

Staff Report 37

APPLICANT:

City of Avalon

PROPOSED ACTION:

Issuance of General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, near Avalon, Santa Catalina Island, Los Angeles County

AUTHORIZED USE:

Use and maintenance of an existing 12-inch diameter treated sewage wastewater outfall pipeline and ballast rock.

TERM:

25 years, beginning September 1, 2021.

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 external inspections of the outfall pipeline and provide reports of such inspections to Commission staff for review periodically throughout the lease term and as warranted by any emergency repairs.

STAFF ANALYSIS AND RECOMMENDATION:

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 August 31, 1972, the Commission authorized a 49-year Public Agency Permit to the City of Avalon for a 12-inch diameter sewer outfall pipeline. ([Item 2, August 31, 1972](#)). That permit expired on August 31, 2021. The Applicant is now applying for a General Lease – Public Agency Use for the use and maintenance of the existing 12-inch diameter treated sewage wastewater outfall pipeline and ballast rock.

The outfall pipeline is located south of the city of Avalon (City) and extends from Pebbly Beach Road 400 feet into the Pacific Ocean. Raw sewage is pumped from the City through two lift stations to the Avalon Wastewater Treatment Facility where it is processed and then discharged through the outfall pipeline. The pipeline is an **integral part of the City's** wastewater treatment program. The ballast rock has existed at the site since the issuance of the lease in 1972 and provides support and stability for the nearshore portion of the pipeline.

Staff reviewed the 2020 Receiving Water Monitoring Report for the Avalon Wastewater Treatment Plant. This annual report is required by the California Regional Water Quality Control Board, Los Angeles Region, in its Monitoring and Reporting Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0054372, Order R-4-2019-0023. As part of the annual report, divers inspected the outfall pipe from its terminus at a water depth of 120 feet to where it became submerged in the sediments at a water depth of 20 feet. The pipe appeared in good condition. All pipe joints are secure with no apparent leakage.

The outfall pipeline will not substantially interfere with the Public Trust needs and values at this location because the pipeline is located on the seafloor and along a portion of Pebbly Beach Road which includes industrial uses and limited public recreation amenities.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease also has a limited 25-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.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, more frequent and intense storm events, increased flooding and erosion, and changes in sand deposition, affect open coastal areas in California. The 12-inch diameter treated sewage wastewater outfall pipeline and ballast rock are located in the Pacific Ocean offshore of the City of Avalon, which is a tidally influenced site.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “low risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Los Angeles tide gauge was used for the projected sea- level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea- Level Rise for Los Angeles¹

Year	Projection (feet)
2030	0.5
2040	0.7
2050	1.0
2100	3.2

Source: Table 28, State of California Sea-Level Rise Guidance: 2018 Update

Note: 1 Projections are with respect to a 1991 to 2009 baseline.

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 (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run-up, storm surge, and flooding in coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris.

Climate change and sea level rise will further influence coastal areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run-up, potentially resulting in greater erosion than previously experienced.

The pipeline is exposed at its offshore terminus. From the terminus and shoreward, approximately 250 feet of exposed pipe lays on the seafloor, followed by 75 feet of

pipe on the seafloor that is covered with rock and sediment. The final 50 feet of pipe is submerged in a trench and backfilled with rock. The pipeline is buried or submerged and should not be vulnerable to climate change impacts if properly inspected and maintained. Conformance with lease provisions as well as NPDES permit requirements that include regular inspections, dive videos, and maintenance of the leased structures should avoid or minimize future climate change-related impacts.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to effects of climate change, including sea- level rise.

CONCLUSION:

For the reasons stated 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:

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 **"Leading Climate Activism"** and **"Meeting Evolving Public Trust Needs"** Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Staff recommends the Commission find 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:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find 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 September 1, 2021, for a term of 25 years, for the use and maintenance of an existing 12-inch diameter treated sewage wastewater outfall pipeline and ballast rock, 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 4695

LAND DESCRIPTION

A strip of tide and submerged land 20 feet wide lying in San Pedro Channel in the Pacific Ocean at Pebbly Beach on the northeasterly side of Santa Catalina Island, Los Angeles County, State of California, lying 10 feet on each side of following described centerline:

COMMENCING at a point which bears N 51° 06' E, 116.98 feet from the most northerly corner of Lot 1, Cano's Subdivision of Lot B, Town of Avalon as shown on map filed in Book 70, Page 68, Miscellaneous Records of Los Angeles County; thence N 45° 44' E, 19.54 feet; thence N 53° 36' E, 89.37 feet to the POINT OF BEGINNING, said point being the southeast corner of Pebble Beach Road as shown on Miscellaneous Map filed in Book 1, Page 36 of Records of Los Angeles County; thence the following forty (40) courses:

1. N 53° 36' E, 41.09 feet;
2. N 68° 36' E, 48.84 feet;
3. N 78° 43' E, 91.32 feet;
4. S 70° 44' 30" E, 138.55 feet;
5. S 88° 10' E, 81.27 feet;
6. S 64° 20' E, 132.75 feet;
7. S 45° 05' E, 73.28 feet;
8. S 23° 18' E, 102.91 feet;
9. S 21° 17' E, 113.63 feet;
10. S 62° 23' E, 109.74 feet;
11. S 54° 50' E, 59.41 feet;
12. S 77° 52' 30" E, 164.39 feet;
13. S 66° 13' E, 60.75 feet;
14. S 79° 08' 30" E, 89.98 feet;
15. N 89° 41' E, 44.65 feet;
16. N 68° 10' E, 47.30 feet;
17. N 78° 22' E, 55.20 feet;
18. N 54° 57' E, 77.63 feet;
19. N 34° 31' E, 185.82 feet;
20. N 49° 27' E, 98.38 feet;
21. N 66° 25' E, 62.79 feet;
22. S 83° 51' E, 36.03 feet;
23. S 58° 23' E, 22.28 feet;

- 24. S 42° 07' E, 27.85 feet;
- 25. S 41° 22' E, 139.74 feet;
- 26. S 47° 52' E, 86.29 feet;
- 27. S 41° 28' E, 288.95 feet;
- 28. S 37° 14' E, 212.23 feet;
- 29. S 35° 39' E, 123.19 feet;
- 30. S 41° 13' E, 139.71 feet;
- 31. S 23° 14' E, 111.44 feet;
- 32. S 31° 28' E, 111.44 feet;
- 33. S 32° 53' E, 234.86 feet;
- 34. S 27° 15' E, 73.40 feet;
- 35. S 32° 25' E, 69.12 feet;
- 36. S 19° 29' E, 82.65 feet;
- 37. S 23° 23' E, 136.41 feet;
- 38. S 33° 50' E, 212.85 feet;
- 39. S 28° 17' E, 160.30 feet;

40. S 32° 47' E, 182.91 feet to a point, being N 22° 51' 20" W 1074.00 feet from an iron pipe located in the easterly side of Pebble Beach Road, said iron pipe being designated as Pt. 5 on Map of Pebble Beach Tract prepared by A. H. Benedict, on February 1947, said map filed with Santa Catalina Island Company; thence continue N 57° 13' E 400 feet to the TERMINUS of the above described centerline.

The sidelines of said strip to be lengthened or shortened as to begin on the ordinary high water mark of said Pacific Ocean and to terminate at a line perpendicular to the terminus of said centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said Pacific Ocean.

END OF DESCRIPTION

The above description is based on that original description prepared by CSLC BIU 1 on August 31, 1972 as found in PRC 4695 (W 9401) file, Calendar Item 1.

