

MINUTE ITEM

55

W 25000  
Lynch  
Pelkofer  
Jacobs

AMENDMENT OF  
GENERAL USE - PUBLIC AGENCY USE  
AND AGREEMENT FOR ENVIRONMENTAL MITIGATION

During consideration of Calendar Item 55 (attached) extensive testimony was heard.

The Commission indicated that it would favorably consider three alternative routes based upon a finding of their environmental superiority. They were route V6 (down St. Andrews Way, route V7 (through the golf course) and route V1b (Harris Grade Road) proposed by the homeowners.

By unanimous vote, the Commission adopted the following resolution:

The State Lands Commission denies the application by Central Coast Water Authority (CCWA) in its present form on public trust grounds due to its environmental consequences and requests CCWA to prepare an amendment, addendum or supplement to the existing environmental documents in order to evaluate in greater detail alternatives V6, V7 and V1b.

(All correspondence received regarding this item is filed in the Work Order file.)

A 33, 35

S 18

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CALENDAR ITEM

A 33, 35

55

08/03/94  
PRC 7762  
W 25000  
Lynch  
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Jacobs

S 18

AMENDMENT OF  
GENERAL LEASE - PUBLIC AGENCY USE  
AND AGREEMENT FOR ENVIRONMENTAL MITIGATION

APPLICANT:

Central Coast Water Authority  
C/O Susan Petrovich,  
Attorney at Law  
Hatch & Parent  
21 East Carrillo Street  
Santa Barbara, California 93101

AREA, TYPE LAND AND LOCATION:

23.27 acres of permanent lease area and 8.37 acres of temporary easement of sovereign land located near Vandenberg Village, Santa Barbara County.

LAND USE:

Construction, operation, and maintenance of an extension of the State water project aqueduct to deliver treated water within Santa Barbara County.

PROPOSED LEASE TERMS:

Lease period:

Forty-nine (49) years beginning August 3, 1994.

Consideration:

The public use and benefit; 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 and compensation for environmental, and public non-public trust use of sovereign lands.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

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**AB 884:**

11/29/94

**BACKGROUND:**

In 1991, after several years of dry conditions, the majority of Santa Barbara County residents voted to import State water by building an aqueduct to Santa Barbara. These votes were on an area-by-area basis, with 3 areas of the County voting to defeat the bond measures on the ballot and thereby voting not to pay for or take State water. The districts (members) voting to fund State water created the Central Coast Water Authority ("CCWA") to construct and operate the aqueduct portion in Santa Barbara County. The aqueduct will run from northwest Kern County through San Luis Obispo County and into Santa Barbara County, culminating at Lake Cachuma, north of the City of Santa Barbara. From Lake Cachuma the water will be delivered through existing facilities to the south coast of Santa Barbara County.

The total aqueduct is 144 miles long. The Department of Water Resources will construct and operate 102 miles of the project, while CCWA will operate and construct 42 miles. The total cost of the entire project is \$502 million with CCWA's portion totalling \$129 million.

A portion of the proposed aqueduct will cross lands under the jurisdiction of State Lands Commission. These lands were acquired in 1991 as sovereign land. The property (State Parcel) to be crossed by the pipeline is approximately 5,125 acres in size and essentially surrounds the community of Vandenberg Village. It is currently known informally as the Burton Mesa Management Area, and planning is underway by staff of the County of Santa Barbara and the SLC for the long-term management of the State Parcel for habitat preservation and other compatible land uses.

The proposed route for the pipeline project will cross State-owned land utilized for cattle grazing, cultivated agricultural fields, as well as lands containing a number of natural biological communities, including Burton Mesa chaparral. Burton Mesa chaparral is a unique scrubland plant community of exceptional biological diversity. There are over 150 plant species found in Burton Mesa chaparral, including at least 10 varieties which occur nowhere else in the world. Other native plant life in the proposed project area includes grasslands, oak forest, isolated oak trees and

chaparral shrubs, and coastal scrub vegetation. Wildlife includes the common residents of such habitats, including various birds, rabbits, lizards, snakes, and rodents. Larger mammals such as deer, mountain lion, bobcat, and coyotes are also found. The American badger and the California horned lizard, California state species of concern, may occupy the area. The topography varies from flat to gentle slopes. The soil generally is sandy, being comprised of consolidated to unconsolidated sands.

The application submitted by CCWA on December 12, 1993, involves a total of approximately 3.3 miles of land under the Commission's jurisdiction. On April 6, 1994 the Commission granted a lease for 1.77 miles. This action by the Commission involves the remaining 1.57 miles of state property which abuts Vandenberg Village and 13 residential parcels along 2,241 feet of the proposed route. An additional 13 homes abut non-state owned land along the proposed pipeline in the vicinity. These homeowners have expressed opposition to the placement of the line behind their homes. Construction of the pipeline would require the clearing of up to a 120-foot wide swath behind their homes, with the resulting loss of a significant number of native oak trees, Burton Mesa chaparral, and other vegetation.

The homeowners filed suit challenging the adequacy of the CCWA's environmental process. (Vandenberg Village Concerned Citizens v. Central Coast Water Authority, Superior Court of the State of California for the County of Santa Barbara, Case No. 198884.)

The Petitioner contended generally that the environmental review was inadequate with respect to approximately 18 miles of pipeline that was realigned from the original planned route. The court agreed with the Plaintiff that CCWA had not adequately considered alternative routes including the proposed route behind their homes, and additional review should be completed with specific discussion and analysis of conditions and impacts relating to the proximity of residential development, oak trees and other vegetation, and riparian problems associated with the stream crossing and analysis regarding the nature and extent of the so called "fire break". The CCWA commenced the additional environmental review as required.

In the meantime, the CCWA requested that the portion of the

CALENDAR ITEM NO. 55 (CONT'D)

state-owned lease area not affecting the proposed alignment near the residences be granted. The Petitioners had no objection to the granting of this lease in that it would not affect any of the alternative proposals being addressed under the required environmental review. The Commission authorized a 49-year General Lease-Public Agency Right-of-Way beginning April 6, 1994, minute item C-32, at the April 6, 1994, meeting for the uncontested portion of the proposed lease area. The construction of this segment will result in the loss of approximately .26 acres of Burton Mesa chaparral vegetation and 21 oak trees. The authorized lease parcel includes 10.22 acres of permanent right-of-way and 2.90 acres of temporary construction easement.

As a result of the decision of the Santa Barbara Superior Court, CCWA restudied that portion of the approved pipeline realignment located northerly and easterly of Vandenberg Village, which is approximately two (2) miles in length and prepared a Revised Draft Supplement No. 2, to the Final Impact Reports for the Mission Hills Extension and Santa Ynez Extension dated March 1994" and Final Supplement No. 2, dated May 1994. An analysis of the alternative alignments were included in this Supplement.

By Resolution No. 94-41, CCWA certified Final Supplement No. 2 to the EIR, approved the realignment of the Santa Ynez Extension and Mission Hills Extension project adjacent to Vandenberg Village, and made the required findings and statement of overriding considerations. (Exhibit B). The Notice of Determination (N.O.D.) was filed with the County of Santa Barbara, Clerk of the Board of Supervisors on June 2, 1994. (Exhibit D) A portion of the route approved in Final Supplement 2, approximately 12,025 feet long, crosses 8,303 feet state-owned land. CCWA's project requires a lease of 6.85 acres for a permanent right-of-way and 5.47 acres of temporary construction easement. In addition, approximately 6.2 acres underlying Burton Mesa Road will also be leased. The total addition permanent lease area will be 13.05 acres. This additional lease area of state land will impact approximately 1.2 acres of previously disturbed Burton Mesa chaparral and 71 oak trees.

The above-referenced Final Supplement No. 2 concludes that "[t]he environmental analysis performed demonstrates that the proposed route is the environmentally preferred alternative of the routes assessed". Staff agrees that the

CALENDAR ITEM NO. 55 (CONT'D)

proposed route is the preferable alternative to minimize impacts on biological resources in the Burton Mesa chaparral community. This conclusion is based on review of the information provided in the Supplement, as well as field inspection by staff of the proposed route and the other alternatives. Staff also scrutinized additional minor variations on those routes studied under CEQA review as well as reviewing additional information provided by CCWA consultants in amplification of some of their field data pertaining to Burton Mesa chaparral and oak woodland on the State Parcel.

This additional review included an examination of a specific alternative route which would have avoided large oak trees and prevented construction disturbance behind two houses. However, the alternative would have additional impacts to biological resources including loss of undisturbed Burton mesa chaparral vegetation and loss of approximately twice as many oak trees and habitat fragmentation.

The route selected by CCWA and certified in its Final Supplement No. 2 passes behind 27 residential parcels, of which 13 abut state-owned land. While staff has concluded that the route adopted by CCWA is the environmentally preferred alternative its use is expected to produce some long-term scenic degradation for a portion of the State parcel and for the adjacent homeowners. In addition, the construction of the pipeline will subject the residents to major noise, dust and other disturbance for the duration of pipeline installation and site restoration. Pipeline operation may also result in occasional future disturbance of the State Parcel and adjacent residences due to maintenance activities on the pipeline permanent right-of-way.

Vandenberg Village homeowners, whose property would be impacted by the proposed route, suggested an alternative which would involve construction under Harris Grade Road, a major county route, and redirection of traffic down Rucker Road. This alternative would be very difficult technically due to engineering constraints and safety concerns. County approval would be required for this alternative. It is unknown at this time if the County would approve. Thus, if it could be constructed, using this alternative would also result in an additional cost of approximately \$2.3 million. Diversion of traffic onto Rucker Road, a narrow lane, would

cause significant disturbance to thirty households along this lane and lastly, it would require cutting and filling of the landscape as well as removal of more Burton Mesa Chaparral and oak trees than the proposed CCWA route.

The Commission has received letters of support and opposition to the project and to specific alternative routes from both organizations and individuals.

**CONSTRUCTION:**

The project includes construction, operation, and maintenance of an underground water pipeline, with appurtenances thereto, some of which (such as sensors, valves, and the like) will be located at above-ground level. Within the construction corridor, to the greatest extent feasible, every effort will be taken to ensure the least damage to the natural habitats. Where feasible, the corridor will be narrowed to avoid sensitive biological resources.

A detailed Final Biological Resources Mitigation Plan and Final Mitigation Program have been incorporated into the project and a revegetation plan for the rehabilitation of disturbed areas is being prepared by CCWA environmental consultants and will be completed prior to construction.

Those environmental mitigation measures which will be performed by the construction contractor will be implemented as specified in the CCWA contract documents. These measures and the measures identified in the Final Biological Resources Mitigation Plan and Final Mitigation Program are incorporated into the proposed project on State lands, with the following additions.

- A. The final preconstruction surveys on State lands shall include a representative from the State Lands Commission.
- B. A biological environmental compliance monitor shall be present at all times during any construction activities on State lands. At the option of the SLC, an SLC staff representative will also be present as deemed necessary by the SLC.

- C. Any deviations from construction as planned, including, but not limited to any activities outside of the established temporary construction ROW, or alterations of previously identified clearing and grading exclusion zones, shall be subject to prior approval by SLC.

Construction on the State Parcel is scheduled to commence on or about September 1, 1994 and be completed by October 15, 1994. Construction along the entire pipeline alignment (from Vandenberg Air Force Base to Lake Cachuma) will be timed to avoid construction activities proximate to bird nesting areas during nesting season, to avoid construction within live streams, and to otherwise minimize disturbance of sensitive species during times when they are most vulnerable to injury from such a disturbance. For that reason, the precise dates of construction through the State Parcel cannot be pinpointed.

The clearing of the land and construction of the pipeline and appurtenances will temporarily change the ground contours because it involves trenching, and in some cases, grading or filling. The contours will be restored and the corridor revegetated upon completion of construction. Prior to construction, the rehabilitation plan for State lands will be submitted to the SLC for review and approval.

It is understood that the exact dimensions and location of the leased area may change with minor realignments made during construction. Within ninety days of the completion of construction of the authorized improvements on the leased lands, CCWA will provide SLC with an accurate set of as-built plans.

**OPERATION:**

The operation of the pipeline will include inspection, and may include maintenance, repair and similar activity, on the permanent right-of-way. Generally, access for such operations will be via existing roadways, and then by foot. Except in an emergency, prior notice and approval of the SLC must be obtained for the use of large equipment on the leased premises. Vegetation maintenance will be done on the permanent right-of-way, except that a corridor located five feet on either side of the centerline of the installed pipeline may be kept clear of large trees.

**PUBLIC BENEFIT:**

The project will provide a supplemental water supply to the water purveyors who have contracted with the Central Coast Water Authority to extend the Coastal Branch, Phase II, of the State Water Project aqueduct into Santa Barbara County. The present groundwater overdraft in water basins within the County exceeds 60,000 acre feet per year. At present, water purveyors within the County are reliant on purely local supplies, primarily groundwater, river and stream flow, and local reservoirs. Prolonged drought and siltation, among other threats to the long-term viability of these supplies, lead the participants in CCWA to seek an affordable supplemental water supply. The proposed project provides such a supplemental supply and has County-wide benefits. These benefits also extend to San Luis Obispo County, since contractors within that county also are participating in the extension of the Coastal Branch. Without participation by CCWA, such an extension would not be economically viable for San Luis Obispo County. San Luis Obispo County groundwater basins also are experiencing an overdraft in excess of 60,000 acre feet per year.

The authorization proposed herein is to amend the legal description to incorporate technical modifications of the description approved on April 6, 1994, and to include the entire project on the Burton Mesa Management Area, and amend the beginning lease date from April 6, 1994 to August 3, 1994.

**AGREEMENT FOR ENVIRONMENTAL MITIGATION**

CCWA and the California Department of Fish and Game (CDFG), have entered into a California Endangered Species Act Memorandum of Understanding which involves "offsite" impacts of CCWA proposed activities, as well as impacts on the State parcel. CCWA has agreed to perform the mitigation on the state-owned Burton Mesa Management Area. The proposed activities would include, but not be limited to habitat enhancement, restoration, and revegetation. It is estimated that approximately 35-40 acres of Burton Mesa chaparral, approximately 1 - 2 acres of riparian forest, and minimal, if any, acreage of oak woodland and forest, would be involved.

In consideration of the SLC permitting CCWA to perform its mitigation activity within the State parcel and for the impact on sovereign public trust lands caused by the

placement of its pipeline within those lands (a non-public-trust use of sovereign public trust land), CCWA shall pay to the State the sum of \$200,000. The sum will be deposited in the Kapiloff Land Bank Fund to enhance the public trust uses of the State parcel, currently known as the Burton Mesa Management Area. The agreement for this environmental mitigation is attached as Exhibit E.

**OTHER PERTINENT INFORMATION:**

This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 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 2 Cal. Code Regs. 2954 is not applicable.

