

**CALENDAR ITEM  
C77**

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J. Trout  
D. Brown

**CONSIDER AUTHORIZING THE EXECUTIVE OFFICER OR HIS DESIGNEE TO  
APPLY FOR A \$25,000 ENVIRONMENTAL ENHANCEMENT FUND GRANT FOR  
THE PURPOSE OF DEVELOPING AN ENHANCED EBB FLUSHING PROCESS AT  
BOLSA CHICA, ORANGE COUNTY**

**PARTY:**

California State Lands Commission  
100 Howe Avenue, Suite 100 S.  
Sacramento, CA 95825

**BACKGROUND:**

The Bolsa Chica Lowlands Restoration Project (Project) includes about 1,247 acres and was designed to restore portions of the wetland ecosystem of the Bolsa Chica lowlands. The Project included the construction of an ocean inlet to provide tidal influence on full and muted tidal habitats. The full tidal basin was opened to the ocean on August 24, 2006. A status update on the Project was provided at the August 20, 2010, Commission meeting (Informational Calendar Item C48).

To maintain the Project, maintenance dredging has been needed on a biennial basis. The Commission has contracted with dredging companies on two occasions to dredge the accumulated sand from the inlet and full tidal basin at a combined cost of more than \$7.2 million. Dredged sand is placed on adjacent and down-coast beaches.

Existing Project funds cannot sustain the continued expense of maintenance dredging on an every other year basis. Remaining funds held in trust in the Kapiloff Land Bank Fund specifically for the Project include approximately \$6.8 million for operation and maintenance and approximately \$2.5 million for future restoration of an additional full tidal area. As a result, Commission staff and representatives from the Commission's agency partners (Steering Committee) are investigating ways to increase the time between dredging events as well as seeking additional Project funds.

**GRANT OPPORTUNITY:**

The California Department of Fish and Game, Office of Spill Prevention and Response, has announced a grant opportunity to support environmental enhancement projects that are located within or adjacent to the marine waters of the state. Commission staff

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believes that efforts to reduce the need for maintenance dredging would qualify for this funding opportunity. Grant proposals must be submitted by October 4, 2011, and must include a declaration of authority to submit an application. This Calendar Item requests that authorization from the Commission be granted to Commission staff for the purpose of applying for this grant funding.

**GRANT FUNDING PROPOSAL:**

The concept that is the subject of the proposed grant opportunity is to develop a less costly and more passive method of removing sand from the ocean inlet and to increase the time between maintenance dredging events. Accumulated sand in the inlet over time reduces the tidal prism and impairs the beneficial effects of fresh sea water on the Project's full and muted tidal areas. These areas provide habitat to threatened and endangered birds and numerous species of marine fishes. The enhanced ebb flushing concept would use artificial means within the inlet channel and/or full tidal basin to re-suspend accumulated sand during ebb tides, allowing ebb tidal flows to carry the sand out to the near shore area.

To explore this concept, the Steering Committee has authorized Project funds for the first phase of this process by directing the Project's existing consultant, Merkel & Associates, to develop conceptual plans for potential methods to re-suspend the sand. If the conceptual plans show promise, then the second phase would be to conduct modeling and site testing. The grant funding would be for this second phase. It is anticipated that sand would be re-suspended using various hydraulic agitation methods in a small-scale research experiment over two to three weeks. Depending on the outcome of the conceptual planning, these agitation methods could include water jets, pressurized air, or other means. The purpose of the site testing would be to collect information on the effectiveness of enhanced ebb flushing.

**OTHER PERTINENT INFORMATION:**

1. The purpose of this Calendar Item is to obtain authorization for Commission staff to apply for the grant funding and to conduct the experimental site testing. Any decision to implement a large-scale enhanced ebb flushing project would be brought before the Commission at a future date and would be subject to additional review under the California Environmental Quality Act (CEQA). Numerous factors including the likelihood of success in a cost-effective manner would determine whether the concept is proposed for large-scale implementation. If the grant is not received, the Steering Committee could authorize use of Project funds for the site testing under the existing interagency agreement for managing the Project.
2. To apply for the grant: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section

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15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a “project” as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

3. To implement site testing: Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 6, Information Collection; Title 14, California Code of Regulations, section 15306.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

4. 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 ocean and oil and gas production. Accordingly, the area was neither identified pursuant to Public Resources Code sections 6370-6377 nor assigned use classification; 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.

**STATUTORY AND OTHER REFERENCES:**

- A. Public Resources Code § 6106 (Delegation to execute written instruments)
- B. State Contracts Manual (rev. 10/05)

**IT IS RECOMMENDED THAT THE COMMISSION:**

**CEQA FINDING:**

1. To apply for the grant: Find that the activity is not subject to the requirements of CEQA pursuant to Title 14 California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public

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Resources Code section 21065 and Title 14 California Code of Regulations, section 15378.

2. To implement site testing: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 6, Information Collection; Title 14, California Code of Regulations, section 15306.

**AUTHORIZATION:**

1. Authorize the Executive Officer, or his designee, to apply to the California Department of Fish and Game, Office of Spill Prevention and Response, for a \$25,000 Environmental Enhancement Fund Grant for the purpose of developing an enhanced ebb flushing process in the Bolsa Chica inlet channel and/or full tidal basin.
2. Authorize site testing of experimental enhanced ebb flushing in the Bolsa Chica inlet channel and/or full tidal basin.
3. Authorize the Executive Officer, or his designee, to execute documents or take such actions in accordance with State policies and procedures as are reasonably necessary or convenient consistent with this authorization.