

**MINUTE ITEM**  
This Calendar Item No. 31  
was approved as Minute Item  
No. 31 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/31/89  
meeting.

CALENDAR ITEM

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W 30029  
Trout  
Gorfain

CONSIDERATION OF THE BOLSA CHICA PLANNING COALITION  
BOLSA CHICA CONCEPT PLAN

INTRODUCTION:

On May 22, 1989, the Bolsa Chica Planning Coalition (BCPC) agreed on a Concept Plan for the Bolsa Chica area of Orange County, as an alternative to the existing County Land Use Plan (LUP) which was conditionally certified by the California Coastal Commission in January 1986. In taking this action, the BCPC recognized that their Concept Plan must be considered in the course of ongoing local, State and federal planning processes and must undergo environmental review pursuant to State and federal law before its formal adoption.

As the major affected public landowner and a principal member of the Coalition, the Commission has been asked to: 1) review the Concept Plan; 2) lend its general support to the upcoming planning and environmental review processes; and 3) authorize staff to participate in readying the Plan for adoption and implementation.

CONVENING THE BOLSA CHICA PLANNING COALITION:

The BCPC was convened by Orange County Supervisor Harriett M. Wieder and then City of Huntington Beach Mayor John Erskine in November 1988: "To prepare an alternative plan to the adopted County Bolsa Chica Land Use Plan for presentation to the County Board of Supervisors and other governmental agencies in six months or less from November 21, 1988." Its formation was in response to increasing opposition by citizens of Huntington Beach to the County's LUP which would allow a navigable ocean entrance, marina, and waterfront residences to be constructed at Bolsa Chica. Bolsa Chica is an unincorporated area surrounded by the City of Huntington Beach. Annexation to the City is expected prior to the area being developed.

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The Coalition meetings were facilitated by Joseph E. Bodovitz and Tish Sprague of the California Environmental Trust and occurred with: 1) the Principal Parties; and 2) the Support Group. The Principal Parties are: the County of Orange, the City of Huntington Beach, Signal Landmark, the Amigos de Bolsa Chica, and Commission staff. The Support Group includes a broad range of other State and federal agencies, land owners and lessees, and citizen groups with jurisdiction or interest in Bolsa Chica.

COMMISSION ROLE IN THE BOLSA CHICA PLANNING COALITION:

An overview of the Commission's past involvement and role in Bolsa Chica is contained Exhibit "A".

Staff's current participation in the Coalition has been guided by the following considerations: 1) in 1973, the Commission entered into a Title Settlement Agreement with Signal Landmark, the major private landowner, pursuant to which it received clear title to some 320 acres, and an option to acquire title to an additional 230 acres should a navigable ocean entrance be constructed; 2) since 1973, approximately 300 acres of State lands have been leased to the California Department of Fish and Game for the Bolsa Chica Ecological Reserve, of which some 200 have been restored and managed as wetlands; 3) the City of Huntington Beach and the Amigos de Bolsa Chica believe that if there is to be no navigable ocean entrance and marina development at Bolsa Chica, the ports of Los Angeles and Long Beach could play a major role in restoring the wetlands, as offsite mitigation for proposed port fill projects; 4) recognition of past Commission positions that expenditures of the ports' tidelands revenue for off-site environmental mitigation, such as at Bolsa Chica, have to be both authorized by the Legislature and approved by the Commission; and 5) off-site mitigation by the ports would have to occur on lands subject to and protected by the Public Trust Easement. Therefore, most, if not all, of the lands designated in the Coalition Plan for wetland restoration would first have to come into State ownership, characterized as Public Trust lands.

THE CONCEPT PLAN:

The BCPC's Concept Plan is contained in Exhibit "B". The Plan: 1) identifies the acreages to be allocated and general location of each land use category; 2) specifies density ranges for the areas designated for residential development and recognizes that

specific densities will be determined through the normal local planning process; 3) delineates the requirements for a wetlands restoration plan and implementation program; 4) sets forth the timing of mesa development; 5) requires transportation decisions to be made by the City and County based on the results of ongoing studies; and 6) outlines the process and commitments by participants that must occur in order to secure necessary plan approvals, including development agreements with local governments for future development of the area.

The BCPC Concept Plan substantially reduces development, e.g. it includes no marina or other visitor-serving commercial - recreational development and expands the wetlands area (100 acres) as compared to the County's conditionally certified LUP. Under the provisions of the BCPC Plan, private landowners would not bear responsibility for dedicating and/or restoring as much of the acreage currently designated for wetland restoration. Accordingly, additional funding commitments from outside sources, such as the ports of Los Angeles and Long Beach, may be required in order to fully carry out the wetlands restoration and implementation program.

THE PROCESS AHEAD:

There are several issues relative to the BCPC Plan which are of particular importance to the Commission:

1. Residential Development in the Lowlands: Earlier this year, the United States Environmental Protection Agency (EPA) issued its determination as to the extent of "waters of the United States" at Bolsa Chica. Approximately 80 acres of land included as "waters of the United States" are designated in the BCPC Concept Plan for residential development. The Principal Parties of the Coalition are consulting with EPA, the United States Army Corps of Engineers, the United States Fish and Wildlife Service and the National Marine Fisheries Service, to determine whether residential development may be permitted as described in the plan and yet remain consistent with federal law. An initial consultation with the Federal Pre-Application Committee on this issue is tentatively set for June 27, 1989.
2. Commitment by the Ports of Los Angeles and Long Beach to Restore Wetlands at Bolsa Chica: Such commitments would be required if the ports are to participate in the wetlands restoration program as a result of mitigation requirements which are tied to proposed port-fill projects. The process of gaining funding commitments is central to the LUP's

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reconsideration by the Coastal Commission and to obtaining other agency approvals for development contemplated by the Plan. Therefore, an interagency group including the ports, City and County, Corps and Commission staff is meeting to develop a coordinated timeline for processing the Coalition's Plan. At this time, the May 21, 1990 deadline in the Concept Plan for securing "all permits and other requirements of the land use plan" appears overly optimistic. The group's intent is to review the current schedule and propose a more realistic timeline.

