

**CALENDAR ITEM
C61**

A 67
S 35

08/14/12
W 26482
K. Foster

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Los Cerritos Wetlands Authority
100 N. Old San Gabriel Canyon Road
Azusa, CA 91702

LAND TYPE AND LOCATION:

Sovereign land in and adjacent to the former bed of the San Gabriel River, city of Seal Beach, Orange County.

AUTHORIZED USE:

Debris clean-up, invasive species abatement, and access for escorted and supervised public education programs conducted by the Los Cerritos Wetlands Stewardship Program as part of wetlands habit restoration proposed in the Los Cerritos Wetlands Conceptual Restoration Plan.

LEASE TERM:

Ten years, beginning August 14, 2012.

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.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in the amount of no less than \$5,000,000.

BACKGROUND INFORMATION:

The Los Cerritos Wetlands Authority (LCWA) is a Joint Powers Authority comprised of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the State Coastal Conservancy, the city of Seal Beach, and the city of Long Beach. The LCWA's purpose is to acquire, restore, and maintain lands that are or were part of the Los Cerritos Wetlands habitat complex

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straddling the San Gabriel River, including portions of land located in Los Angeles and Orange Counties, and in the cities of Long Beach and Seal Beach.

The Los Cerritos Wetlands complex once covered approximately 2,400 acres, but today just under 500 acres of the wetlands area remain undeveloped and they are in a degraded condition. The surrounding areas are a mix of residential, commercial, and industrial uses, and parts of the wetlands area itself were historically used for oil production. The LCWA has acquired direct ownership of 172 acres within the remaining undeveloped area, and approximately 83 additional acres are in public ownership separate from the LCWA holdings. The balance of the wetlands acreage is privately held.

The LCWA has developed the Los Cerritos Wetlands Conceptual Restoration Plan (Restoration Plan) to evaluate the engineering, environmental, and economic feasibility of restoration alternatives covering both the public and privately held property within the wetlands area. The Restoration Plan would restore the hydrology and soil conditions of the wetlands area in phases over a 20-25 year period, with the four Assessor parcels described in Exhibit A and shown on Exhibit B to be included in the first phase of work, expected to be complete within 5-10 years of project implementation.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. The parcels described in Exhibit A and shown on Exhibit B are subject to four existing leases and uses, as follows:
 - PRC 3154.9, a General Permit – Public Agency Use to the city of Los Angeles Department of Water and Power for a water intake structure.
 - PRC 5283.9, a General Permit – Public Agency Use to the city of Seal Beach for a bicycle trail and transportation corridor, 6-foot chain link fence, paved ramps, and a 4-foot gate with motorcycle barrier.
 - PRC 5981.1, a Right-of-Way Easement to the Southern California Edison Company for an overhead transmission line.
 - PRC 8726.9, a General Lease – Public Agency Use to the Orange County Flood Control District for access to the Los Alamitos Retention Basin.
3. To eliminate potential conflicts between the Applicant and existing Lessees, the Applicant will obtain a letter of concurrence from each Lessee indicated above acknowledging the Restoration Plan and stipulating non-objection to it prior to the Applicant's commencement of any restoration activities on the Lease Premises. Also, the Applicant will not conduct any activities associated with its Restoration Plan within the

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Lease Premises that will conflict with any uses currently authorized under any of the four Leases described above.

4. On April 13, 2009, the California Coastal Commission (CCC) granted Permit #5-08-348 for this project under its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)).

Staff has reviewed the document and determined that the conditions, as specified in the California Code of Regulations, Title 14, section 15253, subdivision (b), have been met for the Commission to use the environmental analysis document certified by CCC as a Negative Declaration equivalent in order to comply with the requirements of CEQA.

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 CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an environmental analysis document, California Coastal Commission (CCC) permit #5-08-348, was adopted for this Project by the CCC under its certified program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), and that the California State Lands Commission has reviewed and considered the information therein and concurs in CCC's determination.

