

EXHIBIT C
OC PARKS PERMIT

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P2012-00037

Edwards, Helen 9:59:44 AM FT

4/9/2012

OC Parks Contact Number
714-771-6731

COUNTY OF ORANGE
OC Parks Permits
13042 Old Myford Road
Building #4
Irvine, CA 92602
(866) 627-2757
Fax: (714) 973-3336

Permit No: **P2012-00037**
Effective Date: **5/1/2012**
12:00 AM
Expiration Date: **9/30/2012**
12:00 AM

PERMITTEE

Coastkeeper
3151 Airway Ave, Ste. F-110
Costa Mesa , CA 92626
714-850-1965
Contact Person : Garry Brown
Telephone No. 714-850-1965

OC Parks Facility

<u>Name</u>	<u>Number</u>
SANTA ANA RIVER CHANNEL	E01
FEATHERLY REGIONAL PARK	NONE
SANTA ANA RIVER TRAIL	NONE

PERMITTED USE:

User of County property is hereby authorized as follows, subject to provisions attached hereto:

Temporary access to and use of a portion of Orange County's Flood Control District Santa Ana River Channel (E01), (parcel # 349-081-67), Featherly Regional Park and Santa Ana River Trail rights-of-way to conduct kayaking activities (trips) per provisions attached, and to the satisfaction of the assigned County inspection personnel.

KAYAKING ACTIVITIES WILL BE OVERSEEN BY OC PARKS AND/OR OC PUBLIC WORKS FLOOD CONTROL DISTRICT PERSONNEL.

PERMITEE acknowledges that activities authorized under this permit are inherently dangerous activities and PERMITEE assumes all risk associated with the activities under this permit. PERMITEE hereby WAIVES, RELEASES, AND DISCHARGES the County of Orange and its supervisors, officers, employees, and agents (collectively, the "County") and the ORANGE COUNTY FLOOD CONTROL DISTRICT ("District") from any and all liability, including but not limited to, liability arising from the negligence or fault of the County or District, for any death, disability, personal injury, property damage, property theft, or actions of any kind which may hereafter occur to PERMITEE including traveling to and from this event and any activities conducted by PERMITEE pursuant to this permit, and waive all claims and recourse against the County and District and including the right of contribution for loss or damage of persons or property arising from, growing out of or in any way connected with or related to any activities conducted by PERMITEE pursuant to this permit.

PERMITEE hereby agrees to INDEMNIFY, DEFEND, HOLD HARMLESS, and PROMISE NOT TO SUE the County and District from any and all liabilities or claims made as a result of participation in this activity or related to any activities conducted by PERMITEE pursuant to this permit, whether caused by negligence or otherwise.

PERMITTEE WILL SUBMIT COPIES OF APPROVALS FROM ALL REGULATORY AGENCIES TO THE OC PARKS PERMIT OFFICE.

PERMITTEE'S ACCEPTANCE:

DRAFT

COUNTY APPROVAL:

DRAFT

Debbie Cavers

Note: Deposits will not be refunded until Final Inspection is performed and signed-off permit is submitted to OC Parks Permits.

CEQA Code 1

SWPPP: No

LOCATION OF WORK:

Santa Ana River Channel (E01) (Parcel 349-081-67)
Featherly Regional Park
Santa Ana River Trail

Dimension/Type: Temporary Access

Thomas Brother: 741:E6-A6 Area: Orange County

CONSIDERATION:

<u>Types</u>	<u>PWO#</u>	<u>Permit Fees</u>	<u>Surety</u>	<u>Penalty</u>	<u>Total</u>	Total Fees: 0.00
FT	EF68010	0.00 (2074)	0.00 (2091)	0.00	0.00	

Surety Paid By:

TUF Invoice Paid By:

Contractor:

Engineer:

Inspection: Regional Parks Operations

CC:

PERMIT INSPECTORS REPORT:

DATE WORK COMPLETED: _____

The permitted work was completed in satisfactory manner per instructions and/or the as-built plans and inspectors report submitted herewith for county files