3. Environmental Studies Needed for Final Plan Approvals and Implementation: The Commission's budget for Fiscal Year 1988-1989 contains a \$250,000 allocation from the Environmental License Plate Fund for the conduct of studies at Bolsa Chica by the United States Army Corps of Engineers. Such studies are expected to begin soon and are designed to assist the Commission, the Corps, and other governmental agencies in their decision processes for Bolsa Chica (See related Calendar Item #30 on this agenda).
4. Environmental Analysis: The requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) must be met in the course of Plan adoption and implementation. Based on the Commission's experience in Santa Barbara County, staff is working with the County of Orange to determine whether a Joint Review Panel should be formed to most effectively prepare a joint EIR/S.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA pursuant to 14 Cal. Code Regs 15061 because the activity is not a project.

Authority: 14 Cal. Code Regs. 15061(b)(3).

- EXHIBIT:
- A. Bolsa Chica - A Historical Perspective.
  - B. Bolsa Chica Coalition Concept Plan.

CALENDAR ITEM NO. 31 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PRC 21065, AND 14 CAL. CODE REGS. 15378.
2. EXPRESS ITS GENERAL SUPPORT OF THE ONGOING PLANNING AND ENVIRONMENTAL REVIEW PROCESSES, WITHOUT PREJUDICE TO CONSIDERING ANY ACTIONS IT MAY BE REQUIRED TO TAKE REGARDING THIS PLAN ON ITS IMPLEMENTATION, PARTICULARLY AS EACH ADDRESS THE ISSUES OUTLINED ABOVE; AND
3. AUTHORIZE STAFF TO FULLY PARTICIPATE IN THESE PROCESSES TO ENSURE THAT THE COMMISSION'S INTERESTS ARE ADDRESSED IN A MANNER THAT WILL ENABLE IT TO SUBSEQUENTLY CONSIDER ACTIONS BEFORE IT RELATIVE TO IMPLEMENTATION OF THE COALITION PLAN.

BOLSA CHICA

A Historical Perspective:  
Application of the Public Trust Doctrine  
To Public Land Management

James F. Trout\* Daniel Gorfain\*\* Curtis L. Fossum\*\*\*

INTRODUCTION

Bolsa Chica, meaning "little purse" in Spanish, provides a good example of an area where conflicting public and private interests offer a unique opportunity for creative conflict resolution. A detailed chronicle of the events of the last two decades alone would fill not only a "large bag," but fully the entire volume set of proceedings of this conference.

Bolsa Chica is one of the few remaining wetlands along the California coast (FIGURE 1). Over 90% of California's coastal wetlands have been consumed by development since the turn of the century. Bolsa has been heavily impacted by adjacent burgeoning urbanization of coastal Orange County, and by five decades of oil and gas development within it.

During the past 20 years, the public and private landowners of Bolsa Chica, have found themselves caught in the midst of rapidly changing public perceptions, attitudes, and directions. These changes have been reflected in a wide range of political and legal actions, from ballot initiatives and new legislation calling for greater protection of coastal wetlands and limits on the type and intensity of coastal land use, to significant new judicial precedents establishing and refining the environmental impact review process and affecting the use of Public Trust lands. What was thought to be appropriate development in the overall public interest during the 1960's has, today, become the subject of considerable debate.

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The statements made and opinions expressed are those of the authors and do not necessarily reflect those of the California State Lands Commission.

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Whatever the future of land use in Bolsa Chica, it will be significantly impacted by the extent of current and future public ownership in the area. The determination of the extent of that public ownership has been the subject of great controversy and protracted litigation, not yet concluded.

In the short time allotted for this presentation, we would like to briefly review the history of land title at Bolsa Chica, outlining the title settlement arrived at between the private and public land owners in 1973, and describe the importance of the Public Trust Doctrine as it applies to the area..

#### PHYSICAL SETTING

As illustrated in FIGURE 2, Bolsa Chica consists of roughly 1,600 acres of unincorporated land along the Pacific Coast in northwestern Orange County. It is surrounded on three sides by fully urbanized areas of the City of Huntington Beach, on the fourth by the Pacific Coast Highway, Bolsa Chica State Beach, and the Pacific Ocean. To the northwest, is Huntington Harbour, where waterfront homes and boat slips built in the 1960's replaced a tidal estuary.

Bolsa consists of a mesa area overlooking some 1,200 acres of "lowlands" which historically contained marsh, tidal estuary and sand dunes. Today, much of the lowlands are degraded wetlands, among which Shell Western E & P Inc. operates an oil field containing hundreds of wells, with roads, levees, dikes, and appurtenant oil field facilities. The area is bisected by the Wintersburg Flood Control Channel. Approximately 530 acres of the lowlands are presently within the Bolsa Chica Ecological Reserve, leased to and under the management of the California Department of Fish and Game.

#### HISTORICAL BACKGROUND

To understand Bolsa Chica, its ownership status, and the impact of the Public Trust Doctrine on the property, it becomes necessary to delve back in time to the Spanish Colonial period of nearly two hundred years ago. The Spanish Crown granted 300,000 acres in the area to a retiring Spanish soldier in 1794.

Bolsa Chica was a part of an 8,000 acre swamp existing for several miles inland. By 1838 Mexican colonists began constructing irrigation and drainage ditches to drain water from marshes in the area. In 1841 the government of Mexico granted over 8,000 acres known as Rancho La Bolsa Chica, to Joaquin Ruiz, from whom the present owners trace the majority of the title to their property.

