

MINUTE ITEM
This Calendar Item No. C63 was approved as
Minute Item No. 63 by the California State Lands
Commission by a vote of 3 to 2 at its
8-19-03 meeting.

CALENDAR ITEM
C63

A	41,70,74		08/19/03
S	23,35,39	PRC 8386	WP 8386.9 J. Smith

AMENDMENT OF LEASE

CURRENT LESSEES:

Santa Monica BayKeeper
P.O. Box 10096
Marina del Rey, California 90295

Orange County CoastKeeper
441 Old Newport Blvd., Suite 105
Newport Beach, California 92663

PROPOSED LESSEES:

Santa Monica BayKeeper
P.O. Box 10096
Marina del Rey, California 90295

Orange County CoastKeeper
441 Old Newport Blvd., Suite 105
Newport Beach, California 92663

San Diego BayKeeper
2924 Emerson Street, Suite 220
San Diego, California 92106

CURRENT AREA, LAND TYPE, AND LOCATION:

0.98 acres (0.49 acres at each location), more or less, of sovereign lands in the Pacific Ocean, offshore Malibu in Los Angeles County and Crystal Cove State Park in Orange County.

PROPOSED AREA, LAND TYPE, AND LOCATION:

11.77 acres, more or less, of sovereign lands in the Pacific Ocean (5.39 acres offshore Malibu in Los Angeles County; 1.48 acres at Crystal Cove State Park in Orange County; and 4.9 acres offshore Del Mar in San Diego County)

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AUTHORIZED USE:

Kelp reforestation, including the outplanting (lab-grown juvenile plants) and transplanting of kelp.

LEASE TERM:

Five years, beginning April 1, 2002.

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 with coverage of no less than \$1,000,000.

PROPOSED AMENDMENT:

Include the San Diego BayKeeper as a co-Lessee and amend the land description to include an additional 4.9 acres offshore Malibu in Los Angeles County and 0.99 acres at Crystal Cove State Park in Orange County; and a new 4.9 acre kelp restoration site offshore Del Mar in San Diego County. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessees have permission to use an upland mariculture facility.
2. Lessees are proposing to include the San Diego BayKeeper as a co-Lessee under Lease No. PRC 8386.9 for a new 4.9-acre kelp restoration project offshore Del Mar in San Diego County. The lease presently authorizes kelp restoration offshore Malibu and Crystal Cove State Park in Los Angeles and Orange counties. In addition to the new site in San Diego County, the Lessees are requesting an additional 5.89 acres to expand kelp restoration activities at the Malibu and Crystal Cove locations. Three techniques are used: (1) outplanting of lab-grown juvenile plants; (2) seeding of existing fertile kelp into small mesh bags; and (3) transplanting local drift kelp. In addition, urchins in the restoration areas may be moved away from the juvenile kelp as needed, but only with the consultation of the State Department of Fish and Game. The new and expanded sites will be included in the Lessee's five-year monitoring effort

CALENDAR ITEM NO. C63 (CONT'D)

and the Lessee will continue to provide Commission staff with annual reports summarizing all activities and results.

3. 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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061(b)(3).

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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:

U. S. Fish and Wildlife Service; California Regional Water Quality Control Board; California Department of Fish and Game; California Department of Parks and Recreation.

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers; California Coastal Commission; California State Lands Commission.

EXHIBITS:

- A. Land Description
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

September 30, 2003

CALENDAR ITEM NO. C63 (CONT'D)

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, BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061(b)(3).

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8386.9, A GENERAL LEASE - HABITAT RESTORATION, OF LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 1, 2003, TO INCLUDE THE SAN DIEGO BAYKEEPER AS A CO-LESSEE AND AMEND THE LAND DESCRIPTION TO INCLUDE AN ADDITIONAL 4.9 ACRES OFFSHORE MALIBU IN LOS ANGELES COUNTY AND 0.99 ACRES AT CRYSTAL COVE STATE PARK IN ORANGE COUNTY; AND A NEW 4.9-ACRE KELP RESTORATION SITE OFFSHORE DEL MAR IN SAN DIEGO COUNTY FOR A NEW TOTAL LEASE AREA OF 11.77 ACRES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

EXHIBIT A

WP 8386.9

LAND DESCRIPTION

ESCONDIDO RESTORATION AREA 1

A parcel of sovereign land of the State of California, in the Pacific Ocean, Santa Monica Bay, Los Angeles County, California, more particularly described as follows:

A circular parcel of land having a radius of 25.231 meters, the center of said parcel having the following geographic coordinates: longitude 118°46'39.9" W, and latitude 34°01'13.6" N, WGS84 datum.