Remarks:

P201200037

Inspector:

Date

Refund Recommended By:

Date

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Refund Approved By:

Date:



Permit Number
2012-00037

SPECIAL PROVISIONS

PERMITS & RESERVATIONS UNIT

1. This OC Parks Permit is valid through Sunday, September 30, 2012.
2. Attached to and incorporated into this Permit are the following:
 - a. Orange County Coastkeeper Kayak 2012 Program Operational Plan and Schedule.
 - b. Orange County Coastkeeper Kayak Waiver of Liability form.
 - c. County of Orange Property Permit allowing various improvements as outlined in the Operational Plan.
 - d. California Department of Fish and Game Streambed Alteration Permit for tree trimming in the river to ensure safe navigation or a California Department of Fish and Game letter indicating no permit is needed.
 - e. U.S. Army Corps of Engineers Section 404 Permit or a Corps of Engineers letter indicating no permit is needed.
3. Prior to the first scheduled kayak trip of calendar year 2012, Permittee shall inspect the kayak course and remove any vegetation that restricts the safe movement of kayaks downstream. A conditions map showing the trip course, including "put-in" and "take-out" locations, shall be submitted to the OC Parks Permit Office and the Supervising Park Ranger at Yorba Regional Park prior to the first scheduled kayak trip.
4. Seventy-two hours before each weekend of scheduled trips, Permittee shall obtain anticipated water release rates from Prado Dam personnel in the cubic feet per second (cfs) format and e-mail them to the OC Parks Permit Office and the on-duty Park Ranger at Yorba Regional Park. Kayak trips shall be conducted at release rates of 300 cfs or less.
5. Permittee acknowledges that no trips shall be scheduled within 48 hours following a rain storm or on any day when rain is forecast.
6. At the sole discretion of OC Parks and OCFCD, trips may be cancelled as a result of special circumstances, such as unpredicted rain, construction activities, unexpected water releases from Prado Dam, or any event the OC Parks or OCFCD deems potentially harmful to program participants.
7. To ensure the safety of pedestrians and bicyclists, Permittee shall advise drivers of Program vehicles to exercise extreme caution when traveling on or crossing the Santa Ana River Trail.
8. Permittee shall obtain Waiver of Liability forms signed by all Program participants prior to each scheduled kayak trip.
9. Permittee shall provide a Commercial General Liability insurance policy in the amount of \$3.0 million dollars per occurrence and in the aggregate. The County of Orange, the Orange County Flood Control

District and its elected and appointed officials, officers, employees shall be identified in the policy as Additional Insureds. Permittee shall provide the County a Certificate of Insurance as well as an Additional Insured endorsement. Said insurance shall give the County of Orange 30 days written notice in the event of cancellation and 10 days for non-payment of premium.

Signature: _____ Date: _____

Print Name: _____



Santa Ana River Kayak Connection Program

2012 Operational Plan and Schedule



What & Why

The Santa Ana River Kayak Connection program will provide the public with a quality outdoor adventure experience that will help them connect with the Santa Ana River and its watershed. The program will be managed by Orange County Coastkeeper as part of our mission to protect and preserve the region's marine habitats and watersheds through education, advocacy, restoration, research and enforcement. By giving people guided kayaking experiences on the water, Coastkeeper will increase public awareness of the importance of the river and the role it plays in their life.

The program is intended to demonstrate that public access to the river can provide recreational and educational opportunities to the public while protecting other uses, such as wildlife habitat. Over time, we hope that the public will be able to access the river in a less formal manner and that this program will eventually become just one of many ways to enjoy and learn from the river.

When

The program will operate during the dry season from May through the end of September. The month of May will be spent preparing, improving infrastructure and promoting the program. Kayak trips will commence in June, with two trips every Saturday and Sunday—one beginning at 9am and one at 4pm—for a total of approximately 80 trips.