California became a possession of the United States in 1848 after the war with Mexico. Following California statehood in 1850, Congress enacted laws to confirm Spanish and Mexican land grants. The United States conducted a

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survey for Rancho La Bolsa Chica in 1858 which excluded a tidal area of over 500 acres. In 1896 a Pasadena sportsman and member of the Bolsa Chica Gun Club applied to the State of California to purchase 528.82 acres surveyed as tidelands within Bolsa Chica. A tideland patent was issued in 1899 for that land. (The sale of tidelands had occurred in California from the 1850's until 1909 when the legislature halted their sale. Submerged lands had not generally been authorized for sale).

After purchasing the tidelands the Bolsa Chica Gun Club proceeded to fence its property and dam the tidal sloughs which resulted in the silting up and closure of the natural ocean entrance at Los Patos "The Ducks". This closure forced the Gun Club to dig an artificial channel to Anaheim Bay to prevent flooding and improve water circulation. Local citizens took exception to the Gun Club's actions and on Thanksgiving Day ignoring the fences and no trespassing signs proceeded to enter into the Bolsa Chica and were arrested. Their trespass convictions were upheld by the California Supreme Court in Bolsa Land Co. v. Burdick (1907) 151 Cal.254. In that decision the Court stated:

"The simple truth of the matter is that the state, always, of course, subject to the paramount control of the general government touching matters of navigation and commerce, has the right to sell into private ownership any of these water-covered lands, the limitation upon its power in this regard being that such sales shall be in aid of, or at least not in derogation of its governmental trust to preserve needed navigable waters for the benefit of its people." (pg. 262)

Again the California Supreme Court cast doubt on any remaining public rights in Bolsa Chica in Forestier v. Johnson (1912) 164 Cal.24, speculating that the entire area was within Rancho La Bolsa Chica and no tidelands existed.

The next important event regarding title to Bolsa Chica took place before the Department of the Interior. An application had been filed with the United States to purchase lands lying between the 1858 Rancho survey and the 1896 Tidelands survey since there were some discrepancies. The Department of the Interior at 56 DI 276 (1938) ruled that the true boundary was not the survey but was the edge of tidewater. Bolsa Land Co. v. Vasqueros Major Oil Co. Ltd. (1938) 25 C.A.2nd 75 decided the same year by a California Appellate Court determined the legal boundary between tidelands and uplands to be the mean high tide line.

For the next 30 years development of the oil field underlying Bolsa was the major impact.

Apparently some interest in creating a small craft harbor in Anaheim Bay spilled over into Bolsa, however, no real push was made until 1964 when Congress authorized the Corps of Engineers to study the feasibility of a small craft harbor and second entrance in the Bolsa/Sunset Bay area. Orange County was the local sponsor.

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Some very interesting and controversial projects were envisioned for Bolsa Chica in 1967 and 1968. The California Legislature, with widespread support, authorized the development of The Bolsa Island Nuclear Power and Desalting Plant by Statutes of 1967, Chapter 1520. The plan called for development of a nuclear plant on an offshore island which would develop 1800 megawatts of power (more than Hoover Dam) and provide 150 million gallons per day of fresh water, enough for 750,000 people. But when the original cost estimate of \$444 million skyrocketed to \$765 million, the project was dropped; only to see plans emerge for an international airport with a 2 mile offshore runway. This plan, however, never really materialized.

It was at this point in time, just over 21 years ago that Bolsa Chica and the Public Trust Doctrine's historical paths crossed.

#### THE PUBLIC TRUST DOCTRINE

The Public Trust Doctrine's roots began in antiquity. Its present day form can be traced through the English Common Law back to the Civil Law and Codes adopted by the Roman Emperor Justinian in 543 A.D. Its primary principle is that the sovereign holds tidal and navigable waterways in trust for the public.

While each of the 50 sovereign states in the United States may interpret that trusteeship, and in exercise thereof even convey into private ownership portions of its sovereign Public Trust lands - no state may abrogate its responsibilities as trustee in a wholesale fashion.

California began to sell portions of its Public Trust lands almost from statehood. Certain restrictions were included in the California Constitution adopted in 1879 but sales continued until 1909.

A major Public Trust decision involving the Los Angeles Harbor area in San Pedro was decided by the California Supreme Court in People v. California Fish Co (1913) 166 Cal.576. While affirming that tidelands could be sold, the Court described these sales as conveying only the mere proprietary interest in the soil, and that the lands remain subject to the Public Trust Easement.

What is considered to be a rebirth of the Public Trust Doctrine, and what in fact was a reaffirmation and application to present day circumstances, occurred in 1970 and 1971 during negotiations of the Bolsa title dispute. Two cases came before the California Supreme Court during that period which have had a major impact on public land management relating to Public Trust lands not only in California but nationwide.

The first case was the City of Long Beach v. Mansell (1970) 3 Cal.3d 462 involving Alamitos Bay in the City of Long Beach, an area which had many of the elements of Bolsa

Chica. The State of California had, similarly, sold hundreds of acres in Alamitos Bay by tideland patents in the 1800's. These Tidelands were adjacent to a Mexican Rancho grant. Long Beach in the late 1920's and 30's created water oriented recreational facilities in contemplation of their use in the 1932 Los Angeles Olympic Games. Today this area is a combination of public beaches, public waterways, public marinas and a waterfront neighborhood. The Supreme Court unanimously found that the legislatively authorized land exchange of relatively small portions of former tidelands made in furtherance of the Public Trust purpose of harbor development was lawful and not a violation of the Constitution or the Common Law Public Trust Doctrine.