ESCONDIDO RESTORATION AREA 2

A parcel of sovereign land of the State of California, in the Pacific Ocean, Santa Monica Bay, Los Angeles County, California, more particularly described as follows:

A circular parcel of land having a radius of 79.788 meters, the center of said parcel having the following geographic coordinates: longitude 118°45'54.1" W, and latitude 34°01'18.3" N, WGS84 datum.

DEL MAR RESTORATION AREA

A parcel of sovereign land of the State of California, in the Pacific Ocean, San Diego County, California, more particularly described as follows:

A circular parcel of land having a radius of 79.788 meters, the center of said parcel having the following geographic coordinates: longitude 117°16'26.3" W, and latitude 32°57'34.1" N, WGS84 datum.

CRYSTAL COVE RESTORATION SITE 1

A parcel of sovereign land of the State of California, in the Pacific Ocean, Gulf of Santa Catalina, Orange County, California, more particularly described as follows:

A circular parcel of land having a radius of 25.231 meters, the center of said parcel having the following geographic coordinates: longitude 117°50'46.9" W, and latitude 33°34'28.1" N, WGS84 datum.

CRYSTAL COVE RESTORATION SITES 2A & 2D

A parcel of sovereign land of the State of California, in the Pacific Ocean, Gulf of Santa Catalina, Orange County, California, more particularly described as follows:

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A circular parcel of land having a radius of 25.231 meters, the center of said parcel having the following geographic coordinates: longitude 117°50'17.0" W, and latitude 33°34'06.5" N, WGS84 datum.

CRYSTAL COVE RESTORATION SITE 2B

A parcel of sovereign land of the State of California, in the Pacific Ocean, Gulf of Santa Catalina, Orange County, California, more particularly described as follows:

A circular parcel of land having a radius of 17.841 meters, the center of said parcel having the following geographic coordinates: longitude 117°50'16.8" W, and latitude 33°33'56.4" N, WGS84 datum.

CRYSTAL COVE RESTORATION SITE 2C

A parcel of sovereign land of the State of California, in the Pacific Ocean, Gulf of Santa Catalina, Orange County, California, more particularly described as follows:

A circular parcel of land having a radius of 17.841 meters, the center of said parcel having the following geographic coordinates: longitude 117°50'05.2" W, and latitude 33°33'50.9" N, WGS84 datum.

