

Staff Report 46

APPLICANT:

Los Cerritos Wetlands Authority

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

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

TERM:

10 years, beginning August 14, 2022

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 interests.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$5,000,000 per occurrence.
- Lessee shall provide Lessor with copies of letters of concurrence obtained from each existing Lessee shown in Paragraph 4 of Section 2 Special Provisions, acknowledging Lessee's Restoration Plan and stipulating their non-objection to such plan prior to commencement of such restoration activities on the lease premises.

- Lessee agrees not to conduct any activities within the lease premises that will conflict with any uses currently authorized within the lease premises for any of the Leases described in Paragraph 4 of Section 2 Special Provisions.
- Lessee acknowledges that a portion of the lease premises identified as Assessor Parcel Number 043-160-53 is encumbered with a permanent Right-of-Way Easement to the Southern California Edison Company and agrees not to conduct any activities with such parcel that will conflict with such Easement or Southern California Edison Company's rights associated therewith.
- Lessee shall require each volunteer entering upon the Lease Premises to sign a Liability Waiver Agreement that shall hold harmless the Lessor, its officers, agents, and employees from any and all Damages resulting from the volunteer's presence upon and/or activities within the Lease Premises. Within 7 days of the Commission's authorization of the lease, Lessee shall provide a sample form of the Liability Waiver Agreement to Lessee's staff for review, input, and approval.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On August 14, 2012, the Commission authorized a 10-year General Lease – Public Agency Use to Los Cerritos Wetlands Authority for debris clean-up, invasive species abatement, and access for escorted and supervised public education programs conducted by the Los Cerritos Wetlands Stewardship Program (Stewardship Program) as part of wetlands habitat restoration proposed in the Los Cerritos Wetlands Conceptual Restoration Plan (Restoration Plan) ([Item C61, August 14, 2012](#)). The lease expired on August 13, 2022. The Los Cerritos Wetlands Authority (Applicant) 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 Applicant is now applying for a General Lease – Public Agency Use for the continued debris clean-up, invasive species abatement, and access for escorted and supervised public education and volunteer restoration programs conducted by the Stewardship Program as part of wetlands habitat restoration proposed in the Restoration Plan.

The Applicant's purpose is to acquire, restore, and maintain lands that are or were part of the Los Cerritos Wetlands habitat complex 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 even 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 Applicant has acquired direct ownership of 172 acres within the remaining undeveloped area, and approximately 83 additional acres are in public ownership separate from the Applicant's holdings. The balance of the wetland's acreage is privately held.

The Applicant has partnered and collaborated with the Los Cerritos Wetlands Land Trust, El Dorado Audubon, Los Cerritos Wetlands Stewards, Signal Hill Petroleum Inc., California State University at Long Beach, and the Aquarium of the Pacific to further implement the Stewardship Program. The Stewardship Program is designed to promote community involvement with environmental education, maintenance, restoration, and monitoring of the wetland areas owned by the Applicant. The Applicant is seeking authorization from the Commission to continue to provide access to the lease premises for restoration and the work of community volunteers. The Applicant strives to increase awareness and engagement of the wetlands through an outreach campaign targeting non-profit partners, area residents, local universities, the Long Beach Unified School District, and many other potential community members.

The Applicant has developed the 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 to 25-year period.

The parcels described in Exhibit A and shown on Exhibit B are subject to four existing leases and uses, as follows:

- Lease PRC 3154, a General Permit – Public Agency Use to the City of Los Angeles Department of Water and Power for a water intake structure.
- Lease PRC 5283, a General Permit – Public Agency Use to the City of Seal Beach for a bicycle trail and transportation corridor, a 6-foot-tall chain link fence, paved ramps, and a 4-foot tall gate with motorcycle barrier.
- Lease PRC 5981, a Right-of-Way Easement to the Southern California Edison Company for an overhead transmission line.
- Lease PRC 8726, a General Lease – Public Agency Use to the Orange County Flood Control District for access to the Los Alamitos Retention Basin.

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 their non-objection to it prior to the Applicant's commencement of any restoration activities on the lease premises. Additionally, the Applicant will not conduct any activities associated with its Restoration Plan within the lease premises that will conflict with any uses currently authorized under any of the four leases described above.

