

MINUTE ITEM

This Calendar Item No. C57 was approved as Minute Item No. 57 by the California State Lands Commission by a vote of 2 to 0 at its 12-28-05 meeting.

**CALENDAR ITEM
C57**

A 80 12/08/05
S 40 PRC 8650 W 26015
J. Smith

GENERAL LEASE - WETLANDS RESTORATION

APPLICANT:

Yuma Crossing National Heritage Area Corporation
180 W. First Street, Suite E
Yuma, Arizona 85364-1407

AREA, LAND TYPE, AND LOCATION:

201 acres, more or less, of sovereign lands along the lower Colorado River, Yuma, Yuma County, Arizona.

AUTHORIZED USE:

Construction and maintenance of the Yuma East Wetlands Restoration Project.

LEASE TERM:

20 years, beginning January 1, 2006.

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.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the lands adjoining the lease premises.
2. The Applicant, the Yuma Crossing National Heritage Area Corporation (Corporation), is a private non-profit corporation created to implement the Yuma Crossing National Heritage Area Management Plan. The Yuma Crossing National Heritage Area was established by Congress in

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October 2000, to conserve, enhance, and interpret the natural and cultural resources of the Yuma community through collaboration and partnerships.

The Corporation is a partnership among government agencies, nonprofit groups and civic organizations, with federal oversight and technical assistance provided by the National Park Service. Its Board of Directors is composed of local citizens, the Mayor of the city of Yuma, a Yuma County Supervisor, and a State Legislator appointed by the Governor of Arizona. An element of the Management Plan is the Yuma East Wetlands Restoration Plan, a wetlands restoration project (Project) on approximately 1,418 acres of land along the Lower Colorado River in Yuma County, Arizona.

The Project involves natural channel design; restoring water flow in degraded wetland and aquatic habitats; and riparian re-vegetation activities. Benefits for both California and Arizona include:

- increased water quality and quantity
- restored critical wildlife habitat
- restored community access to the Colorado River
- restored low-impact recreation for the Yuma community
- increased open-space and green space

Although the Project is located entirely within the State of Arizona, the project boundary includes a claim by the State of California to approximately 201 acres of sovereign lands located within the historic bed of the Colorado River. California's claims to the Colorado River within the State of Arizona were acknowledged and defined in the "1963 Interstate Compact Defining the Boundary Between the States of Arizona and California."

Funding for a portion of the \$18 million project has been provided by the local community and obtained from both the federal government and the State of Arizona. The Corporation is optimistic that funding for the remainder of the Project will be obtained from the same sources as well as private foundations and donations from corporations and individuals. If all the funding is obtained, the projected completion date of the Project is 2012.

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3. Three federal agencies have evaluated the project as follows:
- The U.S. Army Corps of Engineers (Corps) prepared and adopted a Finding of No Significant Impact (FONSI) for Permit Application Number 944-0154-MB under Regional General Permit No. 22, Aquatic and Wetland Enhancement Activities, on March 20, 2000. The Corps has found the Project to be consistent with the activities authorized under RGP 22.
 - The U.S. Environmental Protection Agency prepared and adopted a FONSI for this project on February 3, 2004.
 - The U.S. Department of the Interior, Bureau of Reclamation, prepared and adopted a FONSI for this project on August 18, 2004.

The Corps FONSI was circulated for public review as broadly as state and local law may require and notice was given meeting the standards in Title 14, California Code of Regulations, section 15072(a). Therefore, pursuant to Title 14, California Code of Regulations, sections 15221 and 15225, the staff recommends the use of the Corps' FONSI in place of a Negative Declaration.

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. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Bureau of Reclamation; State of Arizona; Quechan Indian Tribe; and the California Department of Fish and Game

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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CEQA FINDING:

FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT, PREPARED AND ADOPTED FOR THIS PROJECT BY THE U.S. ARMY CORPS OF ENGINEERS, AS SUPPLEMENTED BY U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, MEETS THE REQUIREMENTS OF THE CEQA. THEREFORE, PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15221 AND 15225, ADOPT SUCH FEDERAL DOCUMENTS FOR USE IN PLACE OF A NEGATIVE DECLARATION.

