

**CALENDAR ITEM
C36**

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03/25/08
WP 5387.9
M. Clark

**TERMINATION OF A GENERAL LEASE AND ISSUANCE OF A NEW GENERAL
LEASE – PUBLIC AGENCY USE**

LESSEE/APPLICANT:

City of Redding
P.O. Box 496071
Redding, CA 96049-6071

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 2200 Metz Road, city of Redding, Shasta County.

AUTHORIZED USE:

Construction, use, maintenance, and operation of a 48-inch diameter dry weather outfall, 12 H-pile supports, and 20 diffuser ports; a 48-inch diameter wet weather outfall, three H-pile supports, and three diffuser ports; bank protection; a 30-foot by 300-foot temporary trestle and the temporary placement of warning signs and buoys; and the abandonment in place of a 30-inch diameter existing diffuser and pipeline as shown on Exhibit A.

LEASE TERM:

25 years, beginning March 25, 2008.

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 interest.

SPECIFIC LEASE PROVISIONS:

Lessee is authorized to abandon in place the existing 30-inch diameter diffuser and pipeline. Lessee acknowledges responsibility for the diffuser and pipeline, including the obligation to pay for the cost and expense of the removal of these improvements on the lease premises, should their future removal be determined to be necessary or advisable by the Commission.

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Lessee agrees to obtain and provide at its expense and at the Commission's request any information or analysis which may be reasonably necessary or beneficial to the Commission to make a determination of whether to remove the pipeline or diffuser or any portion thereof.

Lessee agrees that it will at no cost to the Commission, remove all or any portion of the pipeline and diffuser at the Commission's request. Upon notice from the Commission that the pipeline or diffuser or a portion of it should be removed, Lessee shall have 90 days after obtaining all the necessary permits, to complete the removal, unless that time is extended by the Commission.

At all times while construction activities are taking place in the River, Lessee shall install warning signs and buoys, upstream and downstream of the construction site, in order to provide notice to the public that construction activities are taking place in the River and to exercise caution.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. On September 29, 1977, the Commission approved the issuance of a 49-year General Lease – Public Agency Use, to the city of Redding for the construction and maintenance of a treated sewage discharge diffuser. That lease will expire July 31, 2027. In connection with its Clear Creek Wastewater Treatment Plant (CCWWTP) Rehabilitation and Expansion project, the city of Redding has applied to amend its existing lease to include the construction of new wet and dry weather outfalls and the abandonment of the existing discharge diffuser pipeline. Staff is recommending termination of the existing lease and issuance of a new General Lease – Public Agency Use to the city of Redding for a 25-year term.
3. The proposed project will rehabilitate existing facilities and expand the treatment capacity of the CCWWTP to accommodate anticipated future wastewater flows. The plant currently receives wastewater flows from 75 percent of the households and businesses in the city of Redding. The plant was originally constructed in 1966 and then upgraded and expanded in 1977. The 1977 expansion was designed to accommodate 8.8 million gallons per day (mgd) of average dry weather flow and 16.2 mgd of peak wet weather flow. The proposed improvements would provide an

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additional 0.6 mgd of average dry weather flow capacity and 23.8 mgd of peak wet weather flow capacity. Increased hydraulic capacity will reduce the potential for overflow of untreated or partially untreated wastewater into the Sacramento River during severe storm events.

4. The new 48-inch diameter dry weather outfall will extend approximately 250 feet into the Sacramento River and will consist of 12 H-piling supports and 20 diffuser ports that will extend one to two feet above the River bottom. The new 48-inch wet weather outfall will extend 100 feet into the Sacramento River and will consist of three H-piling supports and three diffuser ports that will also extend one to two feet above the River bottom. Both the wet weather and dry weather diffusers will be installed by open-trench construction method. Riprap would be placed along the Sacramento River to provide bank protection.
5. During construction, the existing 30-inch diameter outfall pipeline and diffuser will remain in service. Once construction is completed, the City intends to abandon the outfall pipeline and diffuser in place. The City held a series of meetings with various regulatory agencies (National Marine Fisheries Service, the Department of Fish and Game, the Corps of Engineers, Regional Water Quality Control Board, the Department of Boating and Waterways, among others) and it was the conclusion of the regulatory agencies to recommend abandoning the pipeline/diffuser in place because their removal would require installation of an additional temporary trestle and pile driving which would result in significant amounts of additional sediment being released and additional acoustic impacts to anadromous fish species. Therefore, staff is recommending that the City be allowed to abandon the pipeline and difusser. However, the lease contains provisions that the City accepts responsibility for the diffuser and pipeline, including the obligation to pay for the cost and expense of the removal of these improvements should their future removal be determined necessary or advisable by the Commission.
6. The City is required to have in place buoys and warning signs, upstream and downstream of the construction site, at all times while construction activities are taking place in the River in order to warn the public of the need to exercise caution.

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7.

8. **Termination of Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

8. **Issuance of New Lease:** A Mitigated Negative Declaration was prepared and adopted for this project by the city of Redding. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of Redding.
9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process; it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Fish and Wildlife Service, State Reclamation Board and the State Historic Preservation Office.

FURTHER APPROVALS REQUIRED:

U. S. Army Corps of Engineers, NOAA Fisheries, Department of Fish and Game, California Regional Water Quality Control Board, and the city of Redding

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

January 27, 2008

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF LEASE:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF REDDING AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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:

1. AUTHORIZE TERMINATION, EFFECTIVE MARCH 24, 2008, OF LEASE NO. PRC 5387.9, A GENERAL LEASE – PUBLIC AGENCY USE, ISSUED TO THE CITY OF REDDING.
2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE CITY OF REDDING, BEGINNING MARCH 25, 2008, FOR A TERM OF 25 YEARS, FOR THE CONSTRUCTION, USE, MAINTENANCE, AND OPERATION OF A 48-INCH DIAMETER DRY WEATHER OUTFALL, 12 H-PILE SUPPORTS, AND 20 DIFFUSER PORTS; A 48-INCH DIAMETER WET WEATHER OUTFALL PIPE, THREE H-PILE SUPPORTS,

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AND THREE DIFFUSER PORTS; BANK PROTECTION; THE ABANDONMENT IN PLACE OF AN EXISTING 30-INCH DIAMETER DIFFUSER AND PIPELINE AND THE CONSTRUCTION OF A 30-FOOT BY 300-FOOT TEMPORARY TRESTLE AND THE TEMPORARY PLACEMENT OF WARNING SIGNS AND BUOYS AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING 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 INTEREST.

