

**CALENDAR ITEM
C18**

A 67

03/25/08
PRC 4733.9
PRC 4734.9
J. Brown

S 38

AMENDMENT OF LEASES

LESSEE:

California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123

AREA, LAND TYPE, AND LOCATION:

327.5 acres, more or less, of public trust lands in Bolsa Chica, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Operation and maintenance of the Bolsa Chica Ecological Reserve.

LEASE TERM:

66 years, beginning August 17, 1973.

CONSIDERATION:

The public use and benefit.

PROPOSED AMENDMENT:

Section 1, Land Use or Purpose, and Authorized Improvements section of each lease is amended to include the construction, operation and maintenance of an ADA-accessible pedestrian foot bridge.

Section 2, Special Provisions, is amended to add the following paragraph:

Lessee shall provide a copy of the ADA-accessible pedestrian footbridge long-term maintenance plan to be implemented during the term of the Lease for Lessor review within six months of completion of the construction of the footbridge.

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OTHER PERTINENT INFORMATION:

1. Lessee has permission to use the uplands adjoining the lease premises.
2. On February 22, 1973, the California State Lands Commission (Commission) authorized PRC 4733 and PRC 4734, both 66-year General Leases – Public Agency Use to implement a plan entitled “The Bolsa Bay – A Conceptual Plan for Resources and Recreation,” which included designation of these areas as an ecological reserve to restore wetland habitat.
3. Public use of the water body is in the form of fishing from the banks. Boating and swimming are not permitted.
4. Existing improvements within these lease areas include: An interpretive center (owned and operated by the Bolsa Chica Conservancy), two parking lots, trails and interpretive signs. The California Department of Fish and Game (CDFG) manages both lease areas as part of the Bolsa Chica Ecological Reserve (Reserve) for the protection of threatened or endangered native plants, wildlife and habitats, provide education and scientific research, and wildlife viewing and nature walking on established trails. In addition, the CDFG owns and manages 103 acres of adjacent lands within the Bolsa Mesa lands, east of the Outer Bolsa Bay, that are also part of the Reserve.
5. On August 24, 2006, the Commission, acting in its capacity as Land Bank Trustee under the Kapiloff Land Bank Act, authorized execution of an interagency agreement with the CDFG for a term of approximately three years beginning October 1, 2006, and ending August 23, 2009, to provide staff services to the Commission as specified for the purpose of providing on-site operation, maintenance and management of the Bolsa Chica Lowlands Restoration Project. The Commission authorization also included issuance of a 33-year General Lease – Public Agency Use to the CDFG for the operation, maintenance and management of the Bolsa Chica Lowlands Restoration Project (Restoration Project), consisting of 948 acres, of public trust lands. All three leases being managed by the CDFG (PRC 4733.9, PRC 4734.9, and PRC 8704.9) constitute the Bolsa Chica Ecological Reserve.
6. Lease PRC 8704.9 is distinguished separately from Leases PRC 4733.9 and PRC 4734.9, in that it is managed with funds received and placed in

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the Kapiloff Land Bank Fund for the purposes of completing, operating and maintaining the Restoration Project.

7. The proposed pedestrian bridge will cross Outer Bolsa Bay, which is directly connected to Huntington Harbor and open to tidal influence. Inner Bolsa Bay has a controlled tidal regime (through the use of flood gates to Outer Bolsa Bay) which fluctuates around mean sea level.
8. The CDFG has applied to the Commission for an amendment of Lease PRC 4733 and Lease PRC 4734 for the construction, use and maintenance of the pedestrian bridge. The pedestrian bridge will provide a safe, convenient, ADA-accessible pathway from the trail system leading from the Bolsa Chica interpretive center for the public to cross over the Outer Bolsa Bay to the Bolsa Mesa. The present pedestrian access route from the Bolsa Chica interpretive center to the Bolsa Mesa requires use of the roadway shoulder of Warner Avenue.
9. The 145-foot-long, free-spanning pedestrian bridge will be constructed of unpainted Corten steel and will span the entire 125-foot Channel of the Outer Bolsa Bay. The prefabricated footbridge will be assembled on the paved parking lot of the Reserve by the Bolsa Chica Interpretive Center and lowered by crane from Warner Avenue onto the bridge abutments. Bridge assembly will take three to five days. An additional staging area will be established in the southeast corner of the Reserve parking lot for the duration of bridge and foundation construction. Alternate temporary parking will be provided at a yacht club across Warner Avenue, and access for visitors will be maintained via the crosswalk at the signalized entry to the Reserve. Temporary lane closures will be required on Warner Avenue during bridge installation. The bridge will not require any structural support in the Channel itself and will not impact or prohibit the flow of tidal water to any channel, wetland or culvert during or after construction. Construction is estimated to take a total of two months and is expected to begin in late spring or summer of 2008.
10. The proposed pedestrian bridge will be constructed in a portion of each lease area as depicted on the attached Exhibit A.
11. A Mitigated Negative Declaration (SCH#2007111110) and Mitigation Monitoring Program were prepared and adopted for this project by the CDFG. The Commission's staff has reviewed such document.

