MINUTE ITEM

This Calendar Item No. C50 was approved as Minute Item No. 50 by the California State Lands Commission by a vote of 2 to 0 at its 06-07-04 meeting.

CALENDAR ITEM
C50

A 67

S 35

06/07/04
PRC 8527
W 25306
J. Trout
P. Griggs
J. Smith

CONSIDER ACCEPTANCE OF AN EASEMENT FOR THE FUTURE TIDAL INLET AND CONSTRUCTION STAGING AREA FOR THE INLET, A TRANSFER OF JURISDICTION FOR RIGHT OF WAY NEEDED FOR THE FUTURE PACIFIC COAST HIGHWAY BRIDGE ACROSS THE TIDAL INLET FROM THE DEPARTMENT OF PARKS AND RECREATION, AND SUBSEQUENT TRANSFER OF THE RIGHT OF WAY AREA TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION UNDER SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, TO ACCOMMODATE THE BOLSA CHICA LOWLANDS RESTORATION PROJECT USING PROJECT MITIGATION FUNDS

PARTIES:

California State Lands Commission, in its capacity as the Kapiloff Land Bank Trustee

California Department of Parks and Recreation
1416 Ninth Street
Sacramento, CA 94296-0001

BACKGROUND: In 1996, the Commission, along with seven other State and federal agencies (the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, the National Marine Fisheries Service, the California Resources Agency, California Coastal Conservancy and the California Department of Fish and Game) signed an Interagency Agreement to buy, plan, design, construct and maintain the Bolsa Chica lowlands to mitigate the impacts of expanding facilities for the Ports of Los Angeles and Long Beach. The Ports of Los Angeles and Long Beach contributed $79.7 million for the purchase of the Bolsa Chica lowlands and for the Restoration Project (Project), and in exchange, the Ports received environmental mitigation credits. The California Coastal Conservancy contributed an additional $1,500,000 (which includes a $500,000 grant from the U.S. Fish and Wildlife Service.) All these funds were placed in the Kapiloff Land Bank Fund for the purpose of completing the Restoration Project. The Restoration Project is directed by a federal/state interagency Steering Committee of representatives of each of the above listed agencies. The U.S. Fish and Wildlife Service will oversee construction of the project. The U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers were

the lead agencies pursuant to the National Environmental Policy Act (NEPA) process and the Commission acted as Lead Agency for the California Environmental Quality Act (CEQA) review.

At its meeting on February 12, 1997, the Commission authorized the purchase of approximately 880 acres of the Bolsa Chica lowlands from the Signal Bolsa Corporation, a subsidiary of Koll Real Estate Group. At that same meeting, the Commission authorized the acceptance of an approximately 25-acre parcel from the Bolsa Chica Land Trust for inclusion in the Restoration Project.

The Project consists of two key phases. Phase I, which is scheduled to begin later his year, will restore the ecological function of the existing wetland area by increasing tidal influence and open water habitat by dredging a tidal basin within the existing wetlands and connecting it directly to the Pacific Ocean through a tidal inlet. Phase II is scheduled to occur in 2024, or at the time when the oil fields have reached their productive limit and are abandoned.

SUMMARY: As a requirement of the Project, it will be necessary to construct a tidal inlet channel together with rock jetties and to construct a bridge over the inlet channel for Pacific Coast Highway (State Route 1). The inlet channel will be constructed across Bolsa Chica State Beach, under the jurisdiction of the California Department of Parks and Recreation (Parks). Due to the configuration of the inlet, additional right-of-way is required by the California Department of Transportation (Caltrans) for the bridge and approach roadway. At its April 5, 2004 meeting, the Commission approved transferring State-owned land for right-of-way to Caltrans pursuant to section 101.5 of the Streets and Highways Code.

Parks has agreed to provide the Commission with an easement for the inlet channel across the beach and a temporary construction easement for the staging area for the inlet, and the necessary right-of-way for the bridge and approach roadway for use by Caltrans.

Caltrans may accept the right-of-way directly from Parks as a Land Bank Exchange (unrelated to the Kapiloff Land Bank) under an agreement between the two agencies. However, another option would be for Parks to transfer jurisdiction to the Commission under Government Code section 14673, and then for the Commission to transfer the right-of-way to Caltrans under section 101.5 of the Streets and Highways Code. Since Caltrans has not yet determined which method meets its needs, authorization from the Commission to accept a transfer of jurisdiction is requested, in the event that option is selected by Caltrans. The right-of-way would then be included in the previously authorized transfer to Caltrans under section 101.5.

As consideration to Parks for the easements for the inlet channel and temporary construction staging area for the inlet, the Bolsa Chica Lowlands Restoration Project will

purchase the materials for sand fencing and install a right-of-way fence along Pacific Coast Highway adjacent to the beach, using mitigation funds deposited in the Kapiloff Land Bank Fund for the Bolsa Chica Restoration Project.