**APPROVALS OBTAINED:**

1. The United States Army Corps of Engineers has authorized of this project under Nationwide Permit.
2. The State Water Resources Control Board granted for the project a waiver of certification and conditional certification under Clean Water Act Section 401, a copy of which is attached.
3. United States Fish and Wildlife Service has consulted with the United States Army Corps of Engineers under Section 7 of the Endangered Species Act and has issued a Biological Opinion, upon which the Corps of Engineers has issued its authorization to proceed.
4. The California Department of Fish and Game has executed a Memorandum of Agreement with the Central Coast Water Authority addressing potential "takes" of State-listed and candidate species and their habitats under the California Endangered Species Act (Fish and Game Code Section 2081) and the two agencies have reached mutual agreement as to mitigation of impacts to listed and candidate species.

CALENDAR ITEM NO. 55 (CONT'D)

5. The project is exempt from County zoning and building codes under Government Code Section 53091 and 35096.
6. The County of Santa Barbara Planning Commission has found the project to be consistent with the County's Comprehensive General Plan.
7. At the April 4, 1994, meeting the Commission found that an EIR was prepared and certified for the portion of the project approved by the Central Coast Water Authority, SCH # 91031071, including a final biological resources mitigation plan and final mitigation program, and that the Commission has reviewed and considered the information contained therein; and adopted the findings made in conformance with section 15096 (h) of the State CEQA guidelines for that portion of the project; and, adopted the mitigation monitoring plan for that portion of the project.

**FURTHER APPROVALS REQUIRED:**  
State Lands Commission.

**EXHIBITS:**

- A. Location Map
- A-1 Site Map - Minute Item C-32, April 4, 1994
- A-2 Site Map - Amended lease parcel
- B. Central Coast Water Authority Resolution No. 94-41 and CEQA Findings.
- C. Santa Ynez Extension and Mission Hill Extension Mitigation Monitoring Program.
- D. Notice of Determination, Realignment of a Portion of Santa Ynez Extension and Mission Hills Extension.
- E. Agreement for Environmental Mitigation
- F. Proposed Lease

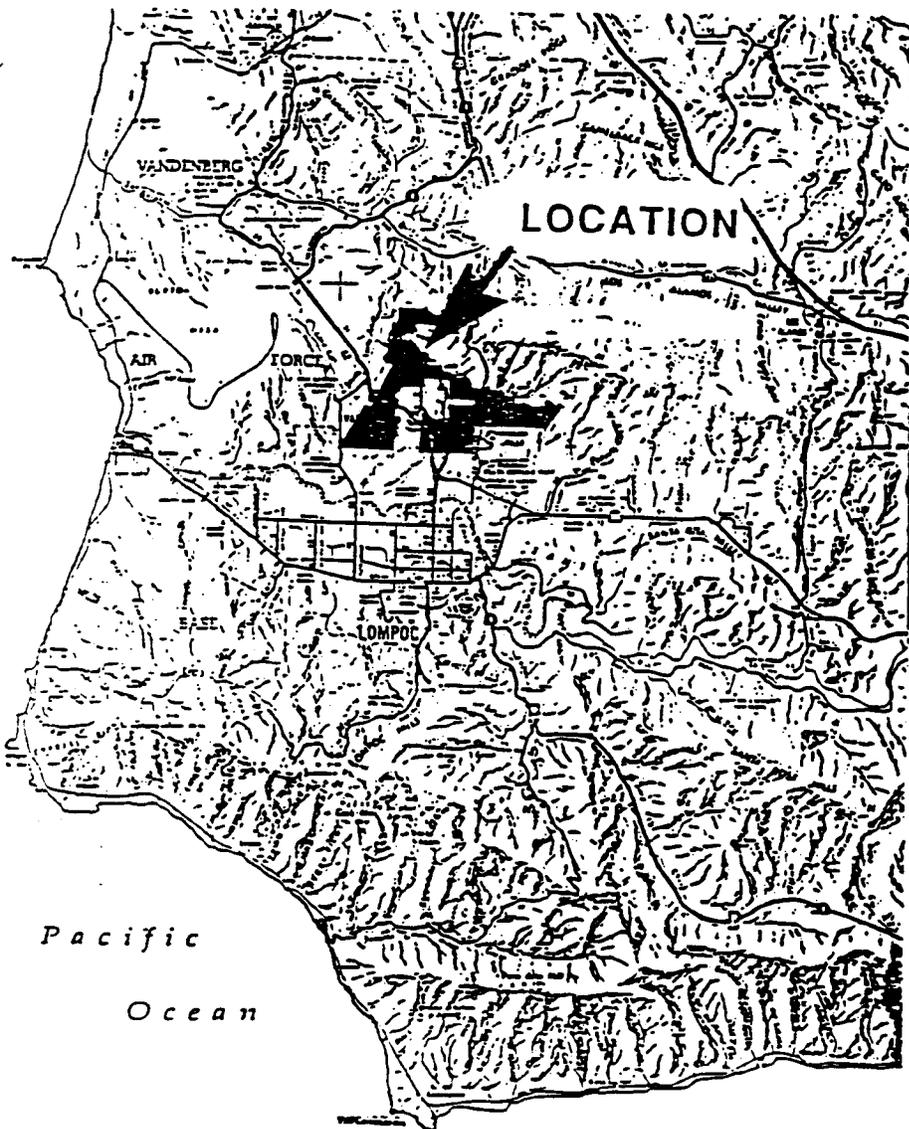
**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THE CENTRAL COAST WATER AUTHORITY HAS PREPARED AND CERTIFIED A SUPPLEMENTAL FINAL EIR FOR THE PROJECT, INCLUDING A FINAL BIOLOGICAL RESOURCES MITIGATION PLAN AND FINAL MITIGATION PROGRAM, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. 55 (CONT'D)

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096 (H) OF THE STATE CEQA GUIDELINES FOR THAT PORTION OF THE PROJECT, AS CONTAINED IN THE CENTRAL COAST WATER AUTHORITIES' RESOLUTION NO. 94-41, EXHIBIT B.
3. ADOPT THE MITIGATION MONITORING PLAN FOR THAT PORTION OF THE PROJECT, AS CONTAINED IN THE MITIGATION MONITORING PROGRAM, EXHIBIT C.
4. AUTHORIZE ISSUANCE TO CENTRAL COAST WATER AUTHORITY OF A 49-YEAR GENERAL LEASE - PUBLIC AGENCY RIGHT-OF-WAY LEASE BEGINNING AUGUST 3, 1994; SUBSTANTIALLY IN THE FORM AS SHOWN IN EXHIBIT "F." ATTACHED AND BY REFERENCE MADE A PART HEREOF. IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, 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; FOR THE CONSTRUCTION OPERATION AND MAINTENANCE OF AN UNDERGROUND WATER PIPELINE AND APPURTENANCES FACILITIES.
5. FIND THAT THE EXECUTION OF THE AGREEMENT FOR ENVIRONMENTAL MITIGATION IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061. BECAUSE THE ACTIVITY IS NOT A PROJECT AS REFINED BY PRC 21065 AND 14 CAL. CODE REGS. 15378.
6. AUTHORIZE THE EXECUTION OF THE AGREEMENT FOR ENVIRONMENTAL MITIGATION IN THE FORM SUBSTANTIALLY AS ATTACHED HERETO AS EXHIBIT "E", AND MADE A PART HEREOF.
7. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DELEGATE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE AGREEMENT.

EXHIBIT "A"  
PRC 7762  
(W 25000)



NO SCALE

EXHIBIT "A"  
LOCATION MAP  
W25000  
CENTRAL COAST WATER  
AUTHORITY AQUEDUCT  
Vic. VANDENBERG VILLAGE  
SANTA BARBARA CO.



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EXHIBIT "A-1"  
PRC 7762  
(W 25000)

# SITE MAP W. 25000

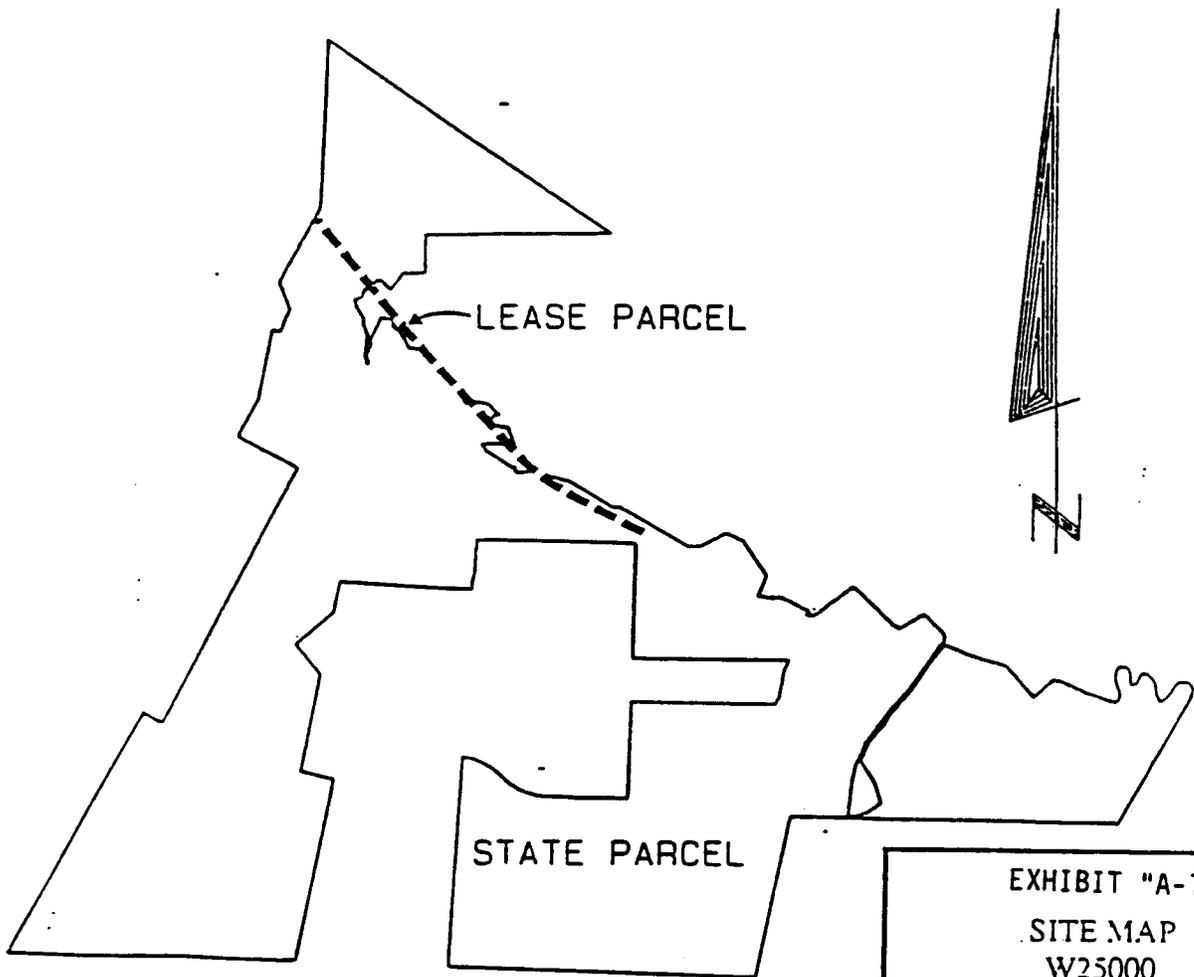
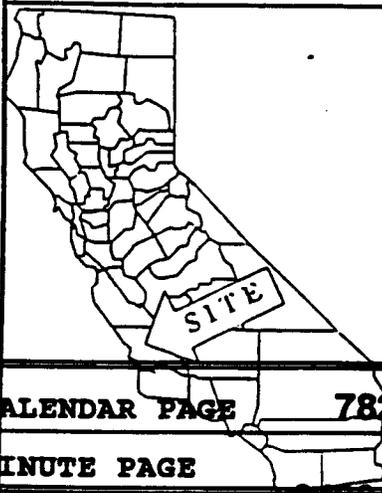


EXHIBIT "A-1"  
SITE MAP  
W25000  
CENTRAL COAST WATER  
AUTHORITY AQUEDUCT  
Vic. VANDENBERG VILLAGE  
SANTA BARBARA CO.



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# SITE MAP W 25000

EXHIBIT "A-2"  
PRC 7762  
W 25000

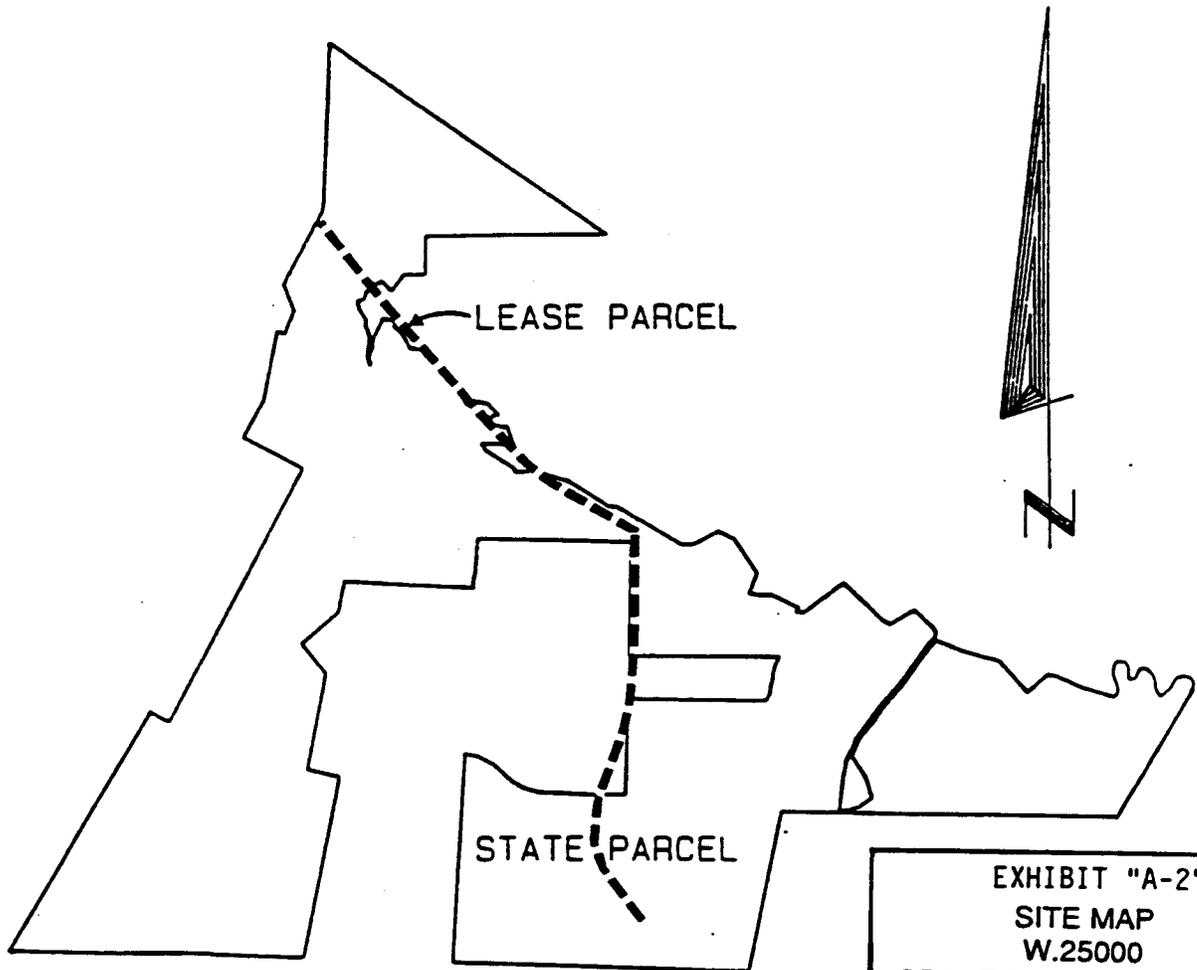


EXHIBIT "A-2"  
SITE MAP  
W.25000  
CENTRAL COAST WATER  
AUTHORITY AQUEDUCT  
Vic. VANDENBURG VILLAGE  
SANTA BARBARA CO.