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12. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Sections 6370, et seq. Based upon the staff's consultation with the person's 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.

APPROVALS OBTAINED:

California Department of Fish and Game

FURTHER APPROVALS REQUIRED:

California Coastal Commission, County of Orange, and the City of Huntington Beach

EXHIBITS:

- A. Site/Location Map
- B. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

September 5, 2008 (CSLC as a responsible agency under the CEQA)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT "B", ATTACHED HERETO.

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 SECTIONS 6370, ET SEQ.

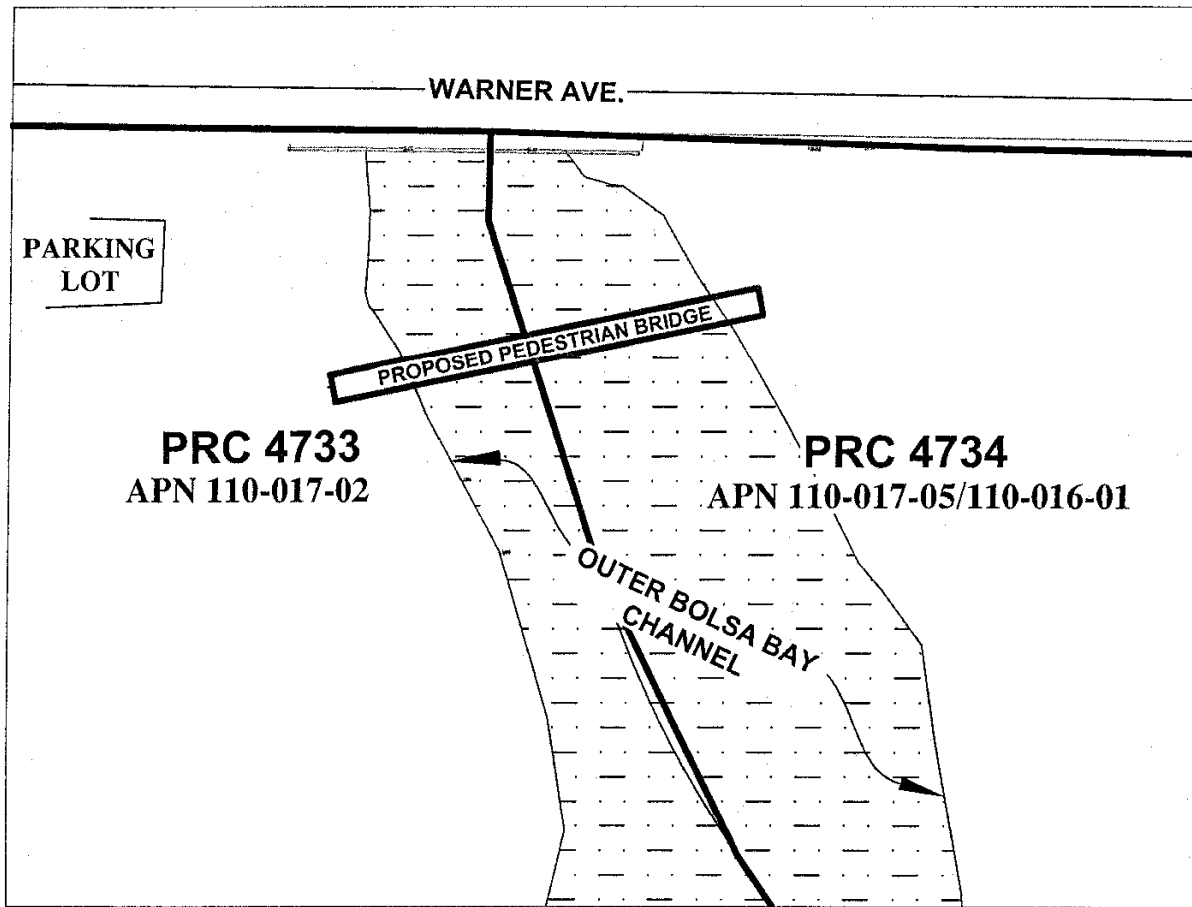
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AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASES NO. PRC 4733, AND PRC 4734, BOTH OF WHICH ARE GENERAL LEASES – PUBLIC AGENCY USE OF LANDS FOR THE OPERATION AND MAINTENANCE OF THE BOLSA CHICA ECOLOGICAL RESERVE AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE MARCH 25, 2008, TO AMEND SECTION 1, LAND USE OR PURPOSE, AND AUTHORIZED IMPROVEMENTS, OF EACH LEASE TO INCLUDE THE CONSTRUCTION, USE AND MAINTENANCE OF A PEDESTRIAN BRIDGE AS AN AUTHORIZED IMPROVEMENT; AND TO AMEND SECTION 2, SPECIAL PROVISIONS, OF EACH LEASE TO REQUIRE THE LESSEE TO PROVIDE A COPY OF THE LONG-TERM MAINTENANCE PLAN FOR THE PEDESTRIAN BRIDGE TO BE IMPLEMENTED DURING THE TERM OF THE LEASE FOR COMMISSION STAFF REVIEW; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

