

38. ADOPTION OF AMENDMENT OF SECTION 2004, ARTICLE 2, DIVISION 3, TITLE 2, CALIFORNIA ADMINISTRATIVE CODE, DURATION OF LEASES - W.O. 5700.

After consideration of Calendar Item 20 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION ADOPTS THE FOLLOWING:

AFTER PROCEEDINGS HAD IN ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT (GOVERNMENT CODE, TITLE 2, DIVISION 3, PART 1, CHAPTER 4), AND PURSUANT TO THE AUTHORITY VESTED BY SECTION 6108 OF THE PUBLIC RESOURCES CODE, AND TO IMPLEMENT AND INTERPRET OR MAKE SPECIFIC SECTIONS 6501 THROUGH 6509 INCLUSIVE OF THE PUBLIC RESOURCES CODE, THE COMMISSION HEREBY AMENDS AND ADOPTS ITS REGULATIONS IN TITLE 2, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

AMENDS SECTION 2004 TO READ:

2004. DURATION OF LEASES.

- (a) THE TERM FOR WHICH ANY GRAZING, PRIVATE RECREATIONAL, OR AGRICULTURAL LEASE MAY BE ISSUED UNDER THIS ARTICLE SHALL NOT EXCEED 10 YEARS EXCEPT THAT WHEN THE RECREATIONAL USE IS COMBINED AND IS INCIDENTAL TO RESIDENTIAL USE ON THE SAME PARCEL AND THE LEASE SO RECITES THE LEASE SHALL NOT EXCEED 50 YEARS.
- (b) THE TERM FOR WHICH EASEMENTS FOR RIGHTS OF WAY, PIPELINES FOR TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, TELEPHONE LINES, SUBMARINE FLOW LINES AND SIMILAR FACILITIES MAY BE ISSUED MAY BE FOR SO LONG AS THE LANDS ARE USED FOR THE SPECIFIED PURPOSE BUT SHALL NOT EXCEED 49 YEARS.
- (c) THE INITIAL TERM FOR ANY OTHER LEASE SHALL NOT EXCEED 15 YEARS WITH THE OPTION TO RENEW FOR THREE 10-YEAR PERIODS UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE OR ANY SUCCESSOR IN INTEREST THERETO MIGHT IMPOSE.
- (d) THE TERM OF ANY LEASE, PERMIT, LICENSE OR EASEMENT TO BE ISSUED TO A PUBLIC BODY OF THE STATE OR UNITED STATES FOR ANY FACILITIES OR STRUCTURES WITHIN THE PURVIEW OF THIS ARTICLE MAY BE FOR SO LONG AS THE LANDS ARE USED FOR THE SPECIFIED PURPOSE BUT SHALL NOT EXCEED 49 YEARS EXCEPT BY SPECIAL RESOLUTION OF THE COMMISSION.

THIS ORDER SHALL TAKE EFFECT THE THIRTIETH DAY AFTER ITS FILING WITH THE SECRETARY OF STATE AS PROVIDED IN SECTION 11422 OF THE GOVERNMENT CODE.

THE EXECUTIVE OFFICER IS AUTHORIZED TO FILE THIS AMENDMENT OF TITLE 2, CALIFORNIA ADMINISTRATIVE CODE, WITH THE SECRETARY OF STATE.

Attachment  
Calendar Item 20 (2 pages)

ADOPTION OF AMENDMENT OF SECTION 2004, ARTICLE 2, DIVISION 3, TITLE 2, CALIFORNIA ADMINISTRATIVE CODE, DURATION OF LEASES - W.O. 5700.

On July 20, 1965 (Minute Item 20, pages 11529-11531), the Commission authorized the Executive Officer to initiate procedures under the provisions of Section 11420, et seq., Government Code, for the amendment of Section 2004 of Article 2, Division 3, Title 2, of the California Administrative Code, Rules and Regulations of the State Lands Commission.

Pursuant to this authorization, and in accordance with the statutory provisions of the Government Code, the proposed amendment was advertised in newspapers of general circulation at Los Angeles and at Sacramento on September 21, 1965. Additionally, interested members of the body public were notified of the proposed change in the rules. The notice provided that interested persons might present statements or arguments in writing relative to the proposed action on or before 11 a.m. on the 22nd day of October 1965. One communication was received, to wit, a letter from the Director of the Department of Fish and Game, dated September 27, 1965, in favor of the proposed amendment, stating that the new regulations would benefit all State agencies who lease State lands.

IT IS RECOMMENDED THAT THE COMMISSION ADOPT THE FOLLOWING:

AFTER PROCEEDINGS HAD IN ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT (GOVERNMENT CODE, TITLE 2, DIVISION 3, PART 1, CHAPTER 4), AND PURSUANT TO THE AUTHORITY VESTED BY SECTION 6108 OF THE PUBLIC RESOURCES CODE, AND TO IMPLEMENT AND INTERPRET OR MAKE SPECIFIC SECTIONS 6501 THROUGH 6509 INCLUSIVE OF THE PUBLIC RESOURCES CODE, THE COMMISSION HEREBY AMENDS AND ADOPTS ITS REGULATIONS IN TITLE 2, CALIFORNIA ADMINISTRATIVE CODE AS FOLLOWS:

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- (b) THE TERM FOR WHICH EASEMENTS FOR RIGHTS OF WAY, PIPELINES FOR TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, TELEPHONE LINES, SUBMARINE FLOW LINES AND SIMILAR FACILITIES MAY BE ISSUED MAY BE FOR SO LONG AS THE LANDS ARE USED FOR THE SPECIFIED PURPOSE BUT SHALL NOT EXCEED 49 YEARS.
- (c) THE INITIAL TERM FOR ANY OTHER LEASE SHALL NOT EXCEED 15 YEARS WITH THE OPTION TO RENEW FOR THREE 10-YEAR PERIODS UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE OR ANY SUCCESSOR IN INTEREST THERETO MIGHT IMPOSE.

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- (d) THE TERM OF ANY LEASE, PERMIT, LICENSE OR EASEMENT TO BE ISSUED TO A PUBLIC BODY OF THE STATE OR UNITED STATES FOR ANY FACILITIES OR STRUCTURES WITHIN THE PURVIEW OF THIS ARTICLE MAY BE FOR SO LONG AS THE LANDS ARE USED FOR THE SPECIFIED PURPOSE BUT SHALL NOT EXCEED 49 YEARS EXCEPT BY SPECIAL RESOLUTION OF THE COMMISSION.

THIS ORDER SHALL TAKE EFFECT THE THIRTIETH DAY AFTER ITS FILING WITH THE SECRETARY OF STATE AS PROVIDED IN SECTION 11422 OF THE GOVERNMENT CODE.

THE EXECUTIVE OFFICER IS AUTHORIZED TO FILE THIS AMENDMENT OF TITLE 2, CALIFORNIA ADMINISTRATIVE CODE, WITH THE SECRETARY OF STATE.