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**RESOLUTION NO. 94-41**

**RESOLUTION OF THE CENTRAL COAST WATER AUTHORITY CERTIFYING FINAL SUPPLEMENT NO. 2 TO THE FINAL ENVIRONMENTAL IMPACT REPORTS FOR THE MISSION HILLS EXTENSION AND SANTA YNEZ EXTENSION (SCH#91031071 AND 900106-3 ; AND APPROVING A CERTAIN PROJECT REALIGNMENT OF THE SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION PROJECT IN THE VICINITY OF VANDENBERG VILLAGE; AND MAKING REQUIRED FINDINGS; AND MAKING A STATEMENT OF OVERRIDING CONSIDERATIONS**

**WHEREAS**, Preliminary Design and Final Environmental Impact Reports, including State Water Project, Coastal Branch, Phase II, and Mission Hills Extension ("DWR EIR"), and the Santa Ynez Extension, a Local Facility of the Coastal Branch, Phase II ("SYE EIR"), have been completed and all the requirements of the California Environmental Quality Act ("CEQA") have been satisfied relating to the construction of the Mission Hills Extension and the Santa Ynez Extension of the California Aqueduct ("the Local Facilities Project") and all related local turn-outs; and

**WHEREAS**, the Authority adopted Resolutions No. 92-1 and 92-2 on January 23, 1992, certifying the DWR EIR and the SYE EIR, approving the Local Facilities Project, making certain findings, adopting a certain statement of overriding considerations, and imposing certain conditions of approval; and

**WHEREAS**, the Authority adopted Resolution No. 92-11, approving a certain settlement agreement and imposing an additional condition upon the Local Facilities Project; and

**WHEREAS**, the Authority adopted Resolution No. 93-22 on August 26, 1993, certifying a Final Supplement to the DWR EIR and the SYE EIR ("First Supplement"), approving certain project modifications, and making certain findings in support thereof; and

**WHEREAS**, Final Supplement No. 2 to the Final Environmental Impact Reports for the Mission Hills Extension and the Santa Ynez Extension ("Supplement No. 2") has been completed, describing a certain project realignment in the vicinity of Vandenberg Village; and

**WHEREAS**, the project realignment described in Supplement No. 2 as the proposed project is identical to the project route in the vicinity of Vandenberg Village found by the County of Santa Barbara to be in conformity with the County's general plan; and

**WHEREAS**, it is the desire of the Authority to certify Supplement No. 2, approve the proposed project realignment adjacent to Vandenberg Village at this time.

**NOW, THEREFORE, BE IT RESOLVED**, that the Authority hereby certifies that Final Supplement No. 2 to the Final Environmental Impact Reports for the Mission Hills Extension and the Santa Ynez Extension has been completed in compliance with the California Environmental Quality Act, is adequate under the California Environmental Quality Act, and has been presented to the Board of Directors of the Authority as the lead agency of the Local Facilities Project.

**BE IT FURTHER RESOLVED**, that the Board of Directors of the Authority has reviewed and considered the information contained in the DWR EIR and SYE EIR as revised by the First Supplement and Supplement No. 2.

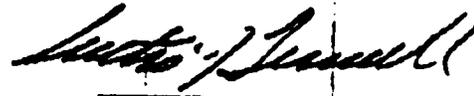
**BE IT FURTHER RESOLVED**, that the Board of Directors of the Authority hereby approves the proposed realignment to the Local Facilities Project, as described in Supplement No. 2 as the proposed project.

**BE IT FURTHER RESOLVED**, that the Findings and Statement of Overriding Considerations set forth in Attachment 1 to this Resolution are incorporated by reference herein and are hereby adopted and determined to be true.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

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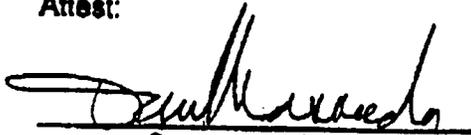
I certify that the foregoing Resolution No. 94-41 was adopted by the Board of Directors of the Central Coast Water Authority at a special meeting held June 2, 1994.



Chairman

[Seal]

Attest:



Secretary of the Board of Directors

	VOTING PERCENTAGE	AYE	NAY	ABSTAIN	ABSENT
City of Buellton	<u>2.21</u> %	<u>X</u>	_____	_____	_____
Carpinteria County Water District	<u>7.64</u> %	<u>X</u>	_____	_____	_____
Goleta Water District	<u>17.20</u> %	<u>X</u>	_____	_____	_____
City of Guadalupe	<u>1.15</u> %	<u>X</u>	_____	_____	_____
Montecito Water District	<u>8.35</u> %	<u>X</u>	_____	_____	_____
City of Santa Barbara	<u>11.47</u> %	<u>X</u>	_____	_____	_____
City of Santa Maria	<u>43.19</u> %	<u>X</u>	_____	_____	_____
Santa Ynez River Water Conservation District, Improvement District No. 1	<u>7.64</u> %	_____	_____	<u>X</u>	_____
Summerland County Water District	<u>1.15</u> %	_____	_____	_____	<u>X</u>

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3494

**FINDINGS IN SUPPORT OF APPROVAL OF  
REALIGNMENT OF THE SANTA YNEZ EXTENSION  
AND THE MISSION HILLS EXTENSION OF THE CALIFORNIA AQUEDUCT  
AND STATEMENT OF OVERRIDING CONSIDERATIONS**

**PROJECT DESCRIPTION**

The Central Coast Water Authority ("CCWA") proposes to construct and operate an extension of the State Water Project aqueduct to deliver water treated water within Santa Barbara County. CCWA also will construct and operate a water treatment plant in San Luis Obispo County, in cooperation with the California Department of Water Resources ("DWR") and the San Luis Obispo County Flood Control and Water Conservation District ("SLOFCWCD"). CCWA approved its project by Resolution No. 92-2, on January 23, 1993. CCWA imposed an additional condition upon the project by Resolution No. 92-11, on February 27, 1992. CCWA approved certain project modifications by Resolution No. 93-22 on August 26, 1993.

CCWA's project pipeline will commence within Vandenberg Air Force Base, at a tank which is the terminus of the water delivery pipeline constructed by DWR ("Tank 5"), will proceed generally southeasterly through the Lompoc/Mission Hills/Vandenberg Village area, through the Buellton area, through Solvang and the Santa Ynez Valley, hook up to an existing water pipeline between Santa Ynez and Lake Cachuma, then extend into Lake Cachuma, where the water will be discharged. Water delivered to the South Coast contractors will be extracted from the lake through the existing Tecolote Tunnel facility. Project facilities approved by CCWA, in addition to the pipeline, turnouts, and appurtenances, include a water storage tank west of Buellton ("Tank 7"), a pumping facility east of the City of Solvang, and a dechlorination facility.

The project already approved by CCWA is described in more detail in the Final Environmental Impact Report, State Water Project, Coastal Branch, Phase II, and Mission Hills Extension, and Addenda thereto ("DWR EIR"), the Final Environmental Impact Report, Santa Ynez Extension, a Local Facility of the Coastal Branch, Phase II, Addendum thereto ("SYE EIR"), and Final Supplement to Final Environmental Impact Reports for Santa Ynez Extension and Mission Hills Extension ("First Supplement").

As a result of the tentative decision of the Santa Barbara Superior Court, CCWA restudied a portion of the approved pipeline realignment, that portion being an approximately 2-mile segment located northerly and easterly of Vandenberg Village. The additional study included Supplement No. 2 and review of various alternatives to the proposed realignment.

The proposed realignment, alternatives thereto, and environment impacts thereof are described in detail in Final Supplement No. 2 to the Final Environmental Impact Reports for Mission Hills Extension and Santa Ynez Extension, SCH #91031071 and 900108-13, ("Supplement No. 2").

Pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the Central Coast Water Authority, hereby adopts the following findings, consideration of alternatives, and statement of overriding considerations:

I. TIERED/PROGRAM ENVIRONMENTAL IMPACT REPORT

CEQA, and the Guidelines adopted to implement CEQA, describe the concept of a "program" or "tiered" environmental impact report, whereby a series of environmental documents, ultimately comprising a whole, are prepared for a series of actions which can be characterized as one large project and are related geographically or as a part of a chain of contemplated actions. The purpose of the program or tiered environmental impact report is to ensure complete analysis and disclosure of the environmental impacts of the related actions and the cumulative impacts of the whole of those actions. CEQA contemplates that the first environmental impact report discloses the impacts of the general program; that document is followed by narrower or site-specific environmental documents (either environmental impact reports or negative declarations or a combination of both) which incorporate by reference discussion of the impacts of the prior, general document. Subsequent environmental documents need not re-examine environmental impacts which have already been examined in a prior document within the tiered structure. Public Resources Code sections 21066.5, 21094; CEQA Guidelines section 15168.

The California Department of Water Resources (DWR) prepared the first document of the program or tiers, entitled Final Environmental Impact Report, State Water Project, Coastal Branch, Phase II, and Mission Hills Extension ("DWR EIR"), with Addenda. The DWR EIR studied the overall program and the specific potential environmental impacts of construction of the Coastal Branch and Mission Hills Extension. This study included cumulative impacts and various growth inducement scenarios. DWR will construct the Coastal Branch extension to its terminus at Vandenberg Air Force Base (Tank 5) in Santa Barbara County as a State-sponsored project.

DWR and CCWA's predecessor agency, the Santa Barbara Water Purveyors Agency (SBWPA) jointly sponsored preparation of the Final Environmental Impact Report, Santa Ynez Extension, a Local Facility of the Coastal Branch, Phase II, with an Addendum thereto ("SYE EIR"), which constitutes another tier within the program environmental impact report. This document addressed the environmental consequences of the Santa Ynez Extension and compared those impacts to the potential impacts of various project alternatives, and provided additional information regarding growth inducement not included in the Coastal Branch EIR.

CCWA prepared and certified the Final Supplement to Final Environmental Impact Reports for Santa Ynez Extension and Mission Hills Extension ("First Supplement"), describing certain proposed project modifications to reduce the environmental impacts of the project, certain project realignments, and an alternative site for the consolidated pump facility-dechloramination facility ("Santa Ynez Pump Facility").

CCWA prepared and certified the Final Supplement No. 2 to the Final Environmental Impact Reports for the Mission Hills Extension and Santa Ynez Extension ("Supplement No. 2"), further analyzing the environmental impacts of and alternatives to the 2-mile segment of the project adjacent to Vandenberg Village.

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## II. CEQA FINDINGS - GENERAL

1. The Board of Directors of CCWA has read and considered the following environmental documents, including any Appendices and Addenda:

Final Environmental Impact Report, State Water Project, Coastal Branch, Phase II, and Mission Hills Extension, with Addenda ("DWR EIR")

Final Environmental Impact Report, Santa Ynez Extension, a Local Facility of the Coastal Branch, Phase II, with Addendum ("SYE EIR")

Final Supplement to Final Environmental Impact Reports for Santa Ynez Extension and Mission Hills Extension ("First Supplement")

Final Supplement No. 2 to the Final Environmental Impact Reports for the Mission Hills Extension and the Santa Ynez Extension ("Supplement No. 2")

2. CEQA requires analysis not only of direct or primary impacts, but also of indirect or secondary impacts which are caused by the project and are later in time or are further removed in distance, but are reasonably foreseeable. In light of these principles, each of the EIRs considered by CCWA analyzes the indirect, secondary impacts arising from cumulative development which may occur as a result of the project and from other projects expected to occur in the vicinity at the same time that the program components are under construction. These impacts are unchanged by the project modifications described in the First Supplement and Supplement No. 2 and are not re-analyzed in the Supplements.

3. CEQA requires analysis of the potential which the project may have to induce growth. Each of the EIRs considered by CCWA analyzes the potential for growth inducement from the project and the impacts which could result from growth related to the project. These impacts were unchanged as a result of the project modifications described in the Supplements are not re-analyzed in the supplements to the EIRs.

4. CEQA requires the evaluation of reasonable and feasible alternatives to the project, as well as evaluation of the impacts which would result if the project were not implemented (the "No Action" alternative). The EIRs, taken together, analyze the "No Action" alternative, various alternative pipeline routes, and various alternative water sources which might be considered in lieu of the project. The First Supplement analyzes changes and alterations to be made to the project which avoid or substantially lessen the significant environmental impacts identified in the EIRs for the project to be constructed by CCWA. Supplement No. 2 analyzes potential environmental impacts of and alternatives to a 2-mile realignment of the pipeline route adjacent to Vandenberg Village. The project realignment described in Supplement No. 2 significantly reduces the project impacts upon biological resources, although it will result in short-term construction related impacts on nearby residences and aesthetic impacts from loss of oak trees and related vegetation.

5. The remaining significant environmental impacts identified in the EIRs and supplements thereto are acceptable due to the overriding concerns described in the Statement of Overriding Considerations adopted by CCWA in Resolution No. 92-2 and

included in the Resolution approving these Findings.

6. The revised project described in Supplement No. 2 mitigates most of the potentially significant environmental impacts to an acceptable level. Changes and alterations have been incorporated into the project where feasible; and these changes and alterations avoid and substantially lessen the significant environmental impacts, as identified in Supplement No. 2. These changes include corridor narrowing and imposition of exclusion zones within which oak trees, Burton Mesa chaparral and similar habitat may not be disturbed (all of which avoid or reduce impacts) and a mitigation monitoring program which mitigates potentially significant impacts to an acceptable level.

7. As part of its original approval of the project, CCWA adopted a mitigation and monitoring program pursuant to the requirements of Public Resources Code section 21081.6. Further refinement of that mitigation and monitoring program has occurred, and CCWA has approved and incorporated into the project the provisions of a final Mitigation Program and a final Biological Resource Mitigation Plan, prepared with input from the United States Fish and Wildlife Service, U.S. Army Corps of Engineers, and California Department of Fish and Game.

8. CCWA also has approved execution of a Memorandum of Understanding with the California Department of Fish and Game pertaining to specific mitigation measures and enforcement thereof which must be incorporated into the project, and ratified the execution by Executive Director Dan Masnada of a Memorandum of Agreement with the California Department of Fish and Game and the U.S. Fish and Wildlife Service incorporating mitigation measures and enforcement provisions to ensure that the mitigation measures are implemented.

