

MINUTE ITEM

12/17/70

14. ENVIRONMENTAL LEGISLATION AFFECTING OPERATION OF THE STATE LANDS DIVISION
CHAPTERS 1433 AND 1555, STATUTES OF 1970 - W 9287.

The attached Calendar Item 14 was presented to the Commission for information
only, no Commission action being necessary.

Attachment:

Calendar Item 14 (3 pages)

14.

ENVIRONMENTAL LEGISLATION AFFECTING OPERATIONS
OF THE STATE LANDS DIVISION
CHAPTERS 1433 AND 1555, STATUTES OF 1970

Two major legislative measures enacted into law have direct impact on management functions under the jurisdiction of the State Lands Commission. These are Chapter 1433 (AB 2045) and Chapter 1555 (AB 2167), Statutes of 1970, which became effective November 23, 1970.

Chapter 1433 is titled the Environmental Quality Act of 1970. It declares the environment to be a matter of statewide concern, and declares also that it is the policy of the State to protect and enhance the environment. The statute requires all State agencies, boards, and commissions to include in any report on any project proposed by the agency that could have a significant effect on the environment, a detailed statement setting forth:

- a. The environmental impact of the proposed action.
- b. Any adverse environmental effect that cannot be avoided if the proposal is implemented.
- c. Mitigation measures proposed to minimize the impact.
- d. Alternatives to the proposed action.
- e. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- f. Any irreversible environmental changes that would be involved in the proposed action should it be implemented.

The statute provides further that no State agency, board, or commission shall request funds for any project that could have a significant effect on the environment unless such request is accompanied by a statement covering the above areas. The statements are to be prepared after consultation with and receipt of comments from other governmental agencies having jurisdiction or expertise with regard to the area involved.

The statute also requires all State agencies, boards, and commissions to request in their budgets funds necessary to protect the environment in relation to their activities.

Chapter 1555 adds Chapter 4.5 to Part 1 of Division 6 of the Public Resources Code, with eight major sections as follows:

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Section 6370 requires the Commission, acting jointly with the Resources Agency and in cooperation with other State, Federal and local agencies, to:

- a. Inventory unconveyed State school and tide and submerged lands.
- b. Identify those lands that possess unique environmental values, including scenic, historic, natural, or aesthetic values of statewide interest.
- c. Adopt regulations necessary to assure permanent protection to these lands.
- d. Report to the Legislature by January 1, 1973, on the above, setting forth the criteria upon which the above determination were made.

Section 6371 provides that:

- a. No lands under the jurisdiction of the Commission shall be sold unless the Commission makes a finding at a public meeting that such a sale is necessary for the health, welfare, or safety of the people or that the land would not meet the intent of environmentally unique lands indicated in Section 6370.
- b. No lands under the jurisdiction of the Commission shall be leased, except for recreational pier permits, unless the Commission makes a finding at a public meeting that such lease will not have a significant detrimental environmental effect, and unless an environmental impact report is made.

Section 6372 states the intent of the Legislature is that no further grants of State lands shall be made until the report required by Section 6370 has been received by the Legislature.

Section 6373 requires the proposed recipient of lands under the jurisdiction of the Commission to submit a general plan for the use of the lands to be transferred, together with the review and comments of interested State agencies.

Section 6374 requires all existing recipients of legislative grants of tide and submerged lands to submit a report on the use and development of such lands to the present and to submit to the Commission a general plan, by January 1, 1973, in a form specified by the Commission and the Council on Intergovernmental Relations, for the future use of the land. The Commission is then to report to the Legislature any deviations in the plan from the original grant terms.

Section 6375 requires the Commission to inventory all lands granted to local governments and to identify those lands having unique environmental values of statewide interest. The Commission is to submit a report to the Legislature by January 1, 1973, proposing methods, approved by the Council on Intergovernmental Relations, for the protection of the unique lands.

Section 6376 states the intent of the Legislature that inventories prepared under this chapter are to be for informational purposes only and do not establish ownership rights.

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Section 6377 exempts from the provisions of the chapter, lands in San Francisco covered by the Burton Act, lands granted to Long Beach, and lands granted to the City of Oakland for port purposes.

Chapter 1555 also appropriates \$50,000 for the purposes of the chapter from the California Environmental Protection Program Fund (revenue from sale of personalized license plates) for the 1970-71 fiscal year.

State Lands Division administrative procedures are under development to facilitate the Commission's participation in environmental matters as required by the foregoing statutes.

The procedures for processing transactions under these statutes will be reported to the Commission at the January 1971 meeting to provide public notice on this matter.