

MINUTE ITEM
This Calendar Item No. C47 was approved as
Minute Item No. 47 by the California State Lands
Commission by a vote of 3 to 0 at its
10-06-04 meeting.

CALENDAR ITEM C47

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| A | 67 | 10/06/04 |
| S | 35 | W 25306 J. Trout P. Griggs J. Smith |

CONSIDER RATIFICATION OF MINOR AMENDMENTS CONCERNING ACQUISITION AND TRANSFER OF RIGHTS OF WAY FOR THE BOLSA CHICA LOWLANDS RESTORATION PROJECT

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

California Department of Transportation
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894

Signal Landmark
6 Executive Circle, Suite 250
Irvine, CA 92614

STAFF REPORT: Previous authorizations provided for the acquisition of permanent and temporary rights of way for Pacific Coast Highway from the California Department of Parks and Recreation (Parks) (Calendar Item C50, June 7, 2004) and from Hearthsides Residential Corp. (Hearthsides) (Calendar Item C49, June 7, 2004).

Previous authorizations also provided for transferring permanent rights of way over land already under the jurisdiction of the State Lands Commission and rights of way acquired in the transactions with Parks and Hearthsides to the California Department of Transportation (Caltrans) (Calendar Item 62, April 5, 2004, Calendar Item C61, August 17, 2004, and the Calendar Items referenced above).

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All of these parcels are included in the previously authorized construction lease to the U.S. Fish and Wildlife Service (Calendar Item 60, April 5, 2004).

No additional right of way area is needed beyond that previously authorized.

CORRECTIONS:

1. The right of way property believed to be owned by Hearthside, was actually owned by Signal Landmark.
2. The methods of transferring the right of way to Caltrans previously authorized included using Section 101.5 of the Streets and Highways Code or a jurisdictional transfer under Government Code 14673. To meet administrative policies, Staff recommends that these previous authorizations be amended to provide an alternative using Public Resources Code section 6210.3 for transferring permanent easements to Caltrans.
3. To accomplish the transfer of right of way between Parks and Caltrans through a jurisdictional transfer, Caltrans requires the approval of the State Lands Commission as the project sponsor. Staff recommends that the previous authorization be amended to allow the Executive Officer or his designee to execute the transfer of jurisdiction agreement to facilitate the transfer.

OTHER PERTINENT INFORMATION:

1. Public Resources Code section 6210.3 states: "The commission may grant easements and rights-of-way to the Department of Transportation to or over any of the public lands of the state for the purposes of rights-of-way for highways and for use in protecting highways from damage or destruction by natural forces."
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the 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.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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AUTHORIZATION:

1. FIND THAT THE COMMISSION IS ACTING IN ITS CAPACITY AS LAND BANK TRUSTEE UNDER THE KAPILOFF LAND BANK ACT, PUBLIC RESOURCES CODE SECTIONS 8600 *ET SEQ.*
2. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15378.
3. AMEND THE PRIOR AUTHORIZATION FOR ACQUISITION OF PROPERTY FROM HEARTHSIDE TO SIGNAL LANDMARK AS DESCRIBED HEREIN.
4. AMEND PRIOR AUTHORIZATIONS TO PROVIDE AN ALTERNATIVE USING PUBLIC RESOURCES CODE SECTION 6210.3 FOR TRANSFERRING PERMANENT EASEMENTS TO CALTRANS AS DESCRIBED HEREIN.
5. AMEND PREVIOUS AUTHORIZATIONS TO ALLOW THE EXECUTIVE OFFICER OR HIS DESIGNEE TO FACILITATE THE TRANSFER OF JURISDICTION BETWEEN THE DEPARTMENT OF PARKS AND RECREATION AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND TO SIGN THE TRANSFER AGREEMENT AS DESCRIBED HEREIN.