

**CALENDAR ITEM
C07**

A 67
S 35

08/20/10
W 26391
J. Brown

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

County of Orange
300 N. Flower Street
Santa Ana, CA 92702

AREA, LAND TYPE, AND LOCATION:

Public trust lands in the Bolsa Chica Lowlands Restoration Project (BCLRP) area, county of Orange.

AUTHORIZED USE:

Temporary construction staging and access, and construction and maintenance of a 125-foot long permanent public access ramp that is compliant with the American Disabilities Act (ADA).

LEASE TERM:

20 years, beginning August 20, 2010.

CONSIDERATION:

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

SPECIFIC LEASE PROVISIONS:

Public liability insurance in an amount not less than \$1,000,000 combined single limit.

Other:

1. The County of Orange (County) is required to provide signage and notification to the public of the temporary impact to public access along the back berm of the Bolsa Chica Ecological Reserve and the adjoining neighborhood. The County is required to provide Commission staff and the public a designated point of contact to respond to public inquiries about the construction project.

CALENDAR ITEM NO. **C07** (CONT'D)

2. The County acknowledges that it will be working on lands leased to the California Department of Fish and Game for operation and management as the Bolsa Chica Ecological Reserve. The County will ensure that all of its construction workers receive wetlands sensitivity training from the Lessor or its designated representative.
3. The County will implement erosion, dust control, and equipment fuel and oil leak prevention and containment measures at all construction staging and access areas within the Lease Premises.
4. The County is required to maintain safe public access to the Bolsa Chica Ecological Reserve at all times.
5. Within 180 days from completion of construction of the public access ramp, the County will provide a draft maintenance plan for review and approval by Lessor's staff.
6. The County is required to execute a Reimbursement Agreement to recover all of the Commission's reasonable staff costs associated with monitoring the provisions of this lease.

OTHER PERTINENT INFORMATION:

1. The Orange County Flood Control District has a right-of-way easement through the State's public trust lands for the maintenance and operation of the East Garden Grove Wintersburg Flood Control Channel (Channel).
2. On August 24, 2006, the Commission authorized a 33-year Public Agency Lease to the California Department of Fish and Game for the operation and maintenance of the BCLRP. The California Department of Fish and Game has subsequently incorporated the BCLRP into the Bolsa Chica Ecological Reserve.
3. The County of Orange has applied to the Commission for temporary construction staging on two parcels of land, one located between the back berm of the Bolsa Chica Ecological Reserve and the adjoining neighborhood, and a second located near the overlook between the Full Tidal Basin and the Channel. The applicant has also requested temporary construction access through the Bolsa Chica Ecological Reserve through the Graham Street office entrance and across the back berm between the Bolsa Chica Ecological Reserve and the adjacent neighborhood.
4. The County proposes to construct a 125-foot long permanent ADA public access ramp that will connect a new trail along the Channel to a path

CALENDAR ITEM NO. **C07** (CONT'D)

along the back berm of the Bolsa Chica Ecological Reserve. The public access ramp is being constructed as an additional component of the County's East Garden Grove-Wintersburg Maintenance and Repair Project to enhance coastal access. The County's Maintenance and Repair project to the Flood Control District levee is a separate, larger project that will occur within the County's existing easement on State-owned public trust lands.

5. The County will be responsible for maintenance of the public access ramp. It is understood that the Orange County Parks Department may assume responsibility for maintenance of the ramp.
6. Construction of the public access ramp project is anticipated to be completed within 260 working days from the start of construction; in any case, the construction must be completed by December 31, 2015.
7. A Mitigated Negative Declaration SCH#2006101036 was prepared by the County of Orange and adopted on December 15, 2009, for this project. The California State Lands Commission's staff has reviewed such document. Mitigation measures were incorporated into the project through conditions of approval and project design.
8. 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 section 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 ocean and oil and gas production. Accordingly, the area was neither identified pursuant to Public Resources Code sections 6370-6377 nor assigned a use classification, therefore, the finding as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

County of Orange

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers, California Regional Water Quality Control Board, California Coastal Commission, California Department of Fish and Game

CALENDAR ITEM NO. **C07** (CONT'D)

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

December 13, 2010

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH#2006101036 was prepared by the County of Orange and adopted on December 15, 2009, for this Project and that the Commission has reviewed and considered the information contained therein.

AUTHORIZATION:

Authorize Issuance of a General Lease – Public Agency Use to the County of Orange beginning August 20, 2010, for a term of 20 years, for temporary construction staging and access, and for the construction and maintenance of a public access ramp as shown on Exhibit A attached (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; consideration being the public use and benefit with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interest; public liability insurance coverage of not less than \$1,000,000.