

MINUTE ITEM

This Calendar Item No. C4
was approved as a Calendar Item
No. 4 by the State Lands
Commission by a vote of 2
to 0 at its 1/25/79
meeting.

CALENDAR ITEM
C4.

1/79
WP 3875
Gordon

TERMINATION OF PERMIT PRC 3875.9
AND RECORDATION OF QUITCLAIM DEED
ISSUANCE OF GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: South San Luis Obispo County
Sanitation District
P. O. Box 550
Arroyo Grande, California 93420

AREA, TYPE LAND AND LOCATION:
An existing 0.826 acre parcel, a new 2.03
acre parcel and a new 4.12 acre parcel
of tide and submerged lands in the Pacific
Ocean at Oceano, San Luis Obispo County.

LAND USE: Construction, reconstruction, placement
and maintenance of 1 existing 36-inch outfall
pipeline and 1 new 24-inch outfall pipeline
capped with twin diffusers, together with
a contiguous 2-year temporary construction
easement, respectively, all utilized for
the discharge of wastewater and effluent
into the Pacific Ocean at Oceano, San Luis
Obispo County.

TERMS OF ORIGINAL PERMIT:
Initial period: 49 years from January 1,
1968.
Consideration: The public health and
safety, for one 36-inch
outfall sewer line.

TERMS OF PROPOSED LEASE:
Initial period: 49 years from March 1,
1979.
Public liability insurance: \$500,000 per
occurrence for bodily
injury and \$500,000 for
property damage, or combined
single limit coverage
of \$1,000,000.

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CONSIDERATION: The public health and safety, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is permittee of upland.
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:
1. The annual rental value of the site is estimated to be \$21,440.
2. Applicant has advised staff that it is under a California Regional Water Quality Control Board Central Coast Region Cease and Desist Order to construct a new ocean outfall. The existing 36-inch outfall was damaged during the winter of 1971-72. Consequently, it is leaking treated effluent directly into the near-shore area. The near-shore area is a prime Pismo Clamming area within Pismo Beach State Park. The new outfall, which will be constructed of sturdier materials will be buried for a greater part of its length than the existing outfall. It is anticipated that the new outfall will protect the quality of the waters and the environment. Applicant has advised staff that the use of the existing 36-inch outfall pipeline will be discontinued but left in place to minimize environmental impacts. With the passing of time, the existing line will be buried by

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the natural drift and shifting of sand, without any long-term public hazard or negative impact on the environment. This project is consistent with Coastal regulations.

3. A final EIR was prepared by South San Luis Obispo County Sanitation District, pursuant to CEQA and implementing regulations. A notice of determination has been received and properly filed with the Secretary of Resources.
4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the California South Central Regional Coastal Commission, United States Army Corps of Engineers, California Department of Parks and Recreation, California Department of Fish and Game, California Central Coast Regional Water Quality Control Board, and the County of San Luis Obispo. The Coastal Commission permit has been obtained, and applications are pending with the United States Army Corps of Engineers and California Department of Parks and Recreation. The proposed lease is conditioned on the approval of all agencies having jurisdiction.

EXHIBITS:

- A. Land Description. B. Location Map.
C. EIR Summary.