OTHER PERTINENT INFORMATION:

1. Government Code section 14673 provides, in part: "The jurisdiction of real property owned by the state may be transferred from one state agency to another state agency with the written approval of the director [of the Department of General Services]."

2. Pursuant to section 101.5 of the Streets and Highways 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 is contingent upon proper filing of the 101.5 map showing the right-of-way in substantially the same location as the map on file in the Sacramento office of the Commission.

   The purchase of additional right-of-way for the Pacific Coast Highway bridge and approach roadway from Hearthside Residential Corp. is also under consideration in a separate Calendar Item. The right-of-way from both Parks and Hearthside Residential Corp. are needed to build the bridge and approach roadway.

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

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

2. RE-ADOPT THE MITIGATION MONITORING PROGRAM PREPARED FOR THE 2001 BOLSA CHICA LOWLANDS RESTORATION PROJECT, IN CONFORMANCE WITH THE PROVISIONS OF THE CEQA (PUBLIC RESOURCES CODE SECTION 21081.6), AND ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

3. RE-ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE 2001 BOLSA CHICA LOWLANDS RESTORATION PROJECT, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AND ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

AUTHORIZATION:

1. FIND THAT THE COMMISSION IS ACTING IN ITS CAPACITY AS LAND BANK TRUSTEE UNDER THE KAPILOFF LAND BANK ACT.

2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AN INTER-AGENCY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION GRANTING AN EASEMENT FOR THE INLET CHANNEL ACROSS THE BOLSA CHICA STATE BEACH AND A TEMPORARY CONSTRUCTION EASEMENT FOR THE STAGING AREA FOR THE INLET, TO THE COMMISSION, IN SUBSTANTIALLY THE SAME FORM AS ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION AND TO EXECUTE ALL OTHER DOCUMENTS AND TO TAKE SUCH OTHER ACTIONS AS ARE REASONABLY REQUIRED OR MAY BE NECESSARY TO COMPLETE THE TRANSFER OR THE RESTORATION PROJECT.

3. AUTHORIZE THE PURCHASE NOT TO EXCEED $500,000, OF THE MATERIALS FOR SAND FENCING AND INSTALLATION OF A RIGHT-OF-WAY FENCE ALONG PACIFIC COAST HIGHWAY ADJACENT TO THE BOLSA CHICA STATE BEACH, BY THE BOLSA CHICA LOWLANDS RESTORATION PROJECT USING MITIGATION FUNDS DEPOSITED IN THE KAPILOFF LAND BANK FUND FOR THE RESTORATION PROJECT, AND TO EXECUTE ALL OTHER DOCUMENTS AND TO TAKE SUCH OTHER ACTIONS AS ARE REASONABLY REQUIRED OR MAY BE NECESSARY TO ACCOMPLISH THESE TASKS.

