

CALENDAR ITEM

C72

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08/15/14
G05-03
R. Boggiano

REVIEW THE PROPOSED EXPENDITURE OF TIDELAND OIL REVENUES, IN AN AMOUNT NOT TO EXCEED \$250,000, BY THE CITY OF LONG BEACH FOR A CAPITAL IMPROVEMENT PROJECT LOCATED WITHIN LEGISLATIVELY-GRANTED SOVEREIGN LAND IN THE CITY OF LONG BEACH, LOS ANGELES COUNTY

TRUSTEE:

City of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802

The City of Long Beach (City) is trustee of sovereign tide and submerged lands granted by the Legislature pursuant to Chapter 676, Statutes of 1911 and as amended, oil and gas reserved; Chapter 102, Statutes of 1925 and as amended, oil and gas reserved; and Chapter 158, Statutes of 1935 and as amended.

BACKGROUND:

Pursuant to Section 6(h) of Chapter 138, Statutes of 1964 as amended by Chapter 941, Statutes of 1991 (Chapter 138), the City submitted a detailed description to State Lands Commission (Commission) staff on July 22, 2014, of a proposed tideland oil revenue expenditure for review of consistency with Chapter 138.

The proposed expenditure of \$250,000 of tideland oil revenue is to fund one capital improvement project located on or adjacent to the Long Beach tidelands, or on or adjacent to the Alamitos Beach Park Lands, as shown on Exhibit A. The project, as proposed and described by the City, consists of constructing vortex separation systems and low flow diversions at three storm drains and outfall locations to help improve recreational beach water quality. The vortex separation systems will help capture trash and debris, and the low flow diversions will help divert the most polluted first flows and dry weather urban runoff into the sanitary sewer system. The construction of these devices will help the City comply with Long Beaches and Los Angeles River Estuary Total Maximum Daily Load (TMDL) requirements. The City has received funding in the amount of \$4,470,626 from the State's Clean Beaches Initiative (Proposition 84) and states that the proposed additional expenditure of \$250,000 is necessary to complete the project.

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The drainage systems are proposed at the following locations: one low-flow diversion system at the storm drain at Shoreline Avenue at Golden Shore Drive, one low-flow diversion and one vortex separation device at the storm drain located at 9th Place south of Ocean Boulevard, and one low-flow diversion system and one vortex separate system at the storm drain outfall at Redondo Avenue and Ocean Boulevard.

The total estimated cost of the proposed projects for which tideland oil revenue would be expended is \$250,000. A total of \$73,650,910, including tideland oil revenue, is reported by the City to be currently available in the City's Tidelands Fund. This includes oil revenues derived from oil operations within the Harbor. Formerly, the Port used these oil revenues for port purposes. However, a 2010 Charter Amendment allowed these funds to be transferred to the City for public trust purposes.

City staff continues to prepare the project for implementation. Pre-engineering activities that include feasibility studies, conceptual designs and costs estimates, and California Environmental Quality Act (CEQA) review are currently underway. Evidence of compliance with CEQA review will be submitted to the Commission prior to construction. Construction is anticipated to begin November 2015. The City must also obtain all the necessary entitlements for the projects, including but not limited to: United States Army Corps of Engineers; California Coastal Commission; Los Angeles County Board of Supervisors; and City Building and Engineering Departments.

STAFF ANALYSIS:

Section 6(c) of Chapter 138, as amended, authorizes the expenditure of tideland revenues for the construction, repair, operation, and maintenance of bulkheads, piers, earthfills, streets, roadways, bridges, bridge approaches, buildings, structures, recreational facilities, landscaping, parking lots, and other improvements on or adjacent to the Long Beach tidelands or on or adjacent to the Alamitos Beach Park Lands. Section 6(d) of Chapter 138, as amended, allows tideland revenue to be expended on construction, repair, operation, and maintenance of small boat harbors, marine stadiums, a maritime museum, marine parks, beaches, waterways, and related facilities on or adjacent to the Long Beach tidelands or on, or adjacent to, the Alamitos Beach Park Lands. Based on the information provided by the City, the proposed capital improvement project does not appear to be inconsistent with the uses set forth in Sections 6(c) and (d) of Chapter 138.

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OTHER PERTINENT INFORMATION:

1. Pursuant to Chapter 138, the Commission has 60 days to notify the City that the capital improvement project is not authorized by the applicable subdivisions of Chapter 138. Commission staff received notice from the City of the proposed expenditure on July 22, 2014.
2. Pursuant to the City's statutory trust grant, the City shall maintain separate tidelands accounts identified as the Harbor Fund, Tidelands Fund, and Tidelands Oil Revenue Fund. The proposed capital improvement project will be funded by tideland oil revenue from the Tidelands Fund, pursuant to Chapter 138, Statutes of 1964, and as amended.
3. In December 2012, the City notified the Commission of its proposed expenditure of \$12,225,000 of tideland oil revenue for eight capital improvement projects (Calendar Item C54, December 5, 2012).
4. In April 2013, the City notified the Commission of its proposed expenditure of \$10,500,000 of tideland oil revenue for eight capital improvement projects (Calendar Item C102, April 26, 2013).
5. In October 2013, the City notified the Commission of its proposed expenditure of \$18,120,000 of tideland oil revenue for 11 capital improvement projects (Calendar Item C115, December 2, 2013).
6. In April 2014, the City notified the Commission of its proposed expenditure of \$109,780,000 of tideland oil revenue for 13 capital improvement projects (Calendar Item C77, April 23, 2014).
7. In May 2014, the City notified the Commission of its proposed expenditure of \$18,890,199 of tideland oil revenue for seven capital improvement projects (Calendar Item C89, June 19, 2014).
8. The staff recommends that the Commission find that the subject consistency determination of proposed expenditure of tideland oil revenues does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with CEQA.