SIGNIFICANT LANDS INVENTORY FINDING:

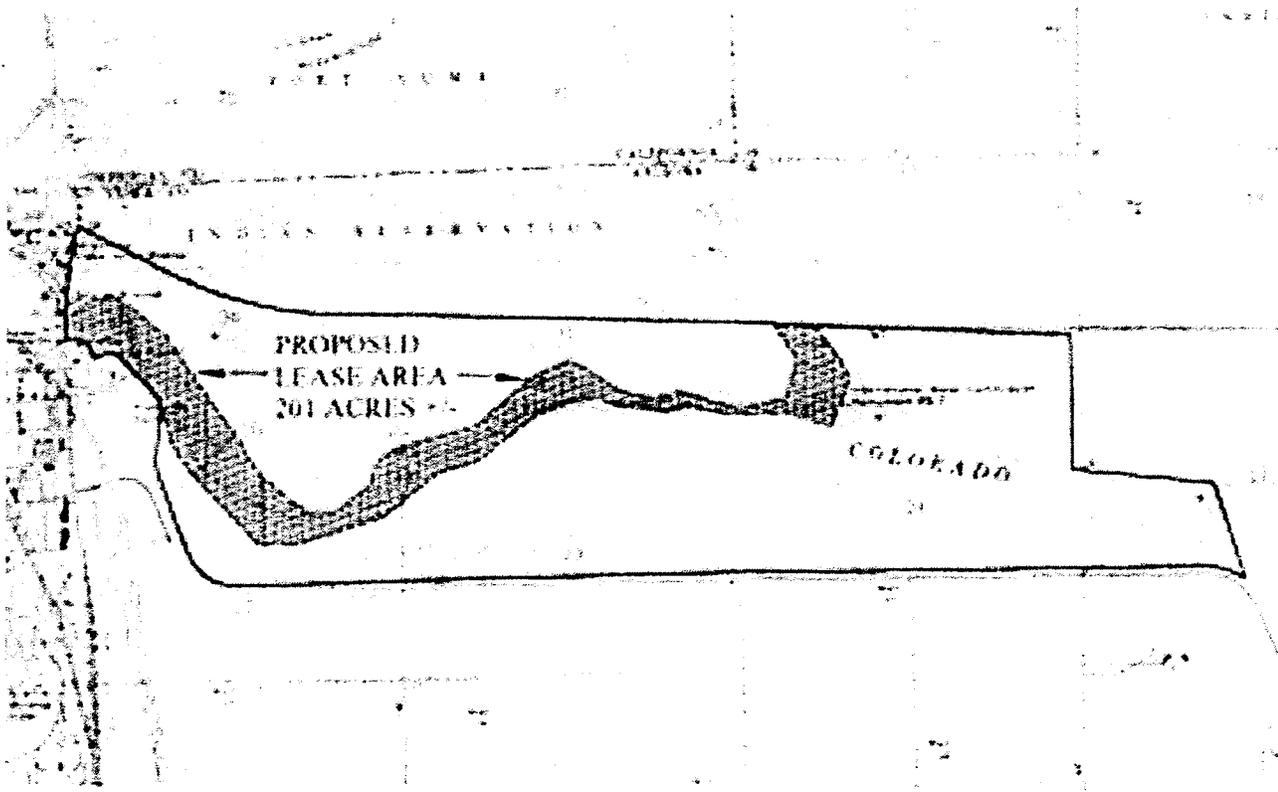
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE YUMA CROSSING NATIONAL HERITAGE AREA CORPORATION OF A GENERAL LEASE - WETLANDS RESTORATION, BEGINNING JANUARY 1, 2006, FOR A TERM OF 20 YEARS, FOR CONSTRUCTION AND MAINTENANCE OF THE YUMA EAST WETLANDS RESTORATION PROJECT 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; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

SITE



YUMA CROSSING NATIONAL HERITAGE AREA CORPORATION
WETLANDS RESTORATION PROJECT

NO SCALE

LOCATION

Exhibit A

W 26015
WETLANDS
RESTORATION
COLORADO RIVER
YUMA 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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LAND DESCRIPTION

A parcel of state sovereign land in the historic bed of the Colorado River, situated in Section 22 and 23, Township 8 South, Range 23 West of the Gila and Salt Meridian, Yuma County, State of Arizona, within the lands described in that certain land description entitled "YEW Limits 10/31/05 SWI# 05483" filed in the records of the California State Lands Commission in work file W26015, Yuma Crossing National Heritage Area Corporation.

EXCEPTING THEREFROM any land lying landward of the Historic Ordinary Low Water Mark of the Colorado River.

Containing 201 acres, more or less

END OF DESCRIPTION

Prepared 11-2-2005 by the Boundary Unit of the California State Lands Commission.

