MINUTE ITEM
This Calendar Item No. C48
was approved as Minute Item
No. 48 by the State Lands
Commission by a vote of 3
to 0 at its 2-5-01
meeting

CALENDAR ITEM
C48

A 54

S 27

02/05/01
W 2716.700
W 10228
BLA 101
G 05-03
J. Reischman

AMENDMENT OF PRIOR APPROVAL AND AUTHORIZATION FOR THE CITY OF LONG BEACH TO EXPEND UP TO $600,000 FROM ITS SHARE OF TIDELAND OIL REVENUES FOR IMPROVEMENT OF TRUST PARCELS L, M, AND N, IN ACCORDANCE WITH CHAPTER 138, STATUTES OF 1964, FIRST EX. SESSION, SECTIONS 6(c), 6(d), 6(f), and 6(h)

APPLICANT:

Mr. Dennis Eschen
Department of Parks, Recreation, and Marine
City of Long Beach
2760 Studebaker Road
Long Beach, CA 90815-1697

BACKGROUND:

On August 28, 1968, the Commission, by Minute Item No. 64, approved the McGrath-Macco Boundary Settlement and Exchange agreement as part of the resolution of certain title and boundary problems existing in the Alamitos Bay area of the City of Long Beach. The agreement was made pursuant to the provisions of Chapter 1688, Statutes of 1965, which requires Commission approval of such settlements. By said agreement, the City of Long Beach received, as an asset of the tideland trust, parcels of real property abutting the Cerritos Channel for future use as public parks and marinas. The City also received easements for convenient public access to said parcels across the McGrath property. The specific location of such accessways was left to future agreement between the City, McGrath, and the State.

Subsequent to the approval of the original settlement and exchange agreement, the Commission had approved and authorized three Amendments. The First Amendment extended the time in which to effectuate the original 1968 agreement due to delays resulting from litigation and was authorized by the Commission on July 15, 1970, as Minute Item 1. Thereafter, the California Supreme Court in City of Long Beach v.

Mansell, 3 Cal. 3d 462 (1970) sustained the validity of the statute and approved the agreement.

The Second Amendment related to changes in the original proposed development plans and specific definitions of access rights and was authorized by the Commission on February 22, 1973, as Minute Item 14.

The Third Amendment, authorized by the Commission on February 26, 1988, as Minute Item 1, provided for the conveyance or dedication of the private property, improvement of the accessways, construction of a block wall and improvements by the City of the trust parcels. Finally, paragraph "2" of the amendment provided for Commission approval of the City's plans for development of the trust parcels, including approval of the expenditure by the City of tidelands trust revenues pursuant to Chapter 138, Statutes of 1964.

The Fourth Amendment, authorized by the Commission on February 25, 1993, as Minute Item 36, provided for new development plans for the park, known as Fieldstone Park, on parcels referred to as L, M, and N. Development plans for the park improvements included a public access long dock, a bike path/ walkway, a passive recreational park area, development of a wetlands habitat study area, and a refurbished restroom, which is no longer part of the project. The Commission found that the proposed development plans conformed to the terms of the original agreement, as amended. The Commission authorized the expenditure by the City of up to $800,000 of tideland oil revenues as an appropriate expenditure pursuant to Chapter 138, Statutes of 1964.

After the 1993 CSLC approval, the U.S. Army Corps of Engineers (Corps) denied the City's request for federal approval to build the project due to the fact that the proposed rock dike would bury an eelgrass bed. It was then determined that the City would redesign using a floating breakwater. This floating breakwater was required to be placed further out in the channel than the rock dike so that the breakwater could angle around the eelgrass and avoid shading this light sensitive plant. After the Corps, the Los Angeles County Regional Water Quality Control Board, and the California Coastal Commission approved this redesign, the City of Long Beach returned to Commission staff in December of 1997 for approval of this design change.

The City of Long Beach now requests Commission approval of an expenditure by the City of an additional $600,000 of tideland oil revenues to begin and complete the proposed development plans described in the Fourth Amendment. The City went to bid for the improvements described above in March of 2000, and received a bid of

approximately $1,400,000. Prior Commission approval in 1993 authorized the expenditure of up to $800,000 for the subject project. Commission staff has reviewed the current modified proposed development plans and believes they conform to the terms of the original agreement, as amended. Commission staff also believes that the additional expenditure by the City of up to $600,000 of tideland oil revenues is justified and an appropriate expenditure pursuant to Chapter 138, Statutes of 1964. All other terms of the Commission's 1993 approval of the Fourth Amendment to the McGrath-Macco Agreement remain unchanged.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that its consideration of the expenditure of tideland oil revenues by the City is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

   Authority: P.R.C. 21065 and 14 Cal. Code of Regs. 15378.