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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 Issuance of a General Lease – Public Agency Use to the Los Cerritos Wetlands Authority beginning August 14, 2012, for a term of 10 years, for debris clean-up, invasive species abatement, and access for escorted and supervised public education programs conducted by the Los Cerritos Wetlands Stewardship Program as part of wetlands habit restoration proposed in the Los Cerritos Wetlands Conceptual Restoration Plan, on sovereign land as described in Exhibit A attached and by this reference made a part hereof, and as shown on Exhibit B (for reference purposes only); 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; liability insurance in the amount of no less than \$5,000,000.

EXHIBIT A

W 26482

LAND DESCRIPTION

Six parcels of land near the San Gabriel River, in the City of Seal Beach, Orange County, California, more particularly described as follows:

Parcel 1 (APN 043-160-36)

All those portions of "Parcel 1" as described in "Exhibit B" of that Judgement Quieting Title – Case No. 174688, filed May 26th 1970 in Book 9299, page 272 in Official Records of Orange County.

Parcel 2 (APN 043-160-36)

All those portions of "Parcel 2" as described in "Exhibit B" of that Judgement Quieting Title – No. 174688, filed May 26th 1970 in Book 9299, page 272 in Official Records of Orange County.

Parcel 3 (APN 043-160-36)

All those portions of "Parcel 3" as described in "Exhibit B" of that Judgement Quieting Title – No. 174688, filed May 26th 1970 in Book 9299, page 272 in Official Records of Orange County.

Parcel 4 (APN 043-160-45)

All those portions of "Parcel 13" as described in "Exhibit B" of that Judgement Quieting Title – No. 174688, filed May 26th 1970 in Book 9299, page 272 in Official Records of Orange County.

Parcel 5 (APN 043-160-47)

All those portions of "Parcel 14" as described in "Exhibit B" of that Judgement Quieting Title – No. 174688, filed May 26th, 1970 in Book 9299, page 272 in Official Records of Orange County.

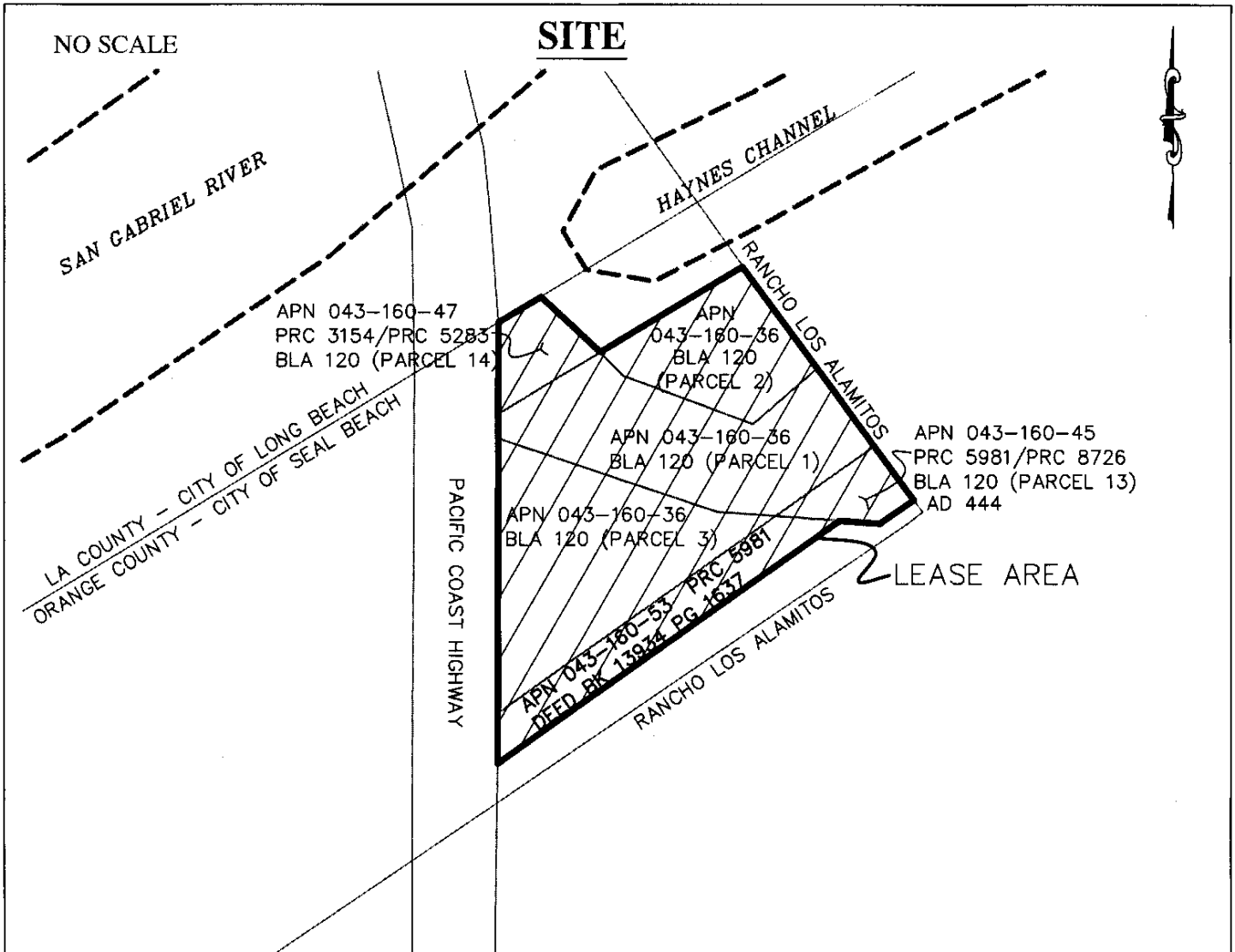
Parcel 6 (APN 043-160-53)

