

# Staff Report 01

## **APPLICANT:**

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City of Chico

## **PROPOSED ACTION:**

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Issuance of General Lease – Public Agency Use

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

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 039-530-018, near Chico, Butte County.

## **AUTHORIZED USE:**

Continued use, operation, and maintenance of an existing 63-inch diameter effluent outfall pipeline with 28 diffuser ports, ballast weights, riprap, and the temporary maintenance, and inspection of a non-operational 42-inch diameter effluent outfall pipeline with seven diffuser ports.

## **TERM:**

20 years, beginning January 1, 2020.

## **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 interests.

## **SPECIFIC LEASE PROVISIONS:**

- Lessee shall perform both internal and external inspections of the outfall pipeline and provide Commission staff with reports regarding its integrity and repair in accordance with the schedule detailed in the lease.
- Lessee shall provide a removal plan for the non-operational outfall pipeline with diffuser ports within the Lease Premises in accordance with the lease.

Alternately, Lessee may submit an environmental assessment and justification for abandoning in place the improvements otherwise required to be fully removed. Authorization for Lessee to leave any improvements on State land will require a separate discretionary action by the Commission.

**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On June 6, 1974, the Commission authorized a 49-year Public Agency Permit to the City of Chico for an existing 42-inch diameter sanitary sewer outfall pipeline and one existing diffuser section ([Item 2, June 6, 1974](#)). On April 9, 2009, the Commission authorized an Amendment of Permit to authorize the construction, use, maintenance, and operation of a 125-foot long, 63-inch diameter outfall pipeline, 32 diffuser ports; ballast weights and riprap; a temporary construction area; the temporary placement of a cofferdam, warning signs, and buoys; and the temporary abandonment in place of the existing 42-inch diameter outfall pipeline ([Item C17, April 9, 2009](#)). That permit expired on December 31, 2020.

The prior permit authorized 32 diffuser ports; however, staff discovered while processing the current application that on November 28, 2011, four of the 32 diffuser ports were removed. As a result of a flow study, diffusers 1 through 4 were removed and a notch was cut out to allow flow. The Applicant is now applying for a General Lease – Public Agency Use, for the continued use, operation, and maintenance of an existing 63-inch diameter effluent outfall pipeline (Operational Pipeline) with 28 diffuser ports, ballast weights, riprap, and for the temporary maintenance and inspection of a non-operational 42-inch diameter effluent outfall pipeline (Non-Operational Pipeline) with seven diffuser ports. The Applicant has a permanent easement agreement with the upland owner, Pacific Realty Associates, L.P., for the use of the lease premises for both effluent outfall pipelines. The City's Water Pollution Control Plant (Plant) treats wastewater produced within the City limits and in unincorporated areas near the City. The Plant's effluent diffuser in the Sacramento River creates a hydraulic pressure drop that allows for improved mixing and gradual integration of the Plant's effluent as it enters the river and reduces hydraulic erosion. The Plant monitors flow and if too high for the outfall, the flow can be diverted to the emergency storage ponds located on the Plant site.

The Operational Pipeline is located at the end of an inlet along the easterly bank of the Sacramento River. This pipeline has open port diffusers and is a High-Density Polyethylene (HDPE) pipeline. The Operational Pipeline was constructed to replace

the Non-Operational Pipeline with diffuser ports, which was taken out of service when the installation of the existing pipeline was completed on January 28, 2011.

The Non-Operational Pipeline is a concrete-lined and coated pipeline, with seven, 12-inch inside diameter diffuser ports evenly spaced over 30-feet. The Operational Pipeline is approximately 1,200 feet downstream from the Non-Operational outfall pipeline. The operational HDPE pipeline has 28 diffuser ports that contain risers with duckbill style check valves on each diffuser. The valves open with only a few feet of pressure within the pipeline. This feature assures that the pipeline will not become over-pressurized. The pipeline also has an inline check valve installed in the diffuser portion of the pipeline to open and allow water into the pipeline if negative pressure occurs within the pipeline. This feature ensures that the pipeline is always under positive pressure. The City ensures that the treated and released effluent wastewater through the outfall does not have any known negative impacts on Public Trust resources.

Underwater inspections and pipe clearing of both outfall pipelines are completed regularly by a licensed contractor. The inspection includes checking the condition and integrity of each pipeline, diffuser ports, and riprap. In conjunction with the inspections, sand, gravel, and debris is removed when obstructing the existing operable pipeline diffuser outlets. The operable diffuser outlets are cleared to the bottom of the pipeline diffuser inverts.

The contractor inspected the pipeline diffuser ports on April 13, 2021. Divers found that the sand elevation was an additional 4-feet on the upstream side of the operational diffusers, and weeds were growing around the diffusers, compared to the previous inspection. Silt clearing of the east bank directly upstream of the diffusers was recommended. The existing 28 operable diffusers have not been affected by the sand or weed growth and all are working appropriately and in good condition. The seven temporarily abandoned diffusers were found to be full of silt and not in operable condition. The inspection of the operable and non-operable diffusers included clearing debris from around the diffusers.