The second major case Marks v. Whitney (1971) 6 Cal.3d 251 also considered patented tidelands adjoining a Mexican land grant -- however this case involved a rather remote and undeveloped beach and marsh adjoining Tomales Bay in Marin County north of San Francisco. There a neighbor who desired access across Public Trust lands found his desires in conflict with the successor to the tideland patentee whose plan was to build a motel and marina which would deprive the neighbor and the public in general access across and use of the trust land. The California Supreme Court in another unanimous decision expressed what is regarded as the landmark Public Trust case determining public rights in tidelands.

The Court reaffirmed the principal that the public's rights were paramount and that the owner of the tidelands could not unilaterally remove the public's rights even by reclamation of the lands. The Court further clarified the uses to which the public's easement could be appropriately put.

The 18th Century Common Law enunciation of navigation, commerce, and fisheries was modernized to present day concepts of public values in tidelands, submerged lands and other navigable waters. These values include not only those of commercial navigation and commercial fishing of the British Imperial period but today's values of recreational navigation (i.e., boating, sailing, rafting), recreational fishing, fowling, wading, swimming and protection of the waters and the public's rights in the shoreline area for open space, ecological preservation and scientific study.

#### 1973 BOLSA CHICA TITLE SETTLEMENT AGREEMENT

It was in this context of renewed interest by the California Supreme Court regarding both title and use issues involving Public Trust lands that the State of California negotiated the settlement.

In January of 1968 the staff of the State Lands Commission notified the Orange County Harbor District and representatives of the then property owners -- the Bolsa Corporations, that California claimed ownership of certain property interests in Bolsa Chica. Discussions occurred

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between representatives of the private owners and the State regarding possible future use of the lands. In January 1970 the Signal Companies who were operating the oil field purchased the surface rights for a "reported" \$25,000,000. In June the Corps of Engineers made its determination that a navigable ocean entrance was economically feasible. By October Signal made a presentation to a large group of California state agencies offering the State 110 acres to settle possible title claims.

The State rejected this offer and began its independent investigation of historical facts and Public Trust needs. Signal engaged the Dillingham Environmental Company to conduct certain studies which resulted in the three volume "An Environmental Evaluation of the Bolsa Chica Area" (1971). They also engaged the services of Moffat and Nichol, Engineering to evaluate the historical record to seek to determine the topographical features of Bolsa when last in a state of nature.

In January 1972, in desiring to avoid costly litigation and seeking possible resolution of the land dispute in a manner conducive to managing that land in the future, the California Secretary for Resources created the Inter-agency Task Force on Bolsa Bay consisting of representatives of the California Departments of Fish and Game, Navigation and Ocean Development, Parks and Recreation, State Lands Commission, and the Attorney General's Office "to assess the State's position and to develop a comprehensive plan to exercise the public rights within Bolsa Bay".

The overall objective of the Task Force in the Agency's plan was: "To re-establish and maintain for the people of the State of California now and in the years ahead, a saltwater marsh ecological system, adequate in size and quality to provide for a diversity of use of coastal wetland habitats." More specifically, the Task Force set out to: improve bay and surf fisheries; provide habitats for a variety of water-associated wildlife, including several endangered species; create educational and scientific opportunities for the study of the development, formation and maintenance of a saltwater marsh; expand public recreational opportunities at the Bolsa Chica State Beach; and provide a public waterway system available for small craft recreational use. The conclusion of the Task Force was that the 528.82 tidelands sold in 1896, in fact contained approximately 66 acres of submerged lands and about 490 acres of tidelands which were located roughly as shown on FIGURE 3.

In August 1972, the Task Force circulated its proposed report "Bolsa Bay: A Conceptual Plan for Resources and Recreation." The Plan was based on the determination by the Task Force that the, multi-fingered configuration of State claims were not conducive to attaining the desired Public Trust objectives. It considered that the public interest would best be served if the State's lands were consolidated contiguous to Bolsa Chica State Beach. On January 4, 1973, after almost a year of detailed consideration, in which the

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Plan was widely discussed with concerned local, state and federal agencies, subjected to many public hearings before a number of key conservation groups and hundreds of interested citizens, and extensively covered in newspapers in Southern California, and Norman B. Livermore, then Secretary for Resources, approved the Plan and presented it to the State Lands Commission and the Fish and Game Commission. The land use concept proposed by the Task Force is depicted in FIGURE 4.

On January 26, 1973, based on the research and analysis of the historical record conducted during the previous five years, the Conceptual Plan, and extensive negotiations between the Plan and the State, the State Lands Commission approved the Bolsa Chica Title Settlement and Exchange Agreement. At the hearing the settlement received the support of all elements of the community, including all major environmental groups (i.e. Sierra Club, Audubon Society). The Los Angeles Times praised the settlement as a win-win situation for both the environment and the private property owners.

The major points of the Agreement were:

1. The State received fee title to a 300 acre parcel including the entire frontage along the Pacific Coast Highway adjacent to the Bolsa Chica State Beach.
2. The State received title to 27.5 acres underlying Pacific Coast Highway.
3. The State received title to 70 acres of mineral rights.
4. Title to the remainder of Bolsa Chica, or some 1600+ acres was confirmed or exchanged to the Signal Companies free of the Public Trust Easement.
5. Signal provided to the State a lease, of an additional 230 acres of land adjacent to the 300 acre parcel for inclusion in the Ecological Reserve for a period of fourteen years (this lease has been extended).
6. The State, upon construction of a navigable ocean entrance system to the Pacific Ocean to provide a variety of public benefits, would receive title to the so-called 230 acre lease/option area bringing the State's total ownership to 557.5 acres.
7. The California Department of Fish and Game received a 66-year lease from the State Lands Commission for operation of the Ecological Reserve.

