

**CALENDAR ITEM
C64**

A 74
S 37

06/21/13
PRC 7312.9
R. Collins

AMENDMENT OF LEASE

LESSEE:

Orange County Flood Control District

AREA, LAND TYPE, AND LOCATION:

Sovereign tide and submerged land in the Pacific Ocean, in the city of Huntington Beach, Orange County.

AUTHORIZED USE:

Construction and maintenance of the Talbert Channel Ocean Outlet which includes the dredging of a maximum of 7,500 cubic yards of material.

LEASE TERM:

49 years, beginning July 10, 1989.

CONSIDERATION:

Public Health and Safety; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Amend the lease to allow maintenance dredging of the Talbert Channel Ocean Outlet up to a maximum of 30,000 cubic yards annually over the term of the lease. Dredged material will be disposed of at a U.S. Army Corps of Engineers designated disposal site, including sovereign land located in the near vicinity identified as Lease Parcel 2. Section 3 land description is deleted in its entirety and replaced with Exhibit A. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. On July 10, 1989, the Commission authorized a General Lease – Public Agency Use to Orange County Flood Control District for the construction

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and maintenance of the Talbert Channel Ocean Outlet. The authorization allowed the Lessee to dredge a maximum of 7,500 cubic yards of material during the construction period which was defined as starting September 15, 1989 and ending April 1, 1991.

3. The Talbert Channel Ocean Outlet provides flood control drainage for the Talbert Valley Channel System and tidal flushing for the upstream Huntington Beach Wetlands marine and brackish water ecosystems. The Lessee has obtained environmental permits from the U.S. Army Corps of Engineers, the California State Water Resources Control Board, and the California Coastal Commission which require maintenance of the premises as they were constructed. This amendment would allow the Lessee to perform maintenance dredging of the Talbert Channel Ocean Outlet for the routine removal of a maximum of 30,000 cubic yards of accumulated sediment annually in order to maintain the channel bed at previously permitted depths. Dredged material will be disposed of at a U.S. Army Corps of Engineers authorized disposal site.
4. A Mitigated Negative Declaration, State Clearinghouse No. 2012011009, was prepared by the Orange County Flood Control District and adopted on May 17, 2012 for this project. The California State Lands Commission staff has reviewed such document.

A Mitigation Monitoring Program was adopted by the Orange County Flood Control District.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
California State Water Resources Control Board
California Coastal Commission

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2012011009, and a Mitigation Monitoring Program were prepared by the Orange County Flood Control District and adopted on May 17, 2012 for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached and by this reference made a part hereof.

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 section 6370 et seq.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 7312.9, a General Lease – Public Agency Use, of sovereign land as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, effective June 21, 2013, to allow maintenance dredging in the Talbert Channel Ocean Outlet up to a maximum of 30,000 cubic yards annually over the term of the lease, with dredged material to be disposed of at a U.S. Army Corps of Engineers authorized disposal site, including sovereign land located in the near vicinity identified as Lease Parcel 2; section 3 land description is deleted in its entirety and replaced with Exhibit A; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 7312.9

LAND DESCRIPTION

Two parcels of tide and submerged land lying in the Pacific Ocean, situate in the City of Huntington Beach, Orange County, State of California and being more particularly described as follows:

PARCEL 1 (EXCAVATION SITE)

A strip of tide and submerged land 350 feet wide, lying 175 feet on each side of the following described line:

COMMENCING at a point at the intersection of the centerline of the Pacific Coast Highway with the centerline of Brookhurst Street as shown on Record of Survey 2002-1092, filed in Book 193 Page 10, Official Records of said county; thence from said point of commencement, along the centerline of said Pacific Coast Highway, South 53°05'39" East 1365.00 feet to the POINT OF BEGINNING; thence from said point of beginning, leaving said centerline, South 36°54'21" West 1565.00 feet to the terminus of herein described line.