9. The project revision described in Supplement No. 2 and proposed by the CCWA is in the interest of providing a safe and reliable water source to the users and customers of the individual purveyors who are members of CCWA, or have Water Supply Agreements with CCWA, for all of the reasons stated in the findings adopted by Resolution No. 92-2. Those findings and the statement of overriding consideration and conditions adopted by Resolution No. 92-2 and by Resolution No. 92-11 are incorporated by reference into these findings.

10. The findings pertaining to alternatives for providing additional water to the members of CCWA, in lieu of the project, adopted by Resolution No. 92-2 are incorporated by reference into these findings. Since adoption of Resolution No. 92-2, no new feasible project alternatives, other than those analyzed in the First Supplement and in Supplement No. 2, have been discovered.

11. The findings pertaining to growth inducement adopted by Resolution No. 92-2 are incorporated by reference into these findings. Since adoption of Resolution No. 92-2, the growth inducement analysis has not changed.

12. CCWA finds and determines that the requirements of CEQA have been satisfied for the project realignment and that Supplement No. 2 was completed in compliance with CEQA, is complete and adequate under CEQA, and has been presented to, and the information contained therein reviewed and considered by, the Board of Directors prior to its approval of the project realignment.

III.

**PROJECT SPECIFIC CEQA FINDINGS**

A. ° The DWR EIR and the SYE EIR identify certain potentially significant environmental impacts associated with construction of CCWA's project and the findings and statement of overriding considerations adopted by Resolution No. 92-2 pertaining to those impacts are incorporated by reference in these findings. Except in the following identified instances, the project impacts and their mitigation as described in EIRs and in the Resolution No. 92-2 findings are unchanged:

1. Biology – the biological mitigation program adopted by CCWA with Resolution No. 92-2 has been refined with input from the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the California Department of Fish & Game. Species specific or habitat specific mitigation measures have been incorporated into the project plans so that the contractors and monitors will be fully informed concerning the existence of sensitive resources and the required mitigation of impacts. In addition, the project modifications described in Supplement No. 2 and adopted simultaneously with these findings will avoid or substantially lessen many of the biological impacts identified in the EIRs.

2. Cultural resources – the cultural resources mitigation program adopted by CCWA with Resolution No. 92-2 has been refined and CCWA has executed with the applicable State and Federal agencies a programmatic agreement for the protection and preservation of cultural and historical resources potentially impacted by the project. In addition, the project realignment route described in Supplement No. 2 and adopted simultaneously with these findings has been surveyed and found to have no identifiable cultural or historical resources.

3. Water quality – the project realignment will cross two seasonal drainages. These are dry during the summer months and special mitigation measures to avoid sedimentation have been incorporated into the project. One of the stream crossings is located in a disturbed area within an oak woodland where a number of trees must be removed in order to accommodate the project. The other stream crossing is in an undisturbed area and will be located in an existing gap in riparian vegetation. Potential water quality impacts of the proposed realignment will not be significant and mitigation measures have been included in the project plans and specifications so that contractors and monitors will be advised as to the location of potentially sensitive areas and the requirement that mitigation measures be implemented to reduce and avoid water quality impacts.

4. Aesthetics – the project modifications described in Supplement No. 2 have been mitigated to the extent feasible, but remain significant and unavoidable. Because of the corridor narrowing and imposition of exclusion zones (habitat areas which lie within the construction corridor but may not be disturbed) incorporated into the project, the aesthetic impacts will be substantially less than if the entire 120-foot wide construction corridor were cleared. The originally approved project route in this area transected pristine Burton Mesa chaparral and ran up the side of a prominent hill. Creation of a construction corridor through this pristine habitat area would have had significant aesthetic impacts, as well as fragmenting formerly intact habitat and making it vulnerable to invasion by pests and weeds. The project realignment described in Supplement No. 2 represents a change to the project to avoid or substantially lessen the aesthetic impacts.

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**IV. CEQA FINDINGS-CUMULATIVE IMPACTS**

The cumulative impacts of the project are unchanged by the project realignment described in Supplement No.2, except that the reduction in overall impacts as described in Supplement No. 2 will result in a corresponding reduction in the cumulative impacts. Although impacts of the project had been avoided or substantially lessened with the incorporation of mitigation measures as set forth in the EIRs, the project realignment has further avoided or lessened these impacts.

**V. CEQA FINDING UNDER PUBLIC RESOURCES CODE SECTION 21061**

CCWA finds that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts. These changes or alterations include the realignment described in Supplement No. 2, as well as project changes described in the First Supplement and the EIRs. Some of these changes or alterations have been incorporated into the conditions of approval imposed with the original project approval.

CCWA further finds that some changes or alterations are within the responsibility and jurisdiction of other agencies. For example, the cumulative, area-wide impacts to which the project incrementally contributes, and the secondary impacts of any growth which might be induced by the project, are within the responsibility, jurisdiction, and control of the affected cities and counties, and are outside the control of CCWA.

CCWA further finds that specific economic, social, or other considerations make infeasible certain of the alternatives suggested and analyzed in the project EIRs. These considerations are more fully discussed in the EIRs and the findings adopted by Resolution No. 92-2.

**VI. CONSIDERATION OF ALTERNATIVES AND STATEMENT OF OVERRIDING CONSIDERATIONS**

Even with the many mitigation measures which have been incorporated into this project to reduce and avoid environmental impacts, some impacts remain significant. The environmental costs resulting from these significant impacts is of serious concern to CCWA, but must be balanced against the overall benefits of the project.

There is no perfect or easy way to align this project in the vicinity of Vandenberg Village. The original project route, designed by the Department of Water Resources and approved by CCWA, was located in the midst of pristine Burton Mesa chaparral habitat and placed a water tank at the top of a highly visible hill. The construction of the tank site and of the pipelines to and from the tank would result in significant biological and aesthetic impacts.

The other alternatives analyzed in Supplement No. 2 each have their own environmental impacts. The proposed realignment, recommended by staff, represents the best balancing of impacts. It will have short-term construction related impacts upon a few residences and will require removal of a number of mature oak trees and similar vegetation, which will be revegetated as part of the project's mitigation measures. Re-establishment of this vegetation will take some time to accomplish. This route is the

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environmentally superior alternative because it minimizes impacts on humans and to the degree feasible skirts the edge of pristine habitat to avoid fragmentation. Two other alternatives, one located through the golf course and one located along St. Andrews Way, have fewer impacts on natural resources than the proposed realignment and the approved DWR-designed route but substantially greater impacts upon the human environment. Because of their impacts upon humans, these alternatives have been rejected. The remaining alternatives analyzed in Supplement No. 2 have lesser impacts upon residences but have other potentially significant environmental impacts which require that they be rejected. Their impacts on biological resources are greater than for the proposed realignment but less than the approved DWR-designed route.

Although secondary to the consideration of impacts on the natural environment and on people, costs considerations are an element in CCWA's decision. The proposed project realignment is substantially less expensive than three of the alternatives (V1, V2a, and V2b) and markedly less expensive than V8 and V7. This costs differential provides an additional basis for selecting the proposed project realignment, thereby avoiding unnecessary or wasteful expenditure of public funds.

Having balanced the benefits of the proposed project, the purpose of which is to enhance the water supplies of member purveyors to enable them to provide to their customers a safe, reliable, and adequate water supply, against the project's significant unavoidable environmental impacts, CCWA hereby determines that the benefits outweigh the significant unavoidable impacts and that these impacts are nonetheless acceptable, based on the following individual and collective overriding considerations:

A. The water deficit in Santa Barbara County was approximately 80,000 AFY in 1985. This deficit is projected to increase steadily in the future.

B. Virtually every member of CCWA meets, or is anticipated to meet, supply deficits by overdrafting groundwater basins. Groundwater basins in the County are being pumped at more than their perennial yields, causing long-term overdrafts with resultant declines in water levels and water quality; to the extent that, in some cases, the water quality is in danger of not meeting safe drinking water standards.

C. Based upon historic growth rates, demand is anticipated to continue to increase so that the ultimate deficit County-wide will be about 78,000 AFY by the Year 2010, when General Plan Buildout is projected to occur. This figure includes communities which are not participating in the project. The total approximate deficit for participants in the project by the Year 2010 is anticipated to be 68,600 AFY.

D. CCWA members have directly subscribed to the State Water Project since 1982, and have paid millions of dollars to preserve that subscription to date. The project route adjacent to Vandenberg Village is a vital link in the overall project, which must be constructed in order to take delivery of the State Project water.

E. The project provides urban water purveyors with a water supply to use to offset their proportionate shares of groundwater overdraft, mitigating long-term overuse of the groundwater basins and existing and future severe, adverse impacts associated with groundwater basin mining. The project conditions include an obligation to give first priority to offsetting groundwater overdraft attributable to extraction of groundwater.

F. The project, by providing a new water supply to Santa Barbara County water purveyors and users, increases flexible management of supply and increases overall supply reliability. Present water supplies within the County of Santa Barbara depend primarily on local rainfall. The project diversifies available supplies, thereby increasing reliability.

G. The project increases local water purveyors' and users' independence from drought and from the adverse economic consequences associated with chronic water shortages.

H. The quality of the project water is high, allowing water purveyors and users to improve the quality of delivered water and the quality of effluent which recharges the groundwater basins. Because the existing water supplies of certain water purveyors in the County are so poor, those purveyors may not be able to meet applicable water quality standards in the foreseeable future unless they have access to this supply.

I. For the most part, the residually significant environmental impacts of the project (after mitigation) are short-term, related to construction. Weighing the residually significant impacts (biological, noise, traffic, air quality, and aesthetics) against the beneficial impacts of the project, the benefits (which are long-term and substantial) far outweigh the environmental detriment.

J. The project provides a source of water which can be used to offset future losses of existing supplies which could be lost as a result of legal challenges, including litigation pertaining to watershed of origin, downstream releases to enhance habitat, groundwater basin rights, and various other water rights issues which have been raised or are expected to be raised in the future.

K. One-half of the population of Santa Barbara County depends upon water from reservoirs located on the Santa Ynez River, as their principal water supply. The yield of these reservoirs has steadily decreased, largely due to siltation. Further decreases in yield from these reservoirs is anticipated in the future because of continuing siltation, in-basin water demands, and the legal challenges described in a previous finding.

L. Lack of adequate water supplies has caused severe economic and quality of life degradation in Santa Barbara County, including the loss of landscaping and major trees. The loss of landscaping has resulted in substantial economic loss due to the cost of removing dead and damaged trees and other vegetation and the planting of replacement landscaping.

M. There are no supplemental water supply alternatives, individually or collectively, which can furnish water of sufficient quality and quantity to meet the needs of all CCWA contractors and which have fewer significant environmental impacts than the project.

N. At present, no aqueduct system links the major population centers within Santa Barbara County and there is no connection between the County water systems and the water systems in other parts of California. As a result, at times of critical shortage due to emergency, Santa Barbara County water purveyors and users are isolated. The proposed project not only will provide a link with the statewide system, but also provides a means to connect most of the major population centers within the County to one

another. During 1990, emergency SWP water supplies were provided to Santa Barbara County purveyors through a complicated series of exchanges with Ventura County. If this project had been in operation at that time, even more water would have been provided to County purveyors than the 3,000 AF provided on an emergency basis.

O. Because of the high quality of the project water, wastewater quality will be improved. At present, wastewater reuse is limited by the poor quality of existing supplies. The project will result in the potential for greater use of wastewater.

P. CCWA members have implemented water conservation measures and anticipate implementing further measures. These measures will be implemented regardless of whether the project is built. These measures will not be sufficient by themselves to reduce demand to existing water supplies and additional water supplies are still needed to reduce existing overdraft.

Q. The lack of adequate water supply has increased fire danger within the County. Restrictions on landscape watering have made residential areas more susceptible to fires, and the dry vegetation around homes has permitted fires to spread more readily once started. In addition, fires put further stress on an already insufficient water supply. In June 1990, approximately 13,400,000 gallons of water was drawn from Lake Cachuma to fight the Painted Cave fire, further reducing an already seriously low water supply.

R. In 1990, both the County of Santa Barbara and the City of Santa Barbara proclaimed the existence of a local emergency due to drought and requested that the Governor issue a Declaration of Drought Emergency pursuant to the California Emergency Services Act (Government Code §§ 8550 et seq.), declaring a lack of adequate water supplies to meet basic water needs for health, sanitation and safety. The City of Santa Barbara also sought a suspension of CEQA to expedite approval of a desalination plant. The Governor issued Declarations declaring drought emergencies for both entities and directed all state agencies to assist these entities in meeting their emergency water needs. Unless additional water supplies are provided to customers within Santa Barbara County, water shortages affecting basic needs will occur again during droughts.

S. During the drought period described in Paragraph R, several water purveyors have imposed severe restrictions on their customers' water usage. The restrictions during this drought emergency have resulted in shortages which have disrupted interior uses of water, have damaged landscaping, and have threatened the health, safety, and welfare of the water purveyors' customers. Droughts of this severity are expected to recur. The water provided by the project would provide a supplemental supply to participating purveyors, helping them to offset the shortages in their present supplies when similar severe droughts recur.

T. State law mandates that the County of Santa Barbara and the six (6) cities within the County accommodate their "fair share" of regional needs for housing to serve all segments of the population. That mandate was reaffirmed in a letter from the State of California Department of Housing and Community Development (HCD) to the Santa Barbara County Association of Governments, dated June 27, 1991, which rejected each reason advanced by the County for refusing to accept the State's calculation of its fair share of regional housing needs. Water shortage was one basis stated by the County for avoiding fulfillment of its fair share of housing needs. With the water supply provided by

the project, the County and the participating cities will be in a better position to meet the requirements of the law regarding provision of housing.

U. A majority of voters in each of the participating purveyor districts which held elections have voted in favor of the project. In the case of the City of Santa Barbara, this vote constituted a mandate to participate in the project.

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CENTRAL COAST WATER AUTHORITY

JUNE 2, 1994 HEARING

PROPOSED ADDITIONAL FINDINGS

Add to Section III, Page 5 of the Findings (Project Specific CEQA Findings):

5. Although the alternatives to the proposed project route, analyzed in Supplement No. 2, are technically feasible, they will result in greater environmental impacts than those anticipated for the proposed route, and they will result in substantially greater design and construction costs than the proposed route, as set forth in more detail in Supplement No. 2 and the staff report.

6. California Public Resources Code section 21003(f) requires that the CEQA process be carried out in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment. Supplement No. 2 contains as in depth analysis of the various alternatives as is reasonably feasible, given the fact that the alternative routes have not had the detailed field studies (which would be prohibitively expensive) that the proposed route received in the course of final design. Based upon the expert advice of its professional consultants, CCWA believes that the proposed route, incorporating the various mitigation measures set forth in the project plans, the Mitigation Program, and the Biological Mitigation Plan, will be the least intrusive to the human environment and to natural resources. Revegetation of the project corridor upon completion of construction will further reduce environmental impacts.

7. The proposed project route is subject to mitigation measures which will eliminate or substantially lessen all significant effects on the environment to the extent feasible. Any remaining significant environmental effects are unavoidable and are acceptable due to the overriding considerations set forth below. On balance, this route is the least environmentally intrusive.

