

**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.