

MINUTE ITEM

This Calendar Item No. C39 was approved as Minute Item No. 39 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM
C39

A 35
S 19

PRC 8688

06/26/06
W 26118
S. Young

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Santa Barbara
Waterfront Department
P. O. Box 1990
Santa Barbara, CA 93102-1990

AREA, LAND TYPE, AND LOCATION:

Ungranted sovereign lands in the Santa Barbara Channel, offshore of the city of Santa Barbara, Santa Barbara County.

AUTHORIZED USE:

Implementation of a regulated mooring and anchoring program, identified as the East Beach Mooring/Anchoring Program, which would provide 14 mooring spaces on ungranted sovereign lands for individually permitted vessels and seasonal and year-round anchoring opportunities for vessels.

LEASE TERM:

Five years, beginning June 26, 2006.

CONSIDERATION:

\$3,575 per year for moorings in Area B effective on implementation of the East Beach Mooring/Anchoring Program, however no later than July 1, 2006, and with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; as to the year-round anchoring in Area A and the seasonal anchoring in Area C, the consideration being the public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of no less than \$1,000,000, and said coverage shall not exclude watercraft liability.

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Best Management Practices for Berth Holders and Boaters:

Lessee agrees to implement the "Best Management Practices for Berth Holders and Boaters" contained in Exhibit C.

OTHER PERTINENT INFORMATION:

1. Applicant is the trustee of the adjacent legislatively granted tide and submerged lands.

2. The city of Santa Barbara Waterfront Department (City) proposes to implement their East Beach Mooring/Anchoring Program (Program), a regulated mooring/anchoring area, adjacent to East Beach in the Santa Barbara Channel (Channel). The Program is designed to provide up to 48 mooring spaces for individually permitted vessels, plus seasonal and year-round anchoring opportunities for non-permitted vessels. Of these 48 proposed permitted spaces, Commission staff has determined that 14 mooring spaces (Area B) are located outside of the City's legislatively granted tide and submerged lands and will be located on ungranted sovereign lands. The identified 14 mooring spaces are subject to annual rental. The balance of the proposed mooring areas is within the grant to the City. In addition to the moorings, the City proposes to designate an area of approximately 52.50 acres within the Lease Premises as a seasonal anchoring area (Area C) and an additional 54.51 acres as a year round anchoring area (Area A). These seasonal and year-round anchoring areas are included within the proposed Program. Through this Program, the City hopes to control vessel groundings, seafloor debris, decrease pollution and enforce ground tackle specifications for moored vessels. The City hopes to reduce the environmental and financial impacts of the unregulated mooring of vessels both within and outside of the granted tide and submerged lands in the Channel. Commission staff recognizes the efforts of the City to control these impacts and to provide a safer environment to boaters and the general public in the area.

3. Installation of mooring buoys and associated ground tackle must meet the mooring tackle specifications outlined in Exhibit B and will be completed by licensed contractors approved by the City. Use of engine blocks or concrete blocks as anchor weight is strictly prohibited within the Lease Premises. The City must obtain the Commission's approval, before any anchoring devices are used within the Lease Premises other than those meeting the specifications in Exhibit B.

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4. Prior to installation of any ground-tackle or weights on the Lease Premises and annually thereafter, the City will deploy divers to survey the ocean floor to ensure that no sensitive resources (i.e. rocky substrate, coral reef, Caulerpa taxifolia, Japanese Kelp, eel grass and giant kelp) are located within a 25-foot radius from the installation location.
5. Two Santa Barbara County Grand Jury reports (2001-2002 and 2002-2003) noted concerns with East Beach anchorage conditions. As a result of the reports, the City pledged to clean up seafloor debris east of Stearns Wharf and implement a vessel permit program. The cleanup was completed in May 2003 utilizing a \$103,000 State grant from the Department of Boating and Waterways. According to the City, 81 hazards to navigation were removed from the East Beach area. Abandoned boat hulls, mooring cans, chains and old mooring lines were among the hazards removed. Obtaining the required regulatory permits and the establishment of the East Beach Mooring/Anchoring Program are the next steps for the City in addressing the concerns raised in the Grand Jury reports.
6. On December 16, 2005, the California Coastal Commission (CCC) granted Permit 4-05-030 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251(c)). Prior to the issuance of this Permit, the City must submit to the CCC a detailed Best Management Practices Program for controlling adverse impacts to water quality related to the public boating facilities associated with the City's proposed Program. Additionally, the City must provide a Water Quality Monitoring Plan.

Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process; it is the staff's opinion that the project, as proposed, is consistent with its use classification.

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APPROVALS OBTAINED:

California Coastal Commission

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Fish & Game
U.S. Coast Guard
National Oceanic and Atmospheric Administration
City of Santa Barbara

PERMIT STREAMLINING ACT DEADLINE:

June 26, 2006

EXHIBITS:

- A. Location and Site Map
- B. Mooring Specifications
- C. Best Management Practices for Berth Holders and Boaters

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT 4-05-030, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

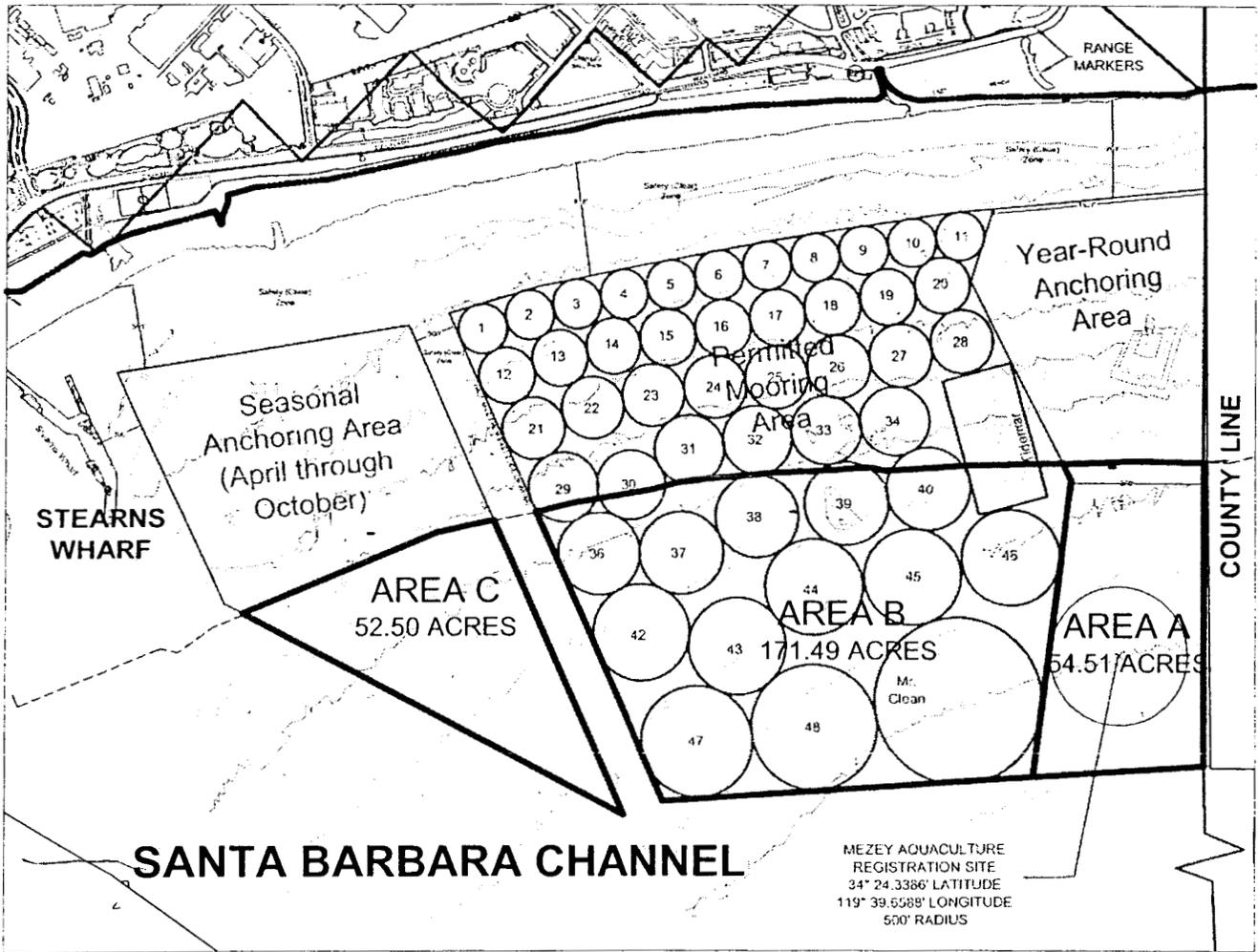
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AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF SANTA BARBARA WATERFRONT DEPARTMENT, OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JUNE 26, 2006, FOR A TERM OF FIVE YEARS, FOR THE ESTABLISHMENT OF THE EAST BEACH MOORING/ANCHORING AREA PROGRAM ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$3,575 FOR THE MOORINGS IN AREA B EFFECTIVE ON IMPLEMENTATION OF THE EAST BEACH MOORING/ANCHORING PROGRAM, HOWEVER, NO LATER THAN JULY 1, 2006, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; CONSIDERATION AS TO THE YEAR-ROUND ANCHORING AREA A AND THE SEASONAL ANCHOR AREA C, BEING THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000, SAID COVERAGE SHALL NOT EXCLUDE WATERCRAFT.

NO SCALE

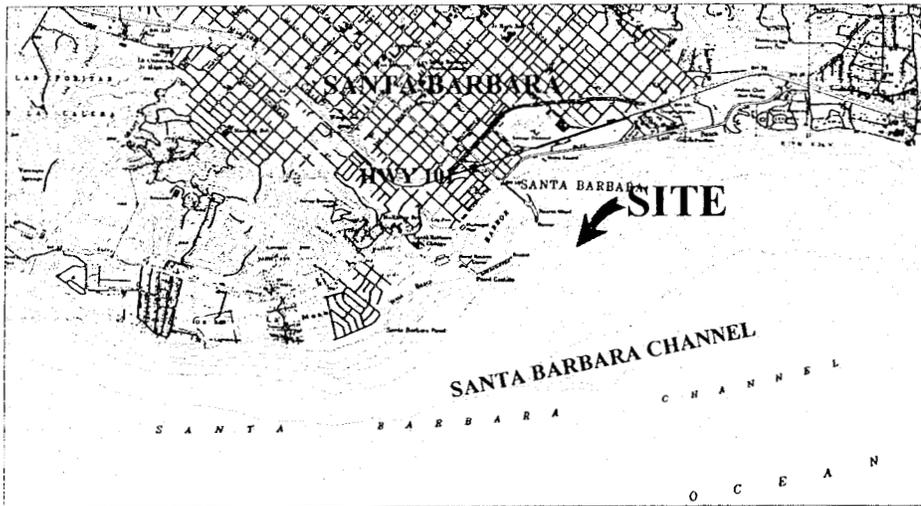
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SANTA BARBARA HARBOR EAST BEACH MOORING/ANCHORING PROGRAM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26118
CITY OF SANTA BARBARA
GENERAL LEASE
COMMERCIAL USE
SANTA BARBARA CHANNEL
SANTA BARBARA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT B

Minimum Ground Tackle Specifications

Overall Boat Length	Steel Weight	Bottom Chain		Top Chain
Up to 25 feet	550 lbs.	1/2" (50%)		1/2" (50%)
26 to 35 feet	800 lbs.	3/4" (50%)		1/2" (50%)
36 to 45 feet	1,500 lbs.	1" (33%)	3/4" (33%)	1/2" (33%)
46 to 55 feet	2,000 lbs.	1-1/4" (50%)	3/4" (25%)	5/8" (25%)
Over 55 feet	As Determined by the Harbor Operations Manager*			

Note: Chain length must equal 5 times water depth ("5:1 rode")

**MOORING PENDANT SPECIFICATIONS
MINIMUM LINE DIAMETER**

Length of Boat	Of Nylon or Dacron Line
18' to 20'	5/8"
21' to 25'	5/8"
26' to 30'	5/8"
31' to 40'	5/8"
41' to 50'	3/4 "
51' to 70'	1 "

Additional Ground-Tackle Requirements

1. City-assigned mooring permit number shall be prominently displayed on mooring buoy in block letters measuring a minimum of 4" in height and in contrasting color to the buoy.
2. To the satisfaction of the mooring inspector, buoy shall be of size, material, configuration and construction appropriate for the vessel moored and ground tackle deployed, to adequately withstand strain on the buoy or transmit strain through the buoy.
3. Where top chain and bottom chain are required, they must be shackled together, with swivel, to form one continuous length.
4. Where mooring chain is a single piece (no bottom chain/top chain configuration—e.g. vessels under 25' in length) shackle and swivel shall be placed between anchor and chain or at a location satisfactory to the mooring inspector.
5. Shackle and swivel required between buoy and top of mooring chain.
6. All shackles must be seized with stainless-steel wire.
7. Pendants are required for all moored vessels. Pendants shall not be wire. Pendants may be constructed of chain or wire. Pendant chain diameter must be 3/8" minimum. Pendant line diameter shall conform to specifications contained herein. Pendants shall be shackled, with thimble, at mooring buoy.
8. Pendant length shall be approximately 2.5 times the vertical distance from bow chock to waterline, plus distance from bow chock to mooring cleat, post or other deck hardware.
9. Chafing gear required between pendant and vessel, to satisfaction of mooring inspector.
10. Cleat, post or deck hardware to which pendant is attached must be visibly free of rot, corrosion or disrepair and capable of bearing anticipated loads, to the satisfaction of mooring inspector. Gussets, backing plates and other structural supports are recommended.

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EXHIBIT C

BEST MANAGEMENT PRACTICES FOR BERTH HOLDERS / BOATERS

Bilge Water Management

Keep bilge area as dry as possible

Regularly check fittings, fluid lines, engine seals, and gaskets

Fix all oil and fuel leaks in a timely manner

Do not drain oil into the bilge

Fit a drain pan, if feasible, underneath the engine to collect drips and leaks

Consider the use oil-absorbent pads, even in small boats.

If a bilge contains oil, absorb as much free oil as possible with a pad. Then pump the bilge dry and wipe down the bilge and equipment. If a bilge is severely contaminated, use a pump out service. Never pull the drain plug on a boat with a bilge full of oil, especially if it is on a launch ramp.

Dispose of oil-soaked absorbents at a proper facility. Check with the marina operator for guidance.

Do not use detergents or bilge cleaners unless the bilge can be pumped into an appropriate facility.

Petroleum Containment

Fill portable fuel containers on land or on the fuel dock to reduce the chance of fuel spills into the water.

Avoid overfilling fuel tanks and attend the fuel nozzle at all times.

Perform all major engine maintenance away from surface water. Any maintenance work on an engine must be done in compliance with rules and regulations governing the marina.

Use petroleum absorption pads while fueling to catch splash back and the any drops when the nozzle is transferred back from the boat to the fuel dock.

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Keep engines properly maintained for efficient fuel consumption, clean exhaust, and fuel economy. Follow all manufacturers' specifications.

Immediately report oil and fuel spills to the marina office and the U.S. Coast Guard National Response Center (Phone # 1 (800) 424-8802) and other appropriate agencies.

Hazardous Materials

Improper handling of hazardous materials can cause harm to human health and the environment and can result in serious penalties and expensive cleanup costs if contaminations occur.

Hazardous wastes generated by recreational boaters are considered household hazardous waste. Dispose of household hazardous waste in properly marked containers if provided by the marina or at the nearest appropriate site.

Vessel Sewage

Boaters should never pump out any holding tank in waters inside the three nautical mile limit. Always remember that it is illegal to discharge raw sewage from a vessel into U.S. waters.

Pumpout facilities should be used to dispose of stored waste whenever possible. They are fast, clean, and inexpensive.

Marine sanitation devices (MSDs) must be maintained to operate properly. Keep your disinfectant tank full, use biodegradable treatment chemicals, and follow the manufacturer's suggested maintenance program.

Do not dispose of fats, solvents, oils, emulsifiers, disinfectants, paints, poisons, phosphates, diapers, and other similar products in MSDs.

Whenever possible, use land-based rest rooms rather than onboard ones.

Vessel Cleaning and Maintenance

Ask your marina manager what types of maintenance projects are allowed in the slip.

Minimize the use of soaps and detergents by washing your vessel more frequently with plain water.

Do not use cleaners that contain ingredients such as ammonia, sodium, chlorinated solvents, or lye.

Use hose nozzles that shut off when released to conserve water and reduce the runoff from boat washing.

Ventilate your space to prevent the accumulation of flammable or noxious fumes.

Use eye protection and a respirator when there is the possibility that dust and debris could damage eyes or lungs.

Remove oil, debris and clutter from your immediate work area and dispose of properly.

Avoid spills in the water of all solvents, paints and varnishes.

Carefully read labels to ensure the products are used in a manner that is safe and won't harm the environment.

Use teak cleaners sparingly and avoid spilling them or fiberglass polishers in the water.

Sanding and Painting

When working in marinas, use designated sanding and painting areas. Check with the marina manager for the location and proper use of these areas.

Work indoors or under cover whenever wind can potentially blow dust and paint into the open air.

Where feasible, use environmentally friendly tools, such as vacuum sanders and grinders, to collect and trap dust. Some marinas have this equipment for rent, check with the manager.

Clean up all debris, trash, sanding dust, and paint chips immediately following any maintenance or repair activity.

Use a drop cloth beneath the hull to catch sanding dust and paint drops when working over unpaved surfaces.

When sanding or grinding hulls over a paved surface, vacuuming or sweeping loose paint particles is the preferred cleanup method. Do not hose the debris away.

Buy paints, varnishes, solvents, and thinners in sizes appropriate for the proposed work to avoid having to dispose of stale products.

When possible, use water-based paints and solvents.

Switch to longer lasting, harder, or non-toxic antifouling paint at your next haul out.

Paints, solvents, and reducers should be mixed far from the water's edge and transferred to work areas in tightly covered containers of 1 gallon or less.

Keep in mind that solvents and thinners may be used more than once by allowing the solids to settle out and draining the clean product off the top.

When in doubt about proper disposal practices, check with your marina and/or appropriate government agency.

Boaters should report any illegal discharge of boat sewage to the marina office or appropriate agency.

Boaters should use environmentally sensitive cleaning supplies that may end up in your gray water.

Boat Hull Cleaning and Maintenance

Ensure hull paint is properly applied and maintained to protect the hull from fouling organisms and thus improve your boat's performance.

Wait 90 days after applying new bottom paint before underwater cleaning.

Schedule regular hull cleaning and maintenance to reduce the build up of hard marine growth and eliminate the need for hard scrubbing.

Regularly scheduled gentle cleaning will also increase the effectiveness of the antifouling hull paint and extend its useful life.

Repair paint bonding problems at haul out to avoid further chipping and flaking of paint in the water.

Use, or ask your diver to use, non-abrasive scrubbing agents, soft sponges or pieces of carpet to reduce the sloughing of paint and debris.

Boaters are encouraged to use boat hull cleaning companies and individuals that practice environmentally friendly methods.

Solid Waste

Do not dump plastic or any other trash into the water.

Use the dumpsters, trash receptacles and other approved containers to dispose of garbage and other waste.

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