CALENDAR ITEM NO. 29. (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ON MAY 20, 1976.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR OF SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
5. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
6. RESCIND ITS ACTION OF JANUARY 26, 1968 (MINUTE ITEM NO. 4, PAGE 9) WHICH AUTHORIZED ISSUANCE OF LIFE-OF-STRUCTURE PERMIT PRC 3875.9 FOR A 36-INCH OCEAN OUTFALL SEWER LINE.
7. AUTHORIZE ACCEPTANCE AND RECORDATION OF A QUITCLAIM DEED TERMINATING PERMITTEE'S INTEREST EFFECTIVE MARCH 1, 1979, RELATIVE TO LIFE-OF-STRUCTURE PERMIT, PRC 3875.9.
8. AUTHORIZE ISSUANCE TO SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT OF A 49-YEAR GENERAL LEASE - RIGHT-OF-WAY USE FROM MARCH 1, 1979; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000 PER OCCURENCE FOR BODILY INJURY AND \$500,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR CONSTRUCTION, RECONSTRUCTION, PLACEMENT AND MAINTENANCE OF 1 EXISTING 36-INCH OUTFALL PIPELINE AND 1 NEW 24-INCH OUTFALL PIPELINE CAPPED WITH TWIN DIFFUSERS, TOGETHER WITH A CONTIGUOUS 2-YEAR TEMPORARY CONSTRUCTION ELEMENT, FOR THE DISCHARGE OF WASTEWATER AND EFFLUENT INTO THE PACIFIC OCEAN ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 3875

Parcel 1 (Proposed Outfall)

A strip of tide and submerged land 20 feet wide in the Pacific Ocean near the mouth of Arroyo Grande Creek, San Luis Obispo County, State of California, being an extension of that certain easement granted to South San Luis Obispo County Sanitation District by Agreement dated July 1, 1965, and recorded in Volume 1367, Page 101, Official Records of San Luis Obispo County, said strip lying 10 feet on each side of the following described centerline:

COMMENCING at a point bearing the following four courses from the southeast corner of the Water Pollution Control Plant site as surveyed by David W. Hook and filed in Book 14 at Page 43 of Licensed Surveys in the County Recorders Office of said County:

1. N 85° 40' 59" W 520 feet;
2. S 04° 12' 01" W 21.05 feet;
3. N 82° 22' 47" W 1484.21 feet;
4. S 86° 30' W 125 feet to the POINT OF BEGINNING of the Easement herein described; thence the following four courses:
 5. N 48° 30' W 354 feet;
 6. S 86° 30' W 4016 feet to a junction point; thence in two branches from said junction point, the first
 7. N 48° 30' W 305 feet; the second
 8. S 41° 30' W 305 feet to the ends of the Easement herein described.

TOGETHER WITH Temporary Rights-of-Way, for construction purposes only, each 20 feet in width and lying on each side of and contiguous to the above described Easement, but excluding that portion of Lot 20, Block 36 of Oceano Beach Subdivision No. 2, filed August 8, 1885, in Book A of Maps at Pages 149 and 150, San Luis Obispo County Recorders Office. Said Temporary Rights-of-Way shall become null and void at the end of the construction period, but in any event said Temporary Rights-of-Way shall terminate not later than two years after the beginning date set forth in Section 1.

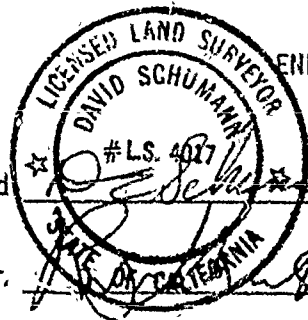
ALSO TOGETHER WITH a Temporary Easement for a construction area to the south of and contiguous to the above-described Right-of-Way, described as follows:

From the aforesaid Point of Beginning the following five courses:

- 9. N 86° 30' E 125 feet;
- 10. South, 1000 feet;
- 11. West, 200 feet;
- 12. North, 987.77 feet;
- 13. N 86° 30' E 75.37 feet to the point of beginning.

Said Temporary Easement shall become null and void at the end of the construction period, but in any event, said Temporary Easement shall terminate not later than two years after the beginning date set forth in Section 1.

EXCEPTING from the foregoing Easement and Temporary Rights-of-Way and Temporary Easement any portion thereof lying landward of the ordinary high water mark of the Pacific Ocean.



