

**CALENDAR ITEM  
C21**

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S 2

10/16/08  
WP 4793.9  
N. Lee

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

**PERMITTEE/APPLICANT:**

City of Fort Bragg  
416 N. Franklin Street  
Fort Bragg, CA 95437

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

Sovereign lands in Pudding Creek, adjacent to the Highway One Bridge, city of Fort Bragg, Mendocino County.

**AUTHORIZED USE:**

Construction, use, maintenance, and operation of a ten-inch diameter ductile iron pipeline in a 20-inch steel casing attached to existing concrete structural supports on the west side of the Highway One Bridge; the temporary placement of warning signs; and the temporary abandonment in place of an existing ten-inch sewer force main pipeline as shown on Exhibit A.

**LEASE TERM:**

25 years, beginning August 29, 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:**

1. Lessee is authorized to temporarily abandon in place the existing ten-inch diameter sewer force main pipeline in the bed of Pudding Creek. Lessee acknowledges responsibility for the sewer force main pipeline, including the obligation to pay for the cost and expense of the removal of the pipeline on the lease premises, within three years of the California Coastal Commission's approval of Coastal Development Permit #1-07-045.

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

**OTHER PERTINENT INFORMATION:**

1. Applicant has permission to use the property adjoining the lease premises.
2. On July 26, 1973, the Commission authorized a 49-year General Permit – Public Agency Use to the city of Fort Bragg (City) for the construction and maintenance of a ten-inch diameter sewer force main pipeline in the bed of Pudding Creek (Creek). That permit will expire on June 30, 2022. The City has applied for authorization to place a new sewer force main pipeline to be attached to the Highway One Bridge crossing the Creek and the temporary abandonment in place of the existing sewer force main in the bed of the Creek. Staff is recommending termination of the existing permit and issuance of a new General Lease – Public Agency Use to the City for a 25-year term.
3. The existing sewer force main currently serves several motels and local businesses as well as camping facilities at MacKerricher State Park. During the major winter storms in 2005-2006, high flows in Pudding Creek coupled with heavy surf caused extensive channel erosion, exposed and unmoored the sewer force main pipeline. The pipeline has ruptured four times since 2005, including twice in 2006, and spills of untreated sewage have occurred on the public beach near Pudding Creek Beach and the lagoon area.
4. On April 25, 2007, the California Regional Water Quality Control Board, North Coast Region (CRWQCB), issued a Cease and Desist Order to direct the City to mitigate the danger of a discharge of waste and to replace the sewer force main pipeline. The City was ordered to complete the construction no later than November 30, 2008. On June 27, 2007, the City adopted a Mitigated Negative Declaration for the project.
5. The project was approved with modifications by the California Coastal Commission (CCC) on June 12, 2008. The CCC is requiring that the existing sewer force main within and adjacent to the bed of Pudding Creek be disconnected, flushed with clean water and removed within three years of CCC approval. At this time, the existing force main will be capped and abandoned in place until the City secures the necessary grant funding as well as regulatory approvals from other agencies for its removal.

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6. In order to comply with the completion date issued by the CRWQCB, as well as avoid the winter rainy season and the occurrence of another leak or rupture, the City submitted a request to Commission staff in order to proceed with the project prior to the formal consideration and authorization by the Commission. On August 27, 2008, Commission staff provided the City a letter of non-objection to proceed with the placement of the new sewer force main and the temporary abandonment of the existing sewer force main, subject to formal approval by the Commission and in compliance with all other applicable permits from other government agencies having jurisdiction over the project. On August 29, 2008, the City accepted the conditions contained in the letter of non-objection.
  
7. The entire project will involve installing approximately 3,000 feet of new 12-inch diameter HDPE pipeline and ten-inch ductile iron pipeline from the Pudding Creek Lift Station to the nearest manhole on Elm Street in the city of Fort Bragg. The new sewer force main within State-owned sovereign land will be attached to the existing concrete structural supports on the west side of the Highway One Bridge and will leave the Bridge at a location adjacent to the existing abutment on the southwest corner of the bridge. This portion of the sewer force main will be approximately 300-feet long and consist of ten-inch Ductile Iron pipeline in a 20-inch steel casing.
  
8. The Commission has issued a 101.5 permit to Caltrans for the Bridge and approved the placement of the sewer pipeline onto the Bridge.
  
9. **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.
  
10. **Issuance of New Lease:** A Mitigated Negative Declaration was prepared and adopted for this project by the city of Fort Bragg. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of Fort Bragg.
  
11. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public

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ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

**APPROVALS OBTAINED:**

California Coastal Commission  
California Department of Transportation

**EXHIBITS:**

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

**PERMIT STREAMLINING ACT DEADLINE:**

February 9, 2009

**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 FORT BRAGG 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.