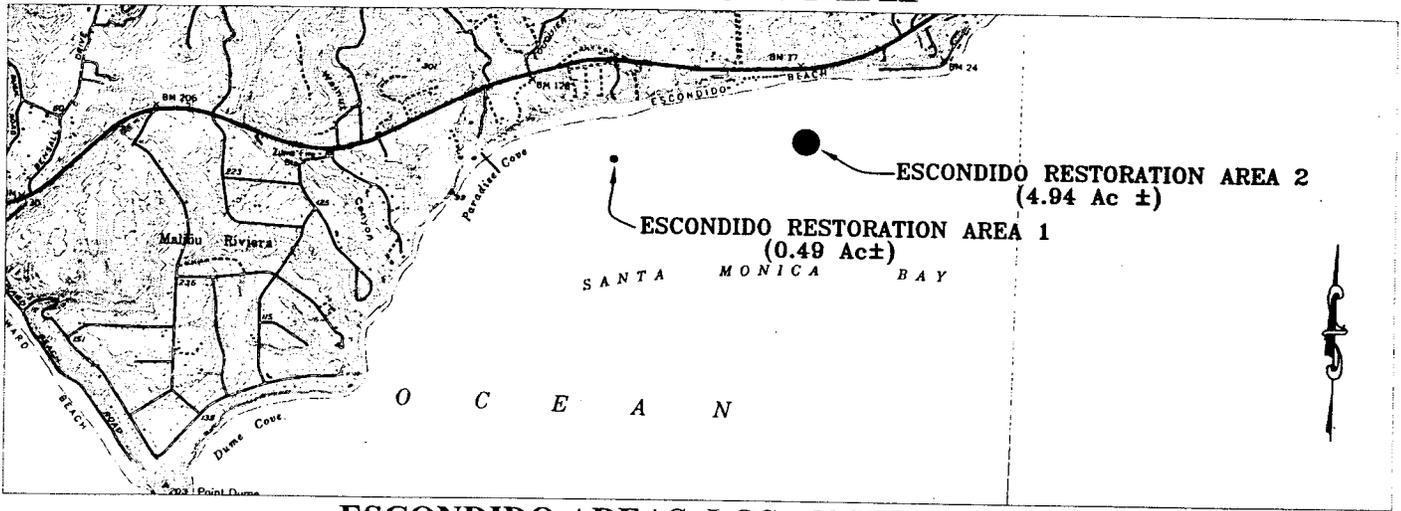
END OF DESCRIPTION

PREPARED AUGUST 5, 2003 BY THE CALIFORNIA STATE LANDS COMMISSION
BOUNDARY UNIT

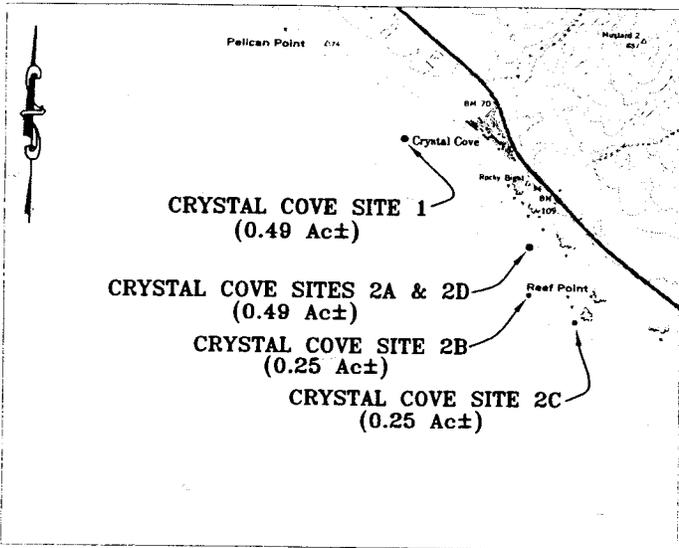


SCALES VARY

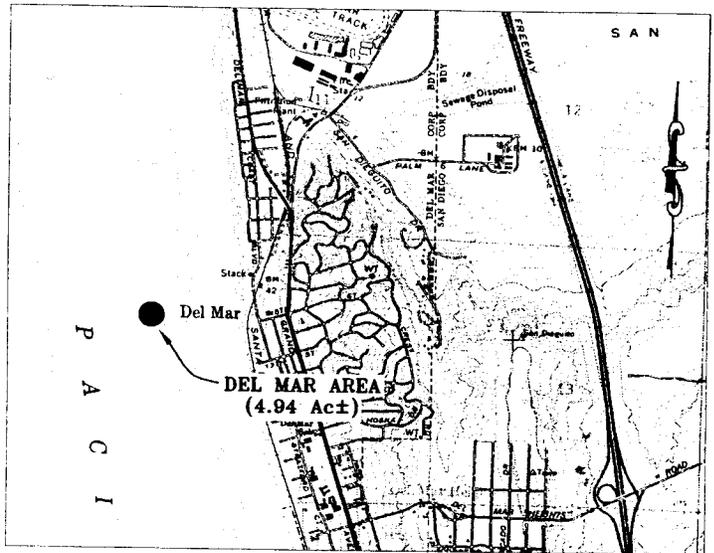
LOCATION MAP



ESCONDIDO AREAS, LOS ANGELES CO.



CRYSTAL COVE SITES, ORANGE CO.



DEL MAR AREA, SAN DIEGO CO.

NO SCALE CALIFORNIA MAP



EXHIBIT B

WP 8386.9

Santa Monica BayKeeper/
Orange County CoastKeeper/
San Diego Baykeeper

KELP RESTORATION PROJECT

Los Angeles, Orange
and San Diego Counties

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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.

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