END OF DESCRIPTION

Prepared [Signature]

Checked John K. Hering

Reviewed [Signature]

Date November 1, 1978

Parcel 2 (Existing Outfall)

A strip of tide and submerged land 30 feet wide in the Pacific Ocean situate near the town of Oceano, San Luis Obispo County, California; lying 15 feet on each side of the following-described centerline:

Commencing at the southeast corner of the Water Pollution Control Plant site as surveyed by David W. Hook and filed in Book 14, page 43 of Licensed Surveys in the County Recorder's Office of said County, thence N. 85° 40' 59" W. 520 feet, S. 4° 19' 01" W. 21.05 feet, N. 82° 22' 47" W. 1,484.21 feet, thence S. 86° 30' W. 540 feet more or less to a point on the Mean High Tide Line of the Pacific Ocean said point being the true point of beginning of this description, the true point of beginning also bears S. 43° 11' W. 460 feet more or less from a Brass Cap in concrete stamped "L.S. 2685 1961", the monument has California Zone 5 coordinates of X = 1,213,685.33, Y = 593,027.34 and is located at the intersection of the northerly line of Utah Avenue and the westerly line of Strand Avenue as said streets are delineated on that certain map of Oceano Beach Subdivision No. 2 filed in Book A at page 150 in the County Recorder's Office, San Luis Obispo County; thence from the true point of beginning S. 86° 30' W. 1,200 feet; containing 0.826 acre more or less.

