

**CALENDAR ITEM
C36**

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PRC 8617.9

06/20/05

W 25505

J. Smith

P. Griggs

CONSIDER APPLICATION FOR A GENERAL LEASE – PUBLIC AGENCY USE, OF APPROXIMATELY 24 ACRES OF PUBLIC TRUST LANDS SITUATED NEAR THE INTERSECTION OF JEFFERSON AND LINCOLN BOULEVARDS, LOS ANGELES COUNTY, TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME

APPLICANT:

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

AREA, LAND TYPE, AND LOCATION:

24 acres, more or less, of public trust lands adjacent to the Ballona Wetlands, near the intersection of Jefferson and Lincoln Boulevards, Los Angeles County.

AUTHORIZED USE:

Management of the Expanded Wetlands Parcel and possible inclusion in the proposed Ballona Wetlands Ecological Reserve.

LEASE TERM:

49 years, beginning July 1, 2005.

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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the land adjoining the lease premises.
2. The Commission acquired the 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,

REVISED 06/14/05

-1-

000162

CALENDAR PAGE

001023

MINUTE PAGE

CALENDAR ITEM NO. C36 (CONT'D)

2003, (Minute Item 41). In addition, the deed to an adjacent 38-acre parcel, known as the Freshwater Marsh, was also recorded on the same date, as previously authorized on December 16, 1998 (Minute Item 115).

The conveyance of both parcels, totaling about 60 acres, to a public entity was required by the terms of an agreement between the developer of the area known as Playa Vista and a Trustee acting on behalf of the State Controller as beneficiary. The Freshwater Marsh parcel contains a marsh constructed as a requirement of certain Tract Maps approved by the city of Los Angeles for the 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.

4. The Wildlife Conservation Board, acting on behalf of the Department of Fish and Game (DFG), has acquired over 500 acres of the Ballona Wetlands. The California Coastal Conservancy (Conservancy), with the cooperation of the DFG and the Commission, has recently begun developing a plan for the Ballona Wetlands Restoration on DFG lands and the Commission's Expanded Wetlands Parcel. At the appropriate time in the planning process, the proposed restoration will undergo environmental review under the California Environmental Quality Act. The goals of the Conservancy plan are to:
 - Restore and enhance saltwater influenced wetland habitats to benefit endangered and threatened species, migratory shorebirds, waterfowl, seabirds, and coastal fish and aquatic species. Restoration of seasonal ponds, riparian and freshwater wetlands, and upland habitats will be considered where beneficial to another project goal or biological and habitat diversity.
 - Provide for wildlife-oriented public access and recreational opportunities compatible with the habitats, fish and wildlife conservation.
 - Identify and implement a cost-effective, ecologically beneficial, and sustainable (low maintenance) habitat restoration alternative.
5. DFG submitted a request to the Fish and Game Commission to designate its Ballona Wetlands property as the Ballona Wetlands Ecological

CALENDAR ITEM NO. C36 (CONT'D)

Reserve. The Fish and Game Commission is expected to make a final decision on the request in August. By leasing the Commission's Expanded Wetlands Parcel to the DFG, the property could be included in the proposed Ecological Reserve. This would allow for integrated management by the DFG with its larger property and ensure that the Expanded Wetlands Parcel receives full consideration in the wetlands restoration planning process.

The DFG has indicated its willingness to lease the Expanded Wetlands Parcel from the Commission and proposes that it be included in the Ecological Reserve. The DFG has also indicated that the Freshwater Marsh Parcel would not be appropriate for inclusion in its proposed Ecological Reserve.

Staff believes that the proposed lease to the DFG and designation of the Expanded Wetlands Parcel as part of the Ballona Wetlands Ecological Reserve is in the best interests of the State.

Should jurisdiction of the Ballona Wetlands change to another State agency, the proposed lease would be transferable upon the DFG's request and the Commission's approval.

6. 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 as a categorically exempt project. The project is exempt under Class 7, Actions by Regulatory Agencies for Protection of Natural Resources; Title 2, California Code of Regulations, section 2905 (f)(1).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations section 2905.

7. The Commission took ownership of the property in February 2004, as public trust lands.

This activity involves lands which were not identified in 1975 as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all public trust lands are "significant" by nature of their public ownership.

CALENDAR ITEM NO. C36 (CONT'D)

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.

