

**CALENDAR ITEM
C26**

A 70
S 35

10/22/09
WP 2171.9
K. Foster

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Orange County Flood Control District
300 N. Flower Street, Room 720
Santa Ana, CA 92703

LAND TYPE AND LOCATION:

Sovereign lands in the Pacific Ocean at the mouth of the Santa Ana River, near the city of Newport Beach, Orange County.

AUTHORIZED USE:

The continued use and maintenance of flood control jetties at the mouth of the Santa Ana River.

LEASE TERM:

20 years beginning May 29, 2007.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On September 2, 1958, the Commission authorized Permit No. PRC 2171.9 to the Applicant for the construction and maintenance of jetties to extend the banks of the Santa Ana River seaward approximately 200 feet into the Pacific Ocean for flood control purposes. The original Santa Ana River drainage at the Pacific Ocean included two secondary flood drainage channels, known as the Talbert Channel and the Greenville Banning Channel, which also drained into the Pacific Ocean at the mouth of the Santa Ana River. That lease expired on May 28, 2007.

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3. In 1991, the Applicant reconstructed the Santa Ana River drainage by relocating the Talbert Channel outlet north of the Santa Ana River, and by creating a new confluence for the Greenville Banning Channel with the Santa Ana River upstream of the existing river mouth. The flood control jetties were reconfigured as part of the project and now consists of three structures - an approximately 600-foot long western jetty, an approximately 530-foot long eastern jetty, and an approximately 850-foot long dike running between and parallel to the jetties at a distance of approximately 100 feet from the western jetty.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301.

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

5. 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 persons 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.

EXHIBITS:

- A. Location and Site Map
- B. Legal Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

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LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO ORANGE COUNTY FLOOD CONTROL DISTRICT BEGINNING MAY 29, 2007, FOR A TERM OF 20 YEARS, FOR FLOOD CONTROL JETTIES AT THE MOUTH OF THE SANTA ANA RIVER AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.