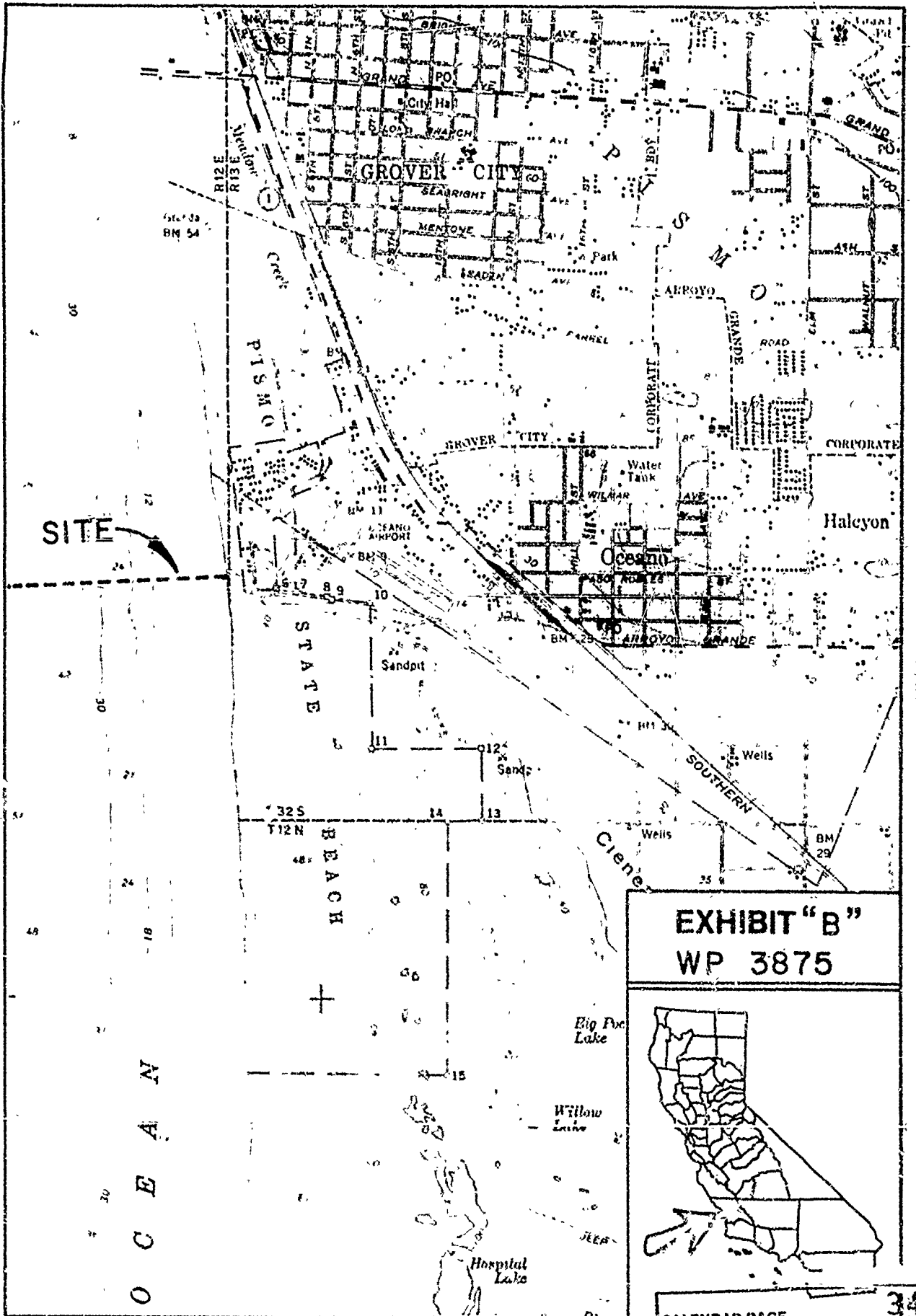


EXHIBIT "B"
WP 3875



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EXHIBIT C

ENVIRONMENTAL IMPACT REPORT SUMMARY

I. Introduction

The following is a summary of an EIR for improvement of the existing wastewater treatment facilities of the South San Luis Obispo County Sanitation District. Alternative Three: Ocean Disposal is the only alternative of the five proposed that will involve land under Commission jurisdiction. This summary will be limited primarily to a discussion of the two options being considered in Alternative Three.

II. Project Description

The project is directed toward determining the best available means of improving the disposal facilities of the sanitation district to resolve the problem of near shore leaks in the ocean outfall line currently being used for disposal of treated wastewater. Shellfish harvesting and water sports are prohibited in the area near the existing outfall because of its leaking condition. The 36-inch outfall sewer line (under lease with the State Lands Commission) is to be abandoned and replaced by a new 24-inch wastewater outfall as proposed in Alternative Three: Ocean Disposal. The proposed ocean disposal is a viable approach which discusses two possible ocean outfall options -- (1) a longer outfall without effluent disinfection; and (2) a shorter outfall with disinfection by chlorination and dechlorination. The longer outfall, to extend 60 feet of depth in the ocean offshore, would require partial chlorination only during periods when onshore current, tide and wind conditions are unfavorable. Disinfection would generally be accomplished by natural die-off. During unfavorable conditions, partial chlorination would result in the addition of limited quantities of combined chlorine to local waters. The shorter outfall, extending to a depth of 30 feet, would require chlorination and dechlorination of effluent.

The treatment facility is located only 1600 feet east of the ocean beach. It is screened from the view of beach users by residential construction to the west of the site which is on a rise above the beach; and by a dike which runs the length of its south edge. Its location near the Ocean Airport and railroad facilities makes it appear less intrusive in this area than if it were just a recreational and residential area. The outfall line is not visible from the shore.

III. Environmental Setting

The sandy shore area of the proposed project lacks the expected assemblage of burrowing polychaetes, crustaceans, and insects

commonly found in this type of environment. This lack of species has been attributed to the physical character of the sand, lack of organic debris, and vehicle activity. Two biotic communities coexist within the widely fluctuating intertidal habitat at the outfall site: macroscopic burrowing organisms and microscopic flora and fauna. In general, the species distribution and abundance is highly variable within the sandy intertidal area because of the harsh conditions and seasonal changes in beach morphology and pelagic larvae. Common benthic species associated with the more stable water conditions of the subtidal region include hermit crabs and molluscs. Pismo clams are common in the shallow subtidal environment, and the sanddollar is found in abundance in large patches throughout the sublittoral zone. Both planktonic (passive drifters) and nektonic (free swimmers) organisms occupy the area. The ocean bottom at the project site is made up of sand and sand-mud. In the deep areas, sediment is generally very fine and silty. The shallow water exhibits very few epibenthic animals: it is primarily inhabited by mobile forms. There are no known reefs at the subject site.