Where

Featherly Regional Park in north Orange County contains one of the most natural reaches of the Santa Ana River. That reach is a logical site to focus our efforts on increasing public river access. Most of the park encompasses open space along the river; a portion includes lessee-operated Canyon R.V. Park

The primary launch site will be on the north arm of the river at the Gypsum Canyon Bridge, outside the leasehold boundaries of Canyon R.V. Park. If the river level is too low at that site, guides will utilize one of the three alternate launch sites downstream from the Gypsum Canyon Bridge site. To access these alternate sites, we will use an existing dirt access road that runs along the north edge of the river parallel to La Palma Ave.

The trip will end at the takeout point at Weir Canyon Road Bridge, where the kayakers will land on the north bank of the river. The van will return participants and equipment to the parking area via an exit point in Yorba Regional Park that leads to La Palma Ave.

Who

Each trip will host up to fifteen kayakers, including two guides, a naturalist and the program participants.

Guides: The two guides will be experienced kayakers who are specifically trained to educate the clients on the Santa Ana River watershed and the Featherly Park reach of the river. Each trip will have a lead guide who has achieved a guide/instructor rating from a recognized paddle sport organization and the ability to maneuver Class I and II Rivers. In addition, lead guides will have necessary training in teaching, group management and trip planning skills. An assistant guide with strong paddling skills will also be present.

Naturalist: Accompanying the trip will be a naturalist who is a trained educator with specific knowledge of the flora, fauna and hydrologic features of the watershed.

Participants: Participants must be at least sixteen years of age and be physically able to drag or carry a kayak and paddle the distance of the route. They must wear appropriate clothing, including quick drying pants or shorts, shirts and shoes (no flip flops).

Participation Fee: Initially, Coastkeeper plans to charge \$75 per person for the kayak trip. This fee includes educational handouts and the use of kayaks and safety gear. Going forward, the fee amount could be adjusted to reflect changes in expenses and/or revenue from donations.

How

Safety: Equipment and Training

All guides will be certified in First Aid and CPR and carry waterproof first aid kits with supplies to deal with basic injuries up to and including compound fractures. The guides will also carry waterproof cellular phones to call for assistance, if needed. Coastkeeper will have a portable toilet on a trailer, which will accompany the van during the day's activities.

Prior to the first trip of the season, Coastkeeper will develop a detailed program safety plan that explains standard procedures for a variety of common first aid and minor and major injuries. Emergency evacuation procedures and routes out of the river and park area with directions to the nearest hospital will also be included in the plan.

Also prior to the first trip of the season, Coastkeeper will develop a detailed paddle plan that describes the river conditions, including obstacles, rapids, runs, vegetated areas, pullouts and portages. The paddle plan will detail the flow rates necessary for use of the primary and alternate launch areas and a maximum flow rate for inexperienced paddlers. All kayakers will be provided with a ten-foot kayak and appropriate safety gear, including helmets and Coast Guard-approved floatation devices.

All participants will be required to sign Coastkeeper's waiver of liability form. Participants under 18 years of age will be required to submit a waiver form signed by their parent or legal guardian.

Prior to starting each trip, guides will conduct a training session for the group. The session will include safety guidelines and paddling instructions and will cover the following rules and regulations:

- No one will be allowed to kayak or otherwise use floatation devices unless they are part of the kayak program.
- Alcohol and illegal drugs are not allowed on any trips. Anyone under the influence will not be allowed on the trip.
- Ingestion of river water is prohibited.

Trip Timeline

From beginning to end, the experience will last three hours including check in, paddling and safety instruction, the trip down the river and a ride back to the starting point. Here is an example timeline for the morning trip:

- 8:00 am: Coastkeeper staff will arrive at the primary launch site. They will unload the kayaks and related equipment from a kayak trailer, which is pulled by a passenger van.
- 9:00 am: Participants will park at a nearby offsite parking area (Ice Palace), and be picked up by Coastkeeper staff in a van and transported to the launch site.
- 9:10 am: The first 45 minutes will involve the collection of signed liability waivers, issuance of equipment, paddling instruction and a safety talk.
- 9:55 am: The group will travel an approximately two and one half mile route to the take out point at the Weir Canyon Road Bridge. The trip will include a half hour break at the SARI

line crossing, which will consist of 1) a fifteen minute discussion on the watershed and 2) fifteen minutes of exploration or portage around the SARI line as determined by the guides.

