

This Calendar Item No. C58 was approved as Minute Item No. 58 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM  
**C58**

A	67	04/17/06
		W 25306
S	35	J. Trout
		P. Griggs

**CONSIDER ACCEPTANCE OF A TRANSFER OF JURISDICTION FOR THE FUTURE TIDAL INLET CHANNEL AND A PERMANENT EASEMENT FOR BEACH NOURISHMENT ADJACENT TO THE INLET CHANNEL FOR THE BOLSA CHICA LOWLANDS RESTORATION PROJECT FROM THE DEPARTMENT OF PARKS AND RECREATION, AND AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE DOCUMENTS TO CARRY OUT THESE TRANSACTIONS**

**PARTIES:**

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

California Department of Parks and Recreation  
One Capitol Mall, Suite 350  
Sacramento, CA 94296-0001

**STAFF REPORT:** As a requirement of the Bolsa Chica Lowlands Restoration Project (Project), it will be necessary to construct a tidal inlet channel connecting the ocean with the full tidal basin. Rock jetties will also be built on both sides of the ocean inlet. The inlet channel will be constructed across Bolsa Chica State Beach, under the jurisdiction of the California Department of Parks and Recreation (Parks).

In a previous authorization, the Commission approved acceptance of an easement for the inlet channel across the beach as well as a temporary construction easement for the staging area for the inlet, and the necessary right-of-way for the Pacific Coast Highway Bridge and approach roadway for use by Caltrans (Calendar Item C50, June 7, 2004). Parks has determined that a transfer of jurisdiction over the area for the inlet channel and jetties to the Commission would be more appropriate than an easement. In addition, the Project will provide beach nourishment to the areas adjacent to the jetties when required. Parks has determined that a permanent easement for this purpose would be appropriate.

As consideration to Parks for all of the interests in land needed by the Project, the Commission previously authorized the purchase of materials for sand fencing and installation of 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 Project. No new consideration will be required for the changes proposed in this Calendar Item.

**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. 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.

**PERMIT STREAMLINING ACT DEADLINE:**

N/A – (CSLC acting as lead agency under the CEQA)

**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, PUBLIC RESOURCES CODE SECTIONS 8600 *ET SEQ.*
2. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO REQUEST A TRANSFER OF JURISDICTION UNDER GOVERNMENT CODE SECTION 14673 FROM THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION TO THE COMMISSION OVER THE AREA NEEDED FOR THE INLET CHANNEL ACROSS THE BOLSA CHICA STATE BEACH 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.
3. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR A PERMANENT EASEMENT TO THE COMMISSION FOR BEACH NOURISHMENT PURPOSES IN THE AREAS ADJACENT TO THE JETTIES AND TO EXECUTE ALL OTHER DOCUMENTS AND TO TAKE SUCH OTHER ACTIONS AS ARE REASONABLY REQUIRED OR MAY BE NECESSARY TO ACQUIRE THE EASEMENT OR COMPLETE THE RESTORATION PROJECT.

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