Public Trust uses are generally limited to those that are water dependent or related, and include commerce, navigation, fisheries, environmental preservation, and recreation. Public Trust lands may also be kept in their natural state for habitat, wildlife refuges, scientific study, or open space. Ancillary or incidental use that directly promotes Public Trust uses, or that accommodate the public's enjoyment of trust lands, are also permitted. The use of the lease premises is consistent with the common law Public Trust Doctrine as it supports and facilitates habitat, wildlife refuges, scientific studies, and open space, and enhances the public enjoyment of and education about the Restoration Plan and Stewardship Program.

The proposed lease is limited to a 10-year term and does not alienate the State's fee interest or grant the Lessee exclusive rights to the lease premises. Upon termination of the lease, Lessee may be required to removal all improvements from State land and restore the lease premises to its natural state.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The Los Cerritos Wetlands are located adjacent to the San Gabriel River, in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea level rise.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Los Angeles tide gauge was used for the projected sea level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea Level Rise for Los Angeles

Year	Projection (feet)
2030	0.7
2040	1.2
2050	1.8
2100	6.7

Source: Table 28, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal areas.

The increase in sea level combined with more frequent and stronger storm events will likely expose the lease area to higher flood risks, comprised of greater total water levels for longer periods of time; however, the proposed restoration of the wetlands will increase the area’s resiliency to sea level rise and other effects of climate change.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to the effects of climate change, including sea level rise.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common Law Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State’s Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may not conduct the proposed Project activities within lands under the Commission’s jurisdiction. The Lessee has no right to a new lease or to renewal of any previous lease.

2. This action is consistent with the “Leading Climate Activism” and “Meeting Evolving Public Trust Needs” Strategic Focus Areas of the Commission’s 2021-2025 Strategic Plan.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

APPROVAL OBTAINED:

California Coastal Commission

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common Law Public Trust Doctrine; and is in the best interests of the State.

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 the issuance of a General Lease – Public Agency Use to the Applicant beginning August 14, 2022, for a term of 10 years, for debris clean-up, invasive species abatement, and access for escorted and supervised public education programs and volunteer restoration work conducted by the Los Cerritos Wetlands Stewardship Program as part of wetlands habitat restoration proposed in the Los Cerritos Wetlands Conceptual Restoration Plan, and other ancillary maintenance activities, as described in Exhibit A and shown on Exhibit B (for reference purposes only) 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 in an amount no less than \$5,000,000 per occurrence.

EXHIBIT A

LEASE 9005

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.