As paddlers approach the end of the trip, there will be temporary signs on the right side of the river bank warning of the end of the river's navigable portion and identifying the take out point. Coastkeeper will install a removable safety rope with floats across the river just below the take out point to assist any paddlers who miss the take out point or exit the kayak before they get to the drop structure just downstream of the bridge.

- 11:25 am – 12:10 pm: At the take out point, the paddlers will be met by the transport van and trailer and the final 45 minutes will include loading the boats and equipment onto the trailer, and returning to the parking area.

Communication and Record-keeping

Coastkeeper will take the following steps to ensure effective outreach and accurate documentation of the program activities:

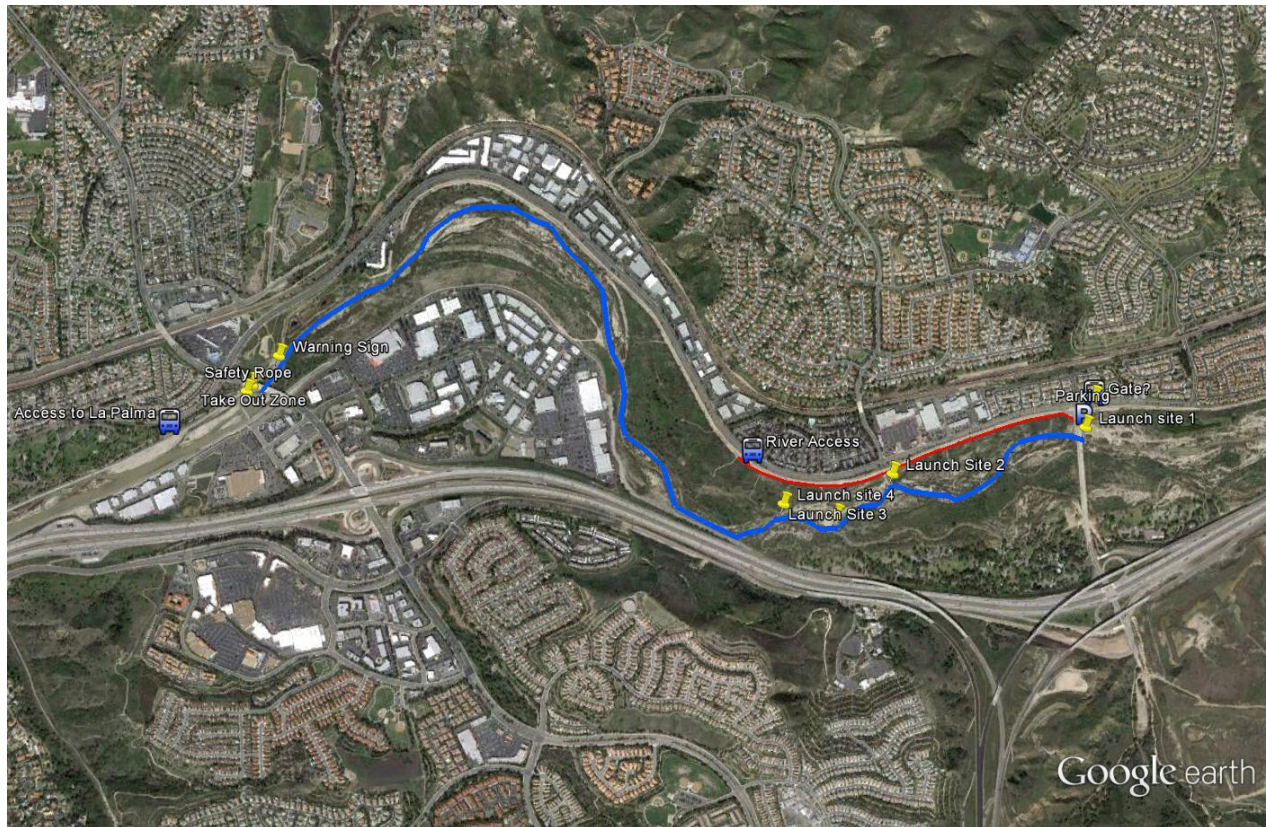
- Produce educational materials including brochures, maps and flyers, and web-based outreach.
- Provide permitting agencies with credentials and training certificates of guides, safety plans and paddling plans.
- Provide permitting agencies and the U.S. Army Corps of Engineers with cell phone numbers of guides and a schedule of tours.
- Retain signed participant waivers for a minimum of two years. Retain waivers for minors for a minimum of two years after the minor reaches the age of 18.
- Receive guidance on design parameters for the warning signs and submit draft designs to the appropriate agencies for approval.

