

**CALENDAR ITEM  
C88**

A 76  
S 38

09/20/13  
PRC 3097.9  
R. Collins

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

Encina Wastewater Authority

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

Sovereign tide and submerged land in Pacific Ocean, Gulf of Catalina, city of Carlsbad, San Diego County.

**AUTHORIZED USE:**

Continued use, maintenance, and operation of a 7,800 linear foot (LF), 48- and 72-inch diameter ocean outfall.

**LEASE TERM:**

20 years, beginning January 30, 2013.

**CONSIDERATION:**

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:**

The lease will contain provisions requiring the Applicant to perform periodic external inspections, structural integrity assessments, and multi-beam surveys of the improvements.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the upland adjoining the lease premises.
2. On July 13, 1961, the City of Carlsbad and the Vista Sanitation District formed a joint powers authority (JPA) for the purpose of acquiring, constructing, and operating a joint sewage collection and treatment system. Under the JPA, the Vista Sanitation District was designated as the operating agency for a sewage treatment and disposal facility being constructed by the City of Carlsbad.

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3. On January 30, 1964, the Commission authorized the issuance of a 49-year Life-of-Structure Permit, Lease No. PRC 3097.9, for the construction, maintenance, and use of a 5,500 LF, 48-inch diameter sewer outfall to the Vista Sanitation District and the City of Carlsbad. That permit expired on January 29, 2013.
4. Between 1964 and 1971, additional partners became members of the JPA including the Buena Sanitation District, the Vallecitos Water District, the Leucadia County Water District, and the City of Encinitas (Encina Member Agencies). In 1988, the Encina Member Agencies entered into a Revised Basic Agreement (RBA) to restate their partnership agreement and simultaneously entered into the Revised Establishment Document (RED) to create the Encina Administrative Agency (EAA) and retain EAA as the Operator/Administrator of the Joint System. In 1991, EAA changed its name to the Encina Wastewater Authority (Applicant). The Applicant has applied for a new General Lease – Public Agency Use.
5. In 1972, the Applicant sealed the diffusers in the 48-inch ocean outfall and extended the outfall an additional 2,300 LF with a 72-inch diameter outfall and placed diffusers in the last 800 LF bringing the total length of the ocean outfall to 7,800 LF. The improvements constructed in 1972 were not authorized by the Commission.
6. Staff of the Commission has reviewed “as-built” plans for the entire ocean outfall structure and the “Encina Wastewater Authority Year 2013 Ocean Outfall Inspection and Maintenance” report, dated January 9, 2013. The lease will contain provisions requiring the Applicant to perform periodic external inspections, structural integrity assessments, and multi-beam surveys of the improvements.
7. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

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8. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

**APPROVALS OBTAINED:**

California Regional Water Quality Control Board, San Diego Region.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**AUTHORIZATION:**

Authorize Issuance of a General Lease – Public Agency Use to Encina Wastewater Authority beginning January 30, 2013, for a term of 20 years, for the continued use, maintenance, and operation of a 7,800 LF, 48- and 72-inch diameter ocean outfall as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State’s best interest.

**EXHIBIT A**

**PRC 3097.9**

**LAND DESCRIPTION**

A strip tide and submerged land 30 feet wide in the Gulf of Santa Catalina, Pacific Ocean, located south of Carlsbad, San Diego County, California, the centerline being described as follows:

BEGINNING at a point with California Coordinate System, of 1927, Zone 6, coordinates of N=346,791.84 feet, E=1,671,158.14 feet, which bears South 71° 01' 23" West, 15550.61 feet from the NGS monument HPGN CA 11 07 (PID DX5291); thence from said point of beginning the following two courses:

1. South 75° 11' 00" West 5491.95 feet;
2. South 72° 37' 35" West 2294.32 feet to the point of termination.

The sidelines of said strip to be lengthened or shortened as to begin on the ordinary high water mark of said Pacific Ocean and to terminate at a line perpendicular to the terminus of said centerline.

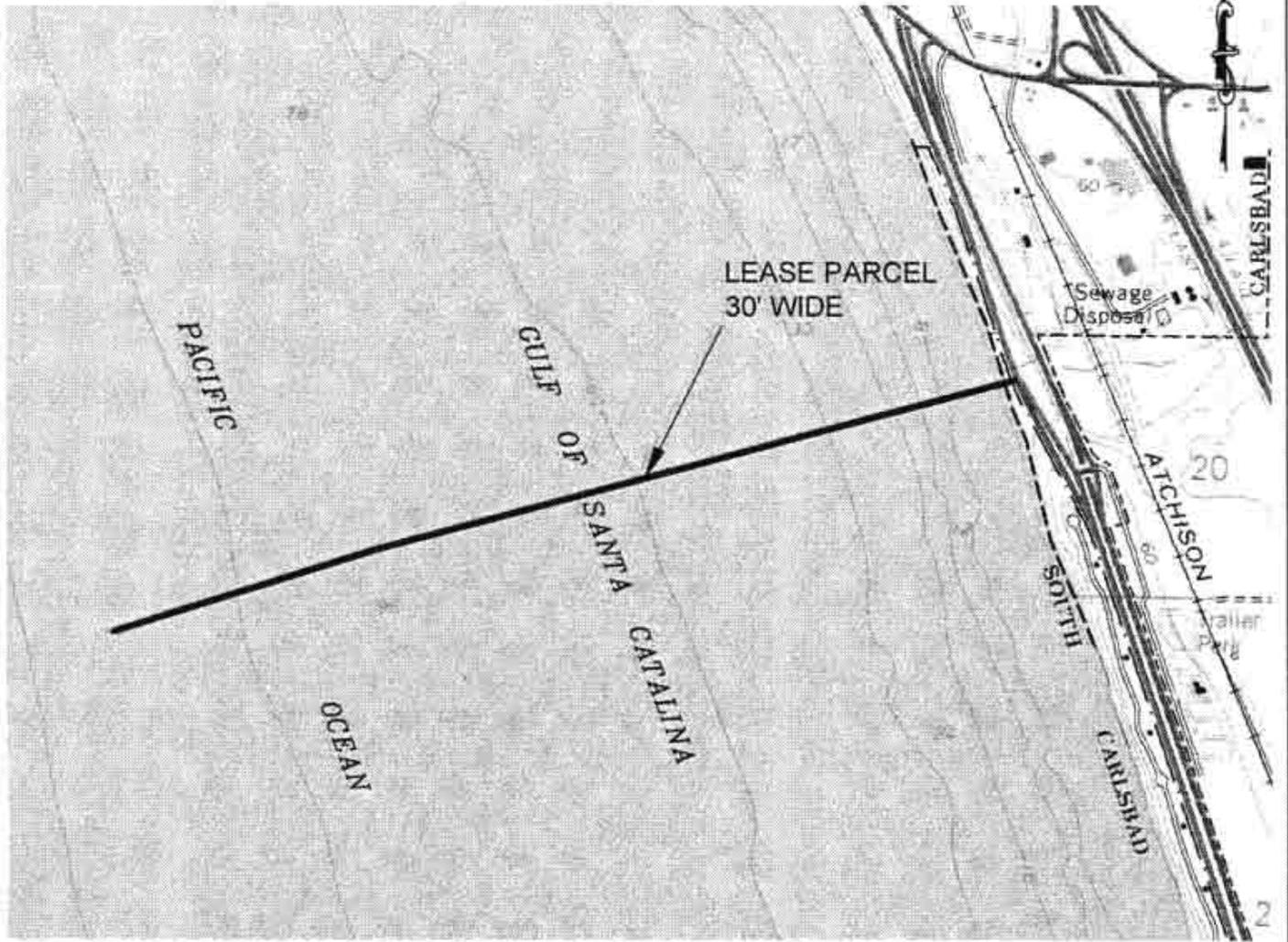
**END OF DESCRIPTION**

Prepared 12/10/12 by the California State Lands Commission Boundary Unit



NO SCALE

# SITE



GULF OF SANTA CATALINA, PACIFIC OCEAN, CITY OF CARLSBAD

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 3097.9  
 ENCINA WASTEWATER  
 AUTHORITY  
 APN 211-030-06 & 29  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SAN DIEGO 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.