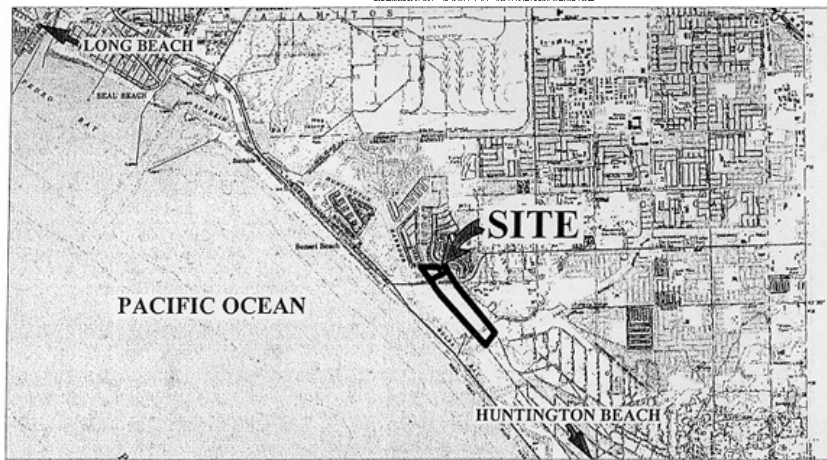
SITE



BOLSA CHICA ECOLOGICAL RESERVE
ADJACENT TO WARNER AVE., ORANGE COUNTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 4733.9/PRC 4734.9
CA DEPT OF FISH & GAME
GENERAL LEASE
PUBLIC AGENCY USE
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.

**Mitigation Monitoring & Reporting Program
- Bolsa Chica ER- Warner Avenue Pedestrian Bridge Project**

| Mitigation Measure | Timing of Action | Reporting Methods & Standards | Monitoring Reporting Party | Check Off & Date |
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| <p>BIOLOGICAL RESOURCES <u>MITIGATION MEASURES BIO-1</u></p> <p>A biological resource monitor shall be present throughout construction, during the initial preparation of bridge footings and clearing/leveling for the access ramps. Biological monitors shall be Department staff or shall be hired and trained by the Department prior to construction and shall be responsible for pre-construction surveys, staking and marking of resources, on-site monitoring, documentation of violations and compliance, coordination with contract compliance inspectors, and post-construction documentation.</p> <p>Biological monitors shall be familiar with the wildlife species and other sensitive biological resources known to occur in the general project area and be qualified to recognize potential construction effects on these resources.</p> <p><u>MITIGATION MEASURES BIO-2</u></p> <p>To ensure the protection of sensitive biological resources, the Department shall conduct the following sensitive species surveys, and implement the following recommended avoidance measures prior to ground disturbance:</p> <ul style="list-style-type: none"> ○ A qualified biologist shall conduct a reconnaissance-level survey of the project site to ensure that rare plants (i.e., southern tarplant and sea blite), which may not have germinated or been in flower during previous sensitive species surveys, will not be impacted by construction activities. If rare plants are identified during pre-construction surveys, the population will be flagged. The locations of the southern tarplant and sea blite will be marked with orange stakes, and orange flagging will mark an area 10' around all known southern tarplant and sea blite locations. These areas will be "no equipment zones" and will be monitored to ensure crews and equipment stay outside the zones. If southern tarplant or sea blite is identified within the construction footprint, the plants | <p>Prior to and during construction</p> | <p>Biological Monitoring Report</p> | <p>DFG Reserve Manager</p> | |
| | <p>Prior to, during construction</p> | <p>Biological Monitoring Report</p> | <p>DFG Reserve Manager</p> | |
| | <p>Prior to, during construction</p> | <p>Biological Monitoring Report</p> | <p>DFG Reserve Manager</p> | |