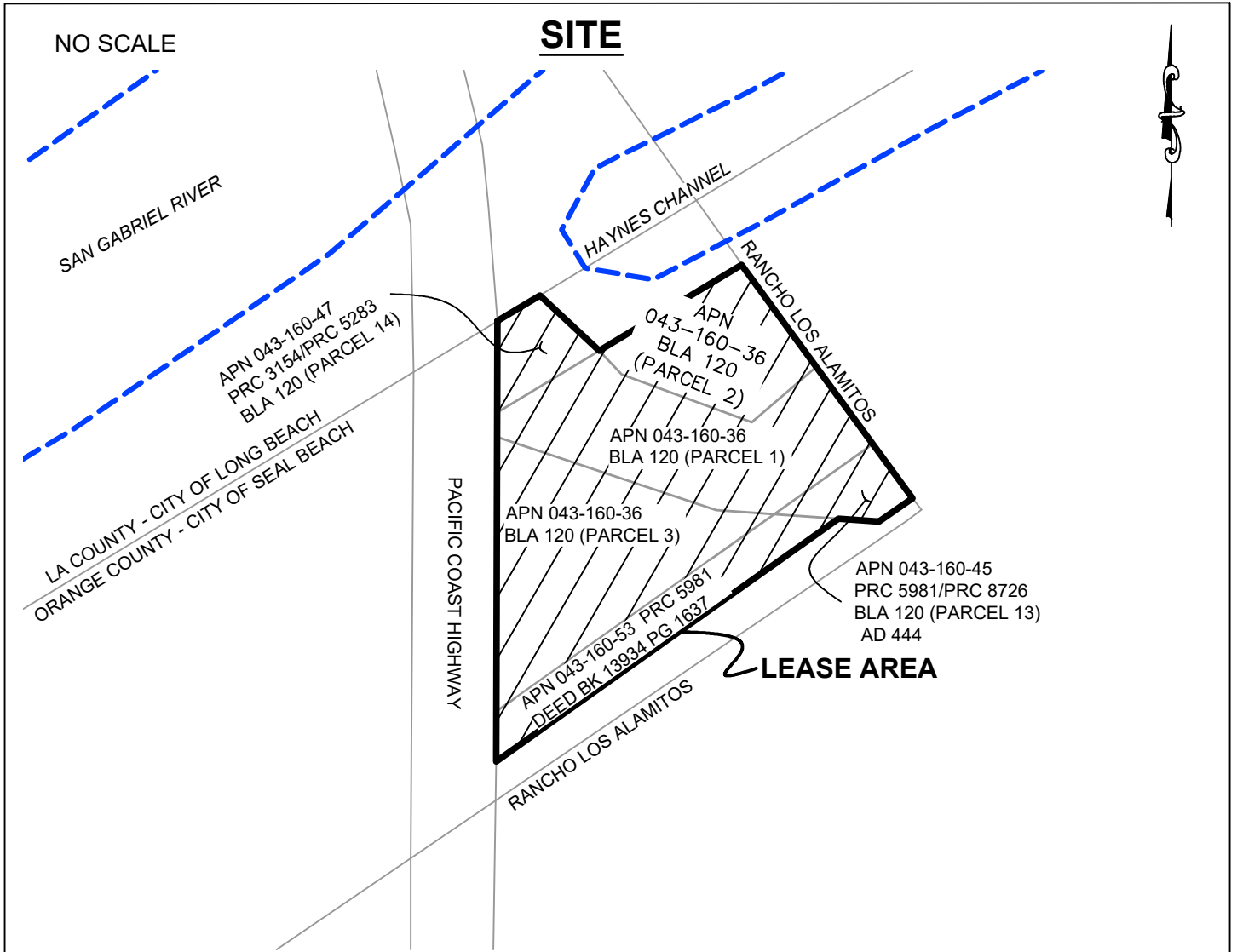
Parcel 6 (APN 043-160-53)

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
November 7th, 2022.





Portion of Historic Bed of San Gabriel River, Seal Beach

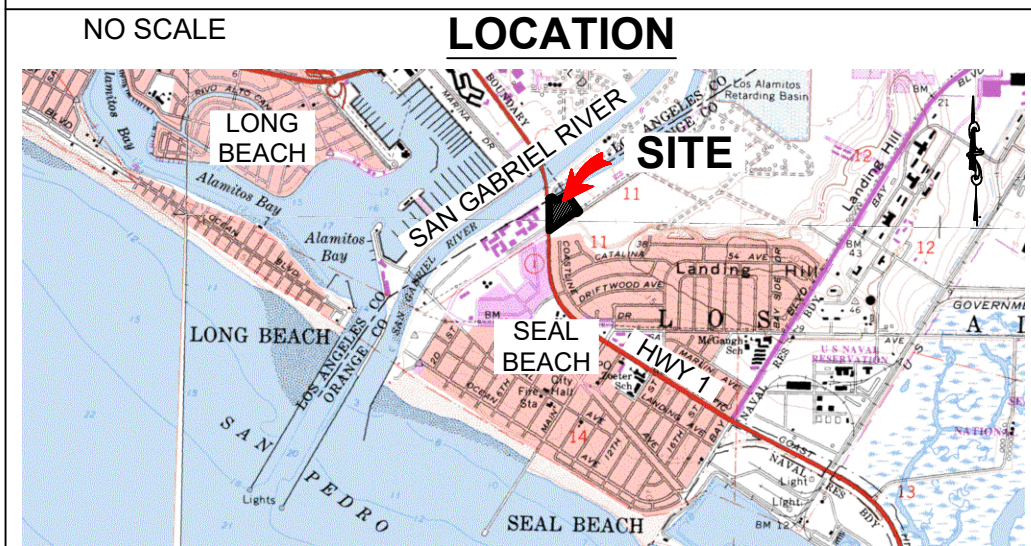


Exhibit B
 LEASE 9005
 LOS CERRITOS
 WETLANDS AUTHORITY
 APN 043-160-36, 45, 47, 53
 PUBLIC AGENCY LEASE
 ORANGE COUNTY



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.