2. In taking action on this staff recommendation, the Commission is acting pursuant to its authority pursuant to Chapter 138, Statutes of 1964, First Extraordinary Session and Chapter 1688, Statutes of 1965.

EXHIBITS:

A. Location Map
B. Map of Trust Parcels
C. Development Plans

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTION 15378.

2. FIND THAT THE PROPOSED CAPITAL EXPENDITURE OF UP TO $600,000 BY THE CITY OF LONG BEACH FROM ITS SHARE OF TIDELAND OIL REVENUES FOR IMPROVEMENT OF THE TRUST PARCELS L, M, AND N, IS IN ACCORD WITH CHAPTER 138, STATUTES OF 1964, FIRST EX. SESSION, SECTIONS 6(c), 6(d), 6(f), AND 6(h).

NO SCALE

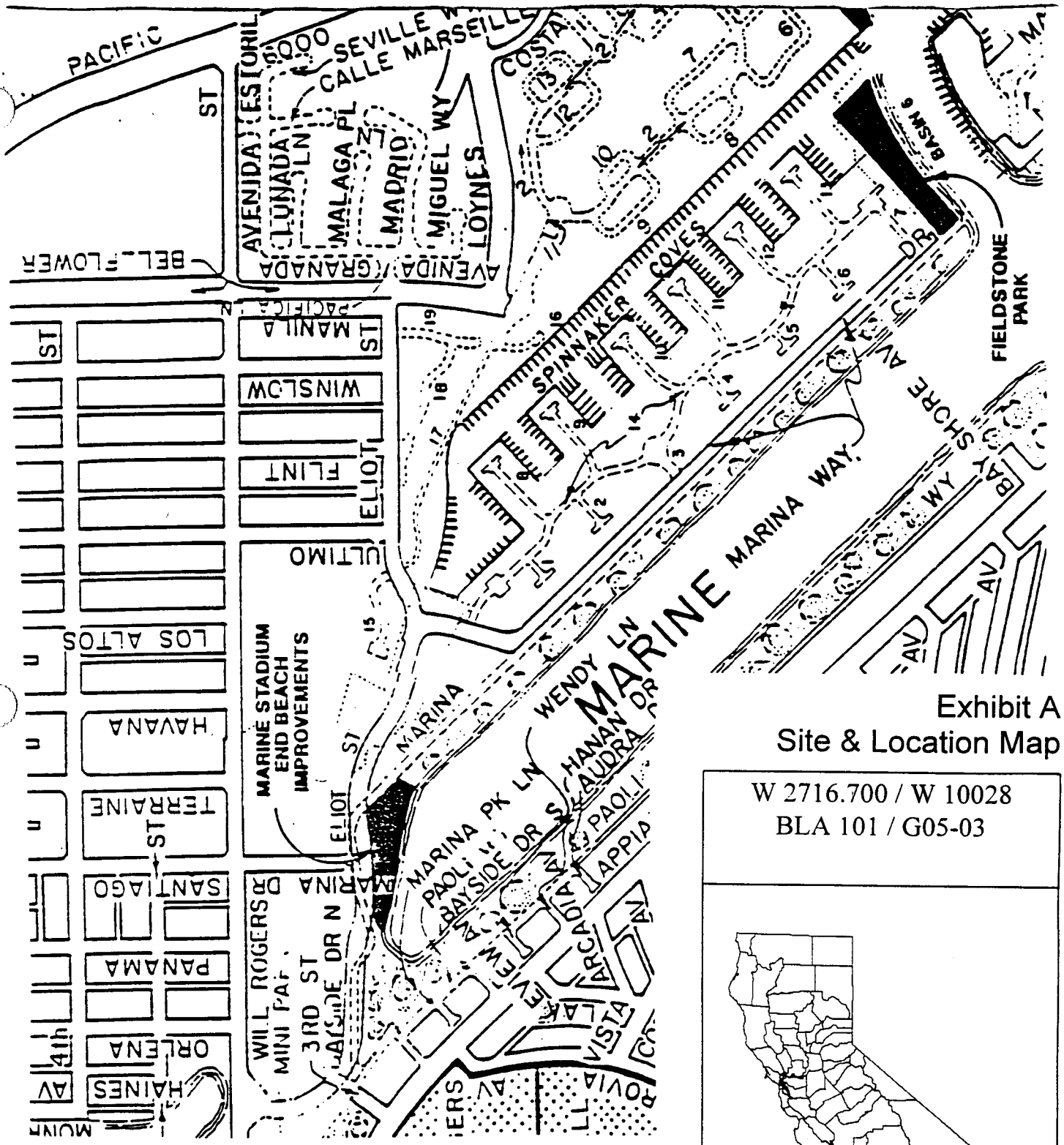


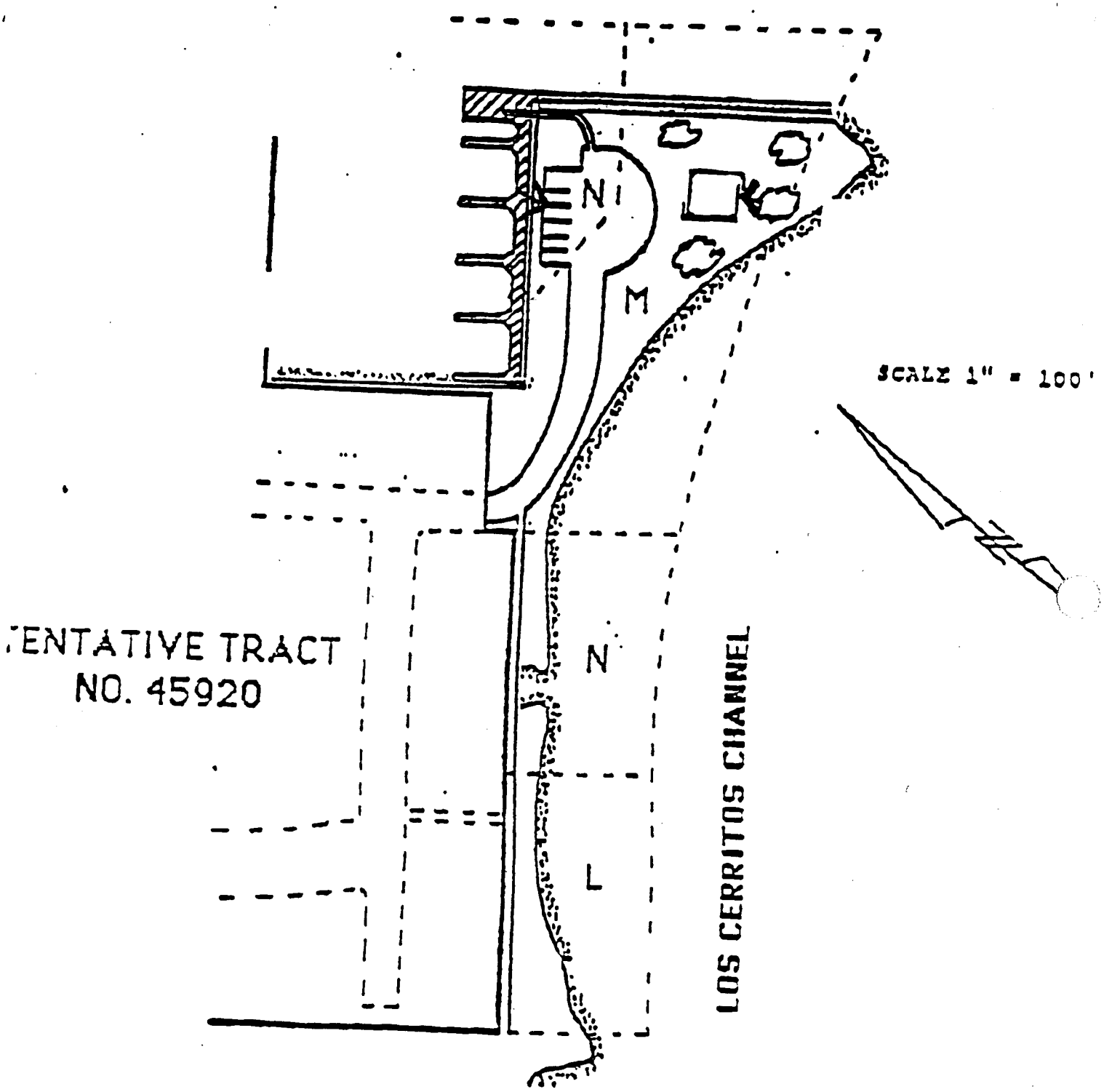
Exhibit A
Site & Location Map

W 2716.700 / W 10028
BLA 101 / G05-03

CALENDAR PAGE 000261
MINUTE PAGE 000288

This Exhibit is solely for purpose of generally defining the lease premise, and is not to be construed as, a waiver or limitation of any State interest in the subject or any other property.