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SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION

MITIGATION MONITORING PROGRAM

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Impact	Mitigation	Monitoring Action	Responsibility	Timing
<p>Geology</p> <p>Potential soil disruption, modification to topography and drainage due to grading and construction.</p>	<p>Perform grading and construction using standard construction techniques and pursuant to project-specific erosion control plan. Restore soil surface upon completion.</p>	<p>Prepare erosion control/drainage plan. On-site supervisory monitoring to ensure compliance. Include compliance requirements in construction contract.</p>	CCWA*	Prior to final design approval and during construction.
<p>Potential for fault-related pipe rupture and resulting water caused erosion along the Santa Ynez River Fault and unmapped faults along the pipeline corridor.</p>	<p>Avoid known faults where possible. At fault crossings use special engineering design such as: emergency shutoff valves; steel pipe; above-ground pipeline construction; using cohesiveness backfill around the pipe; and other best available pipeline technology.</p>	<p>Include in final design fault avoidance routes and special design features to reduce risk of rupture.</p>	CCWA	Prior to final design approval.
<p>Potential for moderate to strong seismic shaking causing structural damage to structures.</p>	<p>Design structures for seismic zone 4 of UBC.</p>	<p>Include UBC requirements in final design.</p>	CCWA	Prior to final design approval.
<p>Potential for seismically induced liquefaction.</p>	<p>Perform site-specific studies to determine if soil conditions along the corridor are conducive to liquefaction. Where soils are potentially liquefiable, avoid or use best available pipeline technology (e.g., dewatering soils, or removing and recompacting soils) to eliminate the hazard.</p>	<p>Perform studies. Based upon results, include in final design avoidance routes around high-risk areas to extent feasible and state-of-the-art technology for reducing risks from liquefaction where high-risk areas cannot be avoided.</p>	CCWA	Prior to final design approval.
<p>Potential for landslides.</p>	<p>Perform site-specific studies to determine if soil conditions along the pipeline corridor are conducive to landslides. If unstable slopes are present, avoid unstable areas where possible; where avoidance not possible, use standard engineering practices (e.g., construction of earth buttresses to stabilize slope or removal of the potential slide mass) to eliminate the hazard.</p>	<p>Perform studies. Based upon results, include in final design avoidance routes around high-risk areas to extent feasible and state-of-the-art technology for reducing risks from landslides where high-risk areas cannot be avoided.</p>	CCWA	Prior to final design approval.

**SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION  
MITIGATION MONITORING PROGRAM**  
(page 3 of 16)

Impact	Mitigation	Monitoring Action	Responsibility	Timing
<p><b>Air Quality</b></p> <p>NO<sub>x</sub> emissions during construction will potentially cause temporarily significant impacts.</p>	<p>An air quality monitoring program will be established at site-specific locations.</p>	<p>Monitor, repair and implement additional feasible mitigation measures as appropriate under APCD guidelines, based upon monitoring results.</p>	<p>APCD</p>	<p>During construction.</p>
	<p>Construction equipment operating on-site will be equipped with low NO<sub>x</sub>-emitting engines (engine timing retard, precombustion chamber, or gasolene or propane-fueled equipment). Where feasible, combustion control techniques (e.g., engine timing retard) shall be used on construction vehicles and equipment.</p>	<p>Submit proof of low NO<sub>x</sub>-emitting engines to CCWA. Construction contracts to include requirement. On-site field supervisor to verify.</p>	<p>CCWA</p>	<p>Prior to and during construction.</p>
	<p>The engine size of construction equipment will be the minimum size feasible.</p>	<p>Engine size will be specified in the bid for the job and verification of size checked by on-site field supervisor.</p>	<p>CCWA</p>	<p>Prior to and during construction.</p>
	<p>The number of pieces of construction equipment operating simultaneously will be minimized through efficient management practices to ensure that the smallest practical number are operating at any one time. Limit idling time when feasible.</p>	<p>Construction contracts to include requirement and on-site field supervisor check daily to ensure compliance.</p>	<p>CCWA</p>	<p>During construction.</p>
	<p>Construction equipment will be electric when feasible.</p>	<p>Construction contracts to include requirement. Specify in bid and field supervisor to verify.</p>	<p>CCWA</p>	<p>During construction.</p>
	<p>Construction equipment will be maintained in line per manufacturer's specifications and will be equipped with approved air pollution control devices.</p>	<p>Construction contracts to include requirement of compliance. Contractors to submit test up records for equipment to on-site field supervisor.</p>	<p>CCWA</p>	<p>Prior to and during construction.</p>

SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION

MITIGATION MONITORING PROGRAM  
(page 5 of 16)

Impact	Mitigation	Monitoring Action	Responsibility	Timing
<b>Biological Resources</b>				
Loss of Barton Mesa chaparral.	Narrow construction corridor to less than 120 feet in Barton Mesa chaparral, mark edge of corridor with survey stakes.	Include in final design plans. Include penalties for going outside stubbed corridor in construction contracts. On-site field supervisor and biologist verify that stakes properly located and maintained prior to and during construction and to ensure that stubbed corridor limits are respected by contractors.	CCWA	Prior to and during construction.
	Reroute pipeline to avoid sensitive plant species to extent feasible.	Include in final design plans. On-site field supervisor and biologist monitor to ensure compliance.	CCWA	Prior to final design and approval and during construction.
	Comply with revegetation and oak tree preservation requirements attached.	Biologist monitor to ensure compliance.	CCWA	During construction and upon completion of restructured.
	Vegetation clearing for construction corridor shall avoid disturbances to roots of shrub species.	Biologist monitor to ensure compliance.	CCWA	During construction.
	Narrow width of permanent corridor to approximately 40 feet and maintain vegetation clear zone within 10 of 20 feet or less through Barton Mesa chaparral.	Include in final design plans.	CCWA	During and upon completion of construction.
	Swallowing shall be limited to designed areas to reduce potential for wildfire.	Include in construction contracts. On-site field supervisor monitor to ensure compliance.	CCWA	During construction.
	All construction equipment and workers' vehicles shall be equipped with appropriate spark arrestors.	Include in construction contracts. On-site field supervisor monitor to ensure compliance.	CCWA	During construction.

**SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION  
MITIGATION MONITORING PROGRAM  
(page 7 of 16)**

Impact	Mitigation	Monitoring Action	Responsibility	Timing
Narrow construction corridor as much as possible through riparian and wetland areas.		Include corridor width for each area in final design plans. On-site field supervisor and biologist monitor to ensure compliance.	CCWA	Prior to final design approval and during construction.
Reroute pipeline wherever possible to minimize or avoid impacts to riparian and wetland vegetation.		Include in final design plans. On-site field supervisor and biologist monitor to ensure compliance.	CCWA	Prior to final design approval and during construction.
Comply with oak tree preservation requirements attached.		Biologist monitor to ensure compliance.	CCWA	During construction.
Revegetate per attached requirements.		Biologist monitor to ensure compliance.	CCWA	During and after construction.
Narrow width of permanent corridor through riparian and wetland habitats to approximately 40 feet and maintain vegetation clear zone within it of 20 feet or less.		Included in final plans. Biologist monitor to ensure compliance.	CCWA	Prior to final design approval and after construction.
Trees cut inside the construction corridor shall be left intact at the edge of the construction corridor as deadfall after cutting, except where this would create a fire hazard, or mulched for use in root protection and revegetation. Cut trees shall not be placed in a pile but left individually. Stumps shall outside permanent corridor shall not be killed with herbicides, but allowed to sprout and grow.		Biologist monitor to ensure compliance.	CCWA	During construction.
Construction adjacent to the Campbell vernal pools shall be completed and soils stabilized prior to the rainy season. Construction across creeks and Santa Ynez River shall occur during periods of low or no flow whenever feasible.		Include in final design plans and construction contracts. Biologist monitor to ensure compliance.	CCWA	Prior to final design approval and during construction.

SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION

MITIGATION MONITORING PROGRAM

(page 9 of 16)

Impact	Mitigation	Monitoring Action	Responsibility	Timing
<p>During construction in Santa Ynez River near Buellton, monitor and protect red-legged frogs. Use same mitigation measures as recommended for southwestern pond turtle.</p>	<p>Same as for southwestern pond turtle.</p>	CCWA	<p>Prior to and during construction during revegetation.</p>	
<p>Replace on at least an acre-for-acre basis (1:1) all riparian and wetland vegetation that is not restored.</p>	<p>CCWA enhance and preserve existing degraded or disturbed riparian or wetland (or both) areas on a ratio of at least 1:1 restoration or replacement to project loss.</p>	CCWA	<p>During and after construction.</p>	
<p>Washing of concrete and oil equipment shall be closely regulated to avoid polluting streams, wetlands, and related habitat areas.</p>	<p>Require contractor to submit to CCWA a plan for controlling polluted wash water and for preventing discharge into streams and wetland areas. On-site field supervisor to monitor compliance.</p>	CCWA	<p>Prior to and during construction.</p>	
<p>If repair and maintenance activities necessitate vegetation to be disturbed or removed, all of the above mitigation requirements shall be implemented as to the disturbed and recovered vegetation upon completion of the maintenance and repair activity.</p>	<p>Include in contract with maintenance repair contractors. Hire biologist to monitor compliance at time repairs and maintenance occur.</p>	CCWA	<p>Future.</p>	
<p>Biological monitors shall have authority to halt and resume construction, subject to override or modification by CCWA on-site field supervisor.</p>	<p>Include in construction contracts and in biologist's contract.</p>	CCWA	<p>Prior to and during construction.</p>	
<p>Narrow construction corridor to less than 125 feet, wherever feasible, in oak woodlands.</p>	<p>Include in final design plans. On-site field supervisor and biologist monitor to ensure compliance.</p>	CCWA	<p>Prior to and during construction.</p>	
<p>Reroute pipeline to minimize and avoid oak tree removal and damage.</p>	<p>Include in final design plans. On-site supervisor and biologist monitor to ensure compliance.</p>	CCWA	<p>Prior to final design approval and during construction.</p>	

SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION

MITIGATION MONITORING PROGRAM

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Impact	Mitigation	Monitoring Action	Responsibility	Timing
Temporary loss of non-native grassland, crops, and landscape trees.	If repair and maintenance activities necessitate vegetation to be disturbed or removed, the above mitigation requirements, as applicable, shall be implemented as to the disturbed and removed vegetation upon completion of the maintenance and repair activity.	Included in contract with maintenance repair contractors. Hire biologist to monitor compliance at time repairs and maintenance occur.	CCWA	Future
Loss of wildlife habitat from vegetation clearing.	Biologist monitors shall have authority to halt and reroute construction, subject to override or modification by on-site field supervisor.	Include in construction contracts and in biologist's contract.	CCWA	Prior to and during construction.
Loss of riparian plants.	Recreate corridor.	Final design plans to include revegetation. Biologist monitor to verify that revegetation occurs after completion of construction.	CCWA	Prior to final design approval. Implementation upon completion of construction.
Loss of riparian plants.	Habitat restoration/conservation same as for vegetation restoration described above.	Final design plans to include revegetation. Biologist monitor to verify that revegetation occurs after completion of construction.	CCWA	Prior to final design approval. Implementation upon completion of construction.
Loss of riparian plants.	Site plan to avoid and replace any losses through revegetation as described above.	Final design plans to include avoidance routes to avoid feasible. Biologist monitor to verify replacement of lost vegetation as described above.	CCWA	Prior to final design approval. Implementation upon completion of construction.
Loss of riparian plants.	Construction through riparian woodlands to occur either than during nesting season for candidate and listed species found to be present; use mitigated routes B and U.	Include mitigated routes B and D in final design plans. Include timing of construction in construction contracts. Biologist monitor to ensure compliance.	CCWA	Prior to final design approval. Implementation upon completion of construction.
Loss of riparian plants.	Construct across drainage at times of low and no flow whenever feasible; restore stream bed and banks.	Include mitigated routes B and D in final design plans. Include timing of construction in construction contracts. Biologist monitor to ensure compliance.	CCWA	Prior to final design approval. Implementation upon completion of construction.

SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION

MITIGATION MONITORING PROGRAM

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Impact	Mitigation	Monitoring Action	Responsibility	Timing
Increased public access may lead to visitation of sites during construction.	Introduction of construction personnel. Post sign to public along constrained corridor. Security during excavation of human remains.	On-site field supervisor and archaeologist monitor to ensure compliance.	CCWA	Prior to and during construction.
Land Use				
Walrus trees along Santa Rosa Road removed.	Use Mitigated Route B.	Final design to include rerouting.	CCWA	Prior to final design approval.
Two homes on Santa Rosa Road adjacent to trench excavation.	Use Mitigated Route B.	Final design to include rerouting.	CCWA	Prior to final design approval.
Vineyard on Hoppood Road located by pipeline.	Reroute pipeline parallel to Hoppood Road.	Final design to include rerouting.	CCWA	Prior to final design approval.
Santa Ynez Indian Reservation crossed by pipeline.	Use Mitigated Route D.	Final design to include rerouting.	CCWA	Prior to final design approval.
Agricultural activities disrupted by construction.	Restoration of topsoil and reestablishment of most agricultural activities after construction. Locate pipelines along fences, roads, and edges of fields, orchards, and vineyards, where possible. Where possible, schedule construction through cultivated agricultural areas for a time when they are not in production or being harvested. Where feasible, adjust pipeline alignment to avoid producing agricultural fields, orchards, and vineyards.	Include compliance requirements in construction contract. On-site field supervisor ensure compliance.	CCWA	During and upon completion of construction.
Homeowners and occupants relocated to new house demolition.	Provide relocation assistance, compensation to owners, storing expenses to occupants.	CCWA implement mitigation measures.	CCWA	Prior to construction.
Homeowners and occupants relocated to new house demolition.	Implement air quality, noise and traffic mitigation measures.	As listed for each such mitigation measure.	CCWA	During construction.

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SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION

MITIGATION MONITORING PROGRAM  
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Aspect	Mitigation	Monitoring Action	Responsibility	Timing	
Aesthetics	<p>Potential sensitive impacts from construction where the pipeline would pass through riparian woodlands, oak woodlands, and chaparral and where steep slopes would require substantial grading.</p>	<p>After construction, revegetate exposed areas by planting vegetation that is beneficial with the pre-project community type, monitor health and survival of replacement native vegetation for 3 years; narrow corridor at stream crossings where trees are present.</p>	<p>Include in final design plans most narrow corridor feasible for stream erosion. Biologist monitor replacement of vegetation and 3-year evaluation. Replaces vegetation that does not survive during 3-year period and continue to monitor until replaced vegetation established.</p>	CCWA	Prior to final design approval and during construction.
	<p>Design plans to include mitigated erosion and D.</p>	<p>Design plans to include mitigated erosion.</p>	<p>Include revegetate in final design plan.</p>	CCWA	Prior to final design approval.
	<p>Shield new structures behind trees and other vegetation that are compatible with surrounding land use and vegetation. Consider use of other lighting that is low-beam, hooded, and shielded toward to minimize glare and animal colors compatible with surrounding terrain for building exterior; avoid disturbance to woodlands; locate distribution facility at north end of Brinsbury Dam where new development would be least noticeable.</p>	<p>Design grading plan to minimize erosion.</p>	<p>Include erosion control plan in final design.</p>	CCWA	Prior to final design approval.
	<p>Potential sensitive impacts dusts operations where facilities would be located within scenic views of other areas of high scenic value (e.g. proposed former recreational trails near the proposed retaining plant and near the proposed tunnel; existing scenic resources; trail along the riverbank near Tank #1 of the proposed distribution plant; and the view from the Santa Ynez Dam on Lake...</p>	<p>Design plans to include mitigated erosion and D.</p>	<p>Include mitigation measures in final design plans. On-site field supervisor ensure compliance.</p>	CCWA	Prior to final approval and during construction.
	<p>Corroding and vsm pools, where feasible, efficient use of well. Minimize construction equipment.</p>	<p>Design plans to include mitigated erosion and D.</p>	<p>Include compliance requirement in construction contract. On-site field supervisor monitor to ensure compliance.</p>	CCWA	During construction.