EXCEPTING THEREFROM any portions lying landward of the Ordinary High Water Mark of the Pacific Ocean.

The sidelines of said strip to be prolonged or shortened so as to terminate on the northeast at the Ordinary High Water Mark of the Pacific Ocean, and to terminate on the southwest at lines perpendicular to herein described line at its terminus.

PARCEL 2 (DISPOSAL SITE)

COMMENCING at a point at the intersection of the centerline of the Pacific Coast Highway with the centerline of Brookhurst Street as shown on Record of Survey 2002-1092 filed in Book 193 Page 10, Official Records of said county; thence from said point of commencement, along the centerline of said Pacific Coast Highway, South 53°05'39" East 1190.00 feet; thence leaving said centerline South 36°54'21" West 619.47 feet to the POINT OF BEGINNING; thence from said point of beginning along the following four (4) courses:

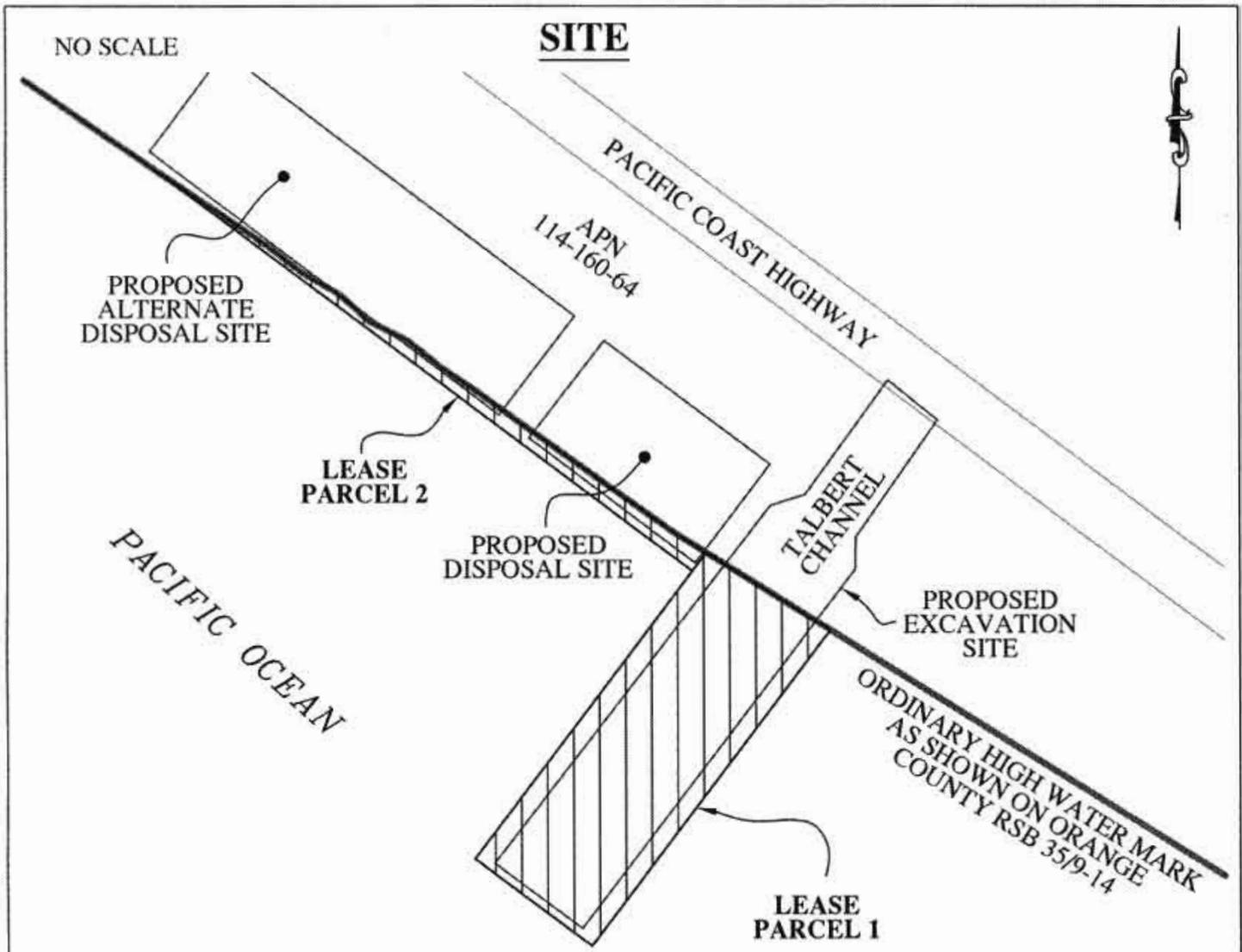
- 1) South 36°54'21" West 75.00 feet,
- 2) North 53°05'39" West 1625.64 feet,
- 3) North 36°54'21" East 25.00 feet, and
- 4) South 54°51'21" East 1626.41 feet to the point of beginning.

