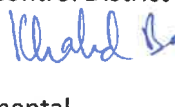


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## Memorandum

**DATE:** October 26, 2017  
**TO:** Members of the Board of Supervisors of the Orange County Flood Control District  
**FROM:** Khalid Bazmi, Chief Engineer, Orange County Flood Control District   
**SUBJECT:** Orange County Flood Control District - Recreational Trails, Environmental Protection, and Security Project

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This Memorandum is to provide information to your Board, as required and pursuant to the powers delegated to the Orange County Flood Control District's Chief Engineer by Board Resolution 72-739 (Resolution), that I have directed the adoption of hours of access for recreational uses. These hours will be 7:00 A.M.–6:00 P.M. from November 1–February 28, and 7:00 A.M.–9:00 P.M. from March 1–October 31 annually. I have also ordered the closure (to the public) of a previously dual-purpose decomposed-granite maintenance road recreation trail along the west side of the Santa Ana River near Talbert Avenue in Fountain Valley. These actions are critical to support efforts being undertaken by OC Public Works (OCPW) for enhancement and protection of the flood control infrastructure, recreational facilities, and landscaping owned and maintained by the Orange County Flood Control District (District).

### Background:

The current recreational uses on District property were authorized in 1972 by Board Resolution 72-739 (Resolution). The Resolution authorized creation and operation of recreational elements on portions of the District's property for use by equestrians, hikers, and bicyclists, and found that only those activities would not diminish or impair the then-existing or probable future requirements of District property for flood prevention or water conservation. That finding presumed that those uses would be regulated and remedial maintenance work to address impacts of those recreational uses would be performed on a regular basis.

The Resolution further vested certain powers and responsibilities with the District's Chief Engineer, including the ability to close specific areas of District property to the authorized recreational uses after notifying the Board in writing of the reasons for the closure, and the power to "make rules and regulations deemed necessary to protect the general public and the district's works and landscaping". The Resolution (as attached) explicitly limited the Chief Engineer's authority to authorize public use of the recreational trails to hiking, biking, and equestrian uses between 4:00 A.M. and 10:00 P.M.

As evidenced by the attached memos, a number of uses/activities are occurring that are not authorized uses of District property, and it has become clear that those uses/activities are incompatible with the statutorily mandated flood control, water reclamation, and water-quality protection purposes of District property. Therefore, I have directed the following actions to be taken.

**Rule Changes; Installation of Security Gates:**

Pursuant to the Resolution, I have enacted a rule limiting the hours of the recreational uses to 7:00 A.M.–6:00 P.M. from November 1–February 28, and 7:00 A.M.–9:00 P.M. from March 1–October 31 annually. This Memorandum addresses the formal requirement to advise the Board of those hours and will assist in apprising the public of the rules applicable to recreational use of District property.

Enforcement of these hours of access will allow for more efficient visual inspections of District facilities, performance of required critical maintenance in a more efficient and timely manner, and will assist in preserving the quality of water, water-carrying capacity of the flood control channels, and general environment on District property by preventing the accumulation of waste and debris associated with encampments in the area. Furthermore, enforcement of these hours will allow the District and law enforcement to proactively prevent activities that may threaten critical flood control infrastructure, including but not limited to damaging earthen levees and setting of unauthorized fires.

To assist in achieving enforcement of the newly adopted hours of use, I am directing installation of lockable gates, fencing, and signage at various recreational trail access points along the Santa Ana River. The areas between these gates will be patrolled at the opening and closing times of the recreational trail, and the gates will be locked daily at the posted trail closing time.

Additionally, access to west side of the Santa Ana River near Talbert Avenue in Fountain Valley will be secured and posted with appropriate “No Trespassing” signage to facilitate a permanent closure. The public’s ability to utilize the recreational trail system in that area will not be meaningfully impaired as there is a parallel improved bike path/trail on the east bank of the Santa Ana River.

**California Environmental Quality Act (CEQA):**

The erection of the new gates, fencing, signage, and closure to public access of the west bank of the Santa Ana River near Talbert Avenue in Fountain Valley, is categorically exempt from the California Environmental Quality Act (CEQA), as a Class 1 Existing Facilities Exemption pursuant to CEQA Guidelines, Section 15301, because it involves the repair, maintenance, and/or minor alteration of an existing public facility. None of the exceptions to the exemption apply.

Please contact me with any questions.

cc: Frank Kim, CEO  
Shane L. Silsby, Director of OC Public Works  
Leon Page, County Counsel

**Attachments:**

Resolution No. 72-739. Implementation of Santa Ana River Corridor Bicycle Trail Operations and Maintenance  
Memo from OC Environmental Resources  
Memo from OC Operations and Maintenance  
Memo from OC Health Care Agency  
Memo from OC Sheriff’s Department