Required Approvals

- **County of Orange:**
 - Board of Supervisors Authorization
 - Due to public health and safety concerns, Orange County has an ordinance prohibiting members of the public from kayaking and other water-related activities in rivers and channels owned by the Orange County Flood Control District unless it is specifically authorized by the Orange County Board of Supervisors. Consequently, the Board of Supervisors must provide authorization before any permit can be issued to conduct the program.
 - OC Parks Permit
 - An OC Parks Permit must be issued to govern the program; it will include all operational, safety and administrative requirements.
 - County Property Permit
 - A County Property Permit must be issued to cover Coastkeeper's activities on Orange County Flood Control property. These activities shall be limited to the following:

1. Gypsum Canyon Bridge launch site: installation of a chain link gate across the access driveway to prevent illegal vehicle entry.
 2. Access road along the north side of the Santa Ana River: repair of erosion damage from storm drain runoff.
 3. “River-access Prohibited” signs: installation of signs, during the program operational period, at the entry and take-out points indicating that “access to the Santa Ana River is prohibited unless authorized by the Board of Supervisors”, that the Coastkeeper program is authorized, and that the public can participate in the program by contacting Coastkeeper.
 4. “Warning” and “Take-out Zone” signs: installation of removable signs warning of the end of the navigable part of the river and identifying the take out zone, mounted in permanent foundations attached to the rip rap on the northern bank of the river.
 5. Safety rope below take-out zone: installation of two foundations with eye bolts in the rip rap on either side of the river just below the take-out zone; a safety rope with floats will then be strung across the river during the kayak trips so that paddlers who miss the take out zone can stop or exit their kayak before the drop structure.
- **California Department of Fish and Game**: Either a Streambed Alteration Permit allowing trimming of trees in the river to ensure safe navigation or a California Department of Fish and Game letter indicating no permit is needed.
 - **U.S. Army Corps of Engineers**: Either a Section 404 Permit or a Corps of Engineers letter indicating no permit is needed.

Overall Project Map



Launch Site 1 and Parking



Launch Site 2 (alternative)



Launch site 3 (alternative)



Launch Site 4 (alternative)



Take Out Zone and Safety Rope Area



Warning Sign Area



Exit to La Palma



Access Road Damage



SARI Line





3151 Airway Ave., Ste F-110
 Costa Mesa, CA 92626
 Phone: (714) 850-1965
 Fax: (714) 850-1592
 www.coastkeeper.org

KAYAK WAIVER OF LIABILITY AND EXPRESS ASSUMPTION OF RISK

I, the undersigned, being of lawful age or the parent or legal guardian of the participant involved in this activity, in consideration of the opportunity to participate in the KAYAK PROGRAM, do hereby RELEASE, DISCHARGE and HOLD HARMLESS, ORANGE COUNTY COASTKEEPER, the COUNTY OF ORANGE, ORANGE COUNTY FLOOD CONTROL DISTRICT, and ORANGE COUNTY SANITATION DISTRICT and any officer, agent, and/or employee of any one of them FROM ANY AND ALL ACTIONS, CAUSES OF ACTIONS, CLAIMS, OR ANY OTHER LIABILITIES WHATSOEVER, KNOWN OR UNKNOWN, OR WHICH MAY ARISE IN THE FUTURE ON ACCOUNT OF, OR RELATING TO OR ARISING OUT OF PARTICIPATION IN THIS PROGRAM.

