

Staff Report 38

APPLICANT:

City of Santa Barbara

PROPOSED ACTION:

Amendment of Lease

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, east of Stearns Wharf and the Santa Barbara Harbor, City of Santa Barbara, Santa Barbara County.

AUTHORIZED USE:

Continued use and maintenance of one 48-inch diameter sewer outfall pipeline, and maintenance of one 42-inch diameter non-operational wastewater outfall pipeline, diffuser, rock ballast, and anchors.

TERM:

25 years, beginning June 29, 2015.

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 interests.

PROPOSED AMENDMENT:

- Amend Section 1, Land Use or Purpose, to authorize the ongoing monitoring and maintenance of one 42-inch diameter non-operational wastewater outfall pipeline.
- Amend Section 2, Special Provisions, to include pipeline inspections and impact analysis and biological survey requirements.
- Replace Exhibit A, Land Description
- Replace Exhibit B, Site and Location Map

The amendment shall be effective February 25, 2022. All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On June 29, 2015, the Commission authorized a General Lease – Public Agency Use to the Lessee for the continued use and maintenance of one 48-inch diameter sewer outfall pipeline, and maintenance of one 42-inch diameter non-operational wastewater outfall pipeline, diffuser, rock ballast, and anchors ([Item 76, June 29, 2015](#)). That lease expires on June 28, 2040.

Approximately 1,269 feet of the 42-inch diameter pipeline and 5,579 feet of the 48-inch diameter pipeline are located within the Commission's jurisdiction. The landward portions of the pipelines are located within submerged lands granted to the City of Santa Barbara. The section of the 42-inch diameter pipeline located on sovereign land is not currently in use.

Pursuant to the terms of the lease, the Lessee was required to submit a plan for Commission review and approval for the removal or other disposition of the non-operational 42-inch diameter wastewater outfall pipeline and associated improvements located within the Lease Premises. On July 9, 2020, the Lessee submitted the plan, including a marine biological survey. Portions of the pipeline have deteriorated and broken off, and a 950-foot portion of pipeline beyond the scattered pieces is buried in sediment. The survey indicated significant marine growth on the pieces and two sensitive marine species located along the non-operational outfall pipeline: giant kelp (*Macrocystis pyrifera*) and eelgrass (*Zostera marina*). Commission staff agrees with the Lessee's analysis that the removal of the non-operational outfall pipe and pipe segments from the seafloor has a potential to contribute to temporary and permanent adverse impacts to the marine environment, particularly since no hard structure would be installed for the marine biota to recolonize.

Staff recommends that the 42-inch diameter wastewater outfall pipeline be allowed to remain in place. The proposed lease amendment includes provisions requiring the Lessee to inspect the pipeline after major storm events and provide a

new impacts analysis and biological survey prior to expiration of the lease with the submittal of a new lease application 1 year prior to the expiration of the lease.

The lease amendment will also replace the existing Land Description and Site and Location Map exhibits. The existing lease exhibits did not include the legislative grant to the City of Santa Barbara.

The proposed lease amendment does not alienate the **State's** fee simple interest or substantially interfere with, or impair, Public Trust uses and values at this location. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, increased wave activity, storm events, and flooding are expected to impact the open coast. The existing structures subject to the proposed lease are located within the Pacific Ocean near the City of Santa Barbara, along a navigable, tidally influenced shore, and may be vulnerable to the impacts of sea level rise.

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,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Santa Barbara 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 Santa Barbara

Year	Projection (feet)
2030	0.7
2040	1.1
2050	1.8
2100	6.6

Source: Table 22, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a baseline of the year 2000.

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 and near 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 and riverine areas by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

As described above, the existing deteriorated and broken pipeline is submerged offshore and a portion is buried in sediment. Because the pipeline is submerged on the ocean floor, the pipeline and associated marine growth on the broken pieces would not likely be affected by the effects of climate change, including sea level rise.

CONCLUSION:

For all the reasons above, staff believes amendment of this lease will not substantially interfere with the Public Trust needs at this location, at this time, and the foreseeable term of the lease and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application for a lease amendment 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 a trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Lessee would be required to comply with the existing lease conditions and remove the non-operational 42-inch diameter outfall pipeline. Upon expiration or prior termination of the lease, the Lessee has no right to a new lease or to 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:

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

RECOMMENDED ACTION:

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 approval of the proposed amendment will not substantially interfere with the public's rights to navigation or fishing; or substantially impair Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease as amended; is consistent with the common law Public Trust Doctrine; and is in the State's best interests.

AUTHORIZATION:

Authorize the amendment of Lease Number 4942, a General Lease – Public Agency Use, effective February 25, 2022, to allow for the ongoing monitoring and maintenance of one 42-inch diameter non-operational wastewater outfall pipeline; amend Section 2, Special Provisions; replace Exhibit A, Land Description, with the attached Exhibit A, Land Description; and replace Exhibit B, Site and Location Map of the lease, with the attached Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 4942

LAND DESCRIPTION

Two parcels of submerged land, each 20 feet in width, situated in the Santa Barbara Channel of the Pacific Ocean, City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

PARCEL 1

A strip of land 20 feet in width, lying 10 feet on each side of the following described centerline:

BEGINNING at a point that bears S 44° 42' 35" E, 406.50 feet from a 2-inch California Department of Transportation Brass Cap, having California Coordinate System (NAD27) coordinates of N = 337183.340 feet and E = 1492509.486 feet and designated R.P. #54 on those certain Monumentation Maps filed in Book 2 of State Highway Monumentation Map Book at page 170; thence S 20° 08' 23" E, 3978.78 feet the TERMINUS of said centerline.