EXHIBITS:

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

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 CATEGORICALLY EXEMPT PROJECT, CLASS 7, ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES; TITLE 2, CALIFORNIA CODE OF REGULATIONS SECTION 2905 (f)(1).

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JULY 1, 2005, FOR A TERM OF 49 YEARS, FOR MANAGEMENT OF THE EXPANDED WETLANDS PARCEL AND POSSIBLE INCLUSION IN THE PROPOSED BALLONA WETLANDS ECOLOGICAL RESERVE ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING 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.

REVISED 06/14/05

-4-

000165

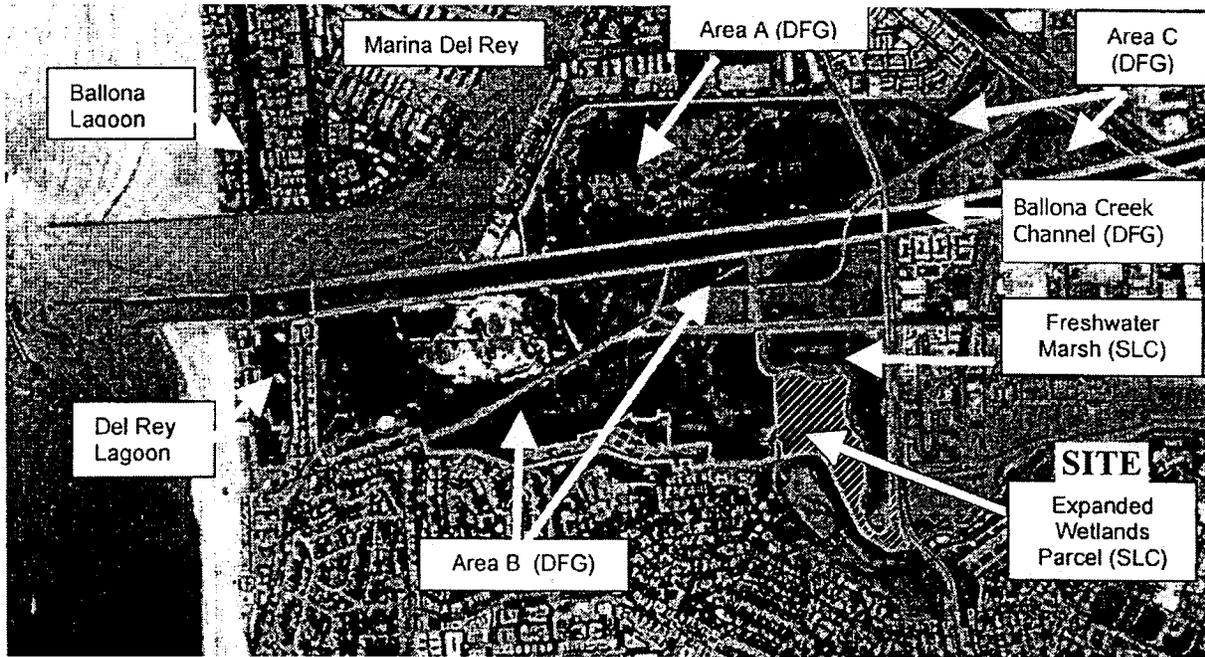
CALENDAR PAGE

001026

MINUTE PAGE

NO SCALE

SITE



EXPANDED BALLONA WETLANDS PARCEL
NEAR MARINA DEL REY

NO SCALE

LOCATION



Exhibit A
W 25505
BALLONA WETLANDS
PUBLIC AGENCY
LEASE
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

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000166

CALENDAR PAGE

001027

MINUTE PAGE

EXHIBIT B

W 25505

LAND DESCRIPTION

Two parcels of public trust land situated in Los Angeles County, State of California, said parcels being more particularly described as follows:

Parcel 1:

Those parcels of land being described in Exhibit A and designated as Parcel 1, Parcel 10 and Parcel 11, recorded February 17, 2004 in Instrument Number 04 0343926, Official Records of Los Angeles County.

Parcel 2: That parcel of land being described in Exhibit B and designated as Right of Way – West Side of Lincoln, recorded February 17, 2004 in Instrument Number 04 0343926, Official Records of Los Angeles County.

END OF DESCRIPTION

Prepared 3-28-2005 by the Boundary Unit of the California State Lands Commission.