The Operational Pipeline and Non-Operational Pipeline and diffusers are located in an area with low recreational usage and do not extend into the deeper stream bed of the river. They will not substantially interfere with the Public Trust needs and values at this location because the existing facilities are located partially under a levee embankment and extend minimally beyond the embankment. Public access to the Sacramento River near the outfalls is constrained due to private ownership of the upland. Rafting, kayaking, and fishing are possible but are limited due to the public access constraints in the surrounding area. No developed regional or neighborhood parks or other recreational facilities exist within or directly

adjacent to the outfall. Therefore, the facilities will have minimal, if any, impact on the recreational uses in the Sacramento River at this location.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease also has a limited 10-year term and does not grant the lessee exclusive rights to the lease premises, which allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time.

The prior lease and the proposed lease refer to the non-operational pipeline as temporarily abandoned. However, nothing in the prior lease, nor the one under consideration here relieves the Applicant of responsibility for these improvements on state land, nor the obligation to restore the lease premises. The Applicant has requested the option to submit environmental review and analysis to examine whether it would be appropriate to abandon in-place all or part of the non-operational pipeline. The proposed lease includes language to allow the lessee to pursue this evaluation. However, the Commission reserves the right to review and approve any future decommissioning and removal or abandonment work or any proposal to permanently abandon the facilities in place as a result of the evaluation.

#### **CLIMATE CHANGE:**

The lease area is not tidally influenced and therefore would not be subject to sea-level rise. However, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow. Runoff will likely increase scour, decreasing bank stability at a faster rate.

The lease structures could be subject to climate change related riverine processes, such as storm events of increased intensity and frequency; however, these effects are not expected to affect the outfalls as they are buried below the bed of the Sacramento River except for a small portion of the pipeline diffusers, which emerge from the bed of the river. Regular maintenance, as required by the lease will reduce the likelihood of structural degradation.

**CONCLUSION:**

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with the public rights to navigation, fishing, and commerce, or substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or a renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. 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 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

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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 2, section 2905, subdivision (a)(2).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning January 1, 2020, for a term of 20 years, for the continued use, operation, and maintenance of an existing 63-inch diameter effluent outfall pipeline with 28 diffuser ports, ballast weights, riprap, and maintenance, and inspection of a non-operational 42-inch diameter effluent outfall pipeline with seven diffuser ports, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; 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 interests.

## EXHIBIT A

LEASE 4911

### LAND DESCRIPTION

Two strips of submerged land in the bed of the Sacramento River, situate approximately 6 miles west of the City of Chico, County of Butte, State of California and more particularly described as follows:

#### **PARCEL 1 – Existing Outfall Pipeline**

A strip of submerged land 40 feet wide in the bed of the Sacramento River, lying 20 feet on each side of the following described centerline:

COMMENCING at the northeasterly corner of the Noble and Watkins Subdivision, as shown on that map recorded in Book 7 of Maps at page 17, in Recorder Office of said County, said point also being on the southerly line of Chico Road; thence along said southerly line S 68° 56' 00" W 1411.10 feet; thence leaving said southerly line S 01° 06' 00" E 13.83 feet to a point on the centerline of 40-foot wide sanitary sewer outfall pipeline easement; thence along said centerline the following eight (8) courses:

1. S 68° 56' 00" W 4472.18 feet;
2. S 70° 32' 00" W 1292.64 feet;
3. S 88° 37' 00" W 1045.65 feet;
4. N 81° 10' 00" W 35.73 feet;
5. S 16° 44' 13" E 165.23 feet;
6. S 28° 15' 47" W 1417.40 feet;
7. N 61° 44' 13" W 1003.86 feet;
8. N 72° 59' 13" W 140 feet more or less to the left bank of the

Sacramento River and the POINT OF BEGINNING of the herein described centerline; thence continuing N 72° 59' 13" W 337 feet to the TERMINUS of the described centerline.

The sidelines of said strip to be lengthened or shortened so as to begin at the low water mark of the Sacramento River and terminate at the line perpendicular to the described centerline at the point of the terminus.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the left bank of said river.

## **PARCEL 2 – Non-Operational Outfall Pipeline**

A strip of submerged land 26 feet wide in the bed of the Sacramento River lying, 13 feet on each side of the following described centerline:

COMMENCING at the northeasterly corner of the Noble and Watkins Subdivision, as shown on that map recorded in Book 7 of Maps at page 17, in Recorder Office of said County, said point also being on the southerly line of Chico Road; thence along said southerly line S 68° 56' 00" W 1411.10 feet; thence leaving said southerly line S 01° 06' 00" E 13.83 feet to a point on the centerline of 26-foot wide sanitary sewer outfall pipeline easement; thence along said centerline the following four (4) courses:

1. S 68° 56' 00" W 4472.18 feet;
2. S 70° 32' 00" W 1292.64 feet;
3. S 88° 37' 00" W 1045.65 feet;
4. N 81° 10' 00" W 1747.73 feet more or less to the left bank of the

Sacramento River and the POINT OF BEGINNING of the herein described centerline; thence continuing N 81° 10' 00" W 265.00 feet to the TERMINUS of the described centerline.