All those portions of that land as described in that Grant Deed recorded November 18th, 1980 in Book 13934, Page 1637 in Official Records of Orange County.

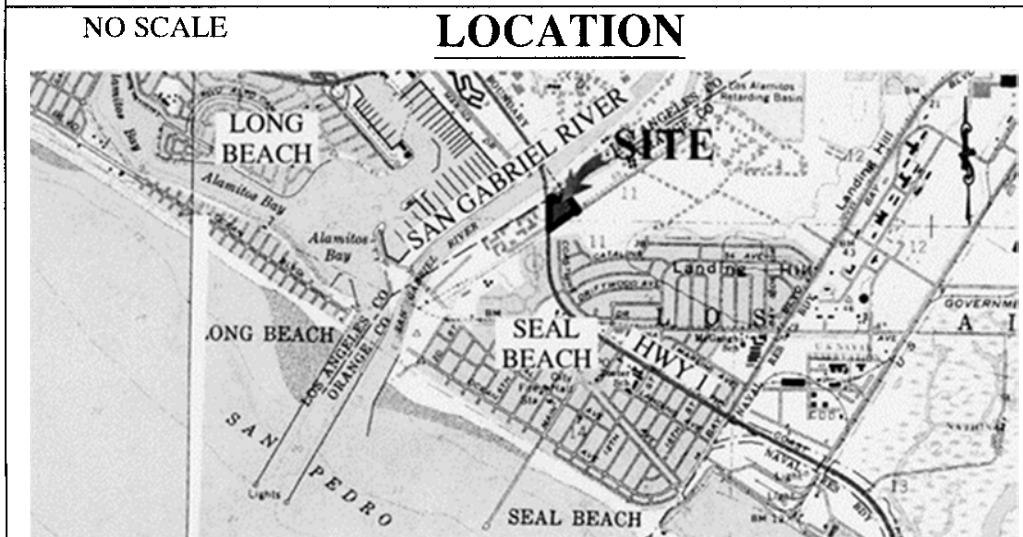
END OF DESCRIPTION

Prepared by the
California State Lands Commission
Boundary Staff July 23rd, 2012.





Portion of Historic Bed of San Gabriel River, Seal Beach



MAP SOURCE: USGS QUAD

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 B
W 26482
LOS CERRITOS
WETLANDS AUTHORITY
APN 043-160-36, 45, 47, 53
PUBLIC AGENCY LEASE
ORANGE COUNTY