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The Conceptual Plan called for the multi-use development of the State's land resources in two phases. Phase I called for the creation and restoration in excess of 100 acres of coastal wetland habitat. Phase II was to culminate with the major portion of the area, or 300+ acres dedicated to the re-establishment of a saltwater marsh with the remainder to be developed as a public marina intended to include day use launching ramps and permanent berthing and related service facilities, with options such as picnic sites, fishing access and off-beach parking for Bolsa Chica State Beach (FIGURE 4).

Phase I was promptly implemented. To date, the Department of Fish and Game has restored additional areas to wetlands bring the total to about 200 acres of thriving coastal wetland which serves as home to five endangered species. While it is a far cry from the reported skies darkened with thousands of waterfowl at the turn of the century, it is an example of one of the first successful tidal marsh restoration projects on the West Coast.

Since 1973, many events have transpired that effect the ultimate fate of Bolsa Chica. New state and federal laws have been enacted which now provide greater protection to wetlands. Creation of the California Coastal Commission and enactment of the Coastal Act provide a comprehensive statewide approach to developments along the California coast. Litigation challenging the validity of the title settlement was filed by a group of local citizens in 1979, six years after the settlement and creation of the Ecological Reserve. Perceptions and objectives have changed and evolved resulting in a significant number of planning efforts including reanalysis of types, amounts and location of future wetlands restoration.

The Commission has contracted with the U.S. Army Corps of Engineers Waterways Experiment Station in Vicksburg, Mississippi (WES) to evaluate engineering feasibility of the navigable and non-navigable ocean entrance system Land Use Plan alternatives for Bolsa Chica conditionally certified by the California Coastal Commission in January 1986. The Coastal Commission's navigable entrance "Preferred Alternative", is shown in FIGURE 5. This study is nearing completion and is discussed in another conference paper entitled: "Engineering Assessment of and Proposed Bolsa Bay Development", authored by Steven A. Hughes, WES's Project Manager which is also available by writing Dr. Hughes at WES. These and other events will be discussed by other panelists.

As this paper is being written a mediation effort is underway for the purpose of resolving the long-standing conflict over the land use future of Bolsa Chica. This and other events will be discussed by other panelists.

No matter how the conflicts are ultimately resolved, the California State Lands Commission as the principal public landowner will continue to exercise its role as

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trustee of the Public Trust lands involved and work with other responsible agencies and the property owners to insure the best possible outcome for Bolsa Chica.

of the Bolsa Chica area... culminate with the major portion of the area... dedicated to the... the remainder to be developed as a public marina... to include day and launching ramps and parking... and related service facilities... water fishing docks and pier-head... Bolsa Beach (Plan...)

Phase I... Department of Fish and Game... to include... coastal... species... century... land... project...

... establishment... 50 years... official... not... office... 7

... 7

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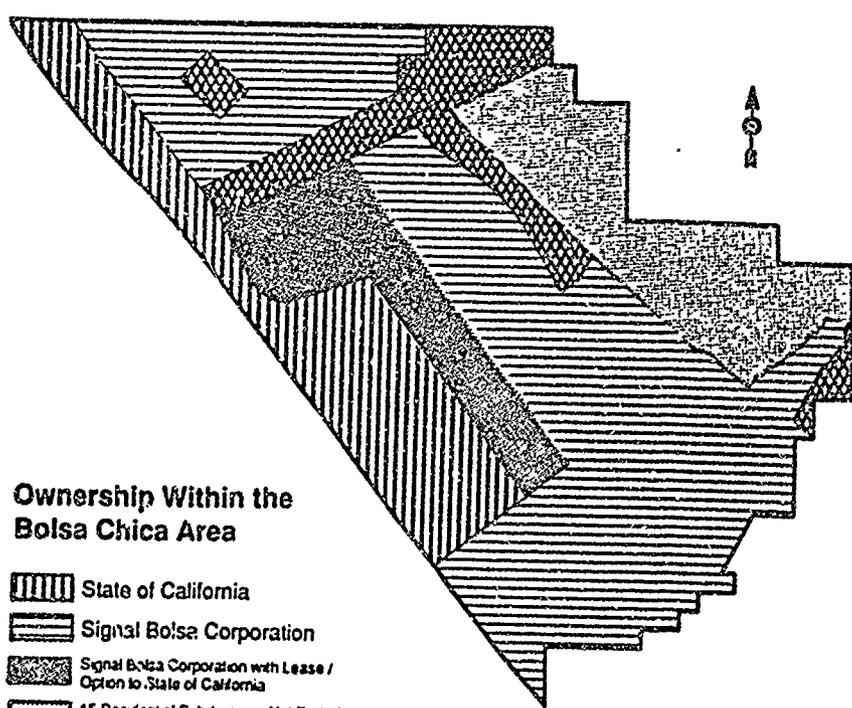
U.S. Army Corps of Engineers, Los Angeles District, 1983. Progress Report on Navigation Study -- Sunset Harbor/Bolsa Chica Bay, Orange County, California.

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FIGURE 1



**Ownership Within the Bolsa Chica Area**

-  State of California
-  Signal Bolsa Corporation
-  Signal Bolsa Corporation with Lease / Option to State of California
-  15 Residential Subdivisions Not Part of 1600 Acres within Bolsa Chica Study Area
-  Others

For Illustrative Purposes Only

FIGURE 2

### BOLSA CHICA TIDELANDS

This depiction is intended to illustrate the approximate 1973 agreed location of the Rancho survey of 1858 by Henry Harcock approved in 1861.

The topographic features shown are per the 1907 Dessery Survey.

-  Rancho La Bolsa Chica Location
-  Tidelands (including isolated 'tidelands')
-  Submerged Lands

This depiction is not necessarily to scale and is for illustrative purposes only and should not be considered as binding as to location shown.