Exhibit B

| Mitigation Measure | Timing of Action | Reporting Methods & Standards | Monitoring Reporting Party | Check Off & Date |
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| <p>will be counted. Southern tar plant seeds will be collected from these or nearby plants as available and will be broadcast in a suitable habitat adjacent to the project site, during the next appropriate growing season following completion of construction. The sea blite is small and will transplanted to a suitable habitat adjacent to the project site. A qualified biologist through fencing and appropriate signage will exclude public access to the site of any seeding or planting and monitor southern tarplant and sea blite growth. Plant growth will be monitored to verify that plants have established at a minimum ratio of 4:1. If southern tarweed or sea blite does not establish at this rate, plants will be grown from the local seed stock and transplanted to meet the minimum 4:1 ratio.</p> <p>Where identified, sensitive resources shall be avoided by limiting the removal of habitat, relocating animals or plants, or rescheduling activities to avoid disturbance to breeding wildlife. Avoidance measures and buffer distances may vary for each species and shall be determined by the biological monitor.</p> | <p>During and post construction</p> <p>Prior to, during construction</p> | <p>Biological Monitoring Report And Revegetation Report</p> <p>Biological Monitoring Report</p> | <p>DFG Reserve Manager</p> <p>DFG Reserve Manager</p> | |
| <p><u>MITIGATION MEASURES BIO-3</u></p> <p>The contractor shall avoid all jurisdictional wetland habitat areas, and shall adhere to all terms and conditions of the Coastal Development Permit (CDP) issued for the project. All permits shall be maintained at the construction site at all times for review by project personnel.</p> | <p>Prior to, during and post construction per permits</p> | <p>Construction Log</p> | <p>Construction Manager and Reserve Manager</p> | |
| <p><u>MITIGATION MEASURES BIO-4</u></p> <p>The Department shall implement a Worker Environmental Awareness Training Program (WEAP) for all construction personnel. All construction crews and contractors shall participate in WEAP training prior to starting work on the project.</p> <p>WEAP training shall include a brief review of special-status species and other sensitive resources that could exist in the project area (including their life history and habitat requirements), the locations of sensitive biological resources, and their legal status and protection</p> | <p>Pre construction</p> | <p>WEAP document and list of attendees</p> | <p>DFG Reserve Manager and Construction Manager</p> | |

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| <p>under the U.S. Endangered Species Act of 1973 (6 USC 1536) and the California Endangered Species Act (Sections 2080-2080.5 of the California Fish and Game Code). The education program shall include materials describing sensitive resources, resource avoidance, permit conditions, and possible fines for violations of State or federal environmental laws. The program shall cover the mitigation measures, environmental permits, proposed project plan, and any other required plans.</p> <p>The contractor shall be responsible for ensuring that all project personnel and subcontractors adhere to the projects guidelines and restrictions. Training shall be conducted as needed—including morning “tailgate” sessions—to update crews as they advance into sensitive areas, and to educate new personnel brought on the job during the construction period. Project personnel will receive a hardhat sticker or be issued a card verifying compliance with the above mitigation measure. In addition, a record of all personnel trained during the project shall be maintained and made available for compliance verification.</p> | During construction | Biological Monitoring Report | DFG Reserve Manager | |
| <p><u>MITIGATION MEASURES BIO-5</u></p> <p>The contractor shall confine construction equipment and associated activities to the approved work area at all locations. The limits of construction shall be clearly delineated with flagging or other marking by qualified biologists or resource specialists prior to ground disturbance. Equipment staging shall remain outside of sensitive habitats in approved areas, with an adequate buffer to avoid potential impacts to sensitive resources.</p> <p>Equipment staging shall remain outside of sensitive habitats in the Interpretive Center parking lot to avoid potential impacts to sensitive resources.</p> | During construction | Biological Monitoring Report and construction logs | DFG Reserve Manager and Construction Manager | |
| <p><u>MITIGATION MEASURES BIO-6</u></p> <p>The Contractor shall implement best management practices (BMPs) to avoid and minimize erosion, sedimentation, and fuel spills (from equipment refueling). The Contractor shall utilize, as</p> | | | | |