EXCEPTING THEREFROM any portions lying landward of the Ordinary High Water Mark of the Pacific Ocean.

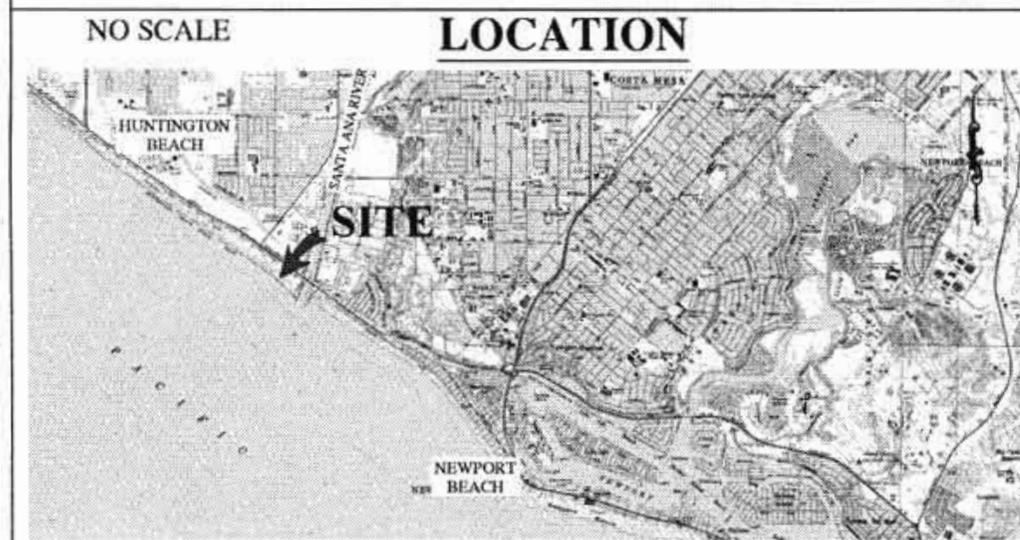
END OF DESCRIPTION

Prepared 05/22/2013 by the California State Lands Commission Boundary Unit.