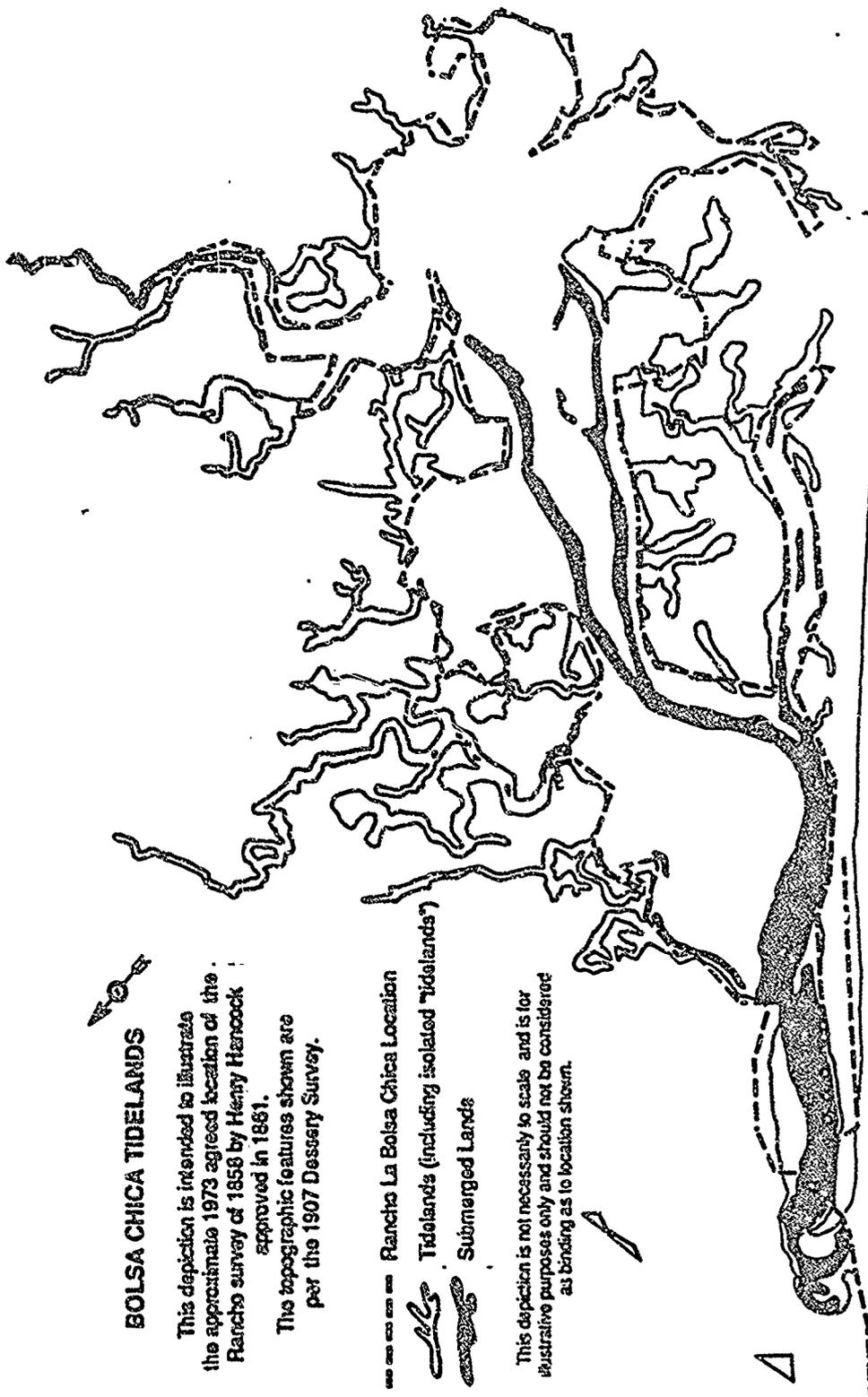
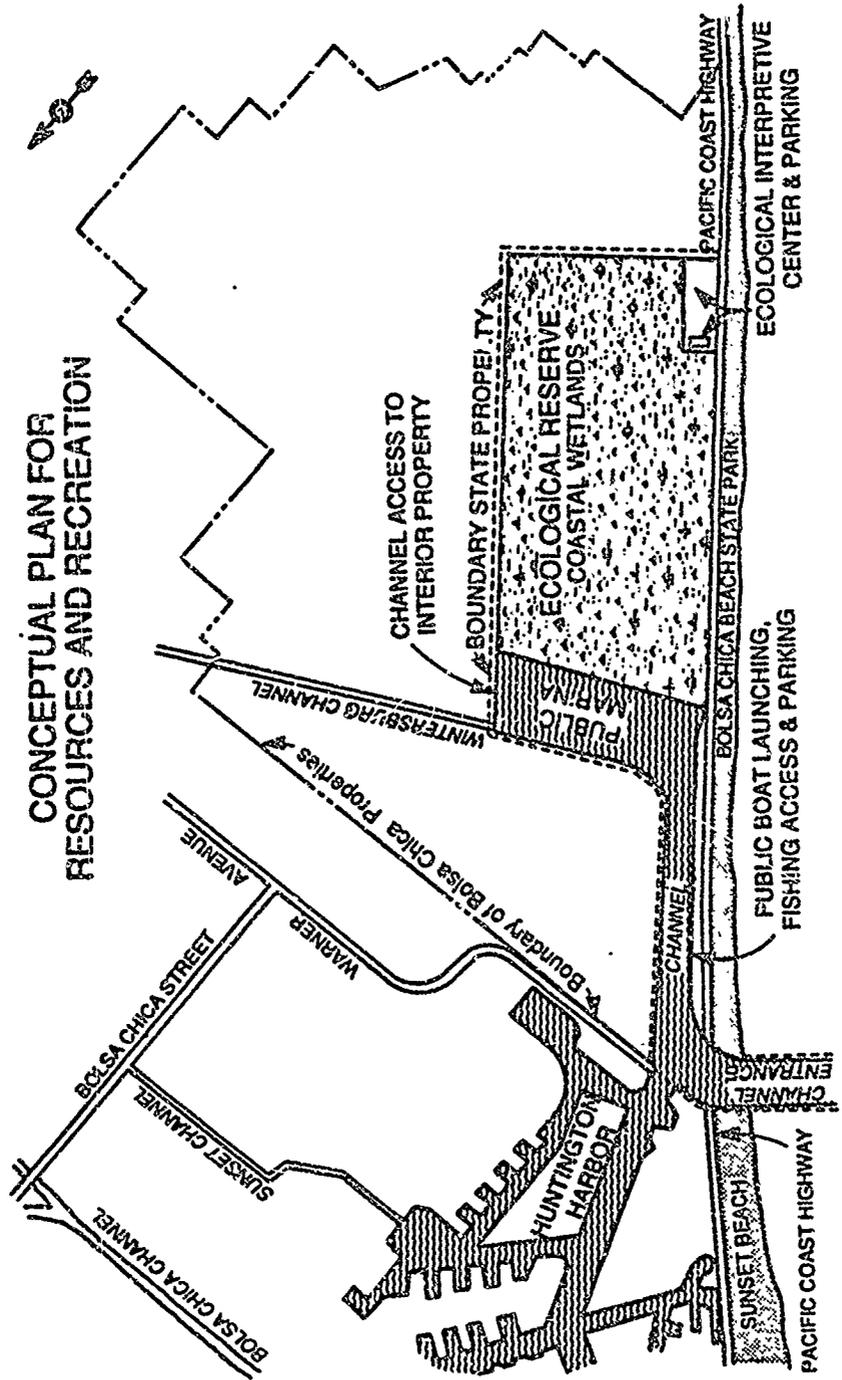