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Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

9. This activity involves lands statutorily exempted from Public Resources Code section 6370 et seq., pursuant to Public Resources Code section 6377.

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

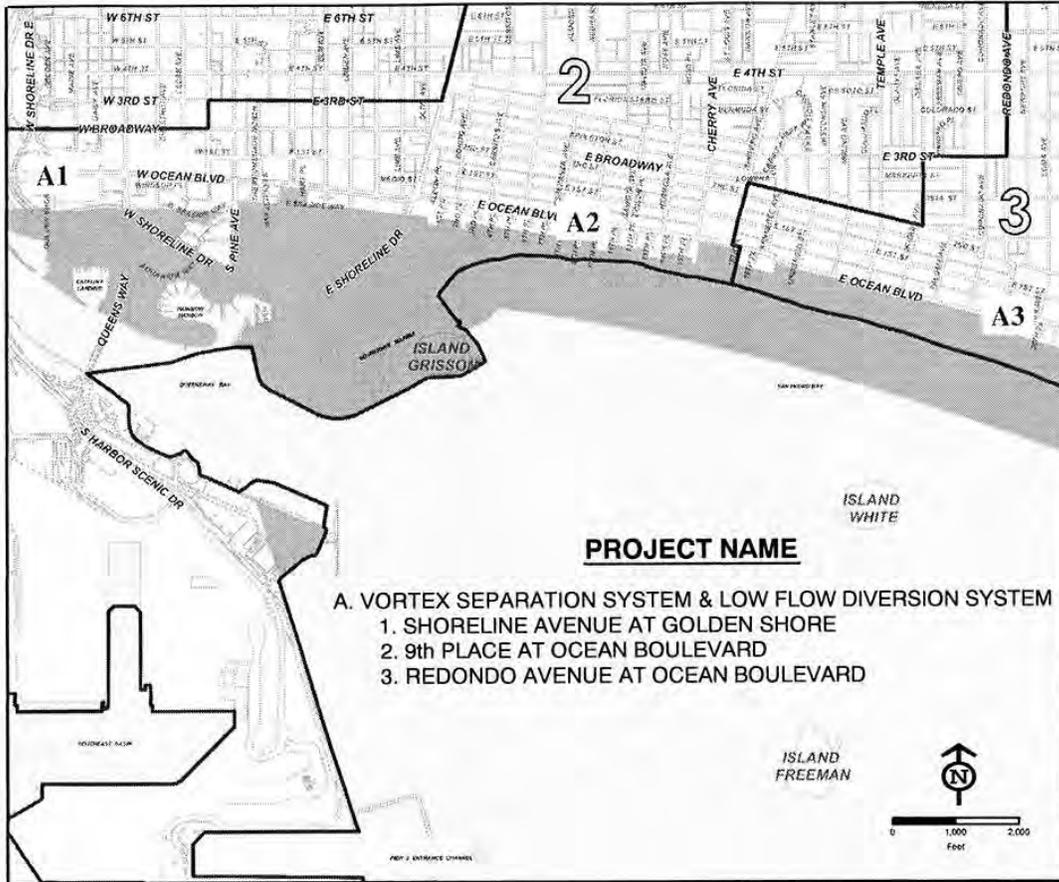
Find that the subject consistency determination of proposed expenditure of Tideland Oil Revenues with Section 6 of Chapter 138, Statutes of 1964, First Extraordinary Session, as amended, is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Find that, based on the information provided by the City, the proposed expenditure of tideland oil revenue in the amount of \$250,000 for one capital improvement project within the City of Long Beach, does not appear to be inconsistent with the uses set forth in sections 6(c) and (d) of Chapter 138, Statutes of 1964, as amended by Chapter 941, Statutes of 1991.

NO SCALE

SITE



PROJECT NAME

- A. VORTEX SEPARATION SYSTEM & LOW FLOW DIVERSION SYSTEM
1. SHORELINE AVENUE AT GOLDEN SHORE
 2. 9th PLACE AT OCEAN BOULEVARD
 3. REDONDO AVENUE AT OCEAN BOULEVARD



CITY OF LONG BEACH
PROPOSED TIDELANDS
CAPITAL PROJECTS
 APPROVED BY CITY COUNCIL

- MAP FEATURES**
- TIDELANDS
 - CONTIGUOUS AREAS
 - City Council District
 - Waterway
 - Marshscape

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

CITY OF LONG BEACH
 G 05-03.10
EXPENDITURE OF
TIDELAND OIL REVENUE
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.

TS 07/29/14