TALBERT CHANNEL OCEAN OUTLET, CITY OF HUNTINGTON BEACH



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 7312.9
 ORANGE COUNTY FLOOD CONTROL DISTRICT
 APN 114-160-64
 GENERAL LEASE - PUBLIC AGENCY USE
 ORANGE COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit C: Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Agency Responsible	Timing
<p>BIO-A: Impacts to Special-Status species</p>	<p>MM BIO-1. Grunion protection measures shall be implemented at all six outlets. These measures, outlined below in chronological order, are time-sensitive and require coordination with grunion monitors in order to be effective.</p> <ol style="list-style-type: none"> 1. Trained personnel will assess the potential of the beach to support grunion spawning at the outlet. Monitoring will be required only at sites that have been identified as those supporting grunion spawning activity. 2. If outlet maintenance needs to be conducted during the spawning season at an outlet that may support grunion spawning, the predicted grunion run prior to (or during) the maintenance work will be monitored. The predicted grunion run will be monitored for three nights: the night after the full or new moon phase and the two following nights. The monitoring would occur from the time of the high tide for two hours following the tide, or until grunion stop running, whichever is later. 3. If grunion are observed to run in the vicinity of an outlet, the area where they ran will be marked physically and/or by Global Positioning System (GPS) locations. The density of the grunions throughout the area will be noted. 4. Maintenance workers will avoid the spawning area, if possible. 5. If spawning occurred over the entire maintenance area, the area will be rescheduled until the area is clear of eggs. This may occur during the window in between two grunion runs, i.e., the two or three days before every full or new moon or when it has 	<p>Talbert Channel Outlet</p>	<p>Compliance monitoring</p>	<p>OC Public Works</p>	<p>Prior to and during any project activities at any of the six outlets during the grunion spawning season, March through August</p>

Exhibit C: Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Agency Responsible	Timing
	been otherwise determined that the eggs from the run have washed out to hatch.				
BIO-A: Impacts to Special-Status Species	MM BIO-2. Two qualified biological monitors would be provided by OC Public Works during maintenance activities at Santa Ana River outlet, Talbert Channel outlet, or both. The monitors shall observe maintenance activities to ensure that protected wildlife is not threatened or disturbed and, in general, observe the behavior of the Least Tern and Snowy Plover during the sediment removal operation. The monitors shall submit a final report on their daily observations and recommendations for future maintenance activities; this report shall be forwarded to USFWS and the California Department of Parks and Recreation (CDPR). One monitor shall observe the operations at the excavation site and one will examine the deposition site.	Talbert Channel Outlet, Santa Ana River Outlet	Monitoring Report	OC Public Works	During any project activities at Santa Ana River Outlet, Talbert Channel Outlet, or both.
HYD-A: Violate water quality standards or waste discharge requirements	MM HYD-3. The project shall implement the following Best Management Practices for avoiding or minimizing water pollution: <ul style="list-style-type: none"> • Solid Waste Management: Trash in storm channel outlets shall be collected and removed. • Vehicles and Equipment Cleaning: Vehicles used in maintenance activities, such as bulldozers or front loaders, shall be cleaned regularly at County facilities prior to arriving on the beach or storm channel, and after leaving the job site upon daily completion of work. • Vehicle and Equipment Maintenance: Vehicles and equipment shall be inspected regularly off-site for leaks and fluid buildup, such as grease or oil. If any maintenance or repair is needed, the necessary corrective measures shall be taken promptly. Any vehicle or equipment with observed 	Talbert Channel Outlet	Compliance Monitoring	OC Public Works	During any project activities at Talbert Outlet

Exhibit C: Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Agency Responsible	Timing
	<p>leaks or fluid buildup that could result in leakage of substantial amounts of oil, grease, or other fluids must be repaired and cleaned before being returned to one of the project work sites.</p> <ul style="list-style-type: none"> • Employee and Contractor Training: The Orange County Flood Control District (OCFD) shall conduct thorough employee training on activities that have the potential to pollute stormwater. • Vehicle Leak Spill Control: The County shall use secondary containment, such as drain pans or drop cloths, to catch leaks or spills under all equipment when not in use. If leaks or spills are detected, the affected machinery would promptly be removed from the site to a suitable location off of the beach and away from waters for repair. Employee training shall include the proper procedures for cleanup of leaks and spills, and the disposition of spill materials. • Catch Basin Cleaning: The OCFCD shall maintain and monitor catch basins adjacent to the target ocean outlets to prevent and reduce pollutant buildup from entering the ocean. This requirement applies only to catch basins on public property. OCFCD does not have access to catch basins on private property; monitoring and maintenance of catch basins on private property is the responsibility of the property owners. 				