FIGURE 3

1973  
**BOLSA BAY**  
**CONCEPTUAL PLAN FOR**  
**RESOURCES AND RECREATION**



PACIFIC OCEAN  
 STATE PROPERTY - 530 ACRES  
 1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

FIGURE 4

0.1741

**Approved Land Use Plan**  
 Adopted by: Orange County Board of Supervisors  
 December 18, 1985  
 Conditionally Approved by: California Coastal Commission  
 January 8, 1986

-  Medium Density Residential
-  High Density Residential
-  Heavy Density Residential
-  Marina/Commercial
-  Local Coastal Program
-  Bolsa Chica Segment Boundary Line
-  Bolsa Chica Study Area
-  Boundary Line

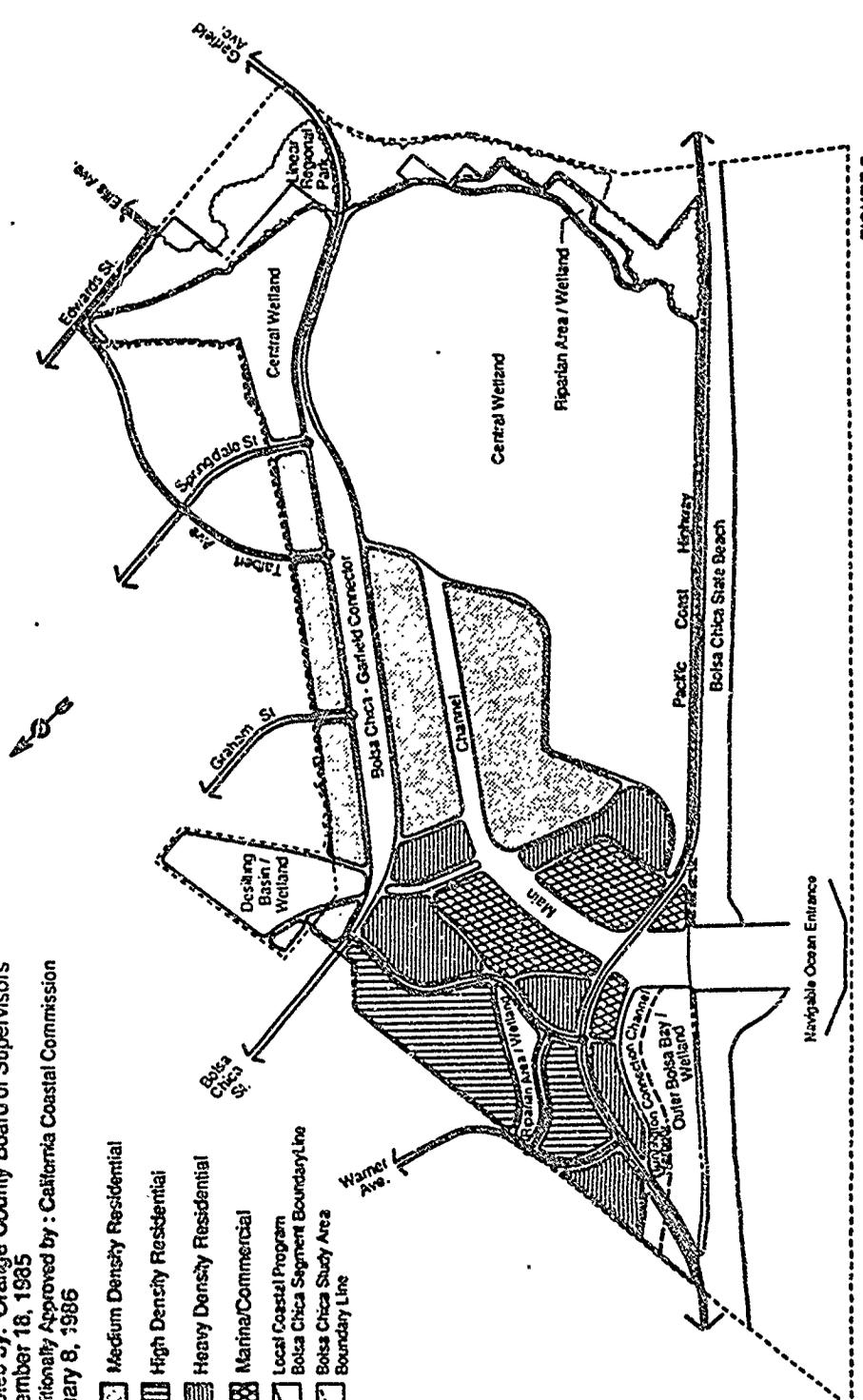


FIGURE 5

BOLSA CHICA PLANNING COALITION

CONCEPT PLAN \*

I. PLAN COMPONENTS - Each Component is an integral part of the plan, and is not to be considered separately from the others.

A. PLAN MAP - The Coalition Concept Plan is as shown on the map dated 5/22/89.

B. ACREAGE DETERMINATIONS - The number of acres for each land use category is as follows:

|                                     |                 |
|-------------------------------------|-----------------|
| Wetlands/ESHAs/Open Space           | 1104.9 ac.      |
| Residential                         | 412.3 ac.       |
| Linear Park/ESHAs                   | 50.9 ac.        |
| Designated Road R/W as shown on map | 53.7 ac.        |
| Flood Control Channel               | 13.2 ac.        |
| <b>TOTAL</b>                        | <b>1635 ac.</b> |

C. RESIDENTIAL DENSITIES - Three (3) areas are shown on the map for residential development. The exact number of units within each area will be determined through ordinary City and County Planning procedures. Traffic studies and other infrastructure requirements such as sewers will also determine the number of housing units allowed at Bolsa Chica. The residential density ranges reflect City and County acceptable standards for those areas and will show a range of up to 6.5 units per acre in the area behind the cross gap connector, up to 12.5 on the MWD property and up to 18 maximum reflecting a mix of densities on the Mesa. All final decisions on the type and densities in each geographic area will be determined by County and City through the usual public hearing process. Lowland development will require federal permitting.

D. WETLANDS RESTORATION PLAN AND IMPLEMENTATION PROGRAM - A Wetlands Restoration Plan and Implementation Program for the entire Bolsa Chica area will be developed as part of the Local Coastal Program. It will provide for wetlands, ESHAs, and open space areas, and will indicate 1) the type and extent of various habitats, 2) phasing of wetlands restoration as petroleum production diminishes, 3) funding sources, 4) ownership and management of restored areas, and 5) regulatory requirements for plan implementation.

The 1986 Certified Local Coastal Program/Land Use Plan (LCP/LUP) Policies, or where not directly applicable, concepts, will apply to the Wetlands Restoration Plan.

The Wetlands Restoration Plan will also determine whether additional non-navigable sources of ocean water are needed to accommodate the habitat to be restored, and if so, how to design and provide for them.

