justification for Negative Declaration is available for review at the address below:

Contra Costa County Community Development Department, 4th Floor, North Wing, Administration Building, 1 Pine Street, Martinez, California 94563

Review Period for Negative Declaration:
Date Posted: February 19, 1986

Final Date for Review Appeal: March 5, 1986
Anthony A. Dehaesus, Director

Contra Costa County Community Development Department
Gus Almquist
Community Development Department Representative
Legal 86-97
Publish: February 19, 1986



MINUTE BOOK

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1533

ENVIRONMENTAL IMPACTS ANALYSIS:

S=Significant N=Negligible C=Cumulative No=None U=Unknown

1. Water. Will the project result in:

- a) Is any portion of the project within a Flood Hazard Area? YES NO S N C U
- b) Reduction of surface or ground water quality or quantity? YES NO S N C U
- c) Increased runoff or alteration to drainage patterns and streams? YES NO S N C U
- d) Erosion of or sedimentation in a body of water? YES NO S N C U

2. Earth. (Consider the Seismic Safety Element) Will the proposal result in or be subject to:

- a) Is any portion of the project within an Alquist-Priolo Act Special Studies Zone? (if yes, date County Geologist notified _____) YES NO
- b) Potentially hazardous geologic or soils conditions on or immediately adjoining the site? (slides, springs, erosions, liquefaction, earthquake faults; consider prime soils, slope, septic tank limitations). Cite any geologic or engineering reports. (County Geologist consulted?) None of the above S N C NO U
- c) Grading (consider height amount, steepness and visibility of proposed slopes; consider effect of grading on trees, creek channels and ridge tops)(Are there any grading plans?) YES NO S N C NO U

3. Plant/Animal Life.

- a) Will there be a reduction or disturbance to any habitat for plants and animals? (including removal or disturbance of trees) YES NO S N C NO U
- b) Will the Project affect the habitat of any rare, endangered or unique species located on or near the site? YES NO S N C NO U
- c) What vegetation (habitat) types exist on the site (give relative % or proportions if significant)? List habitat types. Reclaimed marshland

dairy farm land

4. Air. Will the Project result in deterioration of existing air quality, including creation of objectionable odors, or will future project residents be subjected to significant pollution levels?

YES NO S N C NO U

5. Noise. Will the project result in:

- a) Is any portions of the project within the 1990, 60 dBA Noise Contour? (check Noise Element at 1000 scale maps) YES NO
- b) Increases from existing noise levels? YES NO S N C NO U

6. Energy/Natural Resources/Hazards (Consider General Plan, Safety and Seismic Safety Elements). Will the projects result in:

- a) Any additional consumption of energy? YES NO S N C NO U
- b) Affect the potential use, extraction, conservation or depletion of a natural resource? YES NO S N C NO U
- c) Increase risk of explosion, release of hazardous substances or other dangers to public health and safety? YES NO S N C NO U

7. Utilities and Public Service. Will the project:

- a) Require alteration or addition to or the need for new utility systems (including sphere of influence or district boundary change; water, sewer, solid waste)? YES NO

ENVIRONMENTAL IMPACTS ANALYSIS:

S=Significant N=Negligible C=Cumulative No=None U=Unknown

1. Water. Will the project result in:

- a) Is any portion of the project within a Flood Hazard Area? YES NO
 S N C NO U
- b) Reduction of surface or ground water quality or quantity? S N C NO U
- c) Increased runoff or alteration to drainage patterns and streams? S N C NO U
- d) Erosion of or sedimentation in a body of water? S N C NO U

2. Earth. (Consider the Seismic Safety Element) Will the proposal result in or be subject to:

- a) Is any portion of the project within an Alquist-Priolo Act Special Studies Zone? (if yes, date County Geologist notified _____) YES NO
- b) Potentially hazardous geologic or soils conditions on or immediately adjoining the site? (slides, springs, erosions, liquefaction, earthquake faults; consider prime soils, slope, septic tank limitations). Cite any geologic or engineering reports. (County Geologist consulted?) hazardous conditions - 10/1/84
 S N C NO U
- c) Grading (consider height amount, steepness and visibility of proposed slopes; consider effect of grading on trees, creek channels and ridge tops)(Are there any grading plans?) S N C NO U
 YES NO

3. Plant/Animal Life.

- a) Will there be a reduction or disturbance to any habitat for plants and animals? (including removal or disturbance of trees) S N C NO U
- b) Will the Project affect the habitat of any rare, endangered or unique species located on or near the site? S N C NO U
- c) What vegetation (habitat) types exist on the site (give relative % or proportions if significant)? List habitat types. Reclaimed marshland
dairy farm land

4. Air. Will the Project result in deterioration of existing air quality, including creation of objectionable odors, or will future project residents be subjected to significant pollution levels? S N C NO U

5. Noise. Will the project result in:

- a) Is any portions of the project within the 1990, 60 dBA Noise Contour? (check Noise Element at 1000 scale maps) YES NO
- b) Increases from existing noise levels? S N C NO U

6. Energy/Natural Resources/Hazards (Consider General Plan, Safety and Seismic Safety Elements). Will the projects result in:

- a) Any additional consumption of energy? S N C NO U
- b) Affect the potential use, extraction, conservation or depletion of a natural resource? S N C NO U
- c) Increase risk of explosion, release of hazardous substances or other dangers to public health and safety? S N C NO U

7. Utilities and Public Service. Will the project:

- a) Require alteration or addition to or the need for new utility systems (including sphere of influence or district boundary change; water, sewer, solid waste)? YES NO

b) Result in the need for new or expansion of the following services: fire and police protection, schools, parks and recreation, roads, flood control or other public works facilities, public transit or governmental services (include changes to sphere of influence)?

S N C NO U

c) Affect recreational opportunities (consider General Plan Recreation Element-Trails Plans)?

8. Transportation/Circulation. (Consider the Major Roads Plan) Will the project result in:

a) Additional traffic generation or increase in circulation problems (consider road design, access, congestion, parking and accident potential)?

b) Special transportation considerations (waterborne, rail, air or public transportation systems and parking facilities)?

NONE

c) Increase in commuting to and from local community?

9. Housing and Community Development. (Consider Housing Element). Is the project:

a) Located within a Neighborhood Preservation Area?

YES NO

b) Is there an opportunity for construction of low and moderate income housing?

YES NO

10. Cultural Resources.

a) Review by the Regional Clearinghouse? (their recommendation)?

YES NO
Date: _____

b) Any nearby County Historic Sites (Consider Historical Resources Inventory)?

NO COUNTY HISTORIC SITES THAT ARE KNOWN OR NONE INCLUDED BY CULTURAL OVERLAY.

11. Aesthetics. (Consider the Scenic Routes Element) Will the project obstruct any public scenic vista or view, create an aesthetically offensive site open to public view, or produce new light or glare?

YES NO

12. Is this project a growth-inducing action (encourage additional requests for similar uses) or set a precedent in the area?

YES NO

13. Mandatory Findings of Significance. (A "yes" answer on any of the following questions requires preparation of an EIR)

a) Does the project have the potential to degrade the quality of the environment, or curtail the diversity in the environment?

YES NO

b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

YES NO

c) Does the project have impacts which are individually limited, but cumulatively considerable?

YES NO

d) Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

YES NO

Discussion: