

**CALENDAR ITEM
C59**

A 3
S 4

10/14/14
W 26697
B. Terry

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Sewerage Commission - Oroville Region
P.O. Box 1350
Oroville, CA 95965

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Feather River, adjacent to Assessor's Parcel Number 025-350-001, near the city of Oroville, Butte County.

AUTHORIZED USE:

Use, operation, and maintenance of an existing 27-inch inside diameter sewer outfall and diffuser under the bed of the Feather River not previously authorized by the Commission.

LEASE TERM:

25 years, beginning October 14, 2014.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises. Assessor's Parcel Number 025-350-001 on the east side of the river is owned by the California Department of Water Resources (DWR). On October 4, 1974, the Applicant obtained an Encroachment Permit issued by DWR to construct, operate and maintain a sewage effluent pipeline across its land.

Construction of the outfall and diffuser was completed in 1975 and services the greater Oroville region. Due to an oversight by the Applicant, an application was not submitted to the Commission for the construction and installation of the sewer outfall and diffuser

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over sovereign land. The Applicant is now applying for a General Lease – Public Agency Use.

2. On May 11, 2010, an underwater inspection was conducted by North State Diving, Inc., and a small section of the pipeline was found to be exposed. The pipeline was again inspected in 2014, and divers found that the same section of the pipeline remains exposed. The Applicant is required to submit a remediation plan for Commission staff's review and approval and to be in compliance within six months of execution of the General Lease – Public Agency Use. The Applicant is also required to have integrity assessments of the facilities by a California Registered Civil/Structural Engineer every five years.

4. 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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

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).

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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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to Sewerage Commission – Oroville Region beginning October 14, 2014, for a term of 25 years, for the use, operation, and maintenance of an existing 27-inch inside diameter outfall and diffuser not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; no monetary consideration will be charged as the actions result in 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

W 26697

LAND DESCRIPTION

A fifty (50) foot wide strip of submerged lands, in the bed of the Feather River, and lying adjacent to the U.S. Government Lot 1, Section 33, Township 19 North, Range 3 East, MDM, as shown on the Official Township Plat approved March 9th, 1870, County of Butte, State of California, and lying twenty-five (25) feet on each side of the following described centerline:

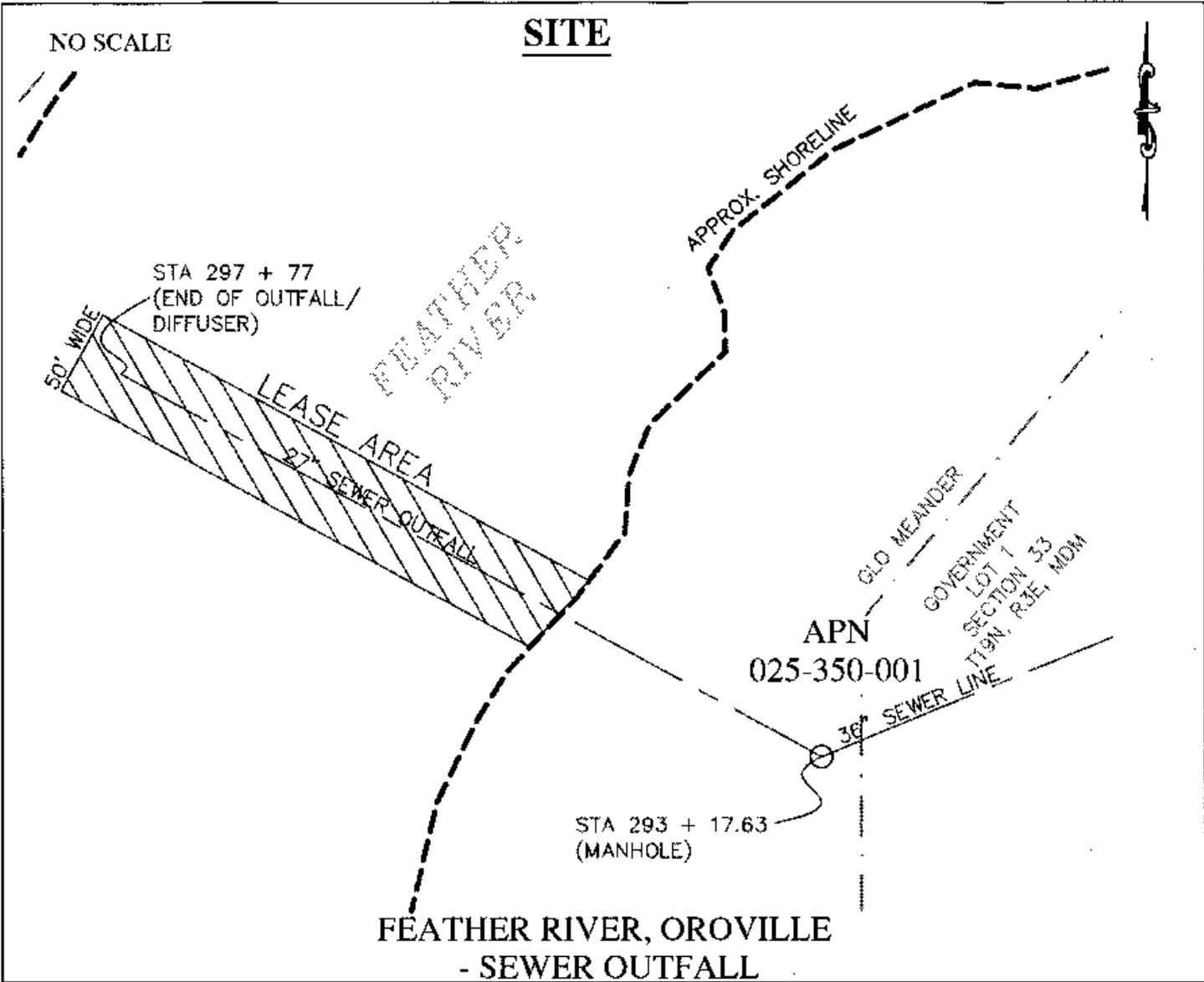
BEGINNING at a point on the westerly line of U.S. Government Lot 1, Section 33, Township 19 North, Range 3 East, MDM from which the intersection of said westerly line and the south line of said Section bears southerly 525 feet more or less, said POINT OF BEGINNING also being on the centerline of an existing 32 inch sewer line as shown on sheet 24 of 31 of "Gravity Sewer and Outfall - Diffuser Plan & Profile" dated September 20, 1974, Project No. R2036.06 on file with the Sewerage Commission - Oroville Region; thence continuing along the centerline of said sewer line S 67°32'34" W 24.66 feet to the center of an existing manhole, and the intersection between a 32 inch sewer line and a 27 inch sewer outfall line; thence along said sewer outfall line N 61°10'00" W 459.37 feet to the termination of said outfall; thence continuing along the prolongation of said outfall N 61°10'00" W 25.00 feet to the POINT OF TERMINATION.

EXCEPTING THEREFROM any portion lying landward of low water of said river.

END OF DESCRIPTION

PREPARED 4/16/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





MAP SOURCE: USGS QUAD

Exhibit B
W 26697
SEWERAGE COMMISSION
OROVILLE DIVISION
GENERAL LEASE -
PUBLIC AGENCY USE
BUTTE 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.