

MINUTE ITEM

This Calendar Item No. 62 was approved as Minute Item No. 62 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

Minute Item
62

04/05/04
W25306
J. Smith

CALIFORNIA DEPARTMENT OF TRANSPORTATION
(APPLICANT)

Regular Item 60, 61 and 62: Commission listened to staff presentation pertaining to the restoration of the Bolsa Chica wetlands in Orange County.

Item 60 is to grant Fish and Wildlife Service a four-year lease to start construction.

Item 61 is the relocation of the gas line by the City of Long Beach.

Item 62 is to provide CalTrans the right-of-way to build a detour for the Pacific Coast Highway during construction of a bridge and then give ownership of the new bridge.

All three items were approved as presented by a 3-0 vote.

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PRC 8527.9

04/05/04

S 35

W 25306

J. Smith

J. Trout

P. Griggs

GENERAL LEASE - PUBLIC AGENCY USE,
PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAY CODE

LESSEE:

California Department of Transportation
3337 Michelson Drive, Suite 380
Irvine, California 92612-8894

AREA, LAND TYPE, AND LOCATION:

State-owned and public trust lands within the Bolsa Chica lowlands, Orange County.

AUTHORIZED USE:

Use and maintenance of a new bridge and approach roadway for Pacific Coast Highway (State Route 1), between Warner Avenue and Seapoint Drive.

LEASE TERM:

Continuous use plus one year.

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 owns and has a right to use the lands adjoining the lease premises.
2. As a requirement of the Bolsa Chica Lowlands Restoration Project (Project), it will be necessary for the Project to construct certain highway improvements for Pacific Coast Highway (State Route 1). Those improvements, between Warner Avenue and Seapoint Drive, consist of a

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new bridge and approach roadway to span a new tidal inlet to the Bolsa Chica Wetlands. The Applicant will be responsible for the long-term operation and maintenance of the bridge and approach roadway. These highway improvements will involve public trust lands owned by the Commission and state lands owned by the California Department of Parks and Recreation. State Parks will provide the necessary authorization for inclusion of its property in the Commission's lease to the Applicant.

3. Pursuant to section 101.5 of the Streets and Highway Code, the Commission is authorized to grant needed rights of way to the California Department of Transportation for highway purposes upon approval by the Commission of a map showing the area required. Approval of the right of way for this project is contingent upon proper filing of the 101.5 map showing the right of way in substantially the same location as the existing Pacific Coast Highway where it will intersect the proposed Bolsa Chica inlet as previously approved by the Commission when it certified the Final Environmental Impact Report/Environmental Impact Statement and approved the project on January 30, 2002. In addition, the 101.5 map will show a temporary detour right of way while the permanent bridge is under construction. Construction of the bridge is expected to take about 18 months.
4. Pursuant to section 114 of the Streets and Highway Code, the California Department of Transportation is authorized to enter into cooperative agreements with public entities when the entity plans work on a state highway. The proposed agreement provides for the Department to perform professional and technical services related to the bridge design. A draft agreement has been prepared and is on file at the Sacramento Office of the Commission.
5. The Commission certified the Bolsa Chica Lowlands Restoration Project (Project) Final Environmental Impact Report/Environmental Impact Statement, adopted Findings, adopted a Mitigation Monitoring Program, adopted a Statement of Overriding Considerations, and approved the Project on January 30, 2002. The NEPA lead agencies issued the Record of Decision in the second quarter of 2002.

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff prepared an EIR/EIS identified as CSLC EIR/EIS No. 712, State

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Clearinghouse No. 2000071068. Such EIR/EIS was prepared and circulated for public review pursuant to the provisions of the CEQA.

6. The Bolsa Chica lowlands were acquired for the specific purpose of restoring the area as tidal wetlands as mitigation for development at the Ports of Los Angeles and Long Beach. The lowlands acquired for the Restoration Project are adjacent to the Bolsa Chica Ecological Reserve that has been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370-6377.

Although the Commission considers all lands "significant" by nature of their public ownership, use classifications, specifically designed to protect the significant environmental values of the area designated, are not assigned unless such lands have been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370-6377. The Bolsa Chica lowlands have been subjected historically to intensive modifications that eliminated its wetlands function, including, but not limited to, elimination of its access to the sea and oil and gas production. Accordingly, the area was neither identified pursuant to Public Resources Code sections 6370-6377 nor assigned use classifications; therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers; Regional Water Quality Control Board; Coastal Commission.

EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. RE-ADOPT THE FINDINGS FOR THE 2001 BOLSA CHICA LOWLANDS RESTORATION PROJECT ON FILE IN THE

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SACRAMENTO OFFICE OF THE COMMISSION, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15091.

2. RE-ADOPT THE MITIGATION MONITORING PROGRAM PREPARED FOR THE 2001 BOLSA CHICA LOWLANDS RESTORATION PROJECT ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION, IN CONFORMANCE WITH THE PROVISIONS OF THE CEQA (PUBLIC RESOURCES CODE SECTION 21081.6.
3. RE-ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE 2001 BOLSA CHICA LOWLANDS RESTORATION PROJECT ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093.

AUTHORIZATION:

1. AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION OF A GENERAL LEASE – PUBLIC AGENCY USE, FOR CONTINUOUS USE PLUS ONE YEAR, FOR USE AND MAINTENANCE OF A NEW BRIDGE AND APPROACH ROADWAY TO SPAN A NEW TIDAL INLET TO THE BOLSA CHICA LOWLANDS, ON PACIFIC COAST HIGHWAY (STATE ROUTE 1) BETWEEN WARNER AVENUE AND SEAPOINT DRIVE, ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONTINGENT UPON PROPER FILING OF THE 101.5 MAP SHOWING THE RIGHT OF WAY IN SUBSTANTIALLY THE SAME LOCATION AS THE EXISTING PACIFIC COAST HIGHWAY WHERE IT WILL INTERSECT THE PROPOSED BOLSA CHICA INLET AS PREVIOUSLY APPROVED BY THE COMMISSION WHEN IT CERTIFIED THE FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT AND APPROVED THE PROJECT ON JANUARY 30, 2002, AND THE NECESSARY DETOUR DURING BRIDGE CONSTRUCTION. CONSIDERATION IS THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A

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MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

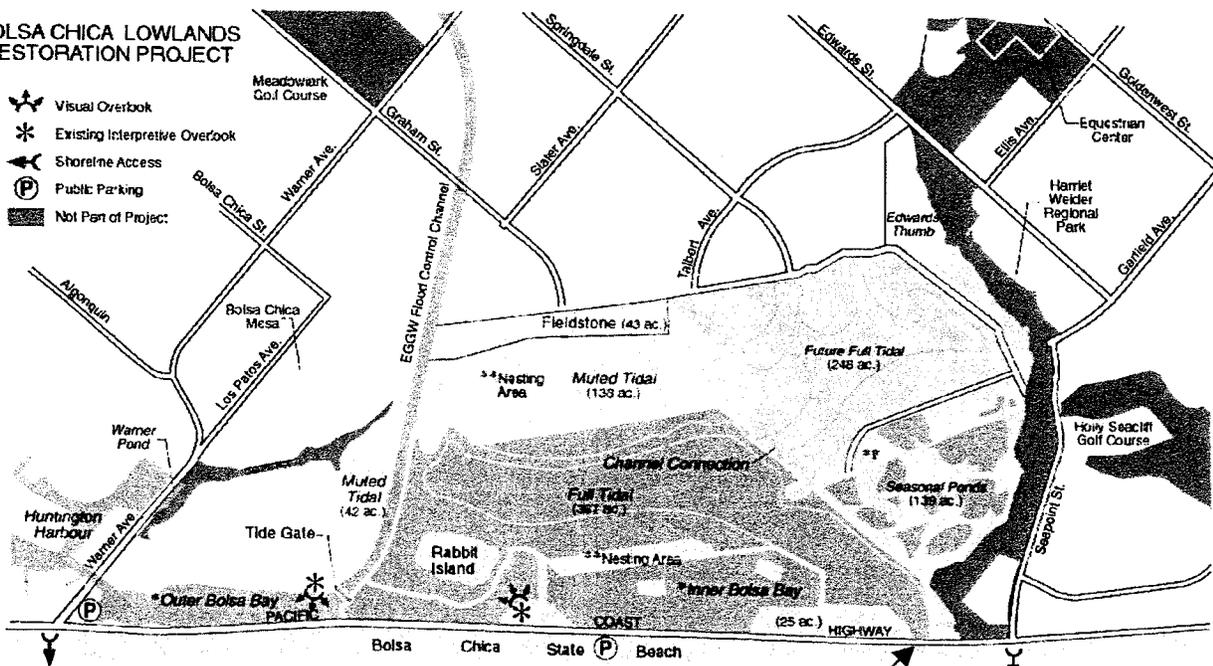
2. AUTHORIZE EXPENDITURES FROM THE KAPILOFF LAND BANK FUND FOR THE PURPOSES OF RESTORATION AND MANAGEMENT OF THE BOLSA CHICA LOWLANDS USING THE FUNDS HELD IN TRUST FOR SUCH PURPOSES, AND SUCH OTHER FUNDS AS MAY FROM TIME TO TIME BECOME AVAILABLE FOR THE SAME PURPOSES.
3. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO SIGN ON BEHALF OF THE COMMISSION, APPLICATIONS FOR PERMITS FOR THE PROJECT AS A CO-APPLICANT WITH OTHER STATE AND FEDERAL AGENCIES.
4. AUTHORIZE THE LEGAL STAFF OF THE COMMISSION AND THE ATTORNEY GENERAL'S OFFICE TO TAKE ANY OTHER ACTIONS, INCLUDING LITIGATION, CONSISTENT WITH THIS AUTHORIZATION.
5. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE ALL OTHER DOCUMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION NECESSARY TO IMPLEMENT THE BOLSA CHICA LOWLANDS RESTORATION PROJECT, INCLUDING COOPERATIVE AGREEMENT NO. 12-486 BETWEEN THE CALIFORNIA STATE LANDS COMMISSION, THE UNITED STATES FISH AND WILDLIFE SERVICE, AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, IN SUBSTANTIALLY THE SAME FORM AS ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION; AND TO TAKE SUCH OTHER ACTIONS AS ARE REASONABLY NECESSARY TO ENSURE THE SUCCESSFUL COMPLETION OF THE RESTORATION.