\* This concept plan is a replacement plan prepared by the Bolsa Chica Planning Coalition as an alternative plan to the 1986 Certified Local Coastal Program/Land Use Plan.

This plan will also delineate areas to be available for mitigation. Areas at Bolsa Chica may be made available for restoration as mitigation of other off-site development projects beyond those required for development at Bolsa Chica, subject to property owners' receipt of fair market value or other equitable compensation.

- E. MESA DEVELOPMENT - Upon approval of the Wetlands Restoration Plan and Implementation Program by the County and the Coastal Commission, mesa development will be allowed to proceed. For this provision to take effect, the Implementation Program must contain assurance of wetland restoration through financing mechanisms such as bonding, trusts, etc.
- F. TRANSPORTATION ISSUES - Transportation decisions regarding the necessity and feasibility of a cross-gap connector will be made by the Huntington Beach City Council and the Orange County Board of Supervisors after results of the Transportation Land Use Base Model Studies being jointly undertaken by the City and the County are available for public review.
- G. PERMIT APPROVALS AND UNEXPECTED DEVELOPMENTS - All Coalition members agree to support adoption of the plan as it progresses through the permit approval process which is scheduled to be completed on or before 5/21/90. Should there be changes required by permitting agencies, or should other unexpected developments occur, the Coalition members will meet to discuss what to do. Ultimately, Coalition members are not bound to support the plan if it fails to meet substantial permit requirements of local, State and Federal laws.

## II. PROCESSING OF PLAN

- A. ROLE OF COUNTY EMA PLANNING - All local, State, and Federal NEPA environmental assessments and impact analyses undertaken on the plan, the Local Coastal Program, or associated documents will be coordinated by County EMA Planning to bring all interests together.
- B. LOCAL AND STATE APPROVALS - All local, State, and Federal laws apply to the plan and to the approval process. A revised Local Coastal Program that embodies the Coalition Land Use Plan alternative will first be submitted to the county for approval, and then to the State Coastal Commission.
- C. FEDERAL APPROVAL PROCESS - Similarly, provisions of the revised Local Coastal Program will need Federal approval, and a pre-application review under Section 404 will be undertaken concurrently with the LCP/LUP planning process.

## III. DEVELOPMENT AGREEMENT

- A. LAND-USE AGREEMENT - All land use entitlements will be vested under a pre-annexation development agreement among affected landowners, the County of Orange, and the City of Huntington Beach.

- B. PROPERTY DEDICATIONS -- Dedication of property for public infrastructure, road rights-of-way, the Linear Regional Park, local parks and trail systems, and Wetlands restoration areas will be as specified within a development agreement.

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