NOTICE OF DETERMINATION

**TO:** County Clerk, County of Santa Barbara  
 105 East Anapamu Street  
 Santa Barbara, CA 93101

**CC:** Office of Planning and Research  
 1400 Tenth Street, Room 121  
 Sacramento, CA 95814

**FROM:** Central Coast Water Authority (CCWA)  
 1933 Cliff Drive, Suite 12  
 Santa Barbara, CA 93109

94 JUN -2 PH 3: 19  
 COUNTY OF SANTA BARBARA  
 CLERK OF THE  
 BOARD OF SUPERVISORS

SUBJECT

Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: REALIGNMENT OF A PORTION OF SANTA YNEZ EXTENSION AND MISSION HILLS EXTENSION

State Clearinghouse Number: 91031071 and 900106-13

Lead Agency Contact Person: Dan Masnada, Executive Director

Phone: (805) 962-3294

Project Location: City of Solvang, City of Buellton, Vandenberg Air Force Base, and unincorporated area of the County of Santa Barbara -- a water pipeline from the terminus of the Coastal Branch, Phase II, project constructed by the California Department of Water Resources, at Tank 5 on Vandenberg Air Force Base, to the existing Improvement District No. 1 water pipeline in Santa Ynez Valley, then to Bradbury Dam and Lake Cachuma. The approved realignment is located in the vicinity of Vandenberg Village.

Project Description: Facilities required to transport State Water Project (SWP) water conveyed to Santa Barbara County by the SWP Coastal Branch pipeline, with appurtenant turnouts to allow for local extensions, a pumping plant, dechloramination facilities, and related facilities. The original project was approved in 1992, but the approved realignment modifies the project route adjacent to Vandenberg Village. For additional information, see Supplement No. 2 to Final Environmental Impact Reports for Santa Ynez Extension and Mission Hills Extension.

This is to advise that the Board of Directors of CCWA has approved the above-described project realignment on June 2, 1994, and has made the following determinations regarding the above-described realignment:

1. The entire project, even as revised, will have a significant effect on the environment.
2. Environmental Impact Reports (EIRs) were prepared for this project pursuant to the provisions of CEQA. Two Supplements to the EIRs were prepared to analyze project revisions pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Statement of Overriding Considerations was adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIRs and the final Supplement and Supplement No. 2 to the EIRs with comments and responses and record of project approval are available to the general public at the CCWA offices at 1933 Cliff Drive, Suite 12, Santa Barbara, CA 93109.



Date: June 2, 1994  
Susan F. Petrovich,  
Counsel for CCWA

Date Received for Posting by County

Clerk 

5874P;6910.6.13

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**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES HEREIN CONTAINED, STATE AND CCWA AGREE AS FOLLOWS:**

1. Within sixty (60) days of the date of this Agreement, State shall make available to CCWA designated areas within BMMA where CCWA will be allowed to perform mitigation activities approved by CDFG. A description of said areas shall be approved by the Executive Directors of State and CCWA and attached to this Agreement as Exhibit "B" and incorporated by reference herein.
2. CCWA shall perform habitat enhancement, restoration, and revegetation pursuant to the Agreement between CCWA and CDFG within the areas described in Exhibit "B." The precise acreage of said mitigation activity shall be determined by CCWA and CDFG. CCWA estimates the required mitigation acreage to be approximately 35-40 acres of Burton Mesa chaparral; a minimal, if any, acreage of oak woodland and forest; and approximately 1-2 acres of riparian oak forest.
3. Upon the final determination of said acreage for each type of habitat, CCWA shall provide State with written notice as to the acreage which CCWA requires for its mitigation activity. Within the areas identified in Exhibit "B," CCWA shall determine the areas to be enhanced, restored, and/or revegetated after conferring with State and with CDFG (the final selection of such areas being subject to the provisions of the Agreement between CCWA and CDFG).
4. State shall provide adequate and reasonable ingress and egress for CCWA, its agents, contractors, employees, materials, and equipment, to the habitat areas identified in Exhibit "B" so that CCWA's mitigation and monitoring activities can be performed feasibly.
5. State agrees that during CCWA's mitigation activity within BMMA, State shall not take any action, or allow, encourage, or authorize others to take any action, which would interfere directly or indirectly with, frustrate, disturb, or damage CCWA's mitigation effort and the habitat which CCWA is enhancing, restoring, and revegetating.
6. Upon State's receipt of written notice from CCWA that CDFG is satisfied that CCWA has successfully completed said habitat enhancement, restoration, and revegetation, including CCWA's monitoring following revegetation, CCWA shall be relieved of any further responsibility for ensuring that the habitat restored by CCWA is not damaged, degraded, or destroyed.
7. The parties mutually agree that the purpose of this Agreement is to ensure that the mitigation lands which are

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the subject of this Agreement are established and preserved as valuable natural habitat, undisturbed by human activity to the extent feasible.

8. In consideration of State permitting CCWA to perform its mitigation activity within BMMA, and for CCWA's removal of, and damage to trees and habitat pursuant to a certain Lease between State and CCWA of even date herewith, and for the impact on sovereign public trust lands caused by the placement of CCWA's pipeline within those lands (a non-public trust use of sovereign public trust lands) pursuant to the Lease of even date herewith, CCWA shall pay to State the sum of Two Hundred Thousand Dollars (\$200,000.00), payable upon final execution and approval of this agreement and upon the parties' receipt of written notice from CDFG that CDFG has approved CCWA's use of the lands described in Exhibit "B" for its project mitigation purposes. The sum will be deposited into the Kapiloff Land Bank Fund in accordance with the provisions of Division 7 of the Public Resources Code to enhance the public trust use of the BMMA. The parties mutually agree that said sum represents adequate and reasonable compensation for the impact of CCWA's project on public trust lands and additionally for the use of BMMA lands to carry out CCWA's mitigation responsibilities to CDFG. This sum is in addition to any sums for mitigation to which CCWA may be obligated to pay pursuant to CCWA's Agreement with CDFG.

9. The following General Provisions apply to this Agreement:

a. Notices. All notices, requests, demands and other communications under this Agreement shall be in writing and shall be deemed to have been duly given on the date of service if personally served or on the second day after mailing if mailed by first-class mail, registered or certified, return receipt requested, postage prepaid and properly addressed as follows:

To CCWA: Executive Director  
Central Coast Water Authority  
1933 Cliff Drive, Suite 12  
Santa Barbara, CA 93109

With Copy To: Hatch and Parent  
21 East Carrillo Street  
Santa Barbara, CA 93101

To State: Executive Director  
State Lands Commission  
1807 Thirteenth Street  
Sacramento, CA 95814

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Any party may change their address for the purpose of this paragraph by giving the other party written notice of the new address in the above manner.

b. Independent Contractor. The parties hereto, in the performance of this Agreement, will be acting in an independent contractor relationship and not as agents, employees, partners, or joint venturers of one another. It is the express intention of the parties that CCWA is an independent contractor and not State's agent, that CCWA's employees and subcontractors are not State's employees. CCWA shall have the control of the means, methods and details of performing the mitigation work.

c. Assignment. This Agreement shall not be assigned by either to any third party without the prior written consent of the other party, who shall have the sole discretion to consent or not to consent to any proposed assignment. Any attempted assignment by one party without approval of the other party shall be voidable at the option of the non-assignee party.

d. Waiver. No waiver of a provision of this Agreement shall constitute a waiver of any other provision, whether or not similar. No waiver shall constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

e. Construction of Terms. All parts of this Agreement shall in all cases be construed according to their plain meaning and shall not be construed in favor or against either of the parties. If any term, provision, ~~covenant or condition~~ of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, in whole or in part, the remainder of this Agreement shall remain in full force and effect and shall not be affected, impaired or invalidated thereby. In the event of such invalidity, voidness or unenforceability, the parties hereto agree to enter into supplemental agreements to effectuate the intent of the parties and the purposes of this Agreement.

f. Controlling Law. This Agreement shall be construed in accordance with and governed by the laws of the State of California, with venue proper only in the County of Santa Barbara, State of California.

g. Authorization. All officers and individuals executing this and other documents on behalf of the respective parties hereby certify and warrant that they have the capacity and have been duly authorized to execute said documents on behalf of the entities indicated.

h. Discrimination. No person shall be excluded from employment in the performance of this Agreement on the grounds of race, creed, color, sex, age, marital status or place of national origin. CCWA shall comply with all local, state and federal laws relating to equal employment opportunity rights.

i. Entire Agreement. This Agreement with its attached exhibits which are incorporated herein by this reference constitutes the entire agreement between the parties pertaining to the Project and supersedes all prior and contemporaneous agreements, representations and understandings of the parties. This Agreement may be altered, amended or modified only by a supplemental writing executed by the parties to this Agreement and by no other means. Each party waives their future right to claim, contest or assert that this Agreement was modified, cancelled, superseded or changed by any oral agreement, course of conduct, waiver or estoppel.

IN WITNESS WHEREOF, executed at Santa Barbara, California effective on the date first hereinabove written.

STATE OF CALIFORNIA  
STATE LANDS COMMISSION

By \_\_\_\_\_

Title \_\_\_\_\_

CENTRAL COAST WATER AUTHORITY

By \_\_\_\_\_

Dan Masnada  
Executive Director

5933P:6910.23.8



**SECTION 2**

**THE PROVISIONS OF THIS SECTION AMEND OR SUPPLEMENT SECTIONS 1 OR 4 OF THIS LEASE.**

**BURTON MESA ECOLOGICAL RESERVE**

Lessee understands that the area to be leased is within the proposed Burton Mesa Ecological Reserve, which contains rare and unique biological resources. Lessee acknowledges that its activities in the area may have some adverse impacts on those resources, and agrees to make every reasonable effort in conducting its operations, both during construction and later inspection, and maintenance to minimize those impacts.

**PURPOSE OF THIS LEASE**

Lessee will construct, maintain, and operate a subsurface water pipeline and associated facilities. Lessee will use the real property which is the subject of this lease to survey, install, construct, reconstruct, enlarge, lay, alter, operate, patrol, remove, add to, relay replace, and maintain a water conduit, consisting of an underground water pipeline and related facilities.

**PROPERTY DESCRIPTION**

The real property subject to this lease is set out in Section 3. Additional state property will be required to complete the pipeline, and the parties agree to amend the property description to include such property when an approved routing is determined. At the completion of construction, the property description shall be amended to reflect the area containing the pipeline "as built".

In addition to the real property which will comprise the lease upon completion of construction, the parties agree that lessee shall have a temporary easement over such addition property as is required for construction, and for completion of revegetation, and/or other mitigation projects. Prior to construction or utilization of property under the temporary easement provisions of this Lease. Lessee shall advise Lessor of the areas required and their proposed use, and receive Lessor's written approval. Within ninety (90) days of completion of construction of the authorized improvements on the leased premises, Lessee shall provide Lessor an accurate set of as built plans.

Lessee shall be entitled during the period of construction to deviate from the temporary construction area and utilize areas outside, but adjacent to, the temporary construction area for construction activities, if the environmental monitor and Lessor approves such deviation to reduce total adverse environmental impacts. Said deviation may be necessary to avoid habitat, cultural sites, pipelines, and similar impediments the precise locations of which are not presently know. Prior to any such deviation, the environmental monitor shall require flagging of both the area to be avoided within the temporary construction area, the area to be utilize outside the temporary construction easement and receive the prior oral approval of the Lessor.

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**LEASE TYPE:** General Lease - Public Agency, (Right-of-Way Use) and Temporary Easement for construction.

**LAND TYPE:** Sovereign

**LOCATION:** Burton Mesa Management Area; Santa Barbara County; near Vandenberg Village

**LAND USE OR PURPOSE:** Construction, maintenance and operations of a subsurface water pipeline and associated facilities.

**TERM:** 49 years; commencing April 6, 1994, and ending at midnight on April 5, 2043, unless sooner terminated as provided under this lease.

**CONSIDERATION:** Public Use and Benefit 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.

Lessee agrees to carry out all the provisions of the Environmental Mitigation, and the Compensation Agreement made with the Commission and other State and Federal agencies. Lessee agrees to pay to the Commission compensation for the environmental impact caused by such destruction of native trees, and vegetation, and for such scenic degradation, loss of aesthetic values, noise, dust, and similar disturbance as may occur as a result of the project construction. Said funds, the amount of which shall be determined as set forth in the Compensation Agreement executed concurrently, shall be deposited in the Kapiloff Land Bank Fund (P.R.C. §§ 8610-8633) for expenditure by the trustee for management and improvement of the Burton Mesa Chaparral Preserve.

**AUTHORIZED IMPROVEMENTS:** Authorized improvements consist of a subsurface pipeline and appurtenances, which include: markers, air release valves, test stations, blow-off valves, turnouts, manholes, valves, meters, surge control devices, as substantially on file in the main office of the State Lands Commission. buried communications conduits, and all related incidents, fixtures, and devices. The test stations, blow-off valves, air release valves, and turnouts will be located above ground or partially above ground, and to the extent feasible will be located along fence lines at breaks in topography, or in locations where existing physical features reduce their obtrusiveness, and avoid interference with other surface usage.

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## **REVEGETATION AND MITIGATION**

This Lease includes the right to replant, weed, monitor, and establish vegetation within the Lease area, and the temporary construction area, including ingress and egress for said purposes. Lessee shall provide written notice to Lessor prior to commencing activities as required by this Lease for mitigation and revegetation, and shall have prior approval of the Lessor as to the scope and method of such activities.

Lessee shall restore the area affected by its construction activities to as near its original condition as is practical and consistent with its use, and in accord with the mitigation and revegetation agreements upon which the approval of this Lease is conditioned. Lessee shall be entitled, throughout the term of the Lease, to prevent growth of large trees within a corridor located five (5) feet on either side of the centerline of the installed water pipeline.

Lessee shall comply with all mitigation measures identified in the EIR, as finally adopted. Lessee will also comply with the Final Mitigation program and Final Biological Resources Mitigation plan, dated, September, 1993, and the Memorandum of Understanding by and between CCWA, and the California Department of Fish and Game executed December 20, 1993, and December 24, 1993, and environmental mitigation as described in contractors bid documents respectively.