EXCEPTING THEREFROM that portion granted to the City of Santa Barbara as described in Section 3, Chapter 13, Statutes of 1937.

The sidelines of said strip to be lengthened or shortened as to begin at the southerly line of said Grant to the City of Santa Barbara and terminate at the line perpendicular to the described centerline at the TERMINUS of said centerline.

PARCEL 2

A strip of land 20 feet in width, lying 10 feet on each side of the following described centerline:

BEGINNING at a point that bears S 53° 40' 01" W, 577.49 feet from a 2-inch California Department of Transportation Brass Cap, having California Coordinate System (NAD27) coordinates of N = 337183.340 feet and E = 1492509.486 feet and designated R.P. #54 on those certain Monumentation Maps filed in Book 2 of State Highway Monumentation Map Book at page 170; thence S 41° 57' 36" E, 8720.00 feet the TERMINUS of said centerline.

EXCEPTING THEREFROM that portion granted to the City of Santa Barbara as described in Section 3, Chapter 13, Statutes of 1937.

The sidelines of said strip to be lengthened or shortened as to begin at the southerly line of said Grant to the City of Santa Barbara and terminate at the line perpendicular to the described centerline at the TERMINUS of said centerline.

Coordinates, bearing and distances used in the above description are based on the California Coordinate System, Zone 5, (NAD27).

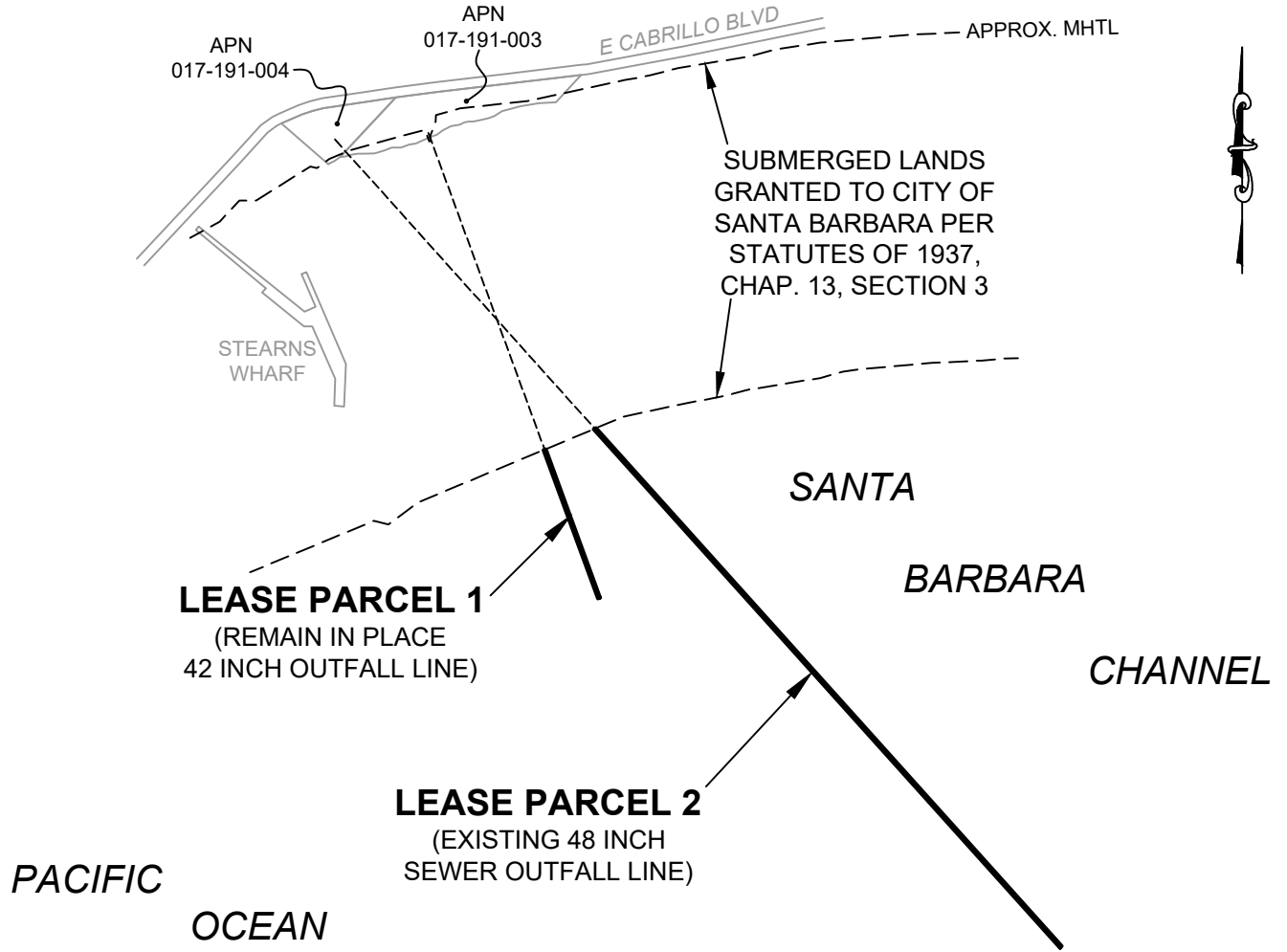
END OF DESCRIPTION

Revised on 11/29/2021 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



236 E. CABRILLO BLVD., CITY OF SANTA BARBARA

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

PRC 4942
CITY OF SANTA BARBARA
APNs 017-191-003 & -004
GENERAL LEASE -
PUBLIC AGENCY USE
SANTA BARBARA COUNTY



TS 11/29/2021