

**CALENDAR ITEM
C46**

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S 28

06/24/08
W 25505
P. Griggs
E. Gillies

**CONSIDERATION OF A PROPOSED MEMORANDUM OF UNDERSTANDING
AMONG THE CALIFORNIA COASTAL CONSERVANCY,
CALIFORNIA DEPARTMENT OF FISH AND GAME, AND
CALIFORNIA STATE LANDS COMMISSION (PARTIES)
FOR RESTORATION PLANNING FOR THE BALLONA WETLANDS,
INCLUDING APPROXIMATELY 60 ACRES OF PUBLIC TRUST LANDS
NEAR THE INTERSECTION OF JEFFERSON AND LINCOLN BOULEVARDS,
LOS ANGELES COUNTY**

PARTIES:

California State Lands Commission

California Coastal Conservancy
1330 Broadway, Suite 1300
Oakland, CA 94612

California Department of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123

BACKGROUND

The Commission acquired 24 acres of public trust lands, located in the Ballona Wetlands, in February 2004. The Commission authorized the acquisition, known as the Expanded Wetlands Parcel, on December 9, 2003 (Minute Item 41). In addition, the deed granting an adjacent 36-acre parcel, known as the Freshwater Marsh, to the Commission was also recorded on the same date, as previously authorized on December 16, 1998 (Minute Item 115). Both parcels are shown for reference on Exhibit A.

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The Wildlife Conservation Board, acting on behalf of the Department of Fish and Game (DFG), acquired approximately 547 acres of the Ballona Wetlands. The DFG leased the Expanded Wetlands Parcel from the Commission, and it, along with the DFG fee property, was designated as the Ballona Wetlands Ecological Reserve.

The California Coastal Conservancy (Conservancy), with the cooperation of the DFG and Commission staff, began developing a plan for the Ballona Wetlands Restoration on DFG lands and Commission lands, known as the Ballona Wetland Restoration Project (Project).

The Freshwater Marsh parcel contains a marsh constructed as a requirement of certain Tract Maps approved by the city of Los Angeles for the nearby Playa Vista development. The Commission took title to the Freshwater Marsh subject to numerous easements and covenants that require the property to be managed in perpetuity as a freshwater marsh. The Freshwater Marsh is managed by the Ballona Wetlands Conservancy under a conservation easement. There may be limited opportunities to incorporate the Freshwater Marsh into the Project plan.

PROPOSED MEMORANDUM OF UNDERSTANDING

The proposed Memorandum of Understanding (MOU), in substantially the same form as on file in the Sacramento office of the Commission, would formalize the working relationship between the Parties and provide for inter-agency cooperation to complete restoration planning for all of the State-owned land under the jurisdiction of the Commission and the DFG.

- The Coastal Conservancy will develop and manage the workplan, budget, and schedule for restoration planning. The Coastal Conservancy will provide funding for the planning effort and will hire and manage contractors.
- The DFG, as the primary landowner, will be the applicant for any permits for the Ballona Wetland Restoration Project and the lead agency for purposes of the California Environmental Quality Act (CEQA). The DFG will have final discretionary authority and approval of the Project with respect to lands it owns in fee.
- The Commission will be a responsible agency under CEQA and to the extent that any lands under the jurisdiction of the Commission are

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proposed for restoration, the Commission will have final discretionary authority and approval of the Project with respect to lands it owns in fee.

The goals of the Project plan are to:

- Restore, enhance, and create estuarine habitat and processes in the Ballona ecosystem to support a natural range of habitat and functions, especially as related to estuarine dependent plants and animals.
- Create opportunities for aesthetic, cultural, recreational, research and educational use of the Ballona ecosystem that are compatible with the environmentally sensitive resources of the area.

Staff believes approval of the MOU is in the best interests of the State because it will help ensure an integrated approach to planning for the Ballona Wetlands restoration.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because it involves a feasibility or planning study for possible future action which the Commission has not approved, adopted, or funded.

Authority: Public Resources Code Section 21102 and Title 14, California Code of Regulations, Section 15262.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et. seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code Sections 6370, et. seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, Section 2954 is not applicable.

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EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

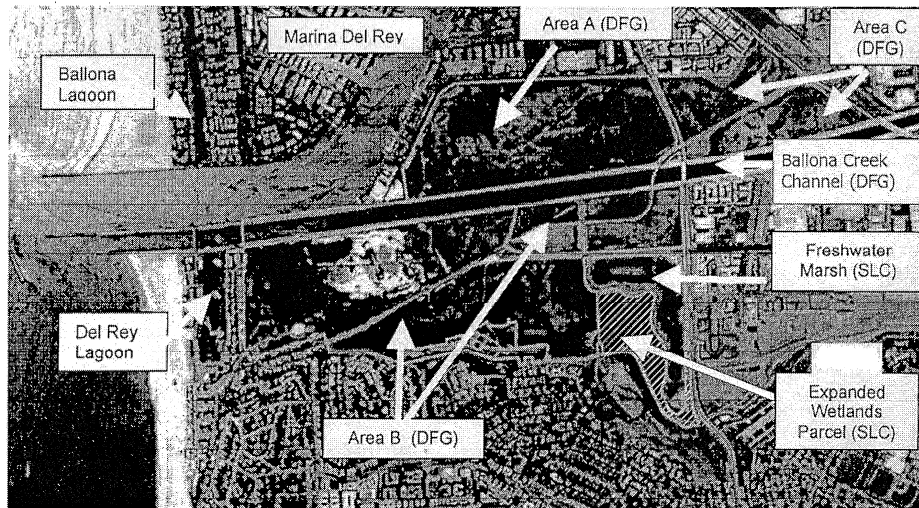
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21102 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15262, FEASIBILITY OR PLANNING STUDY FOR POSSIBLE FUTURE ACTION WHICH THE COMMISSION HAS NOT APPROVED, ADOPTED, OR FUNDED.

AUTHORIZATION:

AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA COASTAL CONSERVANCY AND THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR THE RESTORATION PLANNING FOR THE BALLONA WETLANDS.

NO SCALE

SITE



EXPANDED WETLANDS PARCEL
 FRESH WATER MARSH PARCEL
 NEAR MARINA DEL RAY

NO SCALE

LOCATION

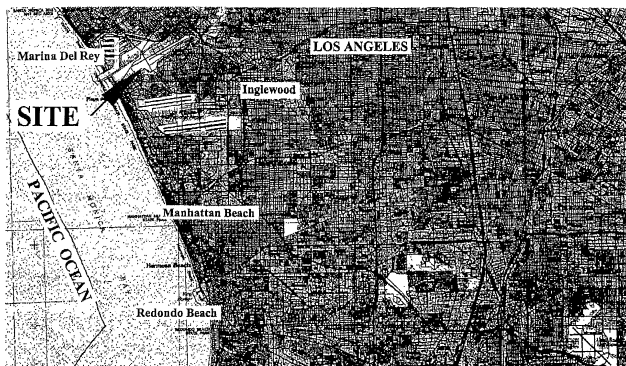


Exhibit A

BALLONA WETLANDS

LOS ANGELES
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.

MAP SOURCE: USGS QUAD

RAD 03/05