

**CALENDAR ITEM
C35**

A 35
S 19

12/10/10
WP 2689.9
D. Simpkin

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Montecito Sanitary District
1042 Monte Cristo Lane
Santa Barbara, CA 93108

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, near the city of Montecito, Santa Barbara County

AUTHORIZED USE:

The continued use, maintenance, and operation of an existing 20-inch diameter sewer outfall with 10 diffuser ports.

LEASE TERM:

25 years, beginning January 26, 2010.

CONSIDERATION:

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:

The Montecito Sanitary District must maintain a current National Pollutant Discharge Elimination System (NPDES) permit during the term of the lease.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On January 26, 1961, the Commission approved the issuance of a 49-year easement to the Montecito Sanitary District for a sewer outfall line extending into the Pacific Ocean. The easement expired January 25, 2010. Staff is recommending issuance of a new General Lease – Public Agency Use to the Montecito Sanitary District for a 25-year term, for the continued use, maintenance, and operation of the existing 20-inch diameter sewer outfall and 10 diffuser ports extending approximately 1,500 feet into the Pacific Ocean.

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3. Montecito Sanitary District is an independent special district created in 1947 by the residents of Montecito to provide for the collection, treatment, and disposal of waste water. The District provides service to approximately 10,000 people and maintains approximately 78 miles of sewer pipelines and four pumping stations. The District's wastewater treatment plant provides full secondary treatment of influent wastewater.
4. On September 29, 2009, a visual inspection of the outfall and diffusers was conducted, along with a visual inspection of the outfall ballast. The diffuser check valves were cleaned of marine growth prior to the inspection. The inspection showed no damage to the check valves. The blind flange at the end of the outfall and a majority of the outfall line and ballast rock were buried in sand, which prevented a visual inspection of these areas.
5. The Montecito Sanitary District has been issued a National Pollutant Discharge Elimination System (NPDES) Permit by the Regional Water Quality Control Board. The NPDES Permit expires on December 1, 2011.
6. **Existing 20-inch Diameter Sewer Outfall and 10 Diffuser Ports:**
Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Regional Water Quality Control Board

EXHIBITS:

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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Existing 20-inch Diameter Sewer Outfall and 10 Diffuser Ports: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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 Montecito Sanitary District, beginning January 26, 2010, for a term of 25-years, for the continued use, maintenance, and operation of an existing 20-inch diameter sewer outfall, and 10 diffuser ports as shown on Exhibit A attached (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration is the public 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 best interest of the State.