I understand that KAYAK activities involve certain inherent risks, including but not limited to, the risks of possible injury, infection or LOSS OF LIFE as a result of contact with animals, insects, metal objects, heavy equipment or other hazardous materials found in and around the SANTA ANA RIVER or from over-exertion or environmental conditions. Despite these risks, I still choose to proceed in such activity.

The undersigned acknowledges that the participant has received appropriate instruction regarding KAYKING, including appropriate safety and emergency procedures, and that the participant fully understands those instructions and is capable of and agreeable to following them. Appropriate HELMETS and U.S. Coast Guard-Approved PERSONAL FLOATATION DEVICES shall be worn AT ALL TIMES. In addition, in any actions undertaken during this activity the participant agrees to use only the supplies, tools and equipment provided by Orange County Coastkeeper or their own equipment, if authorized by Orange County Coastkeeper and understands such equipment's intended use.

The undersigned knows of no physical or mental disorder which should keep the participant from undertaking the activities associated with this activity, and will not participate if under the influence of alcohol or of any drug that could impair his or her physical or mental abilities. The undersigned agrees not to intentionally consume Santa Ana River water and expressly waives harm, including illness or death, from consumption of Santa Ana River water.

If the participant should become injured while participating in the activity, the undersigned authorizes any physician or surgeon licensed in the State of California to perform emergency or surgical treatment as in his or her sole judgment may be necessary. I know of no physical or mental limitation that should keep me from undertaking the activities associated with this activity. In Consideration for being allowed to participate in this activity, I hereby personally assume all risks in connection with the KAYAK activity for any harm, injury or damage that may befall me as a participant, including all risks connected therewith, whether foreseen or unforeseen. I further save and hold harmless said activity and Released Parties from any claim or lawsuit for personal injury, property damage, or wrongful death, by me, my family, estate, heirs, or assigns, arising out of participation in this activity, including both claims arising during the activity and after I complete the activity. I hereby acknowledge that ONLY those who sign this waiver will be permitted to participate in this KAYAK Program.

I AGREE TO ALLOW MY IMAGE TO BE USED IN PRINTED MATERIALS, VIDEOS AND WEB SITES TO PROMOTE THE PROGRAMS OF ORANGE COUNTY COASTKEEPER.

I HAVE READ THIS AGREEMENT. I UNDERSTAND IT. I AGREE TO BE BOUND BY IT.

Signature of Participant _____ Date _____

Signature of Parent or Guardian (if under 18 years of age) _____

Name _____ Date of Birth _____ Home Phone _____

Work Phone _____ Fax _____ E-Mail _____

Street Address _____ City _____ State _____ Zip Code _____

Email (*not for commercial or fundraising purposes*) _____

County of Orange Property Permit

(Placeholder – Document To Be Included in Final)

The County of Orange Property Permit will be limited to the following activities:

1. Installation of a chain link gate across the access driveway at the Gypsum Canyon Bridge launch site to prevent illegal vehicle entry.
2. Repair of access road along the north side of the Santa Ana River.
3. Installation of “River-access Prohibited” signs at the entry and take-out points indicating that “access to the Santa Ana River is prohibited unless authorized by the Board of Supervisors”.
4. Installation of removable “Warning” and “Take-out Zone” signs warning of the end of the navigable part of the river and identifying the take out zone.
5. Installation of safety rope below the take-out zone before the drop structure.

California Department of Fish and Game
Streambed Alteration Permit
or
Letter of "No Permit Needed"

(Placeholder – Document To Be Included in Final)

U.S. Army Corps of Engineers
Section 404 Permit
or
Letter of "No Permit Needed"

(Placeholder – Document To Be Included in Final)