Large numbers of bait feeding birds can be found in the area. The frequent presence of these birds in large numbers is an important factor for consideration in water use planning.

There are numerous stands of kelp and other coastal algae within the area encompassed by the five-mile radius around the Oceano outfall site. The amount of canopy of the kelp beds which lies on the ocean surface varies from day to day. Subsurface algae greatly exceeds that amount visible on the surface.

Commercial fishing within the study area is limited and consists of trawling for bottom fish or perch and trolling for salmon. The commercially valuable invertebrate is the dungeness crab. Sportfishing is limited to surfcasting and party boat fishing. Clamming for the Pismo clam is the most popular recreational activity in the area. No assemblages or concentrations of commercially important species have been noted in the area. However, there is a relatively heavy gill net and bait fishery during certain times of the year.

Air quality standards in the project area are occasionally exceeded. Treatment plant odors have been observed in the immediate vicinity of the plant, but a nearby industrial plant appears to be the major source.

The Chumash Indians left a number of sites which record their presence in the area. Ten sites have been identified in the immediate vicinity of the ocean outfall. The entire area within a mile of the waste treatment plant is considered sensitive.

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IV. Alternatives

1. Continued Independent Treatment
2. Combined Treatment
3. Ocean Disposal
4. Land Disposal
5. No Project

V. Environmental Impacts

1. In the event of a major seismic event, the proposed outfall structure is likely to be damaged.
2. Under adverse current or tidal conditions, effluent discharge from the proposed long outfall may cause coliform bacteria standards to be exceeded. The possibility also exists that toxicity from levels of chromium in the effluent may exceed standards.
3. Temporary construction related disruptions include: increased traffic and noise; adverse visual impacts; and air quality impacts.
4. Disturbance of benthic organisms within the pipeline right-of-way.
5. Possible disturbance of archaeological sites.
6. Possible disruption of kelp bed habitat (Currently there are no kelp beds in the immediate vicinity of the project).
7. The short outfall will require energy for synthesis and transportation of process chemicals necessary for chlorine disinfection. The long outfall will utilize natural mechanisms for disinfection.
8. Improvement in ocean water quality will benefit biota as well as provide a healthier environment for people using the beach.
9. The subject alternative will be economically beneficial to the area.

VI. Mitigation Measures

1. Structure design will consider expected seismic events.
2. Determination of the toxicity of the partially chlorinated wastewater will be made prior to program implementation, and consideration will be given to the formation of chlorinated products.

3. Nuisances relative to construction impacts will be mitigated by careful construction practices.
4. Monitoring for chlorine residual will take place on a regular basis, and precautionary measures will be taken to avoid accidental spillage of chlorine.
5. An archaeologist will be included in the preliminary design phase of the pipeline route to insure that no recorded sites will be disturbed.
6. Annual surveillance of kelp beds near Oceano should assure their continued health.
7. The large energy requirements of the short outfall indicate the desirability of the long outfall which utilizes natural disinfection mechanisms.

VII. Unavoidable Adverse Impacts

1. Disturbance of benthic organisms during pipeline construction.
2. Possible toxic effects of chlorine on ocean organisms.
3. Possible increase in sea urchin habitat and associated degradation of kelp beds.
4. Large amounts of energy demanded by the short proposed outfall.

VIII. Irreversible Environmental Changes

1. Possible introduction of residual chlorine into the ocean environment by the deep water ocean outfall, if partial chlorination is needed.
2. Possible introduction of substandard discharge from shorter outfall, in event of failure of chlorination and dechlorination systems.
3. Large commitment of energy and resources for chlorination and dechlorination for the short outfall.

IX. Relationship between Local Short-term Uses of Man's Environment and Maintenance of Long-term Productivity

Provided the stated mitigation measures are taken, ocean disposal appears to be the best wastewater management alternative for long-term productivity.