The sidelines of said strip to be lengthened or shortened so as to begin at the low water mark of the Sacramento River and terminate at the line perpendicular to the described centerline at the point of the terminus.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the left bank of said river.

### **END OF DESCRIPTION**

Based on original description prepared on January 1, 1972 as found in W 20154 file, Calendar Item 2 and PRC 4911 file, Calendar Item 17.

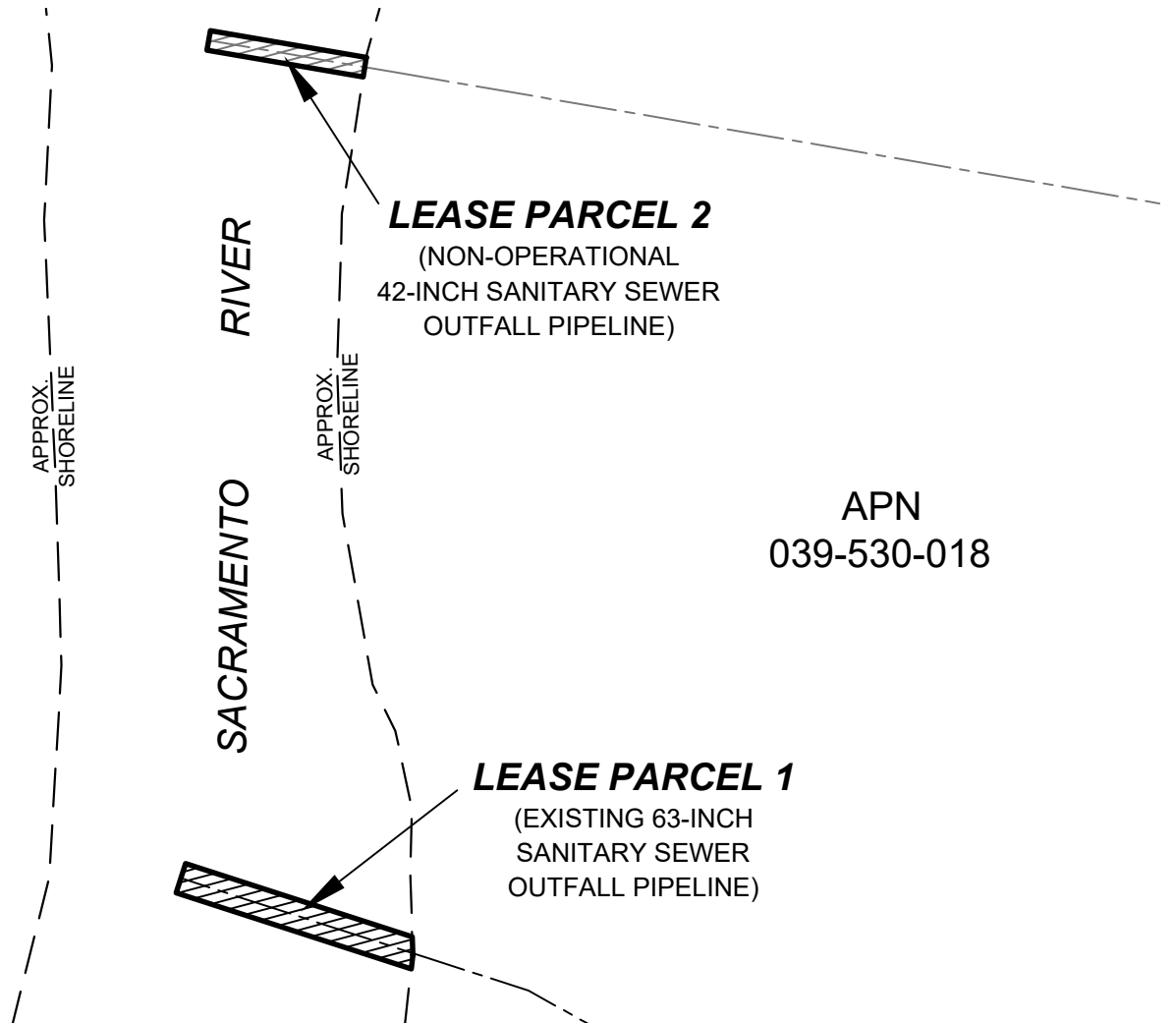
Revised 08/04/2021 by the California  
State Lands Commission Boundary Unit.





NO SCALE

## SITE



SACRAMENTO RIVER, AT THE RIVER MILE 192.5

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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.

## **Exhibit B**

LEASE 4911  
CITY OF CHICO  
APN 039-530-018  
GENERAL LEASE -  
PUBLIC AGENCY USE  
BUTTE COUNTY



TS 08/04/2021