**AUTHORIZATION:**

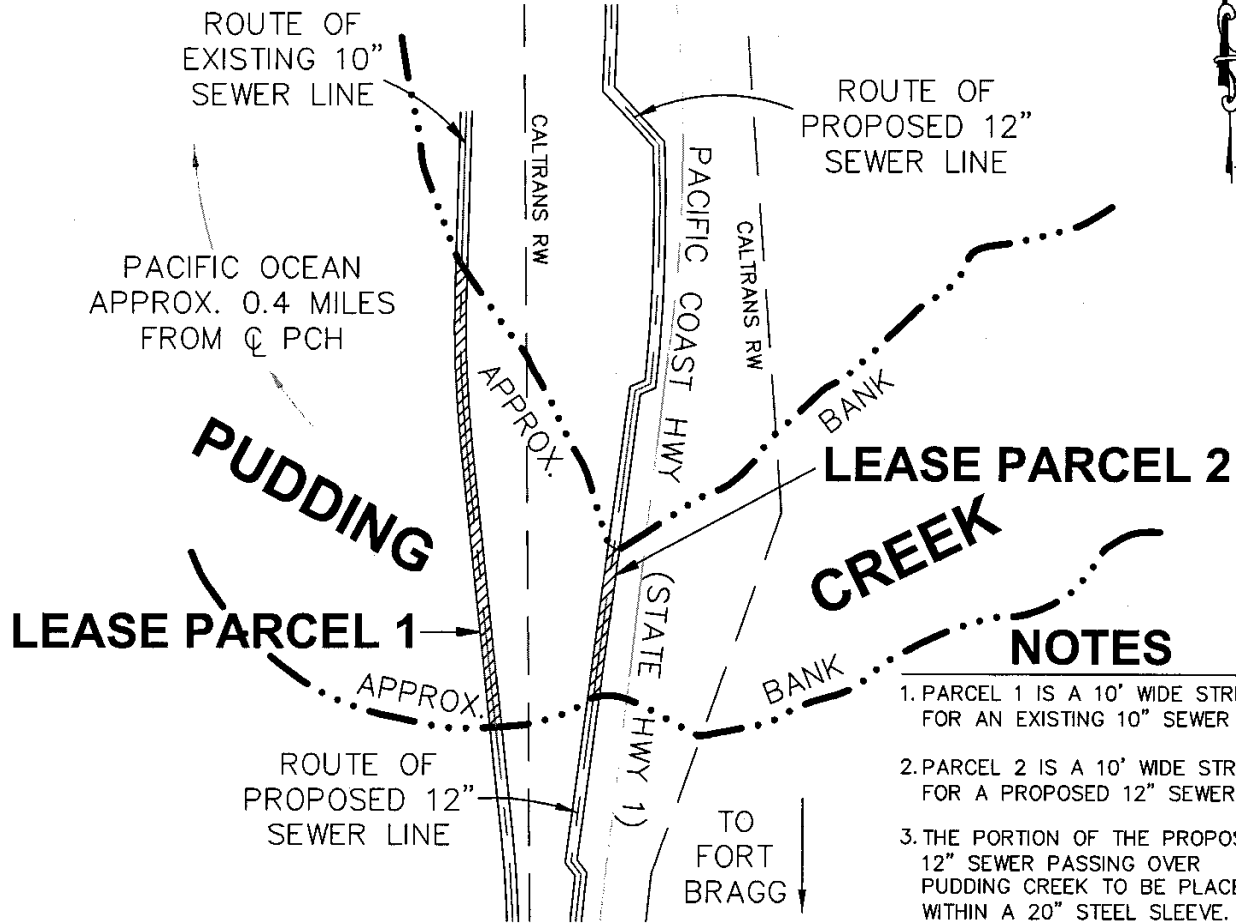
1. AUTHORIZE TERMINATION, EFFECTIVE AUGUST 28, 2008, OF PERMIT NO. PRC 4793.9, A GENERAL PERMIT – PUBLIC AGENCY USE, ISSUED TO THE CITY OF FORT BRAGG.

CALENDAR ITEM NO. **C21** (CONT'D)

2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE CITY OF FORT BRAGG BEGINNING AUGUST 29, 2008, FOR A TERM OF 25 YEARS, FOR THE CONSTRUCTION, USE, MAINTENANCE, AND OPERATION OF A TEN-INCH DIAMETER DUCTILE IRON PIPELINE IN A 20-INCH STEEL CASING ATTACHED TO EXISTING CONCRETE STRUCTURAL SUPPORTS ON THE WEST SIDE OF THE HIGHWAY ONE BRIDGE; THE TEMPORARY PLACEMENT OF WARNING SIGNS; AND THE TEMPORARY ABANDONMENT IN PLACE OF AN EXISTING TEN-INCH SEWER FORCE MAIN PIPELINE AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) 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.

NO SCALE

### SITE



### PACIFIC COAST HWY OVER PUDDING CREEK, FORT BRAGG

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit A

WP 4793  
 CITY OF FORT BRAGG  
 GENERAL LEASE  
 PUBLIC AGENCY USE  
 MENDOCINO COUNTY



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.