Lessee's failure to comply with any and all mitigation measures developed and adopted by the State Lands Commission, and any other governmental agency or entity having lawful jurisdiction over the project shall be a Default or Breach of the Lease under part 11, Section 4, and entitle the Commission to take remedial action as provided in Section 4, part 11.

## **ACCESS TO THE LEASE PROPERTY**

During the construction period, Lessee's use of the temporary construction area and the leased premises shall be exclusive and Lessee may exclude any person except that Lessor shall be entitled to enter, upon reasonable prior notice to Lessee (or in an emergency with no prior notice so long as said entry results in no health and safety or environmental risk), to inspect the construction area to satisfy Lessor that Lessee is complying with this Lease and the Environmental Mitigation."

Lessee shall have the right to ingress and egress to, from and along the Lease area, and during construction and revegetation to the area required for that purpose, without prior notice, including the right to use existing lanes, drives, rights-of-way and roadways within the property now owned, or hereafter acquired by Lessor. Vehicles or equipment used on such lanes, drives, rights-of-way and roadways, shall be as appropriate to the surface to prevent any permanent damage.

After completion of construction and revegetation, except for repair, maintenance, operation, replacement, or similar activity, which requires large equipment to be located at the pipeline, access will be via existing roadways, then by foot. Except in an emergency, prior notice and approval of Lessor must be obtained for use of large equipment on any part of the leased premises.

No roadway shall be built or maintained to, from or along the Lease area, and after the completion of construction and revegetation no vehicle traffic shall be permitted on the lease premises, except

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upon existing roads. In crossing Lessors property for the purposes of ingress and egress Lessee shall close gates promptly to avoid loss or injury to crops or livestock.

### **MAINTENANCE OF THE LEASED PROPERTY**

Lessee shall have the right to maintain at least four (4) or five (5) feet of earth cover over the Lessee facilities, which are located underground. Lessor will not conduct any activity which could damage Lessee's facilities, including but not limited to using explosives and using and storing hazardous or toxic materials within or proximate to the leased property.

This Lease is subject to all existing structures including, fencing, canals, irrigation ditches, laterals, pipelines, roads, lanes, highways, railroads, electrical transmission facilities, telephone and telegraph lines. Lessee shall have the right of exclusive use and possession within the leased property for a distance of two (2) feet in every direction around the outside surface of the Lessee physical facilities.

### **NOTICE OF EMERGENCY**

Lessee shall notify Lessor in the event of a threatened or actual release of waters from the Lessee's facilities on or over the leased premises. Notice shall be given as soon as practical, after appropriate governmental emergency response agencies are notified.

### **ADMINISTRATIVE COSTS OF LEASE**

Lessee shall reimburse Lessor for all costs and expenditures incurred in the administration of this Lease. These costs include, but are not limited to staff salaries, equipment, travel, and associated operating, and overhead expenses. Payment shall be made within 30 days of billing. Lessor will be notified within 30 days if any cost billed or part thereof is disputed by Lessee.

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SECTION 3  
Forty Nine Year Lease

PRC7762

Two parcels of land, across State owned lands, within a portion of the Rancho Mission de la Purisima and the Rancho Jesus Maria and portions of Sections 21, 28, 29, 32, 33 in Township 8 North, Range 34 West, San Bernardino Base and Meridian, in the County of Santa Barbara, State of California, as shown on the Maps recorded in Book 21. Pages 153-154 of Records of Survey and described in a deed to the State of California recorded June 20, 1991, as Instrument No. 91-038941 of Official Records, both recorded in the Office of the County Recorder of said County, and more particularly described as follows;

PARCEL ONE

A strip of land 60 feet wide and 30 feet on each side of the following described centerline;

BEGINNING at a point being located at California Coordinate System of 1983 (CCS83), Zone 5, Position N 2,102,127.34, E 5,817,485.76, said point being N48°02'21"W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46"E, and a length of 2,208.88 feet, said last mentioned point being distant, S 28°26'05"W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

Thence S 48°02'21"E, a distance of 80.54 feet;

Thence S 34°56'36"E, a distance of 347.19 feet;

Thence S 42°55'45"E, a distance of 855.26 feet;

Thence S 17°27'00"E, a distance of 435.62 feet;

Thence S 24°58'59"E, a distance of 912.93 feet;

Thence S 61°13'32"E, a distance of 735.39 feet;

Thence S 26°10'52"E, a distance of 204.31 feet;

Thence S 07°53'18"E, a distance of 352.29 feet;

Thence S 47°02'29"E, a distance of 652.98 feet

Thence S 53°00'13"E, a distance of 779.45 feet;

Thence S 44°25'27"E, a distance of 510.34 feet;  
Thence S 48°23'28"E, a distance of 314.75 feet;  
Thence S 35°12'22"E, a distance of 98.48 feet;  
Thence S 26°33'19"E, a distance of 211.67 feet;  
Thence S 49°45'06"E, a distance of 161.17 feet;  
Thence S 78°59'31"E, a distance of 260.28 feet;  
Thence S 73°27'01"E, a distance of 249.26 feet;  
Thence S 49°01'38"E, a distance of 213.34 feet;  
Thence S 40°13'27"E, a distance of 160.85 feet;  
Thence S 30°57'32"E, a distance of 249.58 feet;  
Thence S 37°38'38"E, a distance of 246.66 feet;  
Thence S 18°48'49"E, a distance of 414.81 feet;  
Thence S 09°13'57"E, a distance of 446.53 feet;  
Thence S 48°52'33"E, a distance of 144.80 feet;  
Thence S 55°24'46"E, a distance of 452.57 feet;  
Thence S 74°06'56"E, a distance of 444.92 feet;  
Thence S 72°11'01"E, a distance of 525.63 feet;  
Thence S 58°07'50"E, a distance of 754.59 feet;  
Thence S 58°07'50"E, a distance of 410.60 feet;  
Thence S 35°37'50"E, a distance of 123.77 feet;  
Thence S 59°30'36"E, a distance of 650.50 feet;

Thence S 01°18'26"W, a distance of 4802.17 feet;  
Thence S 40°39'57"W, a distance of 928.53 feet;  
Thence S 19°52'22"W, a distance of 269.77 feet;  
Thence S 00°02'42"E, a distance of 348.18 feet;  
Thence S 07°06'12"W, a distance of 470.91 feet;  
Thence S 25°43'14"E, a distance of 221.20 feet;  
Thence S 30°46'51"W, a distance of 328.89 feet;  
Thence S 09°05'44"W, a distance of 269.16 feet;  
Thence S 04°29'01"E, a distance of 163.35 feet.

The sidelines of said sixty (60.00) foot wide strip shall be lengthened or shortened as necessary to meet at angle points, and to begin and terminate on the boundary lines of the land granted to the State of California in said Deed.

EXCEPTING THEREFROM any portion of said 60 foot wide strip, lying outside the boundaries of said land belonging to the State of California, as described in said Deed to the State of California recorded June 20, 1991, as Instrument No. 91-038941 of Official Records, recorded in the Office of the County Recorder of Santa Barbara County, State of California.

Coordinate positions recited herein are expressed in feet converted from meters. Bearings and distances recited herein are based on the California Coordinate System of 1983 (CCS 83), Zone 5.

#### PARCEL TWO

That portion of Burton Mesa Boulevard(84 feet wide), as granted to the County of Santa Barbara in deed recorded January 24, 1962, in Book 1899, Page 170 of Official Records, which lies within said lands granted to the State of California in said deed recorded as Instrument No. 91-038941.

END DESCRIPTION

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## TEMPORARY CONSTRUCTION EASEMENT

Nine strips of land, of varying width, within portions of the Rancho Mission de la Purisima and the Rancho Jesus Maria and portions of Sections 21, 28, 29, 32 and 33 in Township 8 North, Range 34 West, San Bernardino Base and Meridian, in the County of Santa Barbara, State of California, as shown on the Maps recorded in Book 21, Pages 153 and 154 of Records of Survey and described in a Deed to the State of California recorded June 20, 1991, as Instrument No. 91-038941 of Official Records, both recorded in the Office of the County Recorder of said County, and more particularly described within the following parcels;

### PARCEL ONE

A thirty (30.00) foot wide strip of land, the northeasterly line of which is parallel and concentric with and 30.00 feet southwesterly of the following described line:

BEGINNING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

Thence S 48°02'21" E, a distance of 80.54 feet;

Thence S 34°56'36" E, a distance of 347.19 feet;

Thence S 42°55'45" E, a distance of 855.26 feet;

Thence S 17°27'00" E, a distance of 435.62 feet;

Thence S 24°58'59" E, a distance of 912.93 feet.

The sidelines of said thirty (30.00) foot wide strip shall be lengthened or shortened as necessary to meet at angle points, and to begin and terminate on the boundary lines of the land granted to the State of California in said Deed.

### PARCEL TWO

A thirty (30.00) foot wide strip of land, the northeasterly line of which is described as follows:

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COMMENCING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

Thence S 48°02'21"E, a distance of 80.54 feet;

Thence S 34°56'36"E, a distance of 347.19 feet;

Thence S 42°55'45"E, a distance of 855.26 feet;

Thence S 17°27'00"E, a distance of 435.62 feet;

Thence S 24°58'59"E, a distance of 912.93 feet;

Thence S 61°13'32"E, a distance of 735.39 feet;

Thence S 26°10'52"E, a distance of 204.31 feet;

Thence S 07°53'18"E, a distance of 352.29 feet;

Thence S 62°32'07" W, a distance of 31.84 feet to an angle point in the southwesterly line of the sixty (60.00) foot wide strip described hereinbefore as PARCEL ONE of Forty Nine Year Lease and the POINT OF BEGINNING of the herein described parcel;

Thence S 47°02'29" E, a distance of 665.21 feet;

Thence S 53°00'13" E, a distance of 778.76 feet.

The sidelines of said thirty (30.00) foot wide strip shall be lengthened or shortened as necessary to meet at angle points to begin on a line having a bearing of S 7°53'18" E, from the True Point of Beginning and terminate on the boundary lines of the land granted to the State of California in said Deed.

### PARCEL THREE

A thirty (30.00) foot wide strip of land, the easterly line of which is described as follows:

COMMENCING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

- Thence S 48°02'21"E, a distance of 80.54 feet;
- Thence S 34°56'36"E, a distance of 347.19 feet;
- Thence S 42°55'45"E, a distance of 855.26 feet;
- Thence S 17°27'00"E, a distance of 435.62 feet;
- Thence S 24°58'59"E, a distance of 912.93 feet;
- Thence S 61°13'32"E, a distance of 735.39 feet;
- Thence S 26°10'52"E, a distance of 204.31 feet;
- Thence S 07°53'18"E, a distance of 352.29 feet;
- Thence S 47°02'29"E, a distance of 652.98 feet;
- Thence S 53°00'13"E, a distance of 779.45 feet;
- Thence S 44°25'27"E, a distance of 510.34 feet;
- Thence S 48°23'28"E, a distance of 314.75 feet;
- Thence S 35°12'22"E, a distance of 98.48 feet;
- Thence S 26°33'19"E, a distance of 211.67 feet;
- Thence S 49°45'06"E, a distance of 161.17 feet;
- Thence S 78°59'31"E, a distance of 260.28 feet;
- Thence S 73°27'01"E, a distance of 249.26 feet;

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Thence S 49°01'38"E, a distance of 213.34 feet;

Thence S 40°13'27"E, a distance of 160.85 feet;

Thence S 30°57'32"E, a distance of 249.58 feet;

Thence S 37°38'38"E, a distance of 246.66 feet;

Thence S 18°48'49"E, a distance of 414.81 feet;

Thence S 75°58'37" W, a distance of 30.11 feet to an angle point in the westerly line of the 60.00 foot wide strip of land described hereinbefore as PARCEL ONE of forty Nine Year Lease and the POINT OF BEGINNING of the herein described parcel;

Thence the following courses along said westerly line, S 9°13'57" E, a distance of 454.83 feet.

The sidelines of said thirty (30.00) foot wide strip shall be lengthened or shortened as necessary to meet at angle points and to begin on a line having a bearing of S35°46'04" W, from the True Point of Beginning and terminate on the boundary lines of the land granted to the State of California in said Deed.

#### PARCEL FOUR

A fifteen (15.00) foot wide strip of land, the northeasterly line of which is parallel and concentric with and 30.00 feet southwesterly of the following described line:

COMMENCING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey; as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line:

Thence S 48°02'21"E, a distance of 80.54 feet;

Thence S 34°56'36"E, a distance of 347.19 feet;

Thence S 42°55'45"E, a distance of 855.26 feet;

Thence S 17°27'00"E, a distance of 435.62 feet;

Thence S 24°58'59"E, a distance of 912.93 feet;  
Thence S 61°13'32"E, a distance of 735.39 feet;  
Thence S 26°10'52"E, a distance of 204.31 feet;  
Thence S 07°53'18"E, a distance of 352.29 feet;  
Thence S 47°02'29"E, a distance of 652.98 feet;  
Thence S 53°00'13"E, a distance of 779.45 feet;  
Thence S 44°25'27"E, a distance of 510.34 feet;  
Thence S 48°23'28"E, a distance of 314.75 feet;  
Thence S 35°12'22"E, a distance of 98.48 feet;  
Thence S 26°33'19"E, a distance of 211.67 feet;  
Thence S 49°45'06"E, a distance of 161.17 feet;  
Thence S 78°59'31"E, a distance of 260.28 feet;  
Thence S 73°27'01"E, a distance of 249.26 feet;  
Thence S 49°01'38"E, a distance of 213.34 feet;  
Thence S 40°13 '27"E, a distance of 160.85 feet;  
Thence S 30°57'32"E, a distance of 249.58 feet;  
Thence S 37°38'38"E, a distance of 246. 66 feet;  
Thence S 18°48'49"E, a distance of 414.81 feet;  
Thence S 09°13'57"E, a distance of 446. 53 feet;  
Thence S 48°52'33"E, a distance of 144.80 feet;  
Thence S 55°24'46"E, a distance of 452.57 feet;

Thence S74°06'56"E, a distance of 444 .92 feet;

Thence S 72°11'01"E, a distance of 525 .63 feet and the POINT OF BEGINNING of the herein described parcel;

Thence S 58°07'50" E, a distance of 1165.19 feet;

Thence S 35°37'50" E, a distance of 123 .78 feet.

The sidelines of said fifteen (15.00) foot wide strip shall be lengthened or shortened as necessary to meet at angle points, begin on the southwesterly line of the sixty (60.00) foot wide strip of land described hereinbefore as PARCEL ONE of Forty Nine Year Lease and terminate on a line which bears N 59 ° 30 ' 36" W, from an angle point in said southwesterly line of said PARCEL ONE, said angle point being distant S42°25'47"W, 30 .66 feet from the southeasterly terminus of said hereinabove described line.