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| <p>CULTURAL RESOURCES <u>MITIGATION MEASURES CULT-1</u></p> <p><u>Discovery of Human Remains.</u> In the unlikely event of the discovery or recognition of any human remains, the following steps shall be taken:</p> <p>(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>(A) The Orange County Coroner is contacted to determine that no investigation of the cause of death is required, and</p> <p>(B) If the Coroner determines the remains to be Native American:</p> <ol style="list-style-type: none"> 1. The Coroner shall contact the Native American Heritage Commission within 24 hours. 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or <p>(2) Where the following conditions occur, the landowner or his authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> | <p>During construction</p> | <p>Construction log And letter reports from coroner, NAHC, or cultural experts as warranted.</p> | <p>Construction Manager and DFG Reserve Manager</p> | |

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| <p>(B) The descendant identified fails to make a recommendation; or</p> <p>(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p> <p>These requirements shall be incorporated into the approved Plans and Specifications and compliance shall be monitored and enforced by CDFG's construction manager.</p> | Prior to bid | Contract Documents | Project engineer and Construction manager | |
| <p>GEOLOGY AND SOILS</p> | | | | |
| <p><u>MITIGATION MEASURES GEO-1</u></p> | | | | |
| <p><u>Soils/Geology.</u> Prior to final approval of plans and specifications, DFG shall ensure that the bridge design conforms to the recommendations contained in the Soils Report/Geotechnical Feasibility Study prepared by a Registered Geologist or Engineer.</p> | Prior to bid | Contract Documents | DFG engineer | |
| <p><u>MITIGATION MEASURES GEO-2</u></p> | | | | |
| <p><u>Water Quality/National Pollutant Discharge Elimination System (NPDES)</u> All construction activities shall comply with California's General Permit for Stormwater Discharges Associated with Construction Activity. Prior to commencement of grading or construction, DFG or its contractor shall prepare an Erosion/Sediment Control Plan for the regulation and control of pollutant run-off by using Best Management Practices (BMPs). This plan shall show all temporary and permanent erosion control devices, effective planting of graded slopes, practical accessibility for maintenance purposes and proper precautions and fences to prevent public trespass onto certain areas where impounded water may create a hazardous condition. In order to control pollutant run-off, all water quality BMPs incorporated into the project shall be designed in accordance with NPDES standards.</p> | Prior to Construction | Written Control Plan and construction log | Construction manager and Contractor | |
| <p>These requirements shall be incorporated into the approved Plans</p> | Prior to bid and during | Contract documents | Project engineer and | |

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| <p>and Specifications and compliance shall be monitored and enforced by CDFG's construction manager.</p> <p><u>MITIGATION MEASURES HAZ-1</u></p> <p><u>Hazardous Materials Contamination.</u> Construction activities shall be halted if any indication of hazardous materials contamination is discovered and a qualified professional shall be retained to conduct an investigation and recommend the appropriate response to protect human health and the environment as well as identify the agency with oversight responsibility. Any contaminants that may be discovered shall be remediated in compliance with California environmental regulations.</p> <p>If project construction requires soil export, appropriate sampling shall be required prior to disposal of the excavated soil. If the soil is contaminated, it shall be properly disposed of. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project requires soil import to backfill excavated areas, proper sampling shall be required to ensure that the imported soil is free of contamination.</p> <p>These requirements shall be incorporated into the approved Plans and Specifications and compliance shall be monitored and enforced by CDFG's construction manager.</p> | <p>construction</p> <p>During Construction</p> <p>Prior to bid and during construction</p> | <p>and construction log</p> <p>Letter Report</p> <p>Contract documents and construction log</p> | <p>Construction manager</p> <p>Construction Manager</p> <p>Project engineer and Construction Manager</p> | |
| <p>HYDROLOGY AND WATER QUALITY</p> <p><u>MITIGATION MEASURES HYD-1</u></p> <p><u>Construction Procedures.</u> The contractor shall design and implement appropriate procedures to ensure that no construction materials fall into the channel or are washed into the channel during rainstorms. Construction plans and specifications shall include a note to this effect, which shall be enforced by the construction manager and inspector. Prior to the commencement</p> | <p>Prior to and during construction</p> | <p>Contract documents and construction log</p> | <p>Project engineer and Construction</p> | |

