

CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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Los Cerritos Wetlands Authority
ATTN: Salian Garcia
100 N. Old San Gabriel Canyon Road
Azusa, CA 91702
info@rmc.ca.gov

**Subject: Initial Study/Mitigated Negative Declaration for Southern Los Cerritos
Wetlands Restoration Project, Orange County**

Dear Salian Garcia:

The California State Lands Commission (Commission) staff has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Southern Los Cerritos Wetlands Restoration Project (Project), which is being prepared by the Los Cerritos Wetlands Authority (Authority). The Authority, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Lease 9005, a General Lease – Public Agency Use (Lease), was issued to the Authority by the Commission for use of a parcel of state-owned sovereign land located in the city of Seal Beach, adjacent to Pacific Coast Highway, the San Gabriel River channel, and 1st Street. Under the Lease, the Authority is currently authorized to perform debris clean-up and invasive species abatement, as well as conduct escorted and supervised public education programs, within the parcel. The IS/MND proposes to construct interpretive signage, shade, equipment storage, a seating area, and a public trail in the existing lease area. As these uses are not currently authorized and the existing lease does not expire until August 13, 2032, the Authority will need to apply to amend the lease from the Commission for any proposed construction activities and new uses planned for the State Lands parcel. As part of that application, a detailed project description, including construction drawings with site plans, will be required.

Please note that the State Lands parcel is subject to four other leases with authorizations for various uses: 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 and appurtenant improvements; Lease 5981, a Right-of-Way Easement to the Southern California Edison Company for an overhead transmission line; and Lease PRC 8726, a General Lease – Public Agency Use to the Orange County Flood Control District for access to the Los Alamitos Retention Basin. As part of its lease amendment application, the Authority will be required to obtain letters from each lessee stating whether the Authority's proposed use would interfere with their use.

Project Description

The Authority proposes to restore wetland, wetland-upland transition zone, and upland habitats to meet the following objectives and needs:

- Restore tidal wetland processes and function to the maximum extent possible.

- Maximize contiguous habitat areas and maximize the buffer between habitat and sources of human disturbance.
- Create a public access and interpretive program that is practical, protective of sensitive habitat and ongoing oil operations, economically feasible, and will ensure a memorable visitor experience.
- Incorporate phasing of implementation as funding becomes available and to accommodate existing and future potential changes in land ownership and usage.
- Strive for long-term restoration success.
- Integrate experimental actions and research, where appropriate, to inform restoration and management actions for this project.

From the Project Description, Commission staff understands that the Project would include a Stewardship Site that includes interpretive signage, shade, equipment storage, and seating on the existing raised building pad as well as a trail connection that have potential to affect State sovereign land.

Environmental Review

Commission staff requests that the Authority consider the following comments on the Project's IS/MND, to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the IS/MND when considering a future lease application for the Project.

General Comments

1. Project Description: The Project Description is not clear whether the trail connection or the interpretive signage proposed on the State Lands Parcel will require any ground disturbing or vegetation removal activities. In addition, it is unclear how the Authority will provide "shade, equipment storage, and seating" within the Stewardship Site. Please describe how the Authority plans to provide these services and if it will require new structures within the State Lands Parcel.

Cultural Resources

2. Title to Resources within Commission Jurisdiction: The IS/MND should state that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the Authority consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project.

Staff requests that the following statement be included in the IS/MND Mitigation Monitoring Program: "The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission."

Thank you for the opportunity to comment on the IS/MND for the Project. As a responsible and trustee agency, the Commission will rely on the adopted IS/MND when considering whether to issue an amended lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). We request that you consider our comments before adopting the IS/MND.

Please send electronic copies of the adopted IS/MND, Mitigation Monitoring Program, Notice of Determination, and approving resolution when they become available. Please note that federal and state laws require all government entities to improve accessibility of information technology and content by complying with established accessibility requirements. (29 U.S.C. § 794d; 36 C.F.R. § 1194.1 et seq.; Gov. Code, § 7405.) California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) Therefore, any documents submitted to Commission staff during the processing of a lease or permit, including all CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Refer questions concerning environmental review to Ms. Christine Day, Environmental Scientist, at Christine.Day@slc.ca.gov or (916) 562-0027. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Ms. Jamie Garrett, Staff Attorney, at Jamie.Garrett@slc.ca.gov or (916) 574-0398. For questions concerning Commission leasing jurisdiction, please contact Mr. Kelly Connor, Public Land Management Specialist, at Kelly.Connor@slc.ca.gov or (916) 574-0343.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Science,
Planning, and Management

cc: Office of Planning and Research
C. Day, Commission
J. Garrett, Commission
K. Connor, Commission