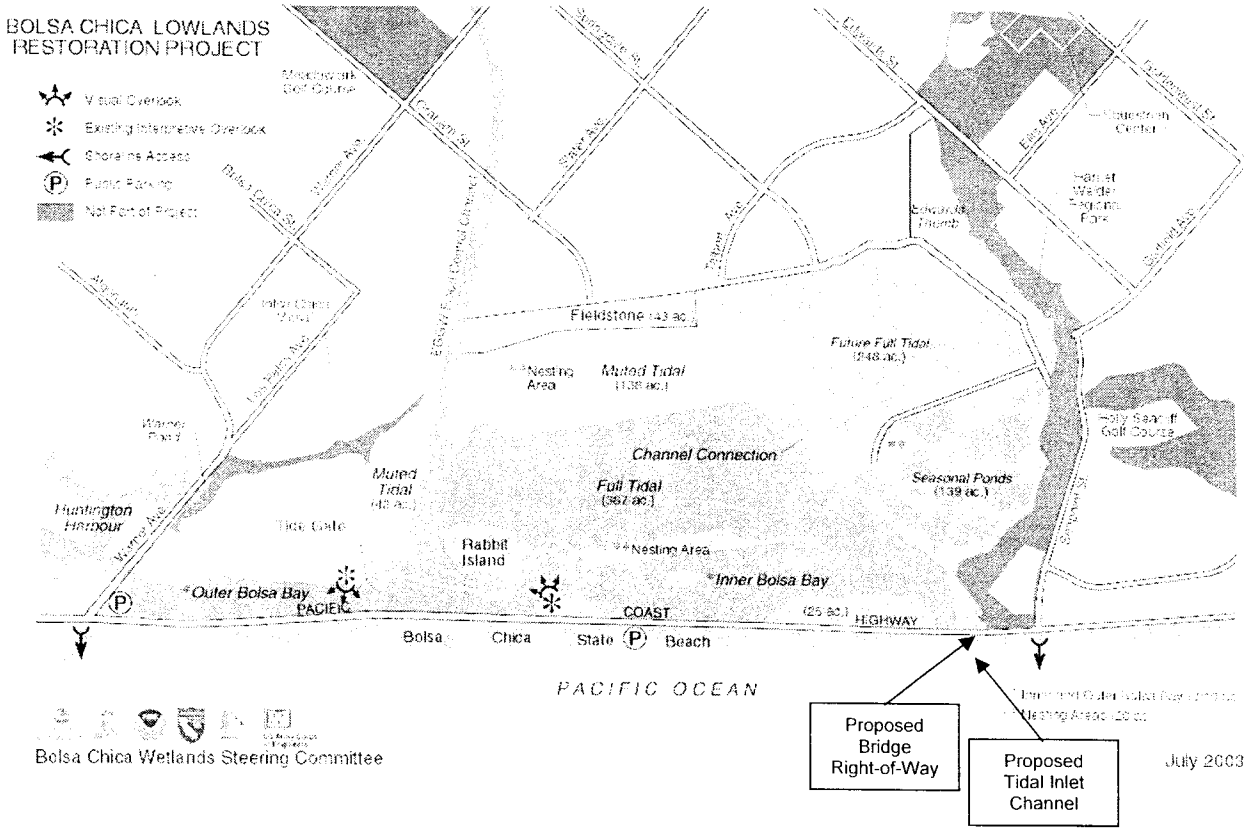
4. AUTHORIZE THE EXECUTIVE OFFICER TO REQUEST A TRANSFER OF JURISDICTION UNDER GOVERNMENT CODE SECTION 14673 FROM THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION TO THE COMMISSION AS DESCRIBED HEREIN AND TO EXECUTE ALL OTHER DOCUMENTS AND TO TAKE SUCH OTHER ACTIONS AS ARE REASONABLY REQUIRED OR MAY BE NECESSARY TO COMPLETE THE TRANSFER TO THE COMMISSION.

5. AUTHORIZE THE AREA TRANSFERRED FROM CALIFORNIA DEPARTMENT OF PARKS AND RECREATION TO THE COMMISSION FOR THE PACIFIC COAST HIGHWAY BRIDGE AND APPROACH ROADWAY RIGHT-OF-WAY TO BE INCLUDED IN THE PREVIOUSLY AUTHORIZED TRANSFER TO THE DEPARTMENT OF TRANSPORATION UNDER SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE AS APPROVED ON APRIL 5, 2004. CONSIDERATION IS 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.

6. AUTHORIZE THE LEGAL STAFF OF THE COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ANY OTHER ACTIONS, INCLUDING LITIGATION, CONSISTENT WITH THIS AUTHORIZATION.

NO SCALE

SITE



BOLSA CHICA LOWLANDS RESTORATION PROJECT

NO SCALE

LOCATION

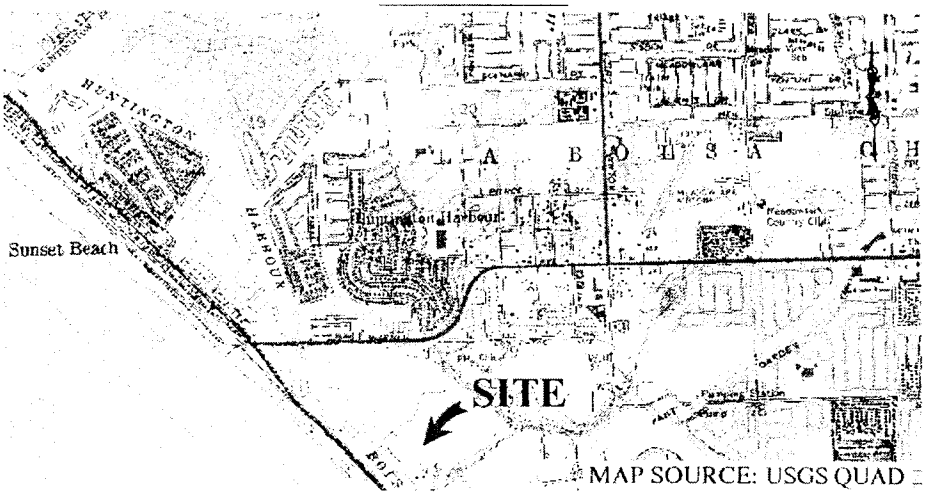


Exhibit A
W25306
BOLSA CHICA
ORANGE COUNTY

This exhibit is solely for purposes of generally showing the area, is based on unverified information, 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.