NO SCALE

SITE

BOLSA CHICA LOWLANDS RESTORATION PROJECT

- Visual Overlook
- Existing Interpretive Overlook
- Shoreline Access
- Public Parking
- Not Part of Project



Bolsa Chica Wetlands Steering Committee

Proposed Bridge Right-of-Way

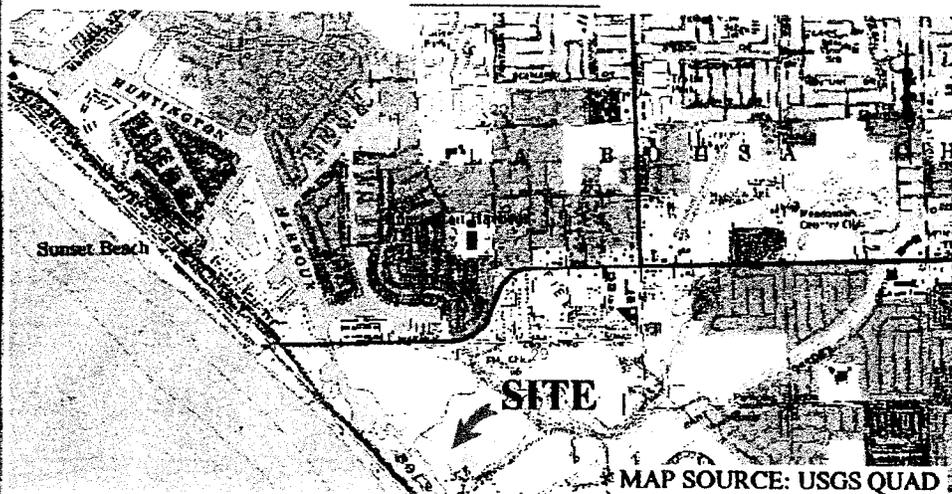
*Inner and Outer Bolsa Bay (210 ac.)
**Nesting Areas (20 ac.)

July 2003

BOLSA CHICA LOWLANDS RESTORATION PROJECT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W25306
U.S. FISH & WILDLIFE SERVICE
BOLSA CHICA
ORANGE 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

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