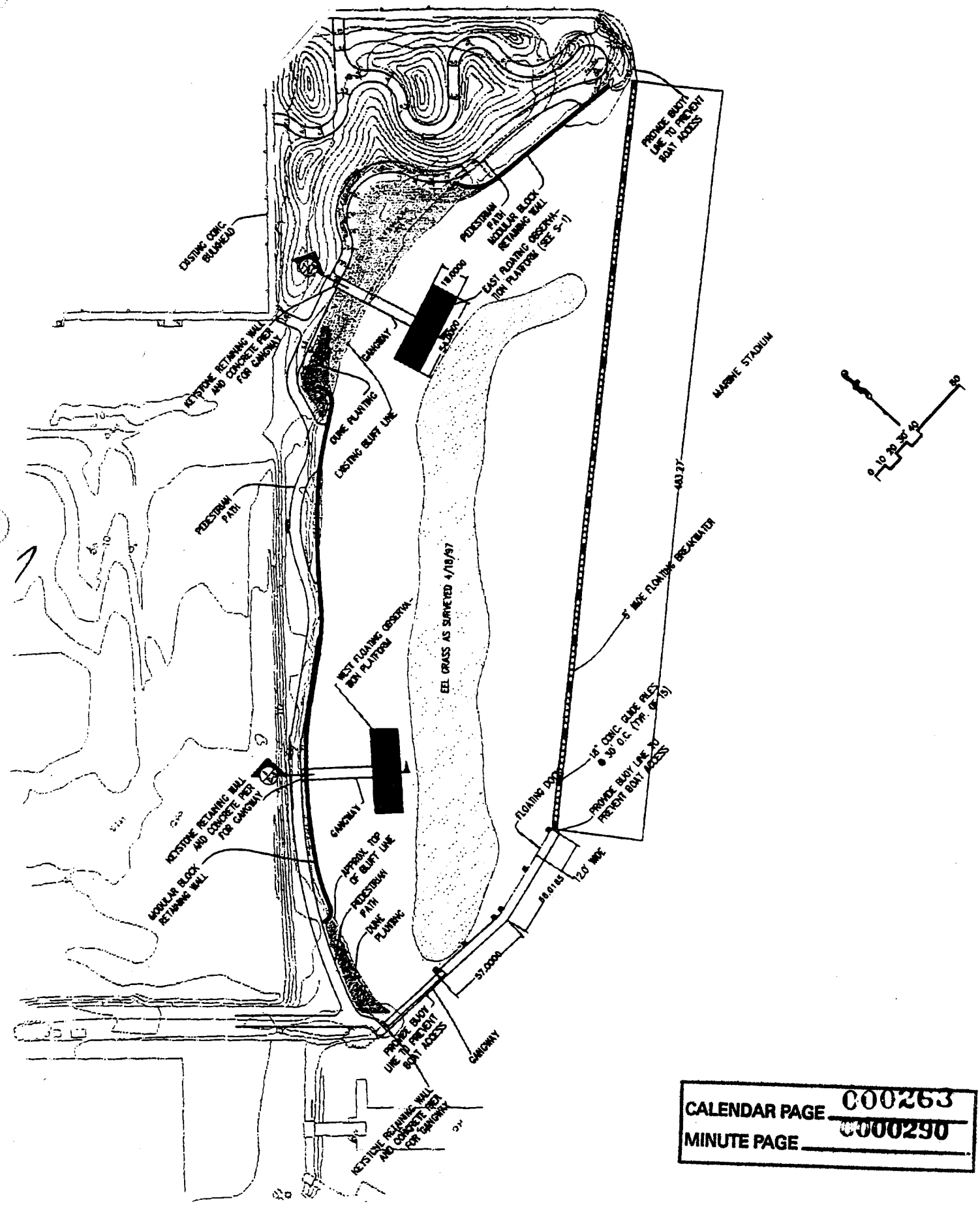
EXHIBIT B
MAP OF TRUST PARCELS



CITY-OWNED TRUST LANDS
PORTIONS OF MACCO-McGRATH PARCELS L, M, & N

CALENDAR PAGE 000262
MINUTE PAGE 000089

EXHIBIT C
DEVELOPMENT PLANS



CALENDAR PAGE C00263
MINUTE PAGE C000290