Revised on December 1, 2021 by California
State Lands Commission Boundary Unit



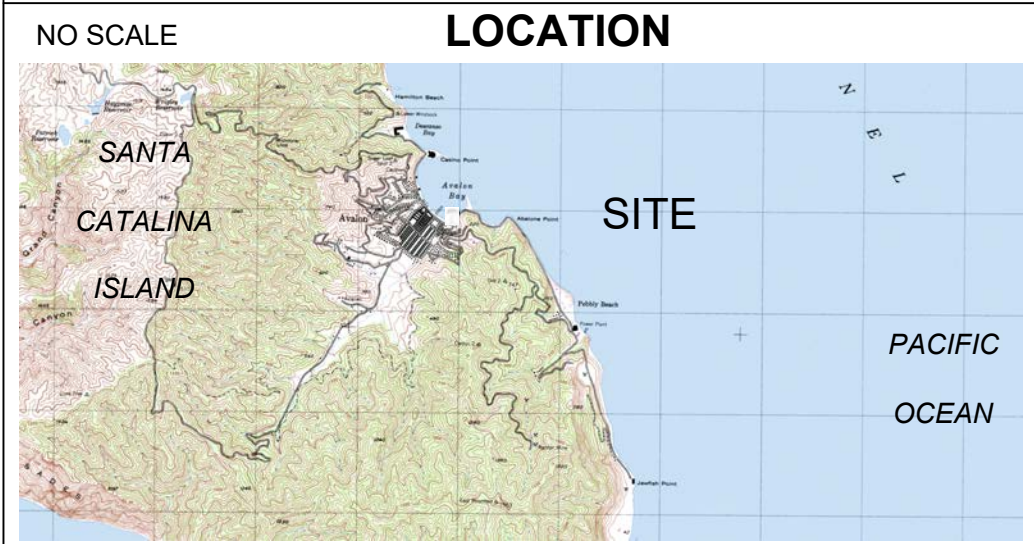
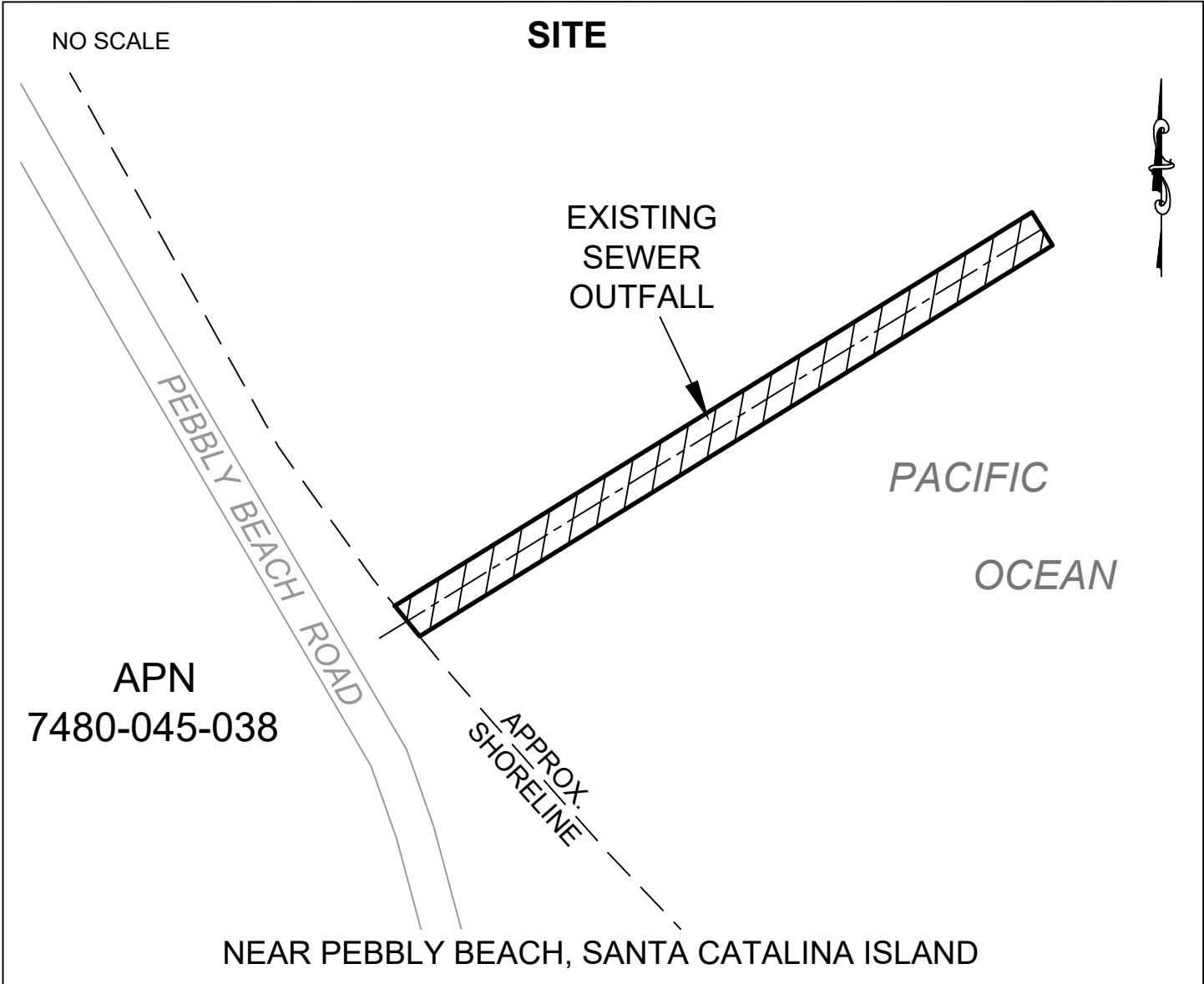


Exhibit B
 LEASE 4695
 CITY OF AVALON
 APN 7480-045-038
 GENERAL LEASE-
 PUBLIC AGENCY USE
 LOS ANGELES COUNTY



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.