#### PARCEL FIVE

A thirty (30.00) foot wide strip of land, the southwesterly line of which is parallel and concentric with and 30.00 feet northeasterly of the following described line:

COMMENCING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

Thence S 48°02'21"E, a distance of 80.54 feet;

Thence S 34°56'36"E, a distance of 347.19 feet;

Thence S 42°55'45"E, a distance of 855.26 feet;

Thence S 17°27'00"E, a distance of 435.62 feet;

Thence S 24°58'59"E, a distance of 912.93 feet;

Thence S 61°13'32"E, a distance of 735.39 feet;

Thence S 26°10'52"E, a distance of 204.31 feet;  
Thence S 07°53'18"E, a distance of 352.29 feet;  
Thence S 47°02'29"E, a distance of 652.98 feet;  
Thence S 53°00'13"E, a distance of 779.45 feet;  
Thence S 44°25'27"E, a distance of 510.34 feet;  
Thence S 48°23'28"E, a distance of 314.75 feet;  
Thence S 35°12'22"E, a distance of 98.48 feet;  
Thence S 26°33'19"E, a distance of 211.67 feet;  
Thence S 49°45'06"E, a distance of 161.17 feet;  
Thence S 78°59'31"E, a distance of 260.28 feet;  
Thence S 73°27'01"E, a distance of 249.26 feet;  
Thence S 49°01'38"E, a distance of 213.34 feet;  
Thence S 40°13'27"E, a distance of 160.85 feet;  
Thence S 30°57'32"E, a distance of 249.58 feet;  
Thence S 37°38'38"E, a distance of 246.66 feet;  
Thence S 18°48'49"E, a distance of 414.81 feet;  
Thence S 09°13'57"E, a distance of 446.53 feet;  
Thence S 48°52'33"E, a distance of 144.80 feet;  
Thence S 55°24'46"E, a distance of 452.57 feet;  
Thence S 74°06'56"E, a distance of 444.92 feet;  
Thence S 72°11'01"E, distance of 525.63 feet;  
Thence S 58°07'50"E, a distance of 1165.19 feet;

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Thence S 35°37'50"E, a distance of 123.77 feet;

Thence S 59°30'36" E, a distance of 405.76 feet to the POINT OF BEGINNING of the herein described parcel;

Thence S 59°30'36" E, a distance of 147.53 feet.

The sidelines of said thirty (30.00) foot wide strip of land shall be lengthened or shortened as necessary to meet at angle points, to begin on a line having a bearing of N 52°59'24" E, from the True Point of Beginning and terminate on a line having a bearing of N 7°59'24" E, from the southeasterly terminus of said hereinabove described line.

#### PARCEL SIX

A thirty (30.00) foot wide strip of land, the northeasterly and easterly lines of which are parallel and concentric with and 30.00 feet southwesterly and westerly of the following described line:

COMMENCING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

Thence S 48°02'21"E, a distance of 80.54 feet;

Thence S 34°56'36"E, a distance of 347.19 feet;

Thence S 42°55'45"E, a distance of 855.26 feet;

Thence S 17°27'00"E, a distance of 435.62 feet;

Thence S 24°58'59"E, a distance of 912.93 feet;

Thence S 61°13'32"E, a distance of 735.39 feet;

Thence S 26°10'52"E, a distance of 204.31 feet;

Thence S 07°53'18"E, a distance of 352.29 feet;  
Thence S 47°02'29"E, a distance of 652.98 feet;  
Thence S 53°00'13"E, a distance of 779.45 feet;  
Thence S 44°25'27"E, a distance of 510.34 feet;  
Thence S 48°23'28"E, a distance of 314.75 feet;  
Thence S 35°12'22"E, a distance of 98.48 feet;  
Thence S 26°33'19"E, a distance of 211.67 feet;  
Thence S 49°45'06"E, a distance of 161.17 feet;  
Thence S 78°59'31"E, a distance of 260.28 feet;  
Thence S 73°27'01"E, a distance of 249.26 feet;  
Thence S 49°01'38"E, a distance of 213.34 feet;  
Thence S 40°13'27"E, a distance of 160.85 feet;  
Thence S 30°57'32"E, a distance of 249.58 feet;  
Thence S 37°38'38"E, a distance of 246.66 feet;  
Thence S 18°48'49"E, a distance of 414.81 feet;  
Thence S 09°13'57"E, a distance of 446.53 feet;  
Thence S 48°52'33"E, a distance of 144.80 feet;  
Thence S 55°24'46"E, a distance of 452.57 feet;  
Thence S 74°06'56"E, a distance of 444.92 feet;  
Thence S 72°11'01"E, a distance of 525.63 feet;  
Thence S 58°07'50"E, a distance of 1165.19 feet;  
Thence S 35°37'50"E, a distance of 123.77 feet;

Thence S 59°30'36" E, a distance of 512.98 feet to the POINT OF BEGINNING of the herein described parcel;

Thence the following courses along said westerly line, S 59°30'36" E, a distance of 137.52 feet;

Thence S 01°18'26" W, a distance of 660.79 feet.

The sidelines of said thirty (30.00) foot wide strip of land shall be lengthened or shortened as necessary to meet at angle points, to begin on a line having a bearing of S 30°29'24" W, from the True Point of Beginning and terminate on a line having a bearing of N 43°41'34" W, from the southerly terminus of said last described course.

### PARCEL SEVEN

A variable width strip of land, which is described as follows:

COMMENCING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

Thence S 48°02'21"E, a distance of 80.54 feet;

Thence S 34°56'36"E, a distance of 347.19 feet;

Thence S 42°55'45"E, a distance of 855.26 feet;

Thence S 17°27'00"E, a distance of 435.62 feet;

Thence S 24°58'59"E, a distance of 912.93 feet;

Thence S 61°13'32"E, a distance of 735.39 feet;

Thence S 26°10'52"E, a distance of 204.31 feet;

Thence S 07°53'18"E, a distance of 352.29 feet;

Thence S 47°02'29"E, a distance of 652.98 feet;  
Thence S 53°00'13"E, a distance of 779.45 feet;  
Thence S 44°25'27"E, a distance of 510.34 feet;  
Thence S 48°23'28"E, a distance of 314.75 feet;  
Thence S 35°12'22"E, a distance of 98.48 feet;  
Thence S 26°33'19"E, a distance of 211.67 feet;  
Thence S 49°45'06"E, a distance of 161.17 feet;  
Thence S 78°59'31"E, a distance of 260.28 feet;  
Thence S 73°27'01"E, a distance of 249.26 feet;  
Thence S 49°01'38"E, a distance of 213.34 feet;  
Thence S 40°13'27"E, a distance of 160.85 feet;  
Thence S 30°57'32"E, a distance of 249.58 feet;  
Thence S 37°38'38"E, a distance of 246.66 feet;  
Thence S 18°48'49"E, a distance of 414.81 feet;  
Thence S 09°13'57"E, a distance of 446.53 feet;  
Thence S 48°52'33"E, a distance of 144.80 feet;  
Thence S 55°24'46"E, a distance of 452.57 feet;  
Thence S 74°06'56"E, a distance of 444.92 feet;  
Thence S 72°11'01"E, a distance of 525.63 feet;  
Thence S 58°07'50"E, a distance of 1165.19 feet;  
Thence S 35°37'50"E, a distance of 123.77 feet;  
Thence S 59°30'36" E, a distance of 650.50 feet;

Thence N 60°53'55" E, a distance of 34.79 feet to an angle point in the easterly line of the 60.00 foot wide strip of land described hereinbefore as PARCEL ONE of Forty Nine Year Lease and the POINT OF BEGINNING of the herein described parcel;

Thence S 01°18'26" W, a distance of 4830.50 feet;

Thence S 40°39'57" W, a distance of 933.76 feet;

Thence leaving said easterly line, S 1°26'25" W, a distance of 94.88 feet;

Thence N 40°39'57" E, a distance of 1028.71 feet;

Thence N 01°18'26" E, a distance of 4203.51 feet;

Thence N 43°41'34" W, a distance of 42.43 feet;

Thence N 01°18'26" E, a distance of 601.70 feet;

Thence N 59°30'36" W, a distance of 34.36 feet to the Point of Beginning.

#### PARCEL EIGHT

A thirty (30.00) foot wide strip of land, the easterly line of which is parallel and concentric with and 30.00 feet westerly of the following described line:

COMMENCING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

Thence S 48°02'21" E, a distance of 430.79 feet;

Thence S 41°47'13" E, a distance of 786.33 feet;

Thence S 17°27'00" E, a distance of 518.89 feet;

Thence S 24°58'59" E, a distance of 1002.62 feet;

Thence S 61°13'32" E, a distance of 634.25 feet;

Thence S 35°15'55" E, a distance of 194.93 feet;  
Thence S 07°53'18" E, a distance of 259.74 feet;  
Thence S 47°02'29" E, a distance of 730.32 feet;  
Thence S 40°05'20" E, a distance of 302.65 feet;  
Thence S 58°04'04" E, a distance of 370.00 feet;  
Thence S 40°05'20" E, a distance of 108.79 feet;  
Thence S 44°25'27" E, a distance of 510.34 feet;  
Thence S 48°23'28" E, a distance of 314.75 feet;  
Thence S 35°12'22" E, a distance of 98.48 feet;  
Thence S 26°33'19" E, a distance of 211.67 feet;  
Thence S 49°45'06" E, a distance of 161.17 feet;  
Thence S 78°59'31"E, a distance of 260. 28 feet;  
Thence S 73°27 '01" E, a distance of 249 . 26 feet;  
Thence S 49°02'29" E, a distance of 213.02 feet;  
Thence S 40°13'27" E, a distance of 161.18 feet;  
Thence S 30°57'32" E, a distance of 249.58 feet;  
Thence S 37°38'38" E, a distance of 246.66 feet;  
Thence S 18°48'49" E, a distance of 589.27 feet;  
Thence S 27°39'29" E, a distance of 275.35 feet;  
Thence S 42°57'16" E, a distance of 367.71 feet;  
Thence S 65°00'34" E, a distance of 149.25 feet;

Thence S 74°10'28" E, a distance of 191.73 feet;  
 Thence S 63°05'11" E, a distance of 195.73 feet;  
 Thence S 72°11'01" E, a distance of 525.48 feet;  
 Thence S 58° 07'50" E, a distance of 1226.97 feet;  
 Thence S 35°37'50" E, a distance of 123.78 feet;  
 Thence S 59 °30'36" E, a distance of 650.50 feet;  
 Thence S 01°18'26" W, a distance of 4802.17 feet;  
 Thence S 40°39'57" W, a distance of 928.53 feet;  
 Thence S 19°52'22" W, a distance of 269.77 feet;  
 Thence S 00°02'42" E, a distance of 348.18 feet;  
 Thence S 07°06'12" W, a distance of 470.91 feet;  
 Thence S 25°43'14" E, a distance of 221.20 feet;  
 Thence S 30°46'51" W, a distance of 328.89 feet to the POINT OF  
 BEGINNING of the herein described parcel;  
 Thence S 09°05'44" W, a distance of 269.16 feet;  
 Thence S 04°29'01" E, a distance of 163.35 feet.

The sidelines of said thirty (30.00) foot wide strip shall be lengthened or shortened as necessary to meet at angle points and to begin and terminate on the boundary lines of the land granted to the State of California in said Deed.

**PARCEL NINE**

A thirty (30.00) foot wide strip of land, the westerly line of which is parallel and concentric with and 30.00 feet easterly of the following described line:

COMMENCING at a point being located at California Coordinate System of 1983 (CCS 83), Zone 5, Position N 2 102 127.34, E 5 817 485.76, said point

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being N 48°02'21" W, a distance of 86.09 feet, more or less, from a point in a line shown on a Record of Survey, recorded in Book 115, Page 62 of Records of Survey, as having a bearing of N 28°25'46" E, and a length of 2208.88 feet, said last mentioned point being distant, S 28°26'05" W, 142.76 feet, more or less, along said line from the northeasterly terminus of said line;

- Thence S 48°02'21"E, a distance of 80.54 feet;
- Thence S 34°56'36"E, a distance of 347.19 feet;
- Thence S 42°55'45"E, a distance of 855.26 feet;
- Thence S 17°27'00"E, a distance of 435.62 feet;
- Thence S 24°58'59"E, a distance of 912.93 feet;
- Thence S 61°13'32"E, a distance of 735.39 feet;
- Thence S 26°10'52"E, a distance of 204.31 feet;
- Thence S 07°53'18"E, a distance of 352.29 feet;
- Thence S 47°02'29"E, a distance of 652.98 feet;
- Thence S 53°00'13"E, a distance of 779.45 feet;
- Thence S 44°25'27"E, a distance of 510.34 feet;
- Thence S 48°23'28"E, a distance of 314.75 feet;
- Thence S 35°12'22"E, a distance of 98.48 feet;
- Thence S 26°33'19"E, a distance of 211.67 feet;
- Thence S 49°45'06"E, a distance of 161.17 feet;
- Thence S 78°59'31"E, a distance of 260.28 feet;
- Thence S 73°27'01"E, a distance of 249.26 feet;
- Thence S 49°01'38"E, a distance of 213.34 feet;
- Thence S 40°13'27"E, a distance of 160.85 feet;

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Thence S 30°57'32"E, a distance of 249.58 feet;  
Thence S 37°38'38"E, a distance of 246.66 feet;  
Thence S 18°48'49"E, a distance of 414.81 feet;  
Thence S 09°13'57"E, a distance of 446.53 feet;  
Thence S 48°52'33"E, a distance of 144.80 feet;  
Thence S 55°24'46"E, a distance of 452.57 feet;  
Thence S 74°06'56"E, a distance of 444.92 feet;  
Thence S 72°11'01"E, a distance of 525.63 feet;  
Thence S 58°07'50"E, a distance of 1165.19 feet;  
Thence S 35°37'50"E, a distance of 123.77 feet;  
Thence S 59°30'36"E, a distance of 650.50 feet;  
Thence S 01°18'26"W, a distance of 4802.17 feet;  
Thence S 40°39'57"W, a distance of 928.53 feet;  
Thence S 19°52'22"W, a distance of 269.77 feet;  
Thence S 00°02'42"E, a distance of 348.18 feet;  
Thence S 07°06'12"W, a distance of 470.91 feet;  
Thence S 25°43'14"E, a distance of 221.20 feet;  
Thence S 30°46'51" W, a distance of 328.89 feet to the POINT OF  
BEGINNING of the herein described parcel;  
Thence S 09°05'44" W, a distance of 269.16 feet;  
Thence S 04°29'01" E, a distance of 163.35 feet.

The sidelines of said thirty (30.00) foot wide strip shall be lengthened or

shortened as necessary to meet at angle points and to begin and terminate on the boundary lines of the land granted to the State of California in said Deed.

EXCEPTING THEREFROM any portion of said parcels, lying outside the boundaries of said land belonging to the State of California, as described in said Deed to the State of California recorded June 20, 1991, as Instrument No. 91-038941 of Official Records, recorded in the Office of the County Recorder of Santa Barbara County, State of California.

Coordinate positions recited herein are expressed in feet converted from meters. Bearings and distances recited herein are based on the California Coordinate System of 1983 (CCS